



COMPARATIVE ANALYSIS OF THE RATIONAL-MATERIALISTIC APPROACH IN THE DEVELOPMENT OF PROFESSIONAL ETHICS OF A LAWYER

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Abstract: In our opinion, this article highlights some interesting aspects of the ideas of a professional approach in legal ethics. Of course, the article is mainly for informational purposes and does not pretend to fully cover and solve all problems in this area. One of our main goals is to draw attention to the need for further theoretical research and practical solutions in this area. The article also discusses such topical issues as the comparison of the rational and materialistic approach of professional ethics of a lawyer.

Key words: Law, Ethics, Cognitive Process, morality, professional behavior, moral consciousness, rational analysis, material interests.

The purpose of this article is to analyze the relationship between the complementary concepts of ethics, morality, and law. To a certain extent, these related concepts have some common features. Ethics as a discipline deals with what is morally good and bad, right or wrong. In contrast, morality deals with standards and rules of good behavior in society, and law, as a cognitive process, regulates social life through proclaimed rules developed by legitimate authorities. But how can we establish the line of difference between these interrelated concepts? First, the main difference between law and morality appears in the way of expression in the totality of actions and expressions. Morality is expressed in the behavior of an individual and his relationships with others.

In contrast, the law applies to the external behavior of an individual in their relationship to each other as citizens. Morality is in some way an integral part of law and any legal system, and to this extent it is inseparable from them. Secondly, although ethics and morality are often used interchangeably, the difference between them, as we will consider later, is more than a matter of terminology, since these terms clarify the relationship of individual values with values within the social and legal order. Of course, concerning legal ethics, the importance of this discipline lies in shaping the behavior of lawyers and professional behavior, which they must comply with as members of the social and legal community.

As a branch of philosophy, ethics studies human morality by evaluating the actions of each individual. Analyzing this topic, we need to understand that a certain stage of development depends on the perception, and understanding of a specific development period of a particular time. Since ethics, as a certain science, does not provide scientific recommendations on specific cases, but is based on moral rules, it also forms moral consciousness as a result, the opportunity to reflect on actions, assess their consequences, and influence on the surrounding world and man. Ethics itself is based on rational, secular foundations that take into account human well-being or human satisfaction as the ultimate goal.[1] One of the main areas of research in the ethics framework is the question of the limit of human responsibility for their decisions and actions. The inherent human ability to evaluate one's own and others' behavior exists due to the



moral norms inherent and nurtured in a person. This reflexive ability makes it possible to evaluate thoughts and actions from the point of view of one's own and others' traditions.

Problems on this topic.

Recently, the rules of legal ethics have evolved significantly. This means that "these rules are more numerous and detailed today than they were before, but the culture in which they exist is not developed in the field of legal culture."

The rational-materialistic approach to the professional ethics of a lawyer assumes that ethical norms and principles should be based on rational analysis and material interests. This approach focuses on:

- Rational justification of ethical norms such as logic and analysis. Ethical standards should be logically justified and follow rational principles such as justice, equality, and responsibility. In the concept of utilitarianism, ethical decisions should maximize the public good and minimize harm. A pragmatic approach to the study of ethical norms should be practical and effective in achieving the desired results.

- Material interests and consequences. The economic feasibility of ethical standards should take into account the economic interests and consequences for lawyers and society.

- Social responsibility of ethical standards, where the social consequences of a lawyer's actions and his influence on society should be taken into account.

- The personal interest of ethical standards should take into account the personal interests of a lawyer, but should not be placed above the public.

Thus, the differences between law and morality are equally true, that the law derives its origin, and its authority from moral codes of conduct, and morality follows from generally accepted principles relating to equality in respect, solidarity, and the common good. If ideas about morality develop in the course of changing human connection and morality, of course, they can be directly attributed to the formation of authoritative legal systems, whereas laws can be invalidated because laws do not meet moral requirements.

Donald Nicholson and Julian Webb explain that professional legal ethics can be found in more than two meanings. They argue that Legal Ethics may be a philosophical approach to virtues such as "morality" and "justice", or that legal ethics may instead be a descriptive term for people who respond to similar dilemmas[2].

The ethics of a lawyer is a complex and multifaceted aspect of professional practice. In an ever-changing legal landscape, combining a rational-materialistic approach with other concepts of ethics demonstrates the need for a more holistic and comprehensive understanding of these issues. If we consider the issues of implementation despite the advantages, several problems may arise when trying to implement a rational-materialistic approach in the practice of legal ethics. In this process, there are such concepts as resistance to change. Many practicing lawyers adhere to well-established traditional norms and stereotypes. The introduction of new methods can cause resistance and discontent. A similar problem is observed in limited access to data since not all law firms have sufficient resources to collect and analyze data, which makes it difficult to apply the basic ones at these stages of consideration. Cultural differences in ethical norms can also be considered a significant problem, depending on the cultural context. What is considered acceptable in one jurisdiction may be completely unacceptable in another. This requires lawyers to respect and understand such differences. The emotional aspect is equally important, although the rational-materialistic approach is based on facts, many ethical



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dilemmas have an emotional component that is difficult to take into account if you focus only on logical arguments. Research methods of the problem.

The field of legal ethics, or professional responsibility, consists of a huge number of rules. In fact, it is increasingly linked to the rules. On this side, ethics needs to take into account not only the individual standards that people in the moral conflict industry adhere to but it can also the rules themselves that regulate the legality of the profession.

The prospect of development for the successful implementation of a rational-materialistic approach in the practice of legal ethics, training, and advanced training is necessary, which allows employees in the legal system to better understand and apply modern methods of analysis. Development of uniform standards and codes of ethics that take into account various cultural aspects and modern realities. One of the development requirements is the introduction of technologies such as artificial intelligence and analytical platforms for automated analysis of ethical issues and scenarios.

Since ethics in jurisprudence is not only the concept of compliance with rules and norms but also a constant process of self-awareness and the growth of legal culture [3] of the population, of course, depends on the correct approach to the dissemination of public behavior. The application of a rational-materialistic approach can significantly improve the quality of decisions made by lawyers, providing them with tools for in-depth analysis and informed decisions. At the same time, it is important to keep in mind the multifaceted nature of human experience and take into account emotional, cultural, and social aspects, which also play a key role in making ethical decisions.

Due to the historical approach of development, ethics is based on ideals and values that may be abstract and not always practical. So the deontological approach focuses on moral duty and principles, regardless of the consequences. The virtualistic approach to ethics is based on ideals and values that may be abstract and not always practical. The religious approach to ethics is based on religious doctrines and commandments.

At the same time, of course, there are advantages of a rational-materialistic approach such as clarity and rationality allowing you to clearly define ethical norms and principles. Practicality takes into account the real needs and interests of the lawyer and society.

The rational-materialistic approach to the professional ethics of a lawyer has its advantages and disadvantages. This approach can be an effective tool for defining ethical norms and principles, but it is important to combine it with other approaches to ensure a more complete and balanced understanding of the moral duties of a lawyer.

Conclusion and suggestions.

The adaptation of the rational-materialistic approach in legal ethics provides a large number of opportunities to rethink current practices and create more reasonable and fair standards. However, it is important to remember that the implementation of such changes requires time, effort, and willingness on the part of both the legal professional environment and the public. Ultimately, a combination of rational analysis, empirical evidence, and a deep understanding of human nature can lead to a more sustainable and effective system of legal ethics that can take into account the diversity of opinions and cultural characteristics, which in turn will create a more equitable and inclusive legal system for all.

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