

The Problems of the Legal Profession from the Perspective of Civil Rights (With a Look of Independence, Freedom of Expression and Judicial Immunity Attorney)

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ABSTRACT

When it comes to legal representation, defense, or in other words, the right to defense in mind. Surely the law, the court has its own problems. Given the complexities of the world that, in the modern day, this represented a transformation is needed, but any change requires adequate preparation and support them. The concept of citizenship rights, although the early nineteenth century, the legal literature and sociology has been imported but its origin, human rights, or in other words, the natural rights of man. Necessary to protect the rights and recognition of their Advocated. In many cases, we observe that most of the people due to their ignorance of the law, in many cases of extortion and oppression against. Given the monumental task bar, which is the defense of justice and right, to the rights of citizenship, and the rules it knows about, and expertise in that regard have sufficient defense. However, it is certainly difficult to defend the civil rights of individual citizens to lawyers that this article will be a short review of the issue of payment.

KEYWORDS: civil rights, the right to defense counsel, independence, freedom of expression, judicial immunity.

INTRODUCTION

Right in today's society, an issue that unlike in the past, requiring the presence of persons who are well versed in it. The current court is not the same, there are some issues and problems among human beings, and these problems are solved by the elders. Due to population growth, complex relationships, has created a complex lawsuits. Rights that are at risk of being trampled on, experts at Legal Theorem requires expertise as well. These are the lawyers who practice law with different characteristics such as courage, eloquence, independence and can provide the necessary defense and the preservation of justice. Some of the problems that, in order for the defense lawyers are necessary due to the lack of explanation and clarification, the issue of citizenship rights reserved. A lawyer for the progress of their right to require adequate protection, and even legal for a lawyer can be expected within the rights of citizens. The defense attorney to do better work, be sure that his rights are recognized, and the rocks up on the block is unnecessary.

Civil Rights:

Civil rights, human rights is part of the following series If you are a normal human being, an expression, perhaps some may say that these rights are inherent and that it is not necessary, but in most cases, the violations of basic human nature, and we have to the inability to do some of the people in defense of their natural rights, philanthropy, requiring lawyers to defend them. Different definitions of civil rights occurred, including: "Civil Rights, the human rights framework is, human rights law is set to clot human dignity, regardless of the nationality of the person, be deemed to be, but the rights of citizenship, a bond between individual and state sovereignty, the rights and duties of each person, in connection with the proposed government (Amir Arjmand, 2002). ""Civil rights, legal collection, codified and enacted a constitution and laws for citizens to discuss and clear (Qazvini, 2005)."" Since the early nineteenth century, a group of intellectuals with their humanitarian actions, the concept of human rights to the world's attention has been paid, and no effective measures were taken in this way. For example, the first steps were taken in this way, we passed the Universal Declaration of Human Rights, on the tenth of December 1948 AD, the city of Paris noted. The Declaration by the United Nations General Assembly, took place and after that, different views on the natural and inherent rights protection was performed. "The term civil rights, first introduced in the 1789 French Declaration of the

Rights of Man and Citizen, then topped constitution adopted in September 1791, were evaluated. Universal Declaration of Human Rights, the UN General Assembly in 1948, the signing countries was, in many of the content of the Bill of Rights, and was inspired by French citizens (Afendak, 2004). "It seems, given the weakness of existing sanctions laws and international declarations of human rights, the principles and rules in some cases the cause is, and the way "it should only sign a tacit agreement between the United States and in a series of common ideals, and represent the rights and fundamental freedoms in the field of international thought (Tabatabai Moetameni, 2005), "but in some countries, in addition to accepted international human rights declarations and conventions, the following acceptance among domestic laws the laws as well as civil rights laws, which are enacted, you are considered a legally binding, and is guaranteed to be executed. In this regard, it can be a "law respecting the legitimate liberties, and the protection of civil rights" in Iran noted that, at the ripe dated 12.23.2004 passed by the Iranian parliament, and the law. In addition to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, in various materials to protect the legal rights of mankind, has been noted, the provisions of Articles 10, 11, 9, 8 and so on. It's in the rules, constitution, civil rights as guaranteed by the Persians, was higher than other ordinary legislation, and its implementation is a task. The principle of the law, such as Article 32, 34, 35, 36, 37, 39, 165, and citizenship rights were explained, and the preservation and respect for the law, is highlighted. Among these rights is the right to counsel, in Article 35 of the constitution, is emphasized. The article says: "In all courts, litigants have a right to choose their own lawyer, and if a lawyer does not have the ability to choose, you need to provide them with legal counsel." Article 186 of the Code of Criminal Procedure, in line with this principle, which states that "the defendant can ask the court to appoint a lawyer for him ..."

