



THE IMPORTANCE OF LEGAL RHETORIC IN SOCIETY

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Abstract: In this paper is suggested that law is most usefully seen not, as it usually is by academics and philosophers, as a system of rules, but as a branch of rhetoric; and that the kind of rhetoric of which law is a species is most usefully seen not, as rhetoric usually is, either as a failed science or as the ignoble art of persuasion, but as the central art by which community and culture are established, maintained, and transformed.

Keywords: legal, rhetoric, scientific basis.

Rhetoric is not only a scientific basis for understanding the communicative content of the lawyer's activities in the criminal process, but also a field of knowledge, within which it is possible to systematize practical and theoretical information about criminal defense and build on this basis a modern scientific theory. Rhetoric is a common methodological basis for the practice of criminal defense, and for its conceptual theoretical understanding. It was within the framework of rhetorical knowledge that the possibility of systematically studying criminal defense and defensive speech, as its most significant element, became apparent. The theoretical foundations of the work were formed as a result of an analysis of the works of ancient authors - the founders of scientific rhetoric and the systematization of modern achievements in this field of knowledge according to the criterion of their applicability to the study of criminal protection. In the process of determining the theoretical foundations of the proposed work, it was possible to formulate an idea of the rhetorical method of research, which, in a broad sense, is the basis of the general methodology of humanitarian knowledge. It turned out that both the current state of scientific rhetoric and the tradition of studying judicial eloquence closely approached the formulation of this method and its understanding

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as the natural methodological basis of criminal defense. A lawyer's investigation in a criminal process has always been built precisely based on rhetorical methodology, but a scientific understanding of this fact is only beginning.

This doctrine assumes that the basis of the construction of criminal defense and defensive speech are the goals that determine the logical and "combat scheme" of procedural conviction [2, 65]. The specificity of the goal-setting of criminal defense makes the speech of a lawyer a completely special kind of public word, where eloquence is interconnected with the methodological aspects of knowledge, and the art of the speaker is associated with the solution of the research problem and is aimed at an immediate practical result. Traditional oratory concepts in the rhetoric of criminal defense have a methodological content and reflect a general idea of the system of defensive speech and the system of criminal defense. The composition of the advocate's speech is a sequence of methods to influence the court's conviction, is determined by the speech system and the defense system in this case, and is fully subject to the requirement of persuasiveness, as basic to the hierarchy of requirements for the lawyer's professional activities. The logical-speech basis of defensive speech is determined by its composition, plan and argumentation system. The latter is closely interconnected with the means of speech influence, the choice of which determines the combination of methods for presenting procedural evidence.

In a defensive speech, the court not only offers the attorney's view of the case, but also clearly demonstrates the way of knowing the materials of the judicial investigation. An important characteristic of a speech in the debate is its methodological persuasiveness. Protection in court is based not only on a certain key idea, but also on a reliable system of understanding and presenting the essence of the matter [1, 65]. Such a system is focused on the laws of oral speech and exists within the tradition of judging. The defender seems to think out loud and every



new thought not only follows from the previous one, but is also the result of a certain approach to understanding the problem under study. The argument and methodological usefulness of good speech give it a scientific, that is, rationally convincing character. A possible criterion for the development of a typology of styles of judicial speech is an idea of the procedural and communicatively determined targets of the speaker. It is on them that the speech means of a judicial statement and the variants of an appropriate combination of elements of the functional styles of a literary language depend.

If the method of oratory is the rhetorical method, then the form of its implementation is the oratorical style. The current state of the science of judicial eloquence allows us to develop a theory of criminal defense on a conceptually holistic methodological basis. The rhetoric of criminal defense is a study on the methodology and style of the procedural activity of a lawyer.

The integrity of a lawyer's speech is connected with the logical construction of her material, which is achieved by the accentuation of the main ideas, the construction of separate semantic fragments, and the sequence of transition from one thought to another.

Rhetoric is not only a scientific basis for understanding the communicative content of the lawyer's activities in the criminal process, but also a field of knowledge in which systematization of practical and theoretical information about criminal defense and the construction of a modern scientific theory on this basis are possible [2, 55].

Careful preparation of counsel for the process is one of the most important ethical requirements. It is directly included in the criminal defense system and is inseparable from the process of preparing a defensive speech. The preparation of a defense or the elaboration of a defensive position is the preparation for the defense counsel to communicate with the court. She aims to create conditions for



constructive communication between a lawyer and a court, the outcome of which will be the presentation to the judges of a scientifically based and convincing case resolution project. Preparation for the process is part of the criminal defense system, since it is based not only on a preliminary study of the case materials and its own lawyer's investigation of its circumstances, but also on the work of the defense attorney during the court investigation, where each of his actions simultaneously pursues the goals of knowledge and belief. The lawyer participates in the examination of the case by the court and at the same time seeks to prepare the conviction of the judges for a favorable perception of his speech in the debate.

Situations of communication and preparation for communication are closely intertwined in the rhetoric of criminal protection and constitute a single whole, the most important, the final part of which is a defensive speech. The criminal defense system can be represented only from the standpoint of understanding the communicative nature of this phenomenon, which combines the unity of knowledge and belief, thoughts and words, and the rational and emotional perception of reality. Outside of rhetorical knowledge, it is impossible to provide a general theoretical understanding and a holistic understanding of criminal protection, the practice of which was originally based on rhetoric as the most important and most universal of methodological disciplines.

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