

PROBLEMS OF PROFESSIONAL ETHICS OF A LAWYER AND LEGAL RHETORIC

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Annotation: This article discusses the main problems that hinder the development of the professional ethics of lawyers as one of the fundamental foundations of the legal profession in the Republic of Uzbekistan. A comparative legal analysis of foreign countries in this area has been carried out. The problems of the lack of codes of professional ethics for lawyers in our country are analyzed. A proposal is made to introduce professional ethics as a separate academic discipline in law schools. In addition, the importance of the legal rhetoric of a lawyer for the effective and expedient use of his speech is indicated. The author proposes to improve the standards of teaching the ethics of a lawyer and legal rhetoric in the curricula of specialized universities.

Keywords: communication ethics of a lawyer, legal analysis, legal profession, deontology, morality and ethics, speech, ethical standards, code of ethics.

Society always takes seriously the assessment of the criteria of morality and morality in the performance of their labor and official duties by certain persons. As a rule, the public is focused on how, from a moral and ethical point of view, representatives of such professions as a doctor, a military man, a teacher, a firefighter, and an employee of the internal affairs bodies perform their professional and official duties. It is they who bear a huge responsibility for the safety and quiet life of people. However, one should not forget that modern society, along with those professions, cannot exist without legal protection. Lawyers help in this society, because it is they who decide the fate of people, protect rights and freedoms and interpret certain norms enshrined in the legislation of the country. All modern life, all spheres of the life of society and the state, be it economic, social, cultural, and so on, constantly need legal support. It's no secret that lawyers are a role model for many people, as they regulate the proper functioning of legal norms, the order and legality of the state. Therefore, legal ethics, at the present stage of society's existence, is no less important than the ethics of the above professions.

Until recently, scholars and jurists have focused their attention on the legal aspects of a lawyer's work. However, practice has shown that moral principles play an equally important role, since it is often impossible to distinguish between the concepts of legality and justice,

although sometimes in any particular situation, they may be opposite to each other. For example, in the activities of law enforcement lawyers, it is impossible to fight crime and the causes that give rise to it without strengthening the moral principles of society. And without the implementation of the strengthening of the rule of law, it is impossible to ensure the full manifestation and development of the moral factor in its creative, constructive role.

Speaking about the problems of professional ethics of a lawyer in Uzbekistan, I would like to touch upon the issue of codification. The demand for various codes in the activities of a lawyer is determined by the level of ultimate responsibility that is assigned to people in this profession. The scenario of other people's lives depends to a high degree on the actions of lawyers. The existence of a codification of ethical norms increases the likelihood that the expected behavior of a lawyer will coincide with the actual behavior. We know that such countries of the world as the Russian Federation and the USA have a number of codes, the norms of which regulate the ethics of a lawyer. A vivid example of this can serve as: the Code of Professional Ethics of a lawyer of the Russian Federation of 01/31/2003, the Code of Judicial Ethics of the Russian Federation of 12/19/2012, the Code of Ethics of a Prosecutor's Worker of the Russian Federation, introduced on 03/17/2010, the Professional Code of Notaries of the Russian Federation of 04/18/2001, etc. As for the USA, regulation of the ethics of lawyers is approved by each state separately. However, in the United States there is also a national standard of rules - the Model Rules of Professional Ethics, approved by the American Bar Association. That is, in these countries, the ethical standards of the legal profession are enshrined at the legislative level.

However, these legal documents regulate only the activities of lawyers, and do not apply to other specialties of the legal profession. This suggests that there are gaps in the national legislation in regulating the activities of a lawyer. In turn, the lack of legal acts leads to the fact that lawyers, abusing their position, violate ethical standards. These violations are observed in the commission of corruption, damage to the business reputation of a lawyer, non-observance of the principles of justice, as well as inappropriate behavior of a lawyer in society. Based on the above problem, we can come to the conclusion that the Republic of Uzbekistan needs to resolve the issue of codification of the professional activities of a lawyer. This process can be carried out on the basis of foreign practice.

An interesting fact is that in many countries of the world there are ethical rules that apply only to the activities of Lawyers. In our opinion, this is due to a certain freedom inherent in lawyers. That is, the activity of lawyers is independent, in comparison with the work of judges or prosecutors. Accordingly, in order to prevent cases of arbitrariness of lawyers, the state first of all establishes certain rules of ethics for workers in this specialty.

In addition to the codification of legal ethics, the educational system of law schools should consider introducing a new discipline into the curricula - "Professional Ethics of a Lawyer". Before applying the rules in practice, you should familiarize yourself with the theoretical part

of these orders. Law students should be aware of such a concept as deontological ethics. This doctrine incorporates problematic issues of morality and morality and is a separate section of ethics. Legal deontology is a branch of legal science and an academic discipline, which is a generalized system of knowledge about the code of professional behavior of a lawyer.

When analyzing the experience of foreign countries, it was revealed that this discipline has already been introduced in many countries. However, a small amount of scientific research and the lack of educational literature demonstrate a rather narrow approach to the issues under discussion. In the US, most textbooks are labeled "Professional Responsibility of Lawyers". Speaking about our state, there is no legal deontology as a separate academic discipline in the universities of Uzbekistan. This, in turn, leads to ignorance of students about the professional ethics of their future profession. Without a deep study of this discipline, lawyers will not know the elementary rules of conduct, which will ultimately affect their activities. That is why the Ministry of Justice of the Republic of Uzbekistan should consider the issue of introducing a new and rather relevant discipline.

Another important feature in the work of a lawyer is his speech. The activity of a lawyer is obliged to reveal a correlation not only with significant moral and moral qualities and the professionalism of a specialist, but also possess vast areas of knowledge in his qualifications. That is, it is necessary to understand how to correctly represent one's own speech in various areas of legal activity, whether it is speaking in court, advising a client, negotiating, or writing a legal act. It is legal rhetoric as a science that studies speech in all its diversity. One of the main skills of a future lawyer is the possession of the skill of public speaking. Correctly and competently expressing one's point of view in various situations of legal communication is almost the main indicator of a lawyer's professionalism. In judicial practice, a lawyer, prosecutor, judge must be able to accurately, completely, correctly and reasonably build their speech in order to achieve the goals of the statement - to defend, condemn, challenge, prove, and the like. The smallest details are taken into account: intonation pattern, observance of orthoepic and accentological norms of the language, knowledge of the rules of lexical compatibility and morphology, the logic of speech construction. For this, it is necessary to fully know modern language norms, the laws of rhetoric, and the system of argumentation. Unfortunately, the development of legal rhetoric in law schools is not sufficiently developed today. This is confirmed by the absence of a separate module on the study of legal rhetoric. We know that during the educational process, teachers use special teaching methods through which students can develop their speech. For example, holding debates, defending one's position through presentations, as well as public speaking by students. However, this science should be given special attention, in the form of a separate module.

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Thus, the analysis carried out allows us to put together a holistic picture that reflects the importance of ethics and rhetoric in the professional activities of a lawyer. Ethics in the professional activities of a lawyer, one of the most important elements of all professional activities.

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