



## **LAW ENFORCEMENT IS THE PROTECTION OF HUMANITY (Historical and modern bases of advocacy)**

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### **Abstract**

The main purpose of the article is a systematic analysis of the factors that play a key role in the formation of the legal framework for human protection in the world community and the various stages of ensuring human rights and freedoms on a legal basis, as well as the formation of the legal system. From the historical origin of mankind to the experience of modern civilization, the only way to legitimize the principles of human freedom and equality, taking into account scientific and factual approaches, is through the rapid development of the legal system can be determined. Regardless of the importance of the type of protection, advocacy, which serves as a protection in the legal system that legally binds the state and humanity, has a special role to play in shaping the development of a just society based on the common good.

**Key words :** advocacy, procedural institutions, judicial system, theoretical view, prosecutor, attorney.

Mankind has needed protection since its inception. In this sense, the bar is one of the oldest procedural institutions that has existed for centuries. For example, “in ancient Greece, the People's Court was an important state body in Athens. Citizens over the age of 30 took part in its activities. In court, the accused had to be able to defend himself or hire someone who could speak fluently and knew the law.”

Thus, it is clear from the above that the formation of the institution of advocacy dates back to the ancient world history of human society.

In the judicial system, the legal field began to develop through the emergence of the concept of a representative in the judicial process. The idea of the presence of representatives of the parties during the trial has gradually developed through a historical process. It is well known that representation in court is the replacement of one person with another during the process, in which all the consequences of the activities of a representative in court are borne directly by the principal.





The first manifestations of representation are, first of all, two institutions - family representation and legal entities, representing states.

In medieval kinship representation was widely developed mainly in the Slavic and Germanic peoples. Children, siblings, nephews, and even neighbors and friends often attended as representatives.

On the other hand, the old strict rule of personal court visits cannot be applied to legal entities. Because they could not be brought to justice. From ancient times the owners of private property used the right to apply to other representatives in court, even if they did not have a representative, except for relatives or kinship. In the middle ages, for example, churches exercised this right. For example, while their representatives in court were originally high priests, they were later represented by outsiders from among the clergy with legal qualifications.

The word "advocate" is derived from Latin and has two lexical meanings: "a) a trustee in court cases, a lawyer in court;

b) Orally or in writing to defend something or someone emerging. "

Another source states that the term "advocate" has two meanings in Russian: "First, the word refers to the type of activity, profession related to the conduct of other persons in court; and secondly, the bar is the name given to a group of lawyers in ancient times, that is, a group of people who have dedicated themselves to the profession."

In the process of reviewing several sources, we can conclude that advocacy has almost the same meaning in all countries of the world, despite the fact that it appears at different times and in different circumstances. As an example, it should be noted that the history of the Japanese Bar Association has gone through several hundred years of development and has reached its present state.

For example, "The beginnings of advocacy in Japan date back to 1872 with the adoption of the professional judicial system (Shikho Shokumu Teisei). Later, in 1876, a special act was passed in Japan under the name of the "Lawyer's Rule" (Deigen's Kisoku). The document defines the status and powers of a lawyer (Deigen's). The rules state that a lawyer has special status and privileges to protect the rights and interests of his clients in court, but the process is closely monitored by the prosecutor's office."

In my opinion, the establishment of the Bar in the fourth quarter of the 19th century was a significant event in the political and socio-economic life of the society, even in Japan, which is an Asian country, although under the control of the prosecutor.





Now, with the aim of ensuring that this issue does not remain one-sided, we will also address the issue of the establishment and development of the Bar in Europe: “The establishment of the Bar in France and England dates back to the 13th and 14th centuries. In France, the bar has become famous for its great services in uniting the country on the basis of a single right for all and in its struggle for independence from state power. French and English lawyers are gradually merging into boards to form a special class. The bar organization has survived to this day. In France and the United Kingdom, advocacy has traditionally enjoyed great respect in the state and society. Many attorneys have held prominent public office. Examples include lawyers in France (Lolital, Marignac, Segulier, Thierry, Grevilar) and in England (Lord Chancellor Thomas More and Francis Bacon).

