

Advocacy : Ethics Covers Organized Aspects

المحاماة: أخلاقيات تكتسي مظاهر التنظيم

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Abstract:

Law is considered as the work of morals. Moral rules and norms are the solid core and the basic building block for all laws, so that they are considered as an edifice and a pillar for creating the spirit of laws and legislations.

Advocacy, as the light of justice, is based on ethics, norms and values that have made this profession superior to and above all paid professions, and these ethics have been developing and moving through the ages and moving smoothly until it became professional customs to work with, but did not stop at this point, but developed until it were regulated by legislation and took the form of legislation and became as a source of law. Whereas, ethics was the main basis and inspiring source for organizing the advocacy profession, which was derived from the global principles, and the Algerian legislator draw the idea of organizing the profession of lawyer from the prevailing global principals organizing the profession control the behavior of professionals.

Keywords : Advocacy, lawyer, council, justice, law

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الملخص:

يعتبر القانون صنيع الأخلاق فالقواعد الأخلاقية و الأعراف هي النواة الصلبة و اللبنة الأساسية لكافة القوانين، بحيث تعد صرحا و دعامة لخلق روح القوانين و التشريعات بحيث غالبا ما تتطور الأخلاقيات و الأعراف فتكتسي حلة قانونية فتصبح عبارة عن قواعد و قانون تضبط السلوكيات و تقيدها . فمهنة المحاماة بوصفها نور العدالة تقوم على أخلاقيات و أعراف و قيم

جعلت من هذه المهنة تسمو و تترفع عن كافة المهن المأجورة ،و هذه الأخلاقيات ما فتأت تتطور و تنتقل عبر الأزمنة و العصور و تنتقل انتقالا سلسا حتى أصبحت أعراف مهنية تداول العمل بها بل لم تقف عند هذا الحد بل تطورت حتى تم تنظيمها من طرف التشريعات و أخذت شكل قالب منظم و صورة قانون منظم أصبح يعتد به كمصدر من مصادر القانون. حيث أن الأخلاقيات كانت القاعدة الأساسية و المصدر الملهم لتنظيم قانون المحاماة و الذي تم استنباطه من المبادئ العالمية التي تحكم قانون مهنة المحاماة وتضبط سلوكيات المهنيين في المهنة ،ويجدر التنويه إلى أن المشرع الجزائري قد استسقى فكرة تنظيم مهنة المحاماة من المبادئ العالمية السائدة و المنظمة للمهنة .

الكلمات المفتاحية: المحاماة ، المحامي، المجلس ، العدالة ، القانون

Introduction:

Law is a structure constructed by moral rules, because laws are often the product of relations of thug morals and organization, whereby moral rules take the form of organization and become like legal rules that define boundaries and parameters.

So that the law in itself is a set of rules of conduct that have been socially enacted and approved, and becomes obligatory, then it becomes are binding on all members of society, so morals move from being a set of duties and norms inherent in societies and socio-philosophical speculations to the level of organization.

Ethics does not always remain locked in the speculation of moral philosophy; in most cases, they rise to take the form of concrete legal rules, combined with a goal and a standard. Professional ethics is a hybrid law; this is the case for professional ethics in the legal profession, which has risen from being pure morals and reflections to legal codes and rules that control behaviors. To it as a source of law and as a source of the profession to achieve justice and balance between practitioners, to control the behavior of those belonging to this profession and to eliminate all seeds of discord that lawyers may encounter in their professional paths.

I- Advocacy: adherence to international principles

The profession of lawyer is a free profession closely related to the judicial authority in revealing facts to achieve justice, asserting the rule of law and establishing justice in society. For the laws followed in all fields, defending the rights of persons and spreading legal awareness for citizens with knowledge of their rights and duties ⁽¹⁾.

The profession of lawyer is a profession of secrecy and honor it is based on the harmony of a set of morals and norms and the practice of the legal profession is governed by The law, and this is why no one can deny that legal counsel is an imperative of justice, and one of the necessities of justice, as it represents a whole, indivisible and inseparable, otherwise it collapses and is null. That is why “Solon “says: “It is impossible to imagine a judgment without a defender or a judgment without a defense.” It is a fundamental stone at the base of the pyramid of justice ⁽²⁾.

