

**UDC:174.4**

## **SPECIFICS OF PROFESSIONAL ETHICS OF A LAWYER**

**Zarina ABDUAZIMOVA**

Doctor of Philosophy (PhD), Associate Professor,  
Department of Social and Humanitarian Sciences,  
Security Academy of the Republic of Uzbekistan

### **ABSTRACT**

*The article analyzes the main areas of professional ethics of a lawyer, as well as defines the specifics of a lawyer and the concept of law. Law, like the state, is a product of social development. It arose in a state-organized society as the main regulator of social relations. Among the general social functions of law are cultural-historical, educational, social control, information-orienting, and the evaluation function is the basis for the formation of the specificity of professional activity. The article provides for the features of the professional ethics of a lawyer and the formation of its directions.*

**Key words:** Law, ethics, societies, social environment, professional duty, responsibility, moral character.

## **СПЕЦИФИКА ПРОФЕССИОНАЛЬНОЙ ЭТИКИ ЮРИСТА**

### **АННОТАЦИЯ**

*В статье проанализированы основные направления профессиональной этики юриста, а также даётся определения специфики юриста и понятию право. Право, как и государство, является продуктом общественного развития. Оно возникло в государственно организованном обществе как основной регулятор общественных отношений. К числу обще социальных функций права относятся культурно-историческая, воспитательная, социального контроля, информационно ориентирующая, и оценочная функция является основой формирования специфичности профессиональной деятельности. Статья предусматривает особенности профессиональной этики юриста и формирования её направлений.*

**Ключевые слова:** Право, этика, общества, социальная среда, профессиональный долг, ответственность, моральный облик.

## **HUQUQSHUNOS KASBIY ETIKASINING O‘ZIGA XOS XUSUSIYATLARI**

### **ANNOTATSIYA**

*Maqolada huquqshunos kasbiy etikasining asosiy yo‘nalishlari tahlil qilinadi, shuningdek, huquqshunosning o‘ziga xos xususiyatlari va huquq tushunchasi aniqlanadi. Huquq ham davlat kabi ijtimoiy taraqqiyot mahsulidir. U davlat tomonidan tashkil etilgan jamiyatda ijtimoiy munosabatlarning asosiy tartibga soluvchisi sifatida vujudga kelgan. Huquqning umumiy ijtimoiy funktsiyalariga madaniy-tarixiy, ta’lim, ijtimoiy nazorat, axborot va huquq kabi xususiyatlar kiradi va baholash funktsiyasi kasbiy faoliyatning o‘ziga xosligini shakllantirish uchun asosini tashkil etadi. Maqolada huquqshunos kasbiy etikasining xususiyatlari va uning yo‘nalishlarini shakllantirish metodlari ko‘rsatilgan.*

**Kalit so‘zlar:** *Huquq, axloq, jamiyat, ijtimoiy muhit, kasbiy burch, mas’uliyat, axloqiy xarakter.*

### **INTRODUCTION**

Each profession has its own moral problems. But among all professions, one can single out a group of those in which they arise especially often, which require increased attention to the moral side of the functions performed. Professional ethics is important, first of all, for professions whose subject is a person. Where representatives of a certain profession, due to its specificity, are in constant or even continuous communication with other people, associated with the impact on their inner world, fate, with moral relationships, there are specific "moral codes" of people of these professions, specialties. Since the scope of professional activity of a lawyer is very broad, the moral and legal position and the official legal position are in constant mutual influence, forcing them to make a difficult moral choice. Thus, the subject of legal ethics is the attitude of a specialist, a professional to the meaning and values of law, legislative norms, rules and the implementation of this attitude in professional activity. Legal ethics is a changing meaning. Its changes are determined, first of all, by changes in the person himself, his views, as well as features and subject of the legal profession, which tends to expand, to be introduced into other types of professional activity. Thus, the professional ethics of a lawyer is formed on the basis of the relationship and interdependence of legal and moral principles, norms, legal and moral consciousness. Legal ethics is professional ethics, which is a practical expression and embodiment of the ethics of law in a professional. It is necessary to distinguish between these two concepts. Legal ethics is determined by the specifics of the professional activity of a lawyer, the features of his moral and social position. It is

characterized by a particularly close connection of legal and moral norms regulating his professional activity. The subject of legal ethics is a specialist who directly implements in professional practice his attitude to legislative and law enforcement institutional activity. The law can be used in different ways: this applies not to the law, but to the lawyer who interprets and applies it in his own way. For the subject of legal ethics, the value attitude to the law comes first; his role in normative lawmaking is minimal and very mediated. The subject of legal ethics has in the first place knowledge of regulatory documents and the ability to practically apply them.

