

Deontological manifestations of a lawyer's legal awareness

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Received: 2022-09-02

Accepted: 2022-12-12

DOI: <http://dx.doi.org/10.5281/zenodo.7514317>

Abstract. The article is devoted to the deontological manifestations of the lawyer's legal consciousness. It is indicated that due to legal awareness, a person gets more opportunities to implement legal norms. At the same time, legal awareness promotes legal culture, participates in the formation of laws and the rule of law.

In general, legal consciousness is defined as a process when people make sense of their experience based on legal categories and concepts. Among scientists, there is an expanded understanding of legal consciousness as a form of reflection of legal phenomena, which includes mental, intellectual, emotional and volitional processes and states. It is noted that deontological legal awareness is formed through the accumulation and functional interaction of many elements.

The social functions of codes of professional ethics are indicated: they define ethical guidelines and best practices of the organization, which should be followed for honesty, integrity and professionalism; contain norms of a preventive and punitive nature, that is, violation of the code of ethics by members of a certain organization may lead to sanctions (in particular, dismissal). Codes contain principles formulated as statements of responsibility based on the understanding that the public good is always paramount; regulate business behavior within the profession and with other members of society; define professional value categories; promote compliance with professional and official discipline; contribute to the purification of the profession, thereby increasing the level of trust in legal professionals, legitimize jurisprudence and practical legal activity.

Keywords: deontology, legal awareness, professional ethics of a lawyer, codes of professional ethics, labor relations, corporate legal norms.

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Introduction

A change in the social and legal reality, renewal of the Ukrainian legal field, reform of legal norms require the formation of an effective class of human rights defenders. And we are talking not only about specialists in the field of law, but also about representatives of the authorities, civil servants, and even public figures. Nevertheless, the main paradigmatic essence of the legal reality in each state is formed by the professional class of lawyers. They are actively involved in the formation of state policy and law enforcement activities. Therefore, "there was an urgent need for highly qualified specialists in the field of law, who would defend the rights, dignity and honor of a person at a high level, be carriers of truth and justice, and serve as a standard for fulfilling their professional duty as a lawyer" [1, c. 5].

In this context, a person's legal awareness plays an important role, as it expands his opportunities to implement legal norms. Legal awareness helps promote legal culture, participates in the formation of laws and the rule of law. Therefore, the study of deontological manifestations of legal consciousness of a lawyer is an important scientific task.

The problem of legal awareness and its analysis was repeatedly considered in the domestic doctrine of the theory and philosophy of law. Thus, the question of the nature, elements, meaning of legal consciousness is directly reflected in the researches of O. V. Bolshakova, V. O. Kotyuk, V. P. Malakhov, L. D. Mostovshchikova, E. V. Nazarenko, G. S. Ostroumova, S. S. Slyvka, Y. Y. Farbera, V. A. Chefranova, L. S. Yavycha, and others.

RESULTS

Legal consciousness is defined as a process when people make sense of their experience on the basis of legal categories and concepts. In scientific circles, it is customary to understand legal awareness as a form of reflection of legal phenomena, which includes mental, intellectual,

emotional and volitional processes and states. In essence, this is a specific form of consciousness - "a system of reflecting legal reality in views, theories, concepts, feelings, ideas of people about law, its place and role in ensuring personal freedom and other universal values" [2].

As for the deontological sphere, it is a "complex network of mutual requirements and obligations of the individual and society, society and collective, collective and individual". These relationships require the individual to lead a lifestyle that would meet the needs of society. At the same time, it is appropriate to mention deontological values as a special kind of spiritual phenomena that "satisfy the needs of culture in regulating social relations and people's actions" [3]. After all, modern society cannot exist only within a legal framework. After all, the law is only one of the possible regulators of social relations. Additional norms, principles, rules of behavior that exist in society, including morality, religion, corporate norms, cultural paradigms, etc., cannot be rejected.

So, from a regulatory point of view, the legal profession should consist in mastering regulatory and legal information and provide for the possibility of applying knowledge in practice. But we can already talk about moving away from the "dry" normative legalistic approach in the legal profession and expanding it by implementing the moral and value achievements of humanity. Such a process can provide deontological direction of legal awareness.

According to Doctor of Law S. S. Slyvka, "the deontological legal awareness of a lawyer is the result of his legal awareness, formed under the influence of legal information culture, during the performance of official duty" [4, c. 107].

V. D. Hapotii and O. G. Minkova define deontological legal awareness as the intellectual property of a lawyer, since it is related to both intelligence and moral principles. Therefore, they note that "this is a specification of his [lawyer's] legal

awareness, which corresponds to one of the functions of legal deontology" [5, c. 31].

Most scientists agree that the mandatory components of deontological legal awareness, which is formed through the accumulation and interaction of many elements, should be: legal knowledge, a high level of respect for the law, political-legal and social activity of a person.