Lawyer ship is based on ethics, which has been codified in international principles and charters and has been enshrined and moved from being purely ethical to acquiring an international and constitutional legal framework that all individuals abide by and has been added as a legal basis to the international legal environment.

1- signs of professional ethics in international charters

International conventions are considered as the first entity to give ethics the status of organization and make it as legal rules that the world will follow its approach in the profession of lawyer, and countries have been compelled to deal with it. Might be this is what was emphasized in the preamble to the Charter of the United Nations to emphasize the need to achieve justice for peoples and establish balance and The dedication to respecting human rights without any distinctions or discrimination.

Justice cannot be achieved and its system established except by ensuring the independence of the judiciary and the independence of the legal profession, and this is what the decisions issued by the United Nations and international conferences have indicated regarding the independence of the

legal profession and the basic guarantees of this independence and without breaching it.

All the ethics on which the profession of lawyer is based have been restricted and traded as norms and restricted as legal rules that are followed that control the rules of conduct 1. Ethics is an important basic rule on which professional codes of conduct are based. It is the responsible factor for the proper functioning of the profession in global organizations ⁽³⁾ :

(1-1) The United Nations Resolution: *The first approach to ethics in the category of legal existence*

United Nations Resolution No. 40-34 of November 29, 1985 ⁽⁴⁾ issued by the United Nations is considered the first step in organizing the profession of lawyer, as it was a legal leap that moved ethics related to as the profession from being purely moral philosophies to codifying them and making them legal rules that control the behavior of lawyers in the whole world ⁽⁵⁾.

But despite of considering that the decision issued by the United Nations Organization is one of the most important international covenants that devoted to organizing the legal profession and codifying the ethics issued by it, it is reproached for that it came without stating what these rights are aimed at strengthening their protection ⁽⁶⁾.

(1-2) The Havana Convention: *An interaction between restricting ethics and establishing basic guarantees for the profession of lawyer*

The Eighth United Nations Conference on prevention of crime and the treatment of offenders , held in Havana from August 27 to September 7, 1990⁽⁷⁾ adopted a set of ethics upon which the legal profession is based and given a legal formula, so that this agreement witnessed a clash between codifying and organizing the profession's ethics and giving it an international legal formula to follow Lawyers in various countries and the establishment of basic guarantees for the profession of lawyer, which allows the lawyer the appropriate legal environment to practice his work, as the agreement emphasized the need to create appropriate conditions and create the appropriate environment for the advancement of the legal profession, which

is one of the doors of justice and the creation of the necessary legal rules To control the behavior of protectors and establish justice ⁽⁸⁾.

This agreement also adopted the determination to achieve international cooperation in the field of the profession in promoting and encouraging respect for the rights of the lawyer and devoting the basic freedoms without distinction of sex, language or religion, to create conditions under which the legal profession can be preserved from extraneous habits and intrusions by some Substantial groups, as these ethics stem from certain systems that are represented in the system of the individual according to his behavior and his method of thinking, as well as from the system of values and ethics prevailing in society, as well as from the most important system represented in the international regulations and laws that govern the profession ⁽⁹⁾.

(1-3) The Noto Conference: An Embodiment of Professional Perceptions:

The Noto conference was held in Sicily in 1983, ⁽¹⁰⁾ so that this conference listed a set of basic principles important for the work of **lawyers (lawyer – attorney – counsel- barrister)** and the guarantees granted to lawyers. The conference also included a set of professional ethics that were internationalized so that this conference was based on hybridization of ethics and linked to the guarantees necessary for the practice of the profession.

Might be the most important ethics that this conference sought to consecrate are manifested in integrity in practicing the profession, as well as honesty and commitment to neutrality, adherence to the law, submission to conscience, moderation, and politeness in presenting the position, and in saying, pleading and keeping away from prejudice and fanaticism ⁽¹¹⁾, Not only in the practice of the profession, but in all other affairs of life, because the first of the attributes of a lawyer is the high moral commitment that places him in harmony with his judicial role. All the legislations regulating the legal profession have stipulated that such qualities must be present in a lawyer, but rather considered them a basic and necessary condition for the practice and practice of the profession ⁽¹²⁾.

