

# *The Forgiveness of Lawyer's Right to Be Forgotten and Being Misused--Reflections on the Right of Lawyers in Criminal Procedure Law*

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**Abstract:** The lawyer's right to meet with suspects and defendants in criminal proceedings is the lawyer's basic right. Through interviews, lawyers learn about suspects and defendants' motives for suspected crimes and related cases. Lawyers listen to the opinions and justifications of suspects and defendants to better provide legal aid and defense. A country's emphasis on the rights of lawyers indicates its emphasis on the judicial system. The reform and progress of the right to interview is an important part of the reform and progress of the national judicial system. However, in today's China, lawyers' forgetting and abusing the right to meet has become a problem. The deviation of public understanding, the lack of legislation, the lack of supervision, and the weak organization of lawyers make the rights of lawyers in China difficult to guarantee. International treaties and major foreign countries have stipulated the notification obligations of relevant units to ensure the realization of the right to meet and stipulate that lawyers and respondents should be timely, and lawyers and defendants should communicate completely and freely. And establish a legal aid system to ensure the realization of lawyers' right to meet. This article will start from the basic content of the right to meet, analyze the differences in the protection of Chinese and foreign views, analyze the revision of the right to meet, and put forward the author's views on the path of judicial reform.

## **1. Introduction**

Article 2 of the Law on New Lawyers in China stipulates: "A lawyer referred to in this law refers to a practitioner who has obtained a lawyer's practice certificate according to the law, accepts a commission or designation, and provides legal services to the parties. Lawyers shall safeguard the legitimate rights and interests of the parties and maintain the correct implementation of the law, maintain social fairness and justice. The rights of lawyers in this article mainly refer to the rights of criminal entrustment. The suspect, the defendant and his close relatives, or the professional lawyer appointed by the court to provide legal services or assistance in defending the suspect or defendant. The lawyers here are narrower than the defenders in criminal proceedings [1, 2]. The lawyer is the subject, not the whole thing. The complete connotation of the right to seek should include the following aspects: 1) the subject of the right to seek is the defendant and his lawyer. 2) The purpose

of the right to meet is to exchange information about the case. 3) The rights that are met in Chinese criminal proceedings have multiple meanings. The right of the lawyer to meet is mainly from the perspective of the lawyer meeting the suspect and the defendant. Specifically, the right of the lawyer to meet is the criminal suspect, the defendant, and his close relatives or lawyers appointed by the court during the criminal proceedings. The first time the criminal suspect is interrogated by the investigation authority or takes compulsory measures, he shall meet with the criminal suspect and the defendant in accordance with the law, understand the suspected crimes and related cases, and listen to the statements, and provide opinions and reasons for the suspects and defendants. The law helps protect the legitimate rights and interests of criminal suspects and defendants. There are two aspects to the lawyer's right to meet. First, the authorization based on the entrustment relationship is the right granted according to the legal status [3, 4] of the lawyer.

After the founding of the People's Republic of China, the evolution of the Chinese conference system can be well reflected in several criminal procedure laws. In China, the establishment of the conference system is coordinated with the level of democratization and the speed of the rule of law. Article 29 of the Criminal Procedure Code of 1979 clearly stipulates that defense lawyers can meet and communicate with detainees of detainees, and from the two articles juxtaposed in Article 29, the meeting phase between lawyers and defendants is the only a court stage. The biggest flaw in the rights of defense lawyers in the Criminal Procedure Law of 1979 is that defense lawyers can only effectively exercise the right to meet the accused at the trial stage after the case has occurred. According to Article 96 of the Criminal Procedure Code of 1996, the defendant may provide legal services [5, 6] during the investigation phase, including filing an appeal as an agent, filing a complaint, and obtaining a bail pending trial. Compared with Article 29 of the Criminal Procedure Law of 1979, the Criminal Procedure Law allows defenders to meet with the defendant in advance to enter the criminal investigation stage. On the other hand, defense attorneys [7] can provide partial procedures such as legal service rights at this stage. However, the obvious flaw in article 96 of the Criminal Procedure Code of 1996 is that the defendant needs to agree to accept the defendant's meeting, the privacy of the meeting is not protected, and there is no effective relief procedure. The Criminal Procedure Law promulgated on January 1, 2013, summarizes the judicial practice [8] experience in recent years, taking into account the lawyers' law of the People's Republic of China, internationally recognized criminal procedure rules and investigation practices, and Chinese prosecutors. Based on the capabilities and needs of our work, we have developed laws that are more appropriate for current national conditions and judicial practice. The progressive significance of the law is to allow lawyers in the investigation phase to intervene as defenders. Article 34 of the Criminal Procedure Law amendment, the defense lawyer may hold a lawyer's practice certificate, the law firm may hold a lawyer's practice certificate, if the lawyer or legal aid letter requires a meeting with the suspect or defendant in custody, the detention center should arrange an interview within 48 hours. This provision will help to resolve the difficulties in current judicial practice and the violation of legitimate rights and interests by criminal suspects during the investigation phase.