**Literature review.** 1. Accordingly, the main distinction of professional legal ethics is its focus on a certain professional group, a certain professional community. Legal ethics, therefore, can be understood as "the application of general concepts of morality in the sphere of legal activity, there is also an opinion that it covers specific moral standards of professional activity [1]. "Off-duty conduct of lawyers" "a type of professional ethics, representing a set of rules of conduct of employees of the legal profession, ensuring the moral nature of their work activity and off-duty behavior, as well as a scientific discipline that studies the specifics of the implementation of moral requirements in this area "the science of requirements for moral and ethical qualities of employees of the legal sphere, about the culture of legal activity" "a section of professional ethics, the subject of study of which are the features of the manifestation of morality in the legal sphere of life of society" [2].

2. For a lawyer, whose professional activity takes place in an environment of interpersonal communication, in addition to professional knowledge, possession of a high level of communication culture, the ability to conduct a dialogue based on moral principles and beginnings is required. In other words, legal ethics is an integral part of professional legal activity. It is important to note that absolutely all the moral requirements inherent in a given society are applied to the professional activity of a lawyer. Moreover, taking into account the high social significance of legal professional activity, increased moral requirements are imposed on representatives of this professional community, since, according to A.M. Shadzhe: "People who decide the fate of others, demanding that they comply with the law and morality, must have not only a formal, official, but also a moral right to do so" [3].

3. If the main task of ethics as a field of scientific knowledge is the formation, development of morality, the main task of professional ethics is the formation of professional morality. In turn, professional morality can be understood as a "historically established set of moral prescriptions, norms, commandments, codes on the proper behavior of representatives of certain professions" "a set of moral norms

and values by which a representative of a particular profession is guided in the performance of his duties" [4].

4. Optimization of the processes of formation of morality and ethic as one of the current goals of professional training requires identifying the structure of morality as a complex phenomenon. It should be noted that in modern scientific literature a single approach to identifying the structural components of morality varies significantly [5].

5. Taking into account the essence of the professional ethics of a lawyer, the development of morality as one of the priority goals of the modern system of professional training. Within the framework of this study, individual moral awareness is of particular interest which is understood as "the subjective side of morality, the peculiarity of which is the perception of all phenomena from the point of view of value." The result of the assimilation by the individual of the already formed in a particular social environment, ideas about what is proper" "a set of feelings, moods, as well as ideas, values, reflecting the subject's idea of the proper behavior of people in society" [6]. Social norms are rules of behavior of a social nature, regulating the relationships of people and the activities of organizations in the process of their interaction. Morality is one of the main methods of normative regulation of human actions in society; a special form of social consciousness and a type of social relations; the subject of a special study of ethics.

**Research methodology.** The method of law in legal regulation of social relations in this area is to a large extent secondary, since the forms and the very nature of legal influence are determined by the essence of the regulated relations. This, of course, does not deny the classification value of the method of legal regulation. However, in comparison with the subject of legal regulation, it is of secondary, auxiliary nature. The question of the method of legal regulation and its role in the formation and characterization of a particular branch of law is currently debatable.

Often, different contents are invested in this concept. Morality regulates the behavior and consciousness of a person in all spheres of public life: in work, everyday life, politics, science, in family, personal, intro-group and international relations, in the relations of man with nature. The principles of morality have a special-general meaning and extend to all people, fixing in themselves that general and original that makes possible these very special requirements and constitutes the value basis of society, the culture of interpersonal relations. Morality reflects a holistic system of views on social life, containing one or another understanding of the essence of society, history, man and his existence. Therefore, the currently prevailing

rights and customs can be assessed by morality from the point of view of its general principles, ideals, criteria of good and evil, and moral views can be in a critical relationship to the actually accepted way of life. In reality, the norms of universal morality are never fully implemented, unconditionally in all cases without exception. Morality assesses not only the practical actions of people, but their motives, incentives and intentions. In connection with this, the ability of an individual independently, without daily external control, to determine and direct his line of behavior in society is important in moral regulation. Law, like the state, is a product of social development. It arose in a state-organized society as the main regulator of social relations. Law is a system of norms and rules of conduct that emanate from the state, are formulated in special state-regulatory acts, are protected from violations by the force of state coercion and express the will and interests of either the majority of society or certain strata of it. The signs of law are: generally binding normality, expression of norms in laws or other regulatory legal acts recognized by the state; law operates through permissions, through subjective right; law is ensured by state power, which participates in the right formation, in the protection of law. The general social functions of law include "cultural-historical" educational, social control, informational-orienting, and evaluative. Each function, each norm of law carries an element of morality. Law performs a moral-informational function, securing in its system of norms all moral values of society, including the rights and freedoms of citizens, their social formations. Law also performs a moral-stimulating function, indicating ways, means of improving moral qualities. each legal norm is aimed at achieving the moral goals of law, at implementing the functions.