The lawyer's courage lies in reconciling the performance of his duty with his escape from the dilemma of the situation, and siding with one party

over another, according to a bribe, reward, or promise of a position or the like. Likewise, courage appears in the face of an opponent who may be influential in society⁽¹³⁾.

In addition, the lawyer must not adhere to his duty on his own accord only, but rather he must abide by the duties of other attorneys that have no bearing on the litigation.⁽¹⁴⁾

(1-4) The Seventh United Nations Conference:

As an instrument of freedom and independence of the profession:

This conference was held in Milan on 26/08/1985. ⁽¹⁵⁾ , it included lofty principles that transcend all means that prevent crimes of all kinds and forms. Might be the most important principle mentioned in this conference is the embodiment of the idea of the independence of lawyers 'work.

Ethics and while these morals were, in past, mere norms, traditions and literature, they became laws that international conventions gave the legal character and mandatory character.

Might the independence of the lawyer be one of the most prominent ethics on the throne of legalization which is generally intended to establish their role while they are free from any pressure, and to carry out their duties towards their clients with integrity without interference from the executive, legislative and even judicial authorities in their business class ⁽¹⁶⁾.

The independence of the lawyer, on the other hand, is not a privilege that allows justifying breaking the law or violating the judiciary, even in the context of service to the interests of his clients. Independence is a protection tool necessitated by the nature of the organic interdependence between the task of the judge and the lawyer, in the administration of justice.

In view of the need for independence in the judicial and legal field, international and regional legislations have attached importance to the matter. For example, Article 11 of the Universal Declaration of Human Rights requires the provision of all necessary guarantees to defend the accused in a fair trial, and enshrines the same principle, And the Athens Declaration issued by the International Committee of Jurists on the Rule of

Law in 1955 affirmed the independence of the legal profession and its freedom from outside interference, to ensure respect for the rule of law⁽¹⁷⁾.

2- Ethics in the profession of lawyer, a merger between ethical law and professional customs norms

Ethics is a fundamental pillar of the legal profession, as it is the pillar that tightens the pegs of this noble house and protects it from the social and economic developments that may plague it if this basic building block that tightens its foundation weakens

Ethics in its concept of the profession of lawyer are part of the professional customs, ethics and legal rules that have been expelled over the years and generations have multiplied to preserve them as a kind of professional memory for the profession, and it is a source of positive law for the legal profession.

Morals are generally considered to have a non-legislative origin. Rather, their origin is self-regulation, which is necessarily imbued with moral values⁽¹⁸⁾

(2-1) Ethics is part of professional customs:

Professional ethics were formed in a steady manner and with the frequency of years, as it is part of the norms established by the pioneers of the black dress. Before delving into the relationship we must define customs as “has been the practice of people since covenants that took time. the obsolescence of the covenant and growing of its duration to the extent that acquired the characteristics of a command by which there is no room for transcending or deviating from, as it is a two-faced entity, one of which is material and the other is psychological The custom is based on a material element, which is years that have been systematically expelled and entrenched from generation to generation, and a moral component consisting of force that is mandatory and customary, the source of which is general dependence 19.

As for professional norms, they do not differ in their definition from custom in general, except that their source is a specific group of professionals that have formed overtime rules of behavior that regulate the profession to

which they belong, recognize them and stain them with a mandatory character that is no less powerful than the binding force of law, so it becomes the only source of legislation where all customs are applied Which have been recognized and take the form of legal solutions and rules ⁽²⁰⁾

The law relating to the legal profession is the product and essence of the ethical rules and professional norms that the professional structures, law professors and informal human rights associations have developed into professional norms in order to control the ethics of the profession.