This paper summarizes the rights of lawyers in China, systematically analyzes the basic connotations, essence, and value of lawyers' right to meet, and summarizes the provisions of Chinese laws and regulations on lawyers' right to meet. And put forward corresponding opinions on these laws and regulations, emphasizing the legal function of lawyers' right to meet. In China, the right to meet with lawyers is a necessary condition for the protection of human rights. Especially for criminal suspects and defendants, the right to meet is particularly important for their protection of human rights. The right of lawyers to meet is the need for procedural justice [9, 10]. In today's society, procedural justice is as important as substantive justice. The right to meet with a lawyer cannot be achieved smoothly. This is mainly due to the existence of problems in the plan and the effective implementation of the right to meet, and the concept of procedural justice has had a huge

impact. To a certain extent, the rights of lawyers' meetings can balance the judiciary and achieve equality in prosecution and defense. At the same time, the improvement of litigation efficiency, the standard of lawyer practice, and the transformation of traditional concepts also depend on the reasonable and effective implementation of lawyers' right to meet. Finally, it analyzes the operation of China's lawyers' rights, and there are many reasons why lawyers are prevented from holding meetings. Due to traditional ideas and interests and institutions of certain departments, lawyers are difficult to adapt. Starting from the newly revised criminal procedure law, this paper has carried out a comprehensive and detailed analysis of the new legal provisions and made corresponding suggestions on its progress and shortcomings to further improve the right to meet.

## **2. Basic Theory of the Right to Meet**

### **2.1. The Content and Essence of the Right to Meet**

The right to meet includes "the right to request a meeting" and "the right to be interviewed", and the right to meet with a lawyer is no exception. According to the relevant provisions of Article 96 of the Criminal Procedure Law, a lawyer may invite a criminal suspect to provide legal advice, accusation, or report after the first investigation by the investigation authority or after taking enforcement measures. The suspect was arrested and a lawyer was hired to apply for bail pending trial. If the suspect involves state secrets, he should hire a lawyer and obtain the approval of the investigation authority and entrust the lawyer to have the right to inquire the investigation authority about the suspected crime. When the lawyer meets with the suspect, the investigation authority can send someone to the scene according to the circumstances and needs of the case. It can be seen that the lawyer has the right to see each other with the suspect. The lawyer's right to meet includes information exchange, advice, legal aid, and defense. The nature of the right to a lawyer's meeting should be understood from the following aspects: (1) The lawyer's right to meet is the derivative right of the lawyer's right and is the premise of exercising the right to defense. (2) The right to meet a lawyer is the lawyer's right to confront and defend. (3) The right of a lawyer to meet is not only the right of a lawyer to practice, but also the right of a lawyer to file a lawsuit. The value of the lawyer's rights is satisfied: it is conducive to the protection of human rights; it is conducive to the realization of litigation justice. It is conducive to protecting the lawyer's independent practice in accordance with the law and promoting the healthy development of the law. It is conducive to strengthening the supervision of investigative organs and other specialized agencies, and is conducive to the realization of a harmonious and harmonious society.

### **2.2. Detailed Interpretation of the Right to Meet**

There are conflicts and contradictions between Article 33 of the current Lawyers Law and Article 90 of the Criminal Procedure Law of 1996. Article 96, relevant provisions may be that a criminal suspect may, after first being questioned by the investigation authority or take compulsory measures, may hire a lawyer to provide legal advice, and file a complaint or complaint on his behalf, and entrust the lawyer to have the right to investigate the agency. You can meet the suspect in custody and ask the suspect about the case. When the lawyer meets with the suspect, the investigation authority can dispatch personnel to the scene according to the circumstances of the case and needs. When a criminal suspect hires a lawyer who involves state secrets, he shall apply to the investigation authority for approval. The attorney has the right to inquire the investigating agency about the suspected crime, meet with the suspect in custody, and ask the suspect. The old criminal procedure law is compared with the current law of lawyers' right to meet the law. There is a conflict between the two laws: the first is the conflict of meeting time. According to the old criminal