Components necessary for a better defense lawyer:

To better protect components is necessary, in the absence or deficiency of them, the defense will have problems. Lawyers, who referred to them as the defenders of truth and justice, be on track to defend, free of any problems. Independence, freedom of speech, immunity from legal and proper implementation of laws, legal, and removal of defects including components that, if indeed they are, the lawyers at considerably reduced. To clarify the issue, a brief description of each is provided.

1-independence: Independence is often a factor for progression to know. One of the Toy progress attorney, the defense <his independence, and the independence of the Bar Association is the first result. The dependence Lawyers Bar Association, the trade association that has represented the Bar Association organized the loyalty of his colleagues is, therefore, in the defense and protection of justice, any organ can be involved and stone installation. Independence requires lawyer, is the independence of the Bar. Looking at the Association of the Bar of the world's centers fail to see that one of the factors underlying them, is independence. Independence means the negation of interacting with the device, and various organs, including organs of the judiciary is not independent but in union decisions, and issues related to the Bar is that, in the absence of independence, a serious challenge in the emerging defense will come. Association attorney that he had required independence is most definitely the lack of independence, autonomy, he, too, will take it, he had taken no adequate protection, and the result was his moment of weakness, the result this weakness; it shall be a defense and due process will be difficult. It is true that the young people of the defense of civil rights, but these rights are part of his independence, so it must be maintained. One of the factors in the development of law, the independence is in shadow. Sure independence that aim to respect the rules of public order and religious principles, and ethical, it would be best to civil rights, to be defended. Otherwise, the first to be held to infringe the rights of the Bar and the attorney will be, and consequently society is weak, and will be vulnerable.

2-Freedom of Expression: Although freedom of expression is the inherent and basic human rights, freedom of expression deprive any person of life, it will certainly be a poor person who can not defend their basic human rights,. The person who is an attorney, the court will, without any fear of truth and justice, and to make insightful. If nothing was done to prevent free speech lawyer, he has his freedom of will lose and it will be difficult to defend. The lawyer said, unlike the conscious self, the spirit warrior against injustice, to have implicitly or explicitly, was sentenced to censor or silence. Certainly the concept of free speech, lawyers - who are part of the legal elite - is well known, and they have different laws regarding the aristocracy, it is the ignorance of them knew the limits of free speech.

3-judicial immunity: Lawyers for the defense of their clients, they should face the obstacle of fear. Fears of license revocation, failure to renew a license, illegal pressures, rebuke and illegal detention, and several other illegal acts, including the fear they can, that they can be named as non-judicial immunity lawyers, who instead could be a serious problem, is considered. According to the lawyers, court staff, are always a must have judicial immunity is necessary. In 1988, the Expediency Council approved a single article, which states: the right to counsel, the court and defense counsel all respects, and that a judge's judicial immunities. However, in some cases we are seeing, materials such as single article mentioned, there remain only on paper, and the implementation problem. In most countries, because the defense is not difficult to establish the necessary legal and practical protection for the front solicitors are required. For example, "the French judicial immunity Lawyers, Article 4 of the Law of 29 July 1881 also pointed expression, press freedom, but the immunity of judges Old French known conventions and jurisprudence, courts have found it to be explained. Parties, and their lawyers could complete freedom of action in the courtroom and defend their ideas, express and be immune from criminal prosecution. these forbidden pursuit, immunities or jurisdictional immunity defense lawyers, and called parties and arising from freedom of expression, which, in the constitution of any country in the world, has been mentioned as one of the nation's freedoms and rights. jurisdictional immunity of lawyers, principally including their statements and writings, and the court should be concerned In the case, and other in another case, it cannot be used(Sadrzadeh, 2006). "Therefore, to ensure that the right part of the natural rights of citizens should be sanctions on jurisdictional immunities of solicitors, has undertaken various problems, in particular, is prevented.

