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The importance of the principle of self-management in advocacy. Comparative analysis

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Abstract: The principle of self-management is of crucial importance, especially in ensuring effective management in personal development, education, and organizations. This principle is based on the ability of an individual or group to independently manage themselves, make decisions, and analyze their own activities in order to achieve their goals. Self-management also involves aspects such as motivation, time management, self-control, and accepting responsibility. The article discusses how this principle is effectively applied in educational processes and work activities, as well as how it enhances the ability of individuals to adapt to changing environments and manage stress.

Keywords: Self-management, decision-making, personal development, lawyer, principle, comparison, LSO management model, position.

Introduction: Over the centuries, the legal profession has naturally accepted the privilege of self-management. While the governing bodies of the profession acknowledge that self-management should be carried out with the interests of society in mind, their ability to serve the interests of society often contradicts the very demands of the profession itself.

For comparison, Boykov emphasizes that the principle of self-management is the ability of the advocacy bodies of the subjects of the Russian Federation, including the Bar Chambers, the Federal Chamber of Lawyers, chamber councils, inspection, qualification, and other commissions, to independently operate in the interests of lawyers and resolve legal violations.

We agree with this view and consider the principle of self-management in the legal profession as one of its fundamental principles, serving to ensure its independence, freedom of operation, and separation from state authorities. In essence, this principle ensures that the legal profession is independent in organizing its internal affairs and is protected from external pressures by state bodies and other influences.

In our opinion, academic literature notes that the principle of self-management in the legal profession holds a strong position within the legal institutions of democracy. In this context, lawyers actively participate in making collective decisions and remain independent in defending their rights.

It is worth noting that England and Australia have abandoned self-regulation in the legal profession, whereas legal societies in Canada continue to operate on this basis. The self-regulation model of the Law Society of Ontario (LSO) is considered an inadequate form of governance from the perspective of responsibility. When compared to other organizations, including legal societies and corporations in other common law jurisdictions, the weaknesses in the LSO management model become apparent.

In some countries of the Commonwealth of Independent States (CIS), there are also corresponding systems of self-management bodies for the legal profession. For example, according to Article 40 of the Law on the Bar of the Republic of Belarus, the self-management bodies for lawyers in Belarus are the Bar Congress and the Bar Association. , The governing bodies of the Kyrgyzstan Bar Association are the Bar Congress and the Bar Council is considered.

At the same time, there is a position in academic literature stating that the principle of self-management is not inherently independent. In other CIS countries, the principle of corporatism does not exist. However, in

each country, as shown in the table below, there is some form of organization that unites lawyers.

The principle of self-management in the legal profession is an integral part of the legal system, and for its proper implementation, it is necessary to study national and international experiences, implement effective mechanisms, and develop external cooperation. This principle plays a crucial role in maintaining the independence of legal practice and providing fair legal assistance.

Indeed, from the above definitions of the principle of self-management, it is clear that most scholars explain its essence through the ability of the self-management bodies of the legal profession to independently carry out their functions without external interference. However, in our opinion, this approach is not entirely correct, as it is more of an interaction between the principle of independence and the principle of self-management.

1-Table: Forms of Lawyer Organization in CIS Countries

Uzbekistan	Regional bodies (Bar Chambers)	Uzbekistan Bar Association
Russia	Advocacy chambers of the subjects of the Russian Federation	Federal Bar Association of Russia
Azerbaijan	—	Azerbaijan Bar Association
Armenia	—	Armenian Bar Association
Belarus	Regional Bar Associations	Republic Bar Association
Georgia	—	Georgian Bar Association
Kazakhstan	Regional Bar Associations	Republic Bar Association
Kyrgyzstan	Regional Bar Associations	Kyrgyzstan Bar Association
Moldova	District Bar Associations	Moldova Bar Union
Tajikistan	Regional Bar Associations	Tajikistan Bar Association
Ukraine	Only regional governing bodies: councils and conferences	National Bar Association of Ukraine

It should be noted that S.N. Isanov emphasizes that the principle of self-management is an integral part of the principle of independence, rather than a separate principle: In general, self-management refers to the right of a self-management subject to independently resolve issues within its jurisdiction without any external interference. However, this is precisely a specific manifestation of independence, but only in the field of governance.

Without agreeing with S.N. Isanov's position, we try to distinguish the principle of independence from the principle of self-management. In our opinion, the essence of the principle of self-management lies not in the ability of self-management bodies to independently resolve issues within their jurisdiction, but rather in the existence of a system of self-management bodies within the legal profession.