procedure law, lawyers have the right to meet suspects during the investigation phase. The meeting time is “the day after the first instance or the enforcement of the mandatory measures”. The current law of lawyers stipulates that “compulsory measures after the first trial” means that lawyers can meet with criminal suspects early in the investigation. Because the word “post” is different, these two regulations have the existence of lawyers. Different requirements. Should the lawyer be “after the first trial” or “after the first trial”? The second point is the meeting materials. In the current law of lawyers, lawyers can meet with suspects or defendants at the same time, with the lawyer's practice certificate to understand the case, the law firm's certificate, and the power of lawyers or legal aid. For cases involving “state secrets” as stipulated in the old Criminal Procedure Law, the investigation authority should approve criminal suspects who want to hire a lawyer. The current law of lawyers has been revoked. The third point is whether to supervise. The old criminal procedure law stipulates that when a lawyer meets with a criminal suspect, he can be sent to the scene for supervision according to the circumstances and needs. Lawyers' laws stipulate that lawyers interviewed by suspects and defendants are not monitored.

Regarding the right to meet in the revised Criminal Procedure Law, the relevant provisions of Article 33 are the most important. The suspect has the right to appoint a defender from the date of the first trial of the investigation authority or the date on which the enforcement measures are taken. During the investigation, only the lawyer is a defender and the defendant has the right to appoint a lawyer at any time. The defense lawyer has the right to meet with the suspect without the consent of the investigation authority or the detention center. This is a major and hard-won breakthrough. The results show that the conflict between the current lawyer law and the old criminal procedure law has been resolved. At the same time, the relevant provisions of Article 37 are as follows: Defense lawyers can meet and communicate with suspects and defendants. Other defenders may also meet with the suspects or defendants in custody with the permission of the people's court or the people's Procuratorate. If the defense lawyer holds a lawyer's practice certificate, a law firm certificate, a power of attorney, or a legal aid, it is required to meet with the suspect or defendant in custody. The detention center should arrange the meeting immediately, no later than 48 hours. In the investigation of national security crimes, terrorist activities, or particularly serious bribery crimes, when interviewed with the detained suspect defense lawyer, the permission of the investigation authority shall be obtained. The investigating agency of the above case shall notify the detention center in advance. The defense lawyer should meet with the suspect or defendant in custody to understand the case, please provide legal advice, and verify the evidence of the suspect or defendant on the day the case is transferred for review and prosecution. When the defense lawyer meets with the suspect or the defendant is not intercepted. The amendment adds new protections to the lawyer's opinion. First, when the defense lawyer meets with the suspect and the defendant, they can understand the case and provide legal advice. From the date of the case transfer, review, and prosecution, the lawyer can verify the evidence with the suspect and the defendant when meeting with the lawyer. As a suspect, he can ask the suspect about the case. Since the old criminal procedure law does not stipulate, the investigation authority may not ask the suspect for the case. Second, the relevant evidence of the suspect and the accused can be verified from the date the case is transferred for review and prosecution. The third is privacy. It will not be intercepted by regulation when it is discovered. However, the new criminal procedure law does not fully adapt to the content of the current lawyer's litigation rights, or restricts the lawyer's right to meet from the following two aspects. On the one hand, a detention center can arrange a meeting of less than 48 hours, even if it is 48 hours, it is still legal to arrange the meeting, which is a restriction on the protection of the rights of the meeting. On the other hand, it is a criminal case that endangers national security; criminal cases involving terrorist activities, the investigating authorities must approve especially serious bribery, and the suspect. It shows that in these three types of cases, lawyers who have not actively

met can exercise this right and are determined by the investigating authorities handling these three types of cases. They may or may not allow it, even if they do not do so, there is no law that the investigating agency cannot provide relief, so the rejected lawyer is powerless. As shown in Figure 1 is an overall assessment of the lawyer's new criminal procedure law.