Professional ethics and professional norms have been developed in order to be familiar with everything related to the profession of lawyer, as it is an integral part of the legacy that is referred to. Professional norms have formulated a set of ethics that have traveled among professionals and have become like a professional covenant and constitution and have become an inseparable part of the traditions of the legal profession and have become as modern legal formulas and rules that are referred to Professional norms formulated a set of ethics that marched among professionals and became a professional covenant and constitution, and became an inseparable part of the traditions of the legal profession and became like modern legal formulas and rules to be referred to, and this ethical behavioral rule is part of the long-standing professional norms that the first in the profession The attorney general is well established and has no echo in legal texts ⁽²¹⁾.

Thus, ethics are part of professional customs and a guiding light for lawyers in their work, as they are very important moral restrictions, including that even after the legalization of the legal profession; ethics remained an important support when drafting legal texts

(2-2)Ethics as one of the sources of the legal profession

The laws that regulated the legal profession have made morality a source of these laws. However, the interpretation of moral duties and their explicit inclusion within the legal chapters varies in degrees between the legal systems of different countries and legislations. It is noticeable that the international legislations related to the legal profession have included lofty and unified ethical principles in most cases, and these ethics are represented

in: freedom, independence, honor Honesty, the secret of the profession, integrity, moderation, decency and the duty of collegiality. These principles did not come to be interpreted or defined. Rather, legislations used them within the legal chapters and on an occasional basis, and it was not indicated if these mentioned principles were exclusively or for example. But it is often believed that the ethical principles enshrined in the law regulating the profession came as an example, and in all cases they came as a general, under which many ethical principles may be included that cannot be relied upon ⁽²²⁾

This material dedication to the ethics of the profession is of the utmost importance, because the ethical behavioral rule, if it is customary or agreed upon, is obligatory and its ability to exist and persist is weak, given that the only deterrent in the form of its violation is the human conscience alone, whereas when this moral rule is classified within a law, then Its mandatory character becomes more explicit and sophisticated, considering that the power of punishment becomes external to the person and his conscience and is linked to a professional structure or public authority

It contains among the ethical principles of preserving a professional secrecy, preserving the prestige and honor of the legal profession, and working to raise the level of the legal system ⁽²³⁾

The protection of professional morals constituted the spirit of these texts and the prudent who called the lawyers to unite to protect this ancient profession ⁽²⁴⁾, so the ethical base constitutes an important source in the legalization of the legal profession in the legal profession, so that morals in general have a renewed quality that is colored according to its surroundings and is constantly shaped according to the new social and economic variables And cultural, what is moral today may not be tomorrow. And it is also applied to the ethics of the legal profession, which develops with the development and societies develop.

II- Advocacy: in Algeria: between reality and legal framing

The organization of the law firm in contemporary Algeria has gone through several stages, whereby it has undergone a number of amendments

and changes, and this demonstrates the interest of the Algerian state in the legal profession and its awareness of the effective role of this legal arsenal to protect the profession and promote and link defense rights with internationally recognized standards.

And what can be noted is that Algeria went through two stages in organizing the ethics of the profession and making it as a source of legislation. The first phase after independence is to eliminate the organizations inherited from colonialism and the elimination of French man-made laws and colon laws and to sever the link with French law, and the second phase is the phase of the actual organization of the profession. .

1- The laws that regulate the profession after independence: the elimination of extraneous laws

In the aftermath of independence and as a result of several factors, considerations and obstacles, the newly independent Algerian state could not work to abolish all colonial laws and legislation by national legislation. Therefore, Law No. 67-202 was issued, which extends the work of French laws to the purpose of regulating laws for the Algerian state those who included the law organizing the profession.

And with the requirements of social, economic, and legislative urges, the independent state found itself obliged to create laws in line with public order, public morals and religion in Algerian society. Major reforms in the judicial structures, according to the order 72/60 of 11/13/1972, which is considered as the first law regulating the profession under the independent state and which coincided with the battle of building and construction.

This law canceled Ordinance No. 67-202 and is considered as the first Algerian law to regulate the profession after independence. It was canceled by virtue of Order 72-60, which regulated the legal profession again, and then the profession was reorganized with new rules according to the order.