**Analysis and results.** The content of law and legal relations is subjective rights and responsibilities, i.e. rights and responsibilities belonging to subjects in each specific legal relationship. These rights and responsibilities depend on the categories of subjects of the specified legal relations, goals, types and nature of legislation and professionalism or qualified work and activities. The history of the development of civilization shows that morality and law, as components of the culture of society, are organically linked with each other. The relationship between morality and law is one of the key issues in ethics. Morality and law are mutually dependent, complement and mutually support each other in regulating social relations. This is explained by the fact that legal laws embody the principles of humanism, justice, and equality of people. In other words, the laws of the rule of law embody the highest moral requirements of society. The legal system of a state-organized society enshrines the vital requirements of morality for the entire society, the moral culture of the country's population. The moral basis of law is an important component of the general



regulatory potential of law. The professional morality of a lawyer acts as special in relation to the general - universal morality. General principles and norms of morality, expressing the lawful and stable connections of the individual and society, are manifested through professional specific morality, undergoing certain changes in accordance with the specifics of this activity. At the same time, the norms of universal morality do not exhaust the entire content of professional morality, since any general only approximately covers individual subjects. Professional morality includes in its content, along with the general, the specific - those additional moral requirements that are imposed on people of a particular profession.

### **CONCLUSION.**

To summarize, professional law, ethics, legal relations usually arise, change and terminate on the basis of not one, but a set of legal facts that form factual compositions. At the same time, each profession and complexes are characterized by their own factual compositions and specificity of a lawyer, which asserts, objectivity and value of a person's originality is fundamental. The traditional-communal way of interaction of these two elements is dynamic. As, by themselves progressing for you. To summarize, we can determine that the professional morality of a lawyer acts as special in relation to the general - universal human morality. General principles and norms of morality, expressing the lawful and stable connections of the individual and society, are manifested through professional specific morality, undergoing at the same time certain changes in accordance with the peculiarities of this activity. At the same time, the norms of general human morality do not exhaust the entire content of professional morality, because any general only approximately covers individual subjects. Professional morality includes in its content along with the general and the specific - those moral additional requirements that are imposed on people of a particular profession. And in conclusion I would like to note that a feature of the professional activity of a lawyer is the publicity of its implementation or results, control of the public, public opinion, their assessment of the fairness, morality or immorality of the activities of professional participants in legal proceedings.

### **REFERENCES**

1. Yesikova M.M. Professional ethics of a lawyer: a textbook for students of training areas 40.03.01, 40.05.01 of all forms of education / M.M. Yesikova, O.A. Burakhina, V.A. Skrebnev, G.L. Terekhova. - Tambov: Publishing house FGBOU HPE "TSTU", 2015. - 85 p. - P. 19
2. Noskov I.Yu. Professional ethics of a lawyer: a textbook for bachelor's and specialist degrees / I.Yu. Moskov. - M.: Publishing house Yurait, 2018.,

3. Shadzhe A.M. On the content and meaning of legal ethics / A.M. Shadzhe // Bulletin of the Hady State University. Series 1: Regional Studies: Philosophy, History, Sociology, Jurisprudence, Political Science, Cultural Studies. - 2008. - No. 8. - P. 319 - 326. - P. 320
4. Sorokotyagin I.N. Professional Ethics of a Lawyer: textbook for SPOIN. Sorokotyagin, A.G. Masleev. - 2nd ed., add. - M.: Yurait Publishing House, 2016. - 328 p.
5. Kornakova S.V. Fundamentals of Ethics. Professional Ethics of a Lawyer: textbook / S.V. Kornakova. - Irkutsk: Publishing House BSUEL, 2012. - 308 p.
6. Noskov I.Yu. Professional Ethics of a Lawyer: A Textbook for Bachelor's and Specialist Degrees / I. Yu. Noskov. - M.: Yurait Publishing House, 2018. - 277 p.