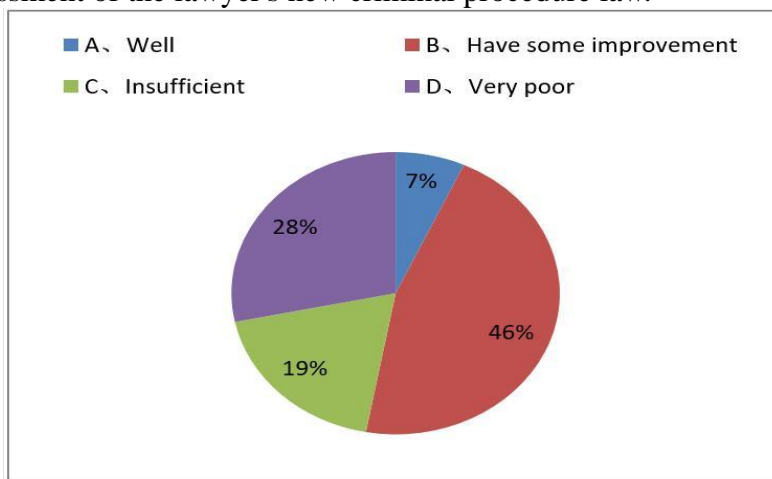


Figure 1: Lawyer's evaluation of the new criminal procedure law

### 3. Analysis of Domestic and Foreign Comparisons and Problems of the Right to Meet

#### 3.1. Comparison at Home and Abroad

Through the legal provisions of the rights of lawyers in various countries, we can find that there are some similarities and differences in the cultural, environmental, and judicial systems compared with the rights of Chinese lawyers.

**Common Ground:** First, the rights of lawyers in any country are the rights of criminal suspects, defendants, and lawyers. This is an internationally recognized principle. Secondly, due to the lack of legal knowledge of criminal suspects and defendants, the relevant lawyers have the dominance and initiative, thus providing the maximum legal assistance for criminal suspects and defendants. Then, when the lawyer's eyesight is violated, countries will make some relief measures to varying degrees. On the other hand, it is also a way to protect the rights of lawyers. Finally, although most foreign countries attach great importance to meeting with lawyers and giving them a lot of protection, they do not extend the rights of lawyers indefinitely, and countries will limit the rights of lawyers to meet in certain areas.

**Differences:** First, all countries that represent the right to meet include lawyers, suspects, and defendants, but the difference between foreign and domestic is that they are different from each other. Foreign law usually starts from the perspective of criminal suspects and defendants, and the law emphasizes that this is the basic right of criminal suspects and defendants. From the perspective of domestic legal provisions, the right of lawyers to meet is the basic litigation right of lawyers in criminal proceedings. Second, lawyers meet suspects and defendants at different times. Foreign law allows lawyers to meet with suspects and defendants as soon as possible. In China, although the newly revised Criminal Procedure Law provides for the full meeting time of the first trial, it is basically carried out without questioning the suspects compared with the Anglo-American legal system. Third, lawyers behave differently at the meeting. At the meeting, the lawyer can only understand the case and verify the evidence with the suspect. However, lawyers in some countries can also forward these documents to suspects and defendants. Fourth, there are many legal provisions on the rights of Chinese lawyers, such as the Law on Lawyers, the Criminal Procedure

Law and the relevant regulations promulgated by the Supreme People's Procuratorate. Their contents are not completely unified, and even different provisions are made in the same respect. The provisions of this right in the same country are basically the same as foreign countries in different laws. Fifth, all aspects of restricting access are different. In three types of cases in China (crimes against national security, crimes of terrorism, especially serious bribery), the meeting of lawyers with suspects or defendants must be approved by the investigating authorities. These three types of cases are mainly crimes against national interests, while foreign restrictive cases are mainly cases of infringement of public interests. Sixth, the subject of lawyers' right to meet is different. The Chinese authorities that have the power to restrict the rights of lawyers are the investigating authorities of this case. In foreign countries, in general, the investigating authorities have no right to limit the interviews between lawyers and suspects and defendants. Most of the power that can be restricted is the court. In addition, because foreign laws have detailed legal requirements for restrictions, they have the right to be limited to complying with the law. However, broader domestic legislation and greater flexibility make it easier for lawyers to meet requirements.

### 3.2. Analysis of the Problems and Causes

The revised Criminal Procedure Law of 2012 has been in force for more than six years, and its research and analysis will help to better implement the requirements of the current Criminal Procedure Law. The relevant provisions of the Criminal Procedure Law and judicial interpretation have made major breakthroughs and progress in protecting the right of lawyers to meet. To safeguard the legitimate rights and interests of criminal suspects and defendants, and to guarantee the fairness and justice of criminal justice, it has played a large positive role and provided more adequate protection for human rights. At the same time, the level of defense of lawyers' defense rights has also been significantly improved. After years of hard work, the long-term problems encountered by lawyers have been alleviated, and the original legislative objectives have been basically achieved. However, lawyers have encountered some problems that cannot be ignored in judicial practice. Some of the old problems of lawyers' rights have not yet been resolved, and new problems have arisen, which has brought difficulties to lawyers. Therefore, it is necessary to analyze the causes of these problems, determine the root causes of the problems, and better improve the lawyer's system of interviews. As shown in Figure 2, at this stage, lawyers have the right to meet new questions: (1) The scope of application of the three special cases has been expanded. (2) The lawyers' meeting failed to resolve major criminal cases involving bribery. (3) Lawyers have encountered difficulties in entrusting defense. (4) It is difficult for lawyers to meet with regulated residents. (5) The lawyer's infringement rights cannot be lifted.