(1-1) The regulation of the legal profession under Ordinance 67-202

This law issued under Ordinance 67-202 dated 09/27/1967 is considered the first legislation issued by the newly independent Algerian state, which gave the professional ethics of the legal profession the form of organization

and added it to the arsenal of the sources of law. An end to the enforcement of French legislation in the field of the legal profession, and it should be noted that before the order is issued The issuance of the ordinance No. 67-202 A previous decree was issued on 04/23/1965, where this decree contained pivotal amendments in the profession law by canceling two conditions of access to the profession, which are the requirement for the candidate to obtain a certificate of professional competence for attorney to practice the profession and change from the training methodology and Reducing it to one year instead of three years, and perhaps the aim of these measures is to keep pace with the lived reality that coincides with the modernity of the contemporary state ⁽²⁵⁾.

As for the ordinance No. 67-202, regulated all aspects of the lawyer profession, as well as all the changes in the legal profession in independent Algeria and made it respond to the reality of the newly independent nation.

a- Establishing the Bar Council.

This council was established by ordinance 67-202, and it consists of all lawyers who practice their professional activities at the national level, and this council is based in the capital.

As stipulated in Article 40 of the Law on Advocacy, and this council is considered a central body, since before the issuance of this law, 90 organizations were distributed over the national territory, so that this law gathered all organizations into one central organization ⁽²⁶⁾

b- The election of the president of the bar and the two assisting presidents.

Article 27 of the same ordinance 67-202 dated 9/27/1967 stipulated that the president and his assistants should be elected by the members of the National Syndicate Council who meet for this task within the first week of his election. The president must have 15 years of seniority in the profession as for his assistants both of them are required to have 10 years of seniority from practicing the profession

Article 28 of the same law stipulates that the president is the one who represents a civilian in the national union, and is elected from among the

members of the executive committee for a period of two years, during the 15-day period following the election of the council ⁽²⁷⁾

c- the Executive Committee: as an executive body for the decisions of the Council

Article 27 of Ordinance 67-202 stipulates that the National Syndicate Council shall elect from Among its members an executive committee, for a period of two years, during the 15-day period following the election;

The council and this committee consists of the president as chairman, the two assistant presidents and 08 members, they are elected by absolute majority in the first session by secret election and by majority in the the second session.

Article 35 of the order stipulates that the executive committee may not include more than 03 members, including the president and assistant president, are within the jurisdiction of one judicial council.

This committee is considered the executive tool for all decisions issued by the Council, in addition to it exercises all the powers vested in the Council related to admission to the legal profession and all cases that it concerning discipline resulting from professional mistakes committed by lawyers ⁽²⁸⁾

d- The Creation of the mixed appeal committee

The Mixed Appeal Committee is a new body in Algerian legislation and a new body, as stipulated in Article 54 of Ordinance 67/202, "It consists of three judges and two lawyers headed by a judge, and the Minister of Justice is a judge who performs the task of the public prosecution."

Its competences revolve around the adjudication of disciplinary cases brought to it, either by the punished lawyer or by the Minister of Justice, after a decision by the Executive Committee, and the decisions of this committee are subject to appeal before the Supreme Judicial Council.

And what should be noted in the end is that this order has canceled training and replaced it with civil service, Whereas the legal profession was prior to the Ordinance 67/202 , that is, according to French law, the candidate for attorneys must acquire a certificate of professional competence for attorneys in order to register his name in the training list for a period of 4

years and may extend to five full years, noting that the training period was reorganized according to the Algerian decree and was reduced The period of up to three years, of which the trainee will spend two years in the representations of the courts or judicial councils, and perhaps the reason behind this is to enable the lawyer who stalked out of all the secrets, laws and practices related to the profession

(1-2) Regulating the profession of lawyer under Ordinance 72-60

The Ordinance 72-60 of 11/13/1972 ⁽³⁰⁾ brought radical and profound reforms in the matter of organizing the legal profession, after 10 years of independence and 5 years after the issuance of Ordinance No. 202/67. :

a- The necessary conditions for registration in the roll:

Article 07 of Ordinance 72-60 mentioned and defined the conditions for registration as follows:

- To be a holder of the Algerian Nationality
- To be at least 21 years old.
- The candidate must have a bachelor's degree in law.
- Enjoy full civil and national rights
- To have the ability to practice the profession and its burdens.
- Completion of the period prescribed for civil service.
- Obtaining the approval of the Minister of Justice in appointing the candidate attorney to the location it exercises its activity ⁽³¹⁾.