4-proper implementation and revision of the rules: Counsel, as previously mentioned, the constitution and other laws, including Article 186 Q, A.d.k, has been accepted, even among people of the world are civil rights. But in some cases, unfortunately, due to the number of steps of the investigation, and prosecution (Confidential - open) problems in the defense, the lawyers there are, the problems of civil rights, are also affected. Right to a fair trial, the Convention and the Universal Declaration of Human Rights - such as Article 14 of the Covenant on Civil and Political Rights, - Civil Rights emphasizes the maze of local laws restricting the other one is, in objectives conflict with the rights of citizenship, and placed. Right to counsel must be flawed, but at all stages (from the research stage to sentencing), exist. As "Povatin –Lawyer of French says the right to defend human rights, and never not be applying it, it can be prevented and should be guaranteed(Sadrzadeh, 2006)." According to the principles of the Declaration of Human Rights as well as Article 36 and 156, which, as noted, are fair hearing, the fair hearing must be said, depends on the presence of a lawyer at all stages of the proceedings (investigation until the completion of the trial) in the is because when a person is questioned, or detained shall be required to be experts in their citizenship rights, which God forbid, due to lack of awareness of the law and their rights, have difficulty Why is not the absence of counsel in the investigation, trial or hearing, also makes it difficult in many cases. Lon. L. Fuller discuss the professor at Harvard University, states: "A judge's power and the power of reasoning, will not recognize it unless the mouth of someone who all his intellectual power, to allocate data articulate defense, not heard. Perform this task on the lawyer is responsible. task was to decide, but encouraged and guided in the desired direction ...(Mostavafi, 1978). "An example of where the problems are solicitors, in defense of the view of civil rights, it can be a mismatch between the text contained in Article 35 of the constitution, with other materials such as articles 128, 186 and 185, Code of Criminal Procedure, Article 3 single article law respecting legitimate freedoms and protecting civil rights, the "Z" seventh paragraph of Article 130 of the Law of the fourth Economic, social and Cultural Rights of the Islamic Republic of Iran noted that, together, they aim to protect the rights of citizenship, which it is also a component of the right to defense, which makes it difficult, because the wind is right from the start of the investigation, but according to the comments of various materials, the presence of a lawyer during the investigative stage, prevented the comes. It is worth mentioning that, if their lawyer is deemed to be a judge, so shall also the investigation of various barriers to prevent an attorney, because he considered judicial cooperation, and according to his nobility rules are violated, he is far from the path of righteousness, and God forbid if his offense is likely the reason for their absence is considered, the possibility of further judicial cooperation can be possible, and if it does not comply provisions of the criminal law will be applied. So the problem, in the defense and fair trial is done, be sure that the rules are properly implemented, and substrates necessary for the lawyer to be provided at all stages of the proceedings, and the ambiguities in the law, such as the "Confidential of", "being immoral", etc.,

should be clarification of the rules to be respected judges with their partners (lawyers) interactions are necessary to ensure that the existing problems in the fair trial and defense, is prevented.

Conclusion:

Considering that the Universal Declaration of Human Rights and Islamic teachings, as well as the letter of the constitution, to preserve the rights of the defense, a fair trial and right to counsel requires that several problems that are better for defense lawyers, disrupt makes be overcome. Issues that were discussed, including issues which, in the case of non-compliance with these various problems, the defense lawyers will come to that, at the macro level problems, civil rights affected, security and justice citizens will be disrupted.

Suggestions:

To achieve the objectives, the Advocated protect and defend the rights, and protection of justice and the lack of problems in the defense, the lawyer colleagues, following the suggestions offered.

1. Trying to explain the necessary insights in the development of advocacy
2. reviewed and matching of international law, the independence, freedom of speech and the jurisdictional immunity of lawyers, civil law
3. Provide constructive perspectives and scientific associations of lawyers, the legal ambiguity fixing and revising legislation, the relevant authorities, including the legislature
4. Release Notes and educational books and news you need, the civil rights and the law
5. provide the necessary scientific perspective, the stability and independence of the Bar Association Lawyer
6. Using the mass media to inform the public, the difficulties in the way of defense lawyers
7. regular contact with the Association of the Bar of the world, including the International Bar Association
8. engagement with local and international judicial bodies, in solving the problems
9. up workshops for proxy problems

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Rules

- 1 Universal Declaration of Human Rights
- 2 Act respecting the legitimate liberties and civil rights
- 3 constitutions
- 4 Criminal law
- 5 Law of the Fourth Economic, Social and Cultural Rights of the Islamic Republic of Iran
- 6 International Covenants on Civil and Political Rights