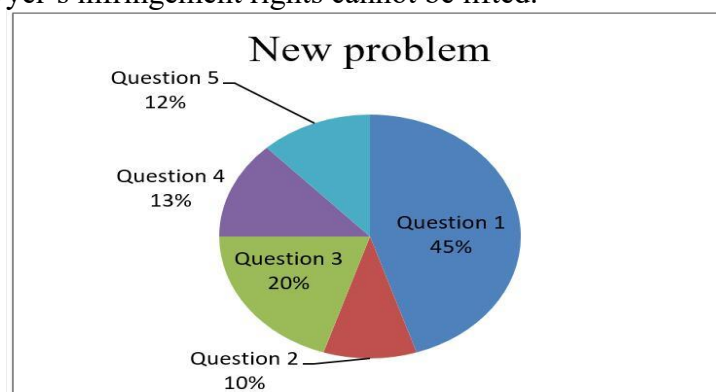


Figure 2: Proportion of problems

This paper analyzes the reasons for the new problem of lawyers' rights: 1) some investigative



agencies have weak legal awareness and there are deviations in the concept of law enforcement. Due to the impact of the concept of combating crime, the courts, procuratorates and public security organs refused to defend lawyers and suspects. The relevant personnel of the three agencies will believe that if the defense lawyer fully exercises his right to defend the suspect or the defendant, it will have a negative impact on the investigation of the case. Therefore, investigators can limit, interfere with, or even prevent lawyers from meeting with suspects. In the judicial practice of our country, the fairness of substantive procedures is more prominent, and the fairness of substantive procedures is ignored. For a long time, judicial practice has been difficult to compete with substantive justice. In combination with the Chinese autocratic litigation model, the relevant personnel of the investigation agency have a negative attitude towards the lawyer's right to meet, and they often have a bad attitude toward lawyers. They believe that the lawyer will help the suspect to provide information when meeting with the suspect and the defendant. The defense attorney will also provide cross-trust or confession with the suspect. The bill may even involve perjury to win the case, and then the investigator will misunderstand the lawyer's profession. In the past, they were “accomplices” of criminal suspects and lawyers and their relationships were clearly opposite. Trial lawyers are even more difficult to understand and therefore do not respect the rights of lawyers in litigation. Protecting the legitimate rights and interests of criminal suspects is easily overlooked, which also leads to protection measures for lawyers' right to meet. The public opinion on the implementation of the right to meet the department is as shown in Figure 3.