And due to the widespread protest campaign against the application of the last condition and its difficulty, this condition was canceled:

- The requirement to obtain the prior approval of the Minister of Justice, in order to accept the registration on the roll, which was stipulated in Paragraph 07 of Article 07 of Ordinance 67/202

It also regulated the period of acquisition of Algerian nationality as a condition of candidacy for the profession and set it as a period of five 05 years at least, taking into account reciprocity in the legal field

b- The legal oath: ensuring that the profession is subject to the law only

Article 11 of Ordinance 72-60 adopted the legal form of oath, "I swear by Allah, who there is no god only he, to perform my duties with honesty and

honor, to preserve the secrecy of the profession, and to respect its laws, traditions, and goals.”(32).

Thus, the extent of the positive development brought about by the amendment becomes clear, as the lawyer was released of submission to the various judicial bodies and public institutions, without mutual respect, but rather His submission became only to respect for the laws that govern the profession, its traditions, and its objectives which are Spreading justice, and giving everyone his right.

c- The training period: a link between training and service condition

Ordinance 72-60 60/72 restored the training period for lawyers, while preserving the condition of performing the service and maintaining its duration due to the lack of experience and the lack of knowledge of lawyers and as a result of canceling training according to Ordinance 67/202 and replacing it with civil service for five years, And to be registered in the schedule, with the exception of members of the National Liberation Army and members of the National Organization of the National Liberation Front, who were exempted from training.

The law also included a number of amendments, which are:
Giving every lawyer the right to challenge the Bar Council elections alongside the Minister of Justice, noting that only the candidate or minister was entitled to contest the elections.

Approval of the Bar Council of lawyers who have been registered for 10 years with the Supreme Council, noting that this specialty was within the powers of the Minister of Justice only.

The establishment of the Disciplinary Board to be elected from among the members of the Bar Council for a period of two years, as the discipline was within the jurisdiction of the Executive Committee, as the suspension of the attorney who was prosecuted in court became the jurisdiction of the Disciplinary Council at the request of the Minister of Justice at a time when the lawyer was previously suspended by the hearing judge Or the attorney general, and the National Bar Council has no role to play from a legal

standpoint. Thus, the lawyer has the necessary legal protection, which encourages him to carry out his task in the best way.

Creation of associations, community offices, and lawyers' firms ⁽³³⁾.

(1-3) Organizing the lawyer profession in Algeria under the ordinance 75/61

The ordinance 75/61 was issued on 09/16/1975 ⁽³⁴⁾ and this order came with a set of amendments in the law of the legal profession and emphasized new aspects related to the profession:

a- Shortening the training period: a conflict between reducing the period and exemption.

Article 20 of Ordinance 72-60 stipulates that a candidate for the profession of law must, after being admitted to a two-year training, exempt from this period the (Mujahideen), members of the National Liberation Army and members of the National Organization of the National Liberation Front, but the text of Article 19 of Ordinance 75/61 61/75 It provided for the reduction of this period to one year, instead of two years, and added a third category to the exceptions that existed in the previous law, represented by the ordained judges who exercised their duties for more than seven years.