If we pay special attention to the advocacy activity in the legal system in the UK, as a rule, at the initial stage of formation, protection was carried out by relatives, with the course since then, other persons have begun to engage in the profession of law in the XI century. Advocacy in England was predominantly engaged in by the clergy, but the spiritual councils of the 12th century forbade them to appear in secular courts.

“The first beginnings of the organization of the legal profession appeared in the 13th century, when the traveling royal courts received a permanent seat in Westminster - this contributed to the rallying of lawyers (previously also traveling) at the court. At the same time, the first law appears, mentioning the legal profession, which, in particular, ruled that there should be 140 experienced attorneys at Westminster Court to handle private cases.”

In addition, during the reign of Edward I, the emergence of the first of four judicial chambers, which acted as institutions that trained experienced lawyers - judges and lawyers, was born. It happened in the following way. English universities based at Oxford and Cambridge in XII century little time was devoted to teaching jurisprudence and, as a result, there was a need for appropriate specialized educational institutions. The result was the emergence of private legal schools opened by practicing lawyers, and then judicial collegiums, which became the only institutions that train lawyers and judges.

Thus, it is clear from the above-mentioned scientific and theoretical views on the subject in Europe that the legal profession initially reflected the protection of law in the narrow sense, and in the broad sense - the protection of law and representation in court.





Research by expert scholars suggests that the law enforcement originally intended to provide legal assistance to the needy, mainly by people who studied the law specifically.

Legally, at the stage of development of the legal system, law enforcement and representation in court are based on different needs, so their areas of activity are incompatible. In many European countries, the bar and the judiciary have developed independently as two different institutions. It should be noted that in Western Europe, a person with the status of a human rights activist is called a lawyer from the new era. Recognizing the importance of advocacy for human rights in the field of law, the limited opportunities for this activity have been further enhanced in various countries. Advocacy is also a highly respected field in the United States, one of the most modernized countries in the world. In the modern century advocates in the United States protect the interests of the accused in criminal cases and represent the interests of the parties in civil proceedings. The fact that lawyers in the United States are not divided into any categories does not exclude their specialization in specific issues and types of activities. Many large law firms specialize in litigation against certain groups of firms, such as tobacco companies. In the United States, there is no functional separation of lawyers, as in England (division into solicitors and barristers), but they have significant powers in addition to defense, representation in court and consulting: lawyers can also engage in private investigations, represent punitive and other state bodies, perform notarial functions.

Ordinary Americans respect specific lawyers with whom they know personally and whom they can turn to for help in a difficult situation, but they dislike the bar in general. The reasons for the high prestige of the profession lie largely in the adherence of Americans to judicial and legal, requiring legal support, forms of conflict resolution. So, in the United States, it is unthinkable to come to a court hearing, even on a minor civil case, without a lawyer.

As attorneys, lawyers counsel their clients on their legal rights and obligations and recommend business and personal course of action. Lawyers are in a unique position to support people, groups, and organizations with their legal issues and to further the public good. The Basic Principles on the Role of Lawyers, set forth below, which have been formulated to assist Member States in their task of promoting and ensuring the proper role of lawyers, should be respected and taken into account by Governments within the framework of their national legislation and practice and should be brought





to the attention of lawyers as well as other persons, such as judges, prosecutors, members of the executive and the legislature, and the public in general.

In conclusion, the profession of advocacy, which can serve as a basis for the legal protection of the individual, has been distinguished by its unique significance in each period. Law enforcement encompasses all aspects of the functioning of the legal system, not just the provision of human rights, and is seen as a fundamental force that maintains a balance in the relationship between the state and man or the law and society. The research examines the development of ancient and modern legal institutions and the modernization of the legal profession in countries such as England, the United States, Japan, Greece and France. As an important aspect, it can be concluded that law enforcement is the key to the development of mankind.

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