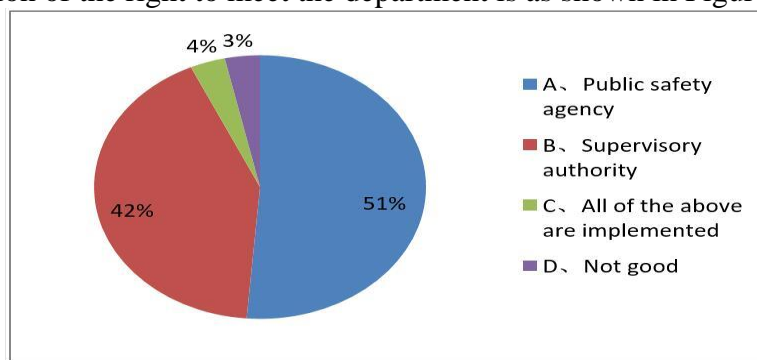


Figure 3: Figure on the implementation of the right to meet the department

Unclear legislation and improper use of the law. China's current laws and regulations on lawyers' rights are unclear and unspecified, which leads to obstacles to the institutionalization of lawyers' rights in judicial practice and the inability to meet the purpose of lawyers' meetings. Especially in the time and frequency of lawyers' meetings, there is no clear legislative attitude in criminal procedure law or lawyer law and some laws and regulations, which makes the public security organs' investigators limit the length of time for lawyers to participate in interviews and defendants and the limited number of interviews. This situation is mainly due to the fact that the legislation is not clear, and some judicial organs always conceal the illegality of prohibiting or prohibiting lawyers from doing such acts in legal form. Secondly, the application of non-normative laws is mainly reflected in the meeting of lawyers who designate supervisory residents. As mentioned earlier, Article 37, paragraph 5, of the current Criminal Procedure Code provides for the interview and communication of the guardian's lawyer and his defense counsel. However, the current Criminal Procedure Law also stipulates that suspects and defendants who are employed in a designated residence are involved in three special cases and require the approval of the investigator before the lawyer cooperates. Second, because this exception is more convenient for the case handling organization, in fact, the case handling organization is more inclined to such approval, making it difficult for all supervised suspects and defendants to meet with lawyers, as shown in

Figure 4.

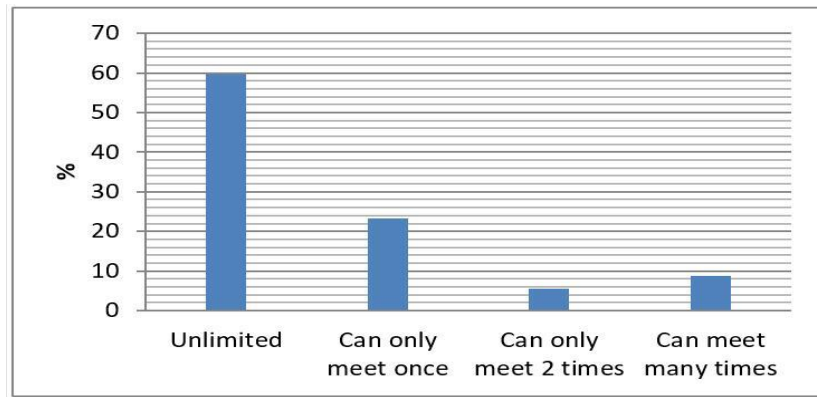


Figure 4: The general situation of reconnaissance authorities' restrictions on interview rights

Lack of operability in the relief of lawyers' rights. Although Article 47 of the current Criminal Procedure Law provides that lawyers' right to meet provides the correct means of relief, the provisions of this article do not provide specific review procedures or other relevant provisions. When the lawyer's right to meet is hindered, the legitimate relief of the procuratorate is not effectively reflected in the judicial practice, and the procuratorate has not done enough to protect its rights. The main reason is the ambiguity of the relief process, which makes the lawyer's right to seek relief unsatisfactory, and in fact does not have much operability. There are two reasons: on the one hand, due to the unequal status of prosecution and defense, the defense lawyer's complaints are in opposition to the prosecution's complaints, and their roles are in conflict. It is undoubtedly a waste of time for procuratorial organs to provide correct remedies for defense lawyers. On the other hand, most lawyers are worried that because they do not trust the prosecutor, if they file a complaint or complaint with the people's procuratorate at the same level or higher, the case will be violated. The revenge of public power will be imposed on them as the future development of lawyers. Therefore, when lawyers' rights to interview are violated, they are not willing to seek relief from the procuratorate. In addition, China's "procedural relief" model can be said to be a special institutional case, a measure of expediency can provide very limited protection of rights, and a truly effective relief mechanism is to establish an independent, neutral judicial relief provided by the court. However, the rights of lawyers should be restricted. Without prejudice to national law, the right to terminate interviews should be borne by suspects and lawyers. The reality is that most of them are in the relevant departments of the institution. In the regulations, this is not only conducive to the exercise of the right to meet, but also to the principles of criminal procedure law that protect human rights.

Lack of effective monitoring mechanisms. Any form of power is easily abused, and the exercise of these powers requires supervision and control. In a sense, the exercise of civil rights should be the same. Similarly, the implementation of the legal system also requires supervision, including judicial supervision, administrative supervision, and legislative supervision. Judicial supervision and administrative supervision are the two most effective forms of supervision. The supervisory agency shall supervise the work in accordance with the relevant provisions of the Constitution and law, and determine whether the judicial activities of the judicial organs and their staff are legal. This is judicial supervision. Administrative supervision refers to the supervision of state administrative organs, judicial organs, and other social forces by state administrative organs and their staff. Both methods of supervision can deprive criminals of their rights through criminal or administrative penalties, which is a powerful deterrent. Clearly, in these two forms of supervision, the right to meet with a lawyer is lost. First, administrative supervision will not be punished for violating the



