

<b>Program: Doctoral Academic Studies</b>
<b>Course title: SOCIOLOGICAL ANALYSIS OF THE LEGAL PROFESSION</b>
<b>Teachers:</b> Professor dr. Saša Bovan
<b>Course status:</b> Optional for the scientific area of Theory of the State and Law, Sociology of Law and Philosophy of Law.
<b>Number of ECTS:</b> 10
<b>Requirements:</b> /
<p><b>Aims of the course:</b> The main goal of this course is to understand the importance, strength and social functions of the legal profession. That is why, a special attention was devoted to the characteristics and principles of the legal profession. Another objective of this course is to develop of professional awareness of lawyers; to become aware of the responsibility of the legal profession in the conditions of drastic erosion of the legal awareness; the depressed social position of the legal class; the corruption and impacts on the profession coming from the sphere of politics, which is the current situation of the legal profession in Serbia today. In this context, this program is an attempt to provide an appropriate contribution to the growth of the dignity of the profession and the healing of the legal order, since these self-knowledge of profesion (<i>Selbsterkenntnis</i>) is the basic prerequisite for any kind of judicial reform.</p>
<p><b>Course result:</b> This program originated from the need for a wider consideration of the legal profession in its various aspects. In the theoretical hexagon of sociology of law it has become commonplace that in addition to the standard problems of this science (concept of law, origin of law, functions of law, creation of law, enforcement of law), special attention is given to the research of the legal profession. This matter is inseparable from the problem of the creation and enforcement of the law, especially when the law is expressed in the dimensional form and in all its complexity. This course uses sociological perspective to examine the standard questions of the legal profession: the characteristics of the legal profession; the principles of the legal profession; the social features of the legal profession; the importance of the legal profession and the professional awareness of lawyers. In relation to the usual approach to the analysis of the legal profession, the peculiarity of this program is that the presented issues are dealt from the standpoint of the theory of constitutionalism. Then, in fact, the whole spectrum of issues in this field is viewed through the prism of the principle of judicial independence. In this way this program intertwine the sociology of law and constitutional law.</p> <p>In addition, observing the legal profession, starting from the principle of judicial independence, brings us into the relationship with the legal hermeneutics and with the nature of the juristic conclusion. The reason for this is that the sociological standpoint on the legal profession leads us not only to the principle of the connection of the law as the basic consequence of judicial independence, which is processed in constitutional law, but also to the connection to justice, which implies certain freedom in relation to the law.</p> <p>This last brings us to the question of the nature of the juristic conclusion, because we are already in the field of juristic hermeneutics. In addition, the peculiarity of this approach is that the legal profession is viewed within the judicial system, above all from the point of view of the judicial function, but not forgetting two more pillars of the judicial profession: the prosecution and the advocacy. The course does not deal with other various activities through which the legal profession is exposed, since the nature of the judicial activities is paradigmatic for all of them.</p>
<p><b>Course content:</b></p> <ol style="list-style-type: none"> <li>1. Legal profession through centuries</li> <li>2. Legal profession in the judiciary system 2.1. Judiciary 2.2. Prosecution 2.3. Advocacy</li> <li>3. Characteristics of the legal profession 3.1. Professionalism 3.2. Institutionalization 3.3. Working <i>pro bono</i></li> <li>4. Principles of legal profession 4.1. Commitment to the legal profession 4.2. Ethics 4.3. Professional competence 4.4. Decency</li> <li>5. Social characteristics of the legal profession 5.1. Social origin 5.2. Gender structure 5.3. Age structure 5.4. Family status 5. . Social network</li> <li>6. Significance of the legal profession</li> <li>7. Professional awareness of lawyers</li> <li>8. Nature of the juristic conclusion 8. 1. Logical model of legal reasoning 8. 2. The teleological model of legal reasoning 8. 3. A decisionistic model of legal reasoning 8. 4. Causal model of legal reasoning</li> </ol>
<p><b>Literature:</b></p> <p><b>Mandatory:</b> Saša Bovan, <i>Osnovi sociologije i sociologija prava</i>, Beograd 2008, Saša Bovan, „Sudijska nezavisnost - sloboda kao preuzimanje odgovornosti“, <i>Pravni život</i> 12/2011, tom IV, Roger Cotterell, <i>The Sociology of Law</i>, London 1992, 179-244.</p> <p><b>Supplementary:</b> Uglješa Zvekić, <i>Profesija sudija</i>, Beograd 1983, Uglješa Zvekić, <i>Parsonsova sociologija profesija</i>, Beograd 1990, Nataša Mrvić - Petrović, <i>Etika pravničkih profesija</i>, Beograd 2006, Winfried Hassemer, „Juristische</p>

Methodenlehre und richterliche Pragmatik“, *Rechtstheorie* 1/2008, Bernd Ruthers, „Methodenfragen als Verfassungsfragen“, *Rechtstheorie* 3/2009, Đorđe Sibinović, *Profesija advokat*, Beograd 2010, Dobrila Zdravković, „Opterećenje sudija i efikasnost suđenja“, *Zakonodavni i institucionalni okvir nezavisnog sudstva u Republici Srbiji* (ur. M. Lazić, I. Pejić), Niš 2009.

<b>Number of lectures – active classes</b>	<b>Theoretical classes: 75</b>	<b>Practical classes :</b>
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**Instruction method:** lectures, consultations

**Grading system (maximum number of points 100)**

<b>Pre-exam obligations</b>	points	<b>Final Exam</b>	points
Activities during lectures	30	Oral exam	70
Activities during practical classes			
Tests			
Seminar classes			