On the other hand, the principle of independence specifically concerns the prohibition of any external influence from state bodies, individuals, or legal

entities on the activities of these self-management bodies.

At the same time, if the system of self-management bodies of the legal profession is completely absent and all matters necessary for legal practice are resolved directly by state authorities, the principle of self-management cannot be implemented. In fact, this situation occurred not with councils but with lawyers who are subject to judicial authority.

Furthermore, Article 2 of the Law on the Activities of Lawyers of the Kyrgyz Republic explicitly states that the Bar is a self-managing professional community of lawyers.

As François Étienne Mollo has clearly emphasized, “The dignity of an individual is personal wealth, but the dignity of a lawyer is the wealth of the entire profession.” According to scholarly and practical commentary, corporatism primarily means the moral responsibility of each member of the legal community to carry out their activities competently, honestly, and lawfully in front of their colleagues.

An effective means of corporative control over the activities of self-regulatory bodies of lawyers is the ability of society to hold lawyers accountable through disciplinary action in cases of violation of professional ethical rules. “The adherence of a lawyer to ethical standards is a necessary condition for the proper performance of their professional duties and functions. If lawyers meet the professional requirements, the state has no grounds to supervise their activities”, as stated by A.K. Tugel.

According to B.S. Salamov, it is almost impossible for other organizations involved in the legal profession to fully understand the issue of applying appropriate disciplinary penalties to lawyers who have violated professional conduct and ethics rules.

It follows that disciplinary control of lawyers by the legal community is an important component of the principle of corporate self-regulation. The significance of this aspect increases when examined in parallel with judicial structures, as we mentioned earlier, during the court system era, disciplinary actions against lawyers under trial were carried out by two different bodies: the courts and the councils of the presiding judges. Furthermore, disciplinary responsibility for private lawyers was solely within the jurisdiction of the courts.

REFERENCES

Windsor Y.B. Access Just. 210 (1989) Lawyers: The Agony and the Ecstacy of Self-Government, Mew, Graeme [41 pages] https://heinonline.org/HOL/Print?collection=journals&handle=hein.journals/windyrbaj9&id=214

Бойков А.Д. Статус адвоката: содержание, квалификационные требования и принципы адвокатской деятельности: дис. ... канд. юрид. наук. М., 2010. С. 92.

Anand, A. I. (2018). Governance gone wrong: examining self-regulation of the legal profession. Legal Ethics, 21(2), 99–118. https://doi.org/10.1080/1460728x.2018.1551677

Закон Республики Беларусь № 334-З «Об адвокатуре и адвокатской деятельности в Республике Беларусь». // URL: http://base.spinform.ru/show_doc.fwx?rgn=48853.

Закон Кыргызской Республики О введении в действие Закона Кыргызской Республики «Об адвокатской деятельности» 21 октября 1999 г. № 115. // URL: http://cbd.minjust. gov.kg/act/view/ru-ru/278/10?cl=ru-ru

Исанов С.Н. О некоторых нормах законодательства об адвокатской деятельности и адвокатуре // Адвокат. 2004. № 11. С. 12. https://cyberleninka.ru/article/n/nekotorye-aspekty-sovershenstvovaniya-zakonodatelstva-ob-advokatskoy-deyatelnosti-i-advokature-v-rf

Закон Кыргызской Республики № 135 «Об Адвокатуре Кыргызской Республики и адвокатской деятельности». [Электронный ресурс] // URL: http://base.spinform.ru/show_doc.fwx?rgn=68746

M. Mollo. Rules of the Legal Profession in France. Moscow, 1894. // Traditions of Legal Ethics. Selected Works of Russian and French Lawyers (19th - Early 20th Century). St. Petersburg, 2004, pp. 20-29. https://www.signaturelitigation.com/wp-content/uploads/2020/01/Regulation-of-the-Legal-Profession-in-France-Overview.pdf

Tugel A.K. Professional Ethics of Lawyers in Kazakhstan. In: Morality and Dogma of the Lawyer: Professional Legal Ethics. Collection of scientific articles. Moscow: Eksmo, 2008, p. 152.

Salamov B.S. O‘zbekiston Respublikasida advokatlik faoliyati, uning kafolatlari va advokatlarning ijtimoiy himoyasi (tajriba va muammolar): avtoreferat ... falsafa doktori dissertatsiyasi. Toshkent, 2005, p. 24.