legitimate rights and interests of lawyers. The provisions of the Supreme People’s Procuratorate on the crime of dereliction of duty listed nine types of malfeasance, but did not include obstruction of the lawyers’ meeting, so even if the law enforcement officers violated the rights of the lawyer, it would not constitute a crime. On the agent side, it is also impossible to pursue criminal responsibility for obstructing the interview of a lawyer. In addition, China's administrative supervision system is still not perfect. If administrative supervision of the detention center is required, the "Regulations of the People's Republic of China Detention Center" promulgated by the State Council and the detention center procedures promulgated by the Supreme People's Procuratorate must be implemented. However, in the People’s Republic of China, regulations on detention facilities and the detention centre procedures of the People’s Procuratorate, it is difficult to find a lawyer to solve this problem. Then, if the staff of the detention center violates the rights of the lawyer, it can be said that there is no basis for administrative punishment. Secondly, judicial supervision as an effective means of supervision lacks the necessary legal basis. For example, the administration did not convene meetings on time, violating the rules of the lawyers’ access system and article 37 and other provisions of the current criminal procedure law do not apply to this law. Therefore, an effective monitoring mechanism can enable lawyers to meet the effective implementation of the system. As shown in Figure 5 is a survey of communication with officials of relevant agencies.

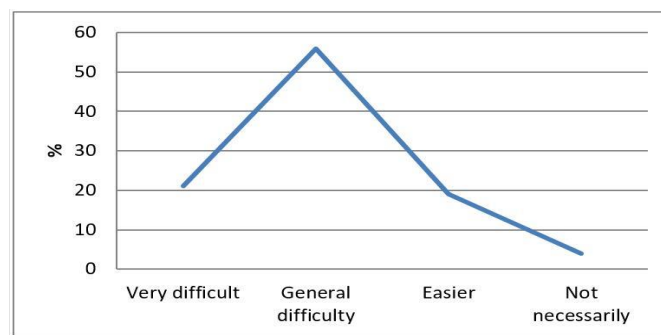


Figure 5: Communication with officials under the existing monitoring mechanism

#### 4. Basic Conception of Perfecting the Right to Meet

With the implementation of the new Criminal Procedure Law, China’s long-standing right to be forgotten and abused should be effectively alleviated. However, relying on the relevant laws and regulations of the new criminal procedure law, it is difficult to solve the dilemma that has been formed over the years. In view of the progress and shortcomings of the new law, conference rights law I will make some simple suggestions to improve the rights of Chinese lawyers.

##### (1) Legislation: Explain the rights of lawyers to meet during the investigation phase

Under the current Criminal Procedure, Law, lawyers can verify the evidence of suspects and defendants on the day of investigation and prosecution. In fact, lawyers are not allowed to verify the evidence of suspects and defendants during the investigation phase, and lawyers have limited rights to participate in the investigation phase. As a basic stage of criminal proceedings, investigation plays an important role in effectively defending lawyers. Is it an important factor in successfully meeting the right to meet the rights of the accused and the suspect? A special conference system was established for “special crimes” under the new Criminal Procedure Law. As mentioned above, this is feasible and great progress has been made in operability. However, during the investigation phase, the lawyer’s right to meet with clients in these “special circumstances” has not been completely eliminated. The realization of the lawyer's right to meet has always been related to the effective defense of the suspect. When talking about the main experience of the rule of law

countries, the interviews with the "special circumstances" parties are limited but not completely negated, because the "special circumstances" involved in these "special circumstances" cannot completely deny their litigation rights. According to the actual situation in our country, we can give the parties the right to defend the lawyer in "special circumstances" or limit the right to meet in a limited number of meetings or we can change the rules. For example, when lawyers exercise their right to interview during the investigation, they can allow the investigation agency to send people to the scene.