It can be seen in this amendment that it weakened the defense function and was not in the interest of the profession As this period is very short and insufficient for the lawyer lying in wait to be able to familiarize himself with all laws, train in practical reality, and be acquainted with all the secrets of the profession and practices

b- Changing the oath: the domination of socialism over the lawyer profession

The form of the legal oath taken by a lawyer after his candidacy for a profession and its acceptance has been reviewed and this amendment falls within the ideological orientation and political ideas that dominated the system at that period, represented by the communist thought, so that this modernization falls within the scope of the expansion of the dominance of the socialist system over the legal profession, which used to refine ideas in that past period and thus the article came 11 From this matter as follows: “I

swear by ALLAH, who there is no god only he to perform my duties faithfully, to keep the legal profession secret, and to defend faithfully the principles and gains of the socialist revolution.” ⁽³⁵⁾

Thus it becomes clear that from a comparison of the oath text included in Article 11 of Ordinance 72-60, for this oath has been added to the last phrase, which is: "And I sincerely defend the principles and the gains of the socialist revolution

2- Regulating the lawyer profession under Law 91-04

With the issuance of Law 91-04 regulating the lawyer profession, a number of amendments and additions were introduced to the profession law. What distinguishes this law is that it was issued parallel to special social and political conditions that prevailed in that era, so that it was issued with the issuance of the 1989 constitution, which came up with a new political system based on Partisan pluralism and demolishing the principles of socialism, separation of powers, and thus expanding the field of rights and the exercise of political freedoms in society.

This law worked to regulate the legal profession at the regional level, then to organize the legal profession at the national level, and the law also dealt with the internal legal bodies of the bar association, as well as the external bodies and in particular their organization, how they are formed, their powers, and the decisions issued by them.⁽³⁶⁾

The Law 91-04 considers the legal profession a free and independent profession that works to respect and preserve

Rights of defense and contribute to achieving justice, and works to respect the principle of the rule of law, and guarantee Defending the rights and freedoms of the citizen, and this is what it included in its first article of Part One.

Hence, it becomes clear how great the importance the legislator gave to this profession, as it was considered the lawyer is a direct party to achieving justice, hence the role of the lawyer in Law 91-04 a fundamental and effective role that includes many fields, such as providing the necessary advice and legal advice and assisting litigants, and representing them before

the various judicial or disciplinary bodies, with a guarantee Defend them, and he also enjoys his capacity as an assistant to the judiciary to present written pleadings and petitions before judicial authorities in Arabic only.

In this section, we will study some of the elements mentioned in this law and these elements as follows:

** Restructuring and distributing lawyers' organizations and limiting them to 11 organizations distributed over the states, which are the regional organization of Algiers, Blida, Medea, Tizi Ouzou, Oran, Tlemcen, Mascara, Constantine, Batna, Annaba, Setif, according to the text of Article 31 of the aforementioned law .*

** Reset the laws on joining the organization and set all conditions for joining it.*

** Making the Lawyers Organization an executive body for the Lawyers Organization and discussing the method for its formation, the method for electing its members, and the methods for objecting to the elections and challenging the results.*

Reveal the methods of electing the president of the bar and his powers.

** He was also exposed to the formation of the disciplinary council, its powers, and the procedures followed before it*

** might the creation of t the federation council be the most important aspect of this law is the creation of the Federation Council.*

3- Regulating the legal profession under the Law 13-07 the new Law 13-7 *which regulates the legal profession, established a set of new conditions for joining the profession, and brought radical and profound amendments in this regard.*

Where the enrollment is by conducting a national competition, and not by automatic registration, and the contest winners will join the National Law School.

The most important thing contained in the amendments brought by this law is:

** Set the conditions for joining the training to obtain the certificate.*

** Establishing regional schools to train lawyers*

(3-1) Introducing amendments to the conditions for the legal profession

The new law regulating the lawyer profession has laid down conditions for joining the profession, where it created a compulsory national competition, in which the winners transfer to training to obtain a certificate competence for the legal profession the legislator has exempted a certain category from the requirement to obtain a certificate of professional competence for law.

a- Passing a national competition: as a condition for entering the profession

According to the text of Article 34, Paragraph 01 of the Advocacy Law 13-07 , regulating the legal profession Dated October 29, 2013, “The training shall be entered to obtain a certificate of competence for the legal profession through a competition ...”