However, some scientists expand the list of elements. Thus, V. M. Kravchuk also includes deontological principles among them, which he understands as "initial axiomatic requirements for the professional activity of a lawyer, which serve as social guidelines for his behavior in various situations." They are specified in normative legal acts, professional deontological codes, legal awareness of lawyers and society in general. At the same time, they serve as "criteria for evaluating the activity itself, its results, level professional culture of lawyers, the basis of their legal professional practical thinking"; provide an effective psychological and informational "influence on the relations of lawyers with other subjects, conducting legal cases, making decisions, especially in cases not regulated by legal, corporate, deontological and other professional norms" [6].

Nevertheless, the most important elements are legal knowledge and legal thinking. After all, as B. O. Chuprynskyi observes, a lawyer is obliged to:

- possess highly developed legal thinking, be able to assimilate legal knowledge, generalize, understand the scientific foundations and principles of legal knowledge development;
- to be able to predict the dependence of connections between legal phenomena;
- to be able to quickly analyze, draw correct conclusions, logical judgments, and therefore make correct legal decisions [7, c. 65].

It is impossible to achieve the proper level of deontological culture without legal education and legal upbringing. It is the complex system of education (legal,

intellectual, ethical and labor), which must be rationally built, is capable of contributing to the formation of an active life-affirming mentality in future professionals, as well as the transformation of the culture of legal behavior into an integral property of the individual. Accordingly, such a system of education has a leading role in the development of the legal consciousness of lawyers [8, c. 22].

Education in the labor sphere occupies a prominent place among the mentioned types of education. The peculiarity of deontological legal awareness here is manifested in the fact that it is the professional community that creates professional (corporate) norms of a moral and ethical nature. The peculiarity of corporate (professional) regulation is the combination of legal and moral norms in deontological codes of professional behavior intended for lawyers or law enforcement officers.

Acts of deontological content are created by implementing high standards of professional ethics, and legal deontology serves as the theoretical basis here. They (acts) have a double meaning: on the one hand, deontological legal awareness enriches the personality of a lawyer, helps him properly implement his professional functions, protect the interests, rights and freedoms of citizens. On the other hand, deontological legal awareness is designed to unify relations among legal professionals, to make the legal profession moral, kind, and fair.

Analyzing acts of deontological content, M. Pendyura singles out, in particular, the following: "ethical or deontological codes (rules of conduct) of professional groups of lawyers, which are adopted in the state - codes of national associations (corporations) of lawyers, ethical or deontological codes, canons (rules behavior) of lawyers, which are approved as international standards - codes of international associations of lawyers; legislative and sub-legal normative legal acts of the state in that part of them, which contains normative

prescriptions of ethical (deontological) content - national legislation" [9, c. 103].

As a social institution, deontological norms and corresponding ethical codes (codes of ethics, codes of honor, deontological codes) serve as a moral and ethical guide for a professional in social practice, tell how to meet one's social function, role, status, performing some professional actions. The purpose of normative-orienting social institutions is to "provide behavior and motivation with moral reasoning, an ethical basis" [10, c. 251].

A professional code of ethics contains guidelines that a team or organization can use to make good decisions in the workplace. In fact, the code of professional ethics establishes mandatory rules of conduct that meet the moral criteria and traditions of a certain profession, as well as international standards and rules of professional conduct, which all specialists must adhere to during their professional activities. Such rules help employees to perform their duties conscientiously and conscientiously, thus contributing to the creation of a healthy work environment.

Examples of professional codes in the legal profession include: the Bangalore Principles of Judicial Conduct, the Common Code of Rules for Lawyers of the European Community, the European Code of Police Ethics, etc. In Ukraine, for example, the Code of Professional Ethics of Judges, the Code of Professional Ethics and Conduct of

Prosecutors, and the Rules of Advocate Ethics are in force

CONCLUSIONS

Based on the analysis, we can conclude that the codes of professional ethics perform the following social functions:

- define the ethical rules and best practices of the organization, which should be followed for honesty, integrity and professionalism, since the declared principles are based on the understanding that the public good is always paramount;
- define professional value categories;
- promote compliance with professional and official discipline;
- regulate business behavior within the profession and with other members of society;
- contain norms of a preventive and punitive nature, that is, for their violation, a member of the organization can be punished (sanctions applied to him), even dismissed from his position;
- contribute to the purification of the profession, thereby increasing the level of trust in legal professionals, legitimize jurisprudence and practical legal activity. For example, the British Columbia Code of Professional Conduct (sections 2.1-5(a)) states that a lawyer must promote the honor and integrity of the legal profession, expose the unprofessional conduct of any other lawyer, and defend those he has offended.

«Perspektyvy». *Sotsial'no-politychnyy zhurnal*. 2020. № 3. S. 37-43

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