### (2) Legislation: Relief Ways to Express Lawyer Right

China should further clarify the legal consequences of the infringement, meet with lawyers in the criminal litigation legislation, and guide the infringers to resolve the infringement. For example, in Japanese criminal proceedings, in practice, the defender can convene a meeting, accept a designated meeting, or provide a quasi-resistance, and the defender can also file a state compensation claim for an improperly designated meeting. Looking for the right way, we can effectively absorb and use ourselves. In addition, the establishment of a judicial review system can effectively eliminate the right to infringement. Judicial review refers to the right of a defense lawyer to independently bring a judicial review to the court for violating the right to meet. The court will decide to correct the right to meet. In the long run, judicial review is indeed effective. The following measures can be taken to violate the adverse consequences of the lawyer's rights. If the lawyer's right to interview is illegally deprived, the defendant has the right to remain silent. The respondent has the right to not answer the inquiry of the relevant department in front of the lawyers' meeting; if the investigation authority has no reason to prevent the lawyer from exercising, the right to meet the prosecution will lose the power to arrest the suspect in front of the lawyer. Fully exercise the right to meet, etc. In short, in criminal proceedings, the stages of investigation, prosecution, and trial are interrelated, and the progress of the previous stage affects the success of the latter stage. If the lawyer's right to participate in the previous stage is violated, the latter stage of the lawsuit will not be able to proceed normally. This will effectively curb the abuse of rights of the relevant departments and indiscriminately violate the rights of lawyers. Similarly, legislation can clearly define these remedies.

### (3) System: Separation of detention centers from investigative agencies

Our detention center is now affiliated with the public security organs. The staff and investigators of the detention center are members of the public security system. The public security organs serve as the main body of the detention center. Therefore, they are a front line and the public security organs manage the detention center. Since then, the public security organs have been investigative and detaining organs of criminal suspects and accused persons, and the public security organs have been pursuing detainees, leaving the system without external supervision and internal restrictions. Such a system makes it difficult for lawyers to meet suspects and defendants, which is not conducive to safeguarding the legitimate rights and interests of suspects and defendants. In addition, the conditions in our detention centres are much inhumane. For example, objects such as glass, making it difficult to talk at meetings, separate some of the detention centres from the conference rooms. Improving the conditions for meeting in detention centers, dismantling inappropriate equipment, and adding meeting rooms will facilitate the timely convening of lawyer meetings and promote full and full communication between lawyers and suspects and defendants. The main task of the public security organs is to crack down on and punish crimes. The detention center is the internal organization of the public security organs, and its tasks must be consistent with the tasks of the detention center. When supervising the work of the investigation authority, the procuratorial organ shall cooperate with the investigation authority to complete the litigation task. Prosecutors lack neutrality in detention centres and investigators, and in this case it is impossible to conduct effective supervision, not to mention that if the prosecutor's self-investigation case, the prosecutor

will supervise himself, which is no different from non-supervising. Based on this situation, the detention center should realize the separation of the investigation system, the definition of the responsibility of the detention center, the special responsibility of safety supervision, and the deprivation of its investigation tasks and powers and the neutrality of neutrality. The center is an important way to solve the problem of Chinese lawyers' right to meet.

## 5. Conclusions

The lawyer's right to meet is a concept in criminal proceedings. It reflects the living conditions of criminal suspects, the degree of rule of law in Chinese civilization, and the level of human rights protection of the people, because every member of society in this country can commit crimes or be guilty of crimes. Once a person commits another crime and participates in the investigation process, the protection rights system established by the Criminal Procedure Law will play a certain role. Each member of the society is a potential subject of criminal proceedings. According to this, Professor Sun Changyong believes that how the government treats its suspects will inevitably treat other citizens. In other words, the relationship between the investigating agency and the criminal suspect is actually an extension and concrete manifestation of the legal and practical relationship between the two. Therefore, the government has an obligation to improve and protect the rights of lawyers to meet. The government is not a store of anyone or any group of people who have the right to open or operate profits. This is a trust that can be revoked at any time. The government itself has no rights and only obligations. Today's world generally praises civilization and advocates a life of dignity. Fairness and justice are brighter than the sun. To raise the rights of lawyers to a new level, the basic principles of lawyers' meetings have been fundamentally improved, and the level of access for advanced countries in the world has been guaranteed. In meeting with the system, the national judicial system must also be reformed according to China's national conditions. It is necessary to recognize differences, emphasize the universal commonality of human society, and not carry out institutional reforms in isolation. The political, economic, legal, and philosophical fields must be mobilized. With the awakening and support of the people, we will actively and steadily push forward the reform of the political system and formulate a legal system. Only in this way can we fundamentally solve the problem of guaranteeing the right of lawyers to meet. However, in our country, the forgotten and abuse of lawyers' rights is a historical issue. As the human rights situation in China continues to improve, the scientific and democratic nature of criminal proceedings will increase, and lawyers will face major problems. However, to achieve basic governance, there is no doubt that this will be an arduous, long-term, and ambitious task. As a legal person committed to improving the rights of lawyers, it will be a long way to go, let us work together to create a great cause worthy of a great era and a noble cause.

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