And this law followed the same approach followed by the law organizing the profession of judges

And that by setting up a national competition to enter the profession parallel with the establishment of a national school that takes care of training in order to improve and raise the pace of the level, and in the absence of the national school and its lack of completion, the Faculty of Law is responsible for organizing this type of competitions pending the establishment of national schools.

b- Conditions for running for the competition:

According to the second paragraph of Article 34, every candidate must:

** be a holder of Algerian nationality, while observing the judicial agreements.*

** To have a Bachelor degree of Laws degree or equivalent certificate.*

- must have a bachelor's degree in law.

- Enjoy full civil and political right.

** must not have been previously sentenced to punishment for acts of dishonor or moral turpitude the public.*

** That his health and mental condition allow him to practice the profession*

(3-2)After winning the competition

Winning the national competition is the first step to obtain a professional competence certificate, as the new law has added a new condition stipulated in Articles 33 and 34 of the Law, whereby the winners of the competition will join regional schools to follow up their formation instead of the automatic registration that was approved and this confirms the campaign of deep reforms That this law came with the aim of reforming the justice sector and making the legal profession a qualitative transition.

- Exemption from the certificate of professional competence according to the text of Article 35 of Law 13-07 regulating the legal profession, and subject to the conditions Included in the text of Article 34 of the same law, exempt from the profession of proficiency certificate advocacy:

Judges with at least 10 years of seniority of practice.

Persons holding a PhD in law.

Professors of law schools who hold a master's degree in law or its equivalent Practitioners for at least 10 years.

What is observed in this law is that it included serious amendments that touched the various aspects of the profession and worked to raise the level of training and qualification of the lawyer, as this law has filled a group of gaps and deficiencies included in the previous laws, but what is noticeable is that this law encountered many obstacles Perhaps the most important of these is the delay in establishing the regional private schools due to the financial hardship the state has gone through.

Conclusion:

The organization of the profession of lawyer is based on lofty international principles and foundations, and these principles and ethics are what give the profession its prestigious position as it has become one of the most prestigious and honorable professions.

The profession of lawyer is based on an edifice of ethics, customs, customs and professional traditions which made the profession of law

characterized by morals, ethics and legal regulation, which made it to rise above paid professions?

And these ethics have been regulated in international charters to move this organization to the person who must have honor, honesty and sincerity. Therefore, it must, and must be pure, for those actions that do not earn those who practice them only the honor of success.

Therefore, the lawyer must adhere to the noble and lofty goals, the ethics of the profession, and don't Breach of the duties conferred on him by law, and he kept stressing them that would guide his life Professionalism is high, and makes it a real tool to serve human rights and freedoms.

In addition to professional duties, we find that the Algerian lawyer is unlike some countries enjoy independence in exercising his duties, and he also enjoys the rights that guarantee the Independence.

And professional ethics have been organized according to international charters and been transferred to multiples constitutions and become a source of legislation, and the Algerian legislator has adopted the codification of these ethics after independence according to stages and periods that show the legislator's interest in the profession.

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19. Antony Pierre, « L'avocat et la déontologie, notion », Paris, 2012, p45. According to the definition of Jeremy Bentham, considered as the historical father of this word, ethics is the theory not of rights, but of duties, and in particular those inherent in the exercise of a profession. According to its inventor, it would be the knowledge of what is just and suitable, and the term would apply to all the moral rules that govern a, in his view, this part of the field of actions which did not come under the control of the legislation. Generally considered to be non-legislative in origin, ethics is similar to self-regulation, but it is more than self-regulation because, contrary to ethics, self-regulation is not necessarily imbued with moral values. About it, moral or ethical. This one does not concern only the rules relating to the exercise of a profession. But it is sometimes used to designate the hard core of the most moral rules of ethics.)
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33. Ordinance 75/61 of 09/16/1975 regulating the legal profession
34. What is clear from the text of the oath is that loyalty to socialist principles was implanted in it, as the Algerian regime was affected by the socialist doctrine during that period.
35. What is to be noted in this law is that it carried out a procedure that was not previously mentioned, whereby the distribution of organizations across states was restructured and confined to 11 organizations distributed across the largest states, and the centralization of the law firm was defeated.
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