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## THE ROLE OF RHETORIC IN MODERN JUDICIARY

**Abstract:** *the article describes the role of rhetoric in the modern judicial system, the form and content of judicial discourse, as well as features. A court conversation will help to target and effectively influence the court, strengthen the trust of judges and citizens in the courtroom. The author analyzes the research of scientists in the field of forensic speech.*

**Key words:** *judicial eloquence, replica, polemics, lawyer, prosecutor, debate, court speaker, convincing speech.*

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### Introduction

Speech culture is an important symbol of cultural and educational development of the society and the spiritual development of the nation. Ancient Greece was the birthplace of the court speaker. In Ancient Greece, where the statehood was developed, the influence of the democratic group increased, and the influence of the masses increased. Politicians were required to publicly defend their views and interests in the National Assembly or the court. The political fate of the Athenians is largely dependent on their ability to speak openly [9].

The Athenian court was an open political platform that often faced different political beliefs and the speaker needed to have the ability and knowledge to persuade people.

The famous logisticians Lysi (435-380 BCE) was a prominent court judge who wrote over 200 speeches. However, Lysi has not yet developed a compelling argument, he uses little logical evidence; he focused on the state of the case, the persuasive narrative of the figurative story [9].

Court talk can help to target and effectively influence the court, to strengthen the confidence of judges and citizens in the courtroom. Generally speaking, the prosecutor (or prosecutor) and the lawyer (defense counsel) are distinguished. courtroom speeches are rich in deep psychology, with speakers trying to influence the emotions of the judges and listeners. Currently, the evidence-based aspect of

judicial discourse is becoming more important than psychological analysis.

Trial is a civil or criminal trial, a study of all the material related to it, the search for the truth, the struggle of the opponents of the proceedings. Its main purpose is to declare a lawful and just sentence so that everyone who commits a crime is subject to a fair trial and the innocent is not liable to prosecution and conviction [8].

There are three interrelated functions that determine the form and content of judicial speech: knowledge, proof, persuasion.

Rhetoric, like linguistics, belongs to semiotic sciences (see the works of VN Toprov, Yu.M. Lotman). Speech culture is a well-developed section of ancient rhetoric.

The range of traditional rhetorical sciences includes dialectics and sophistry. The lessons of the neo-rhetorical cycle include linguistic theory of argumentation, communication studies, general semantics, structural poetics, literary analysis of the text as part of a new critical tendency, etc. [1,7,8].

A good understanding of judicial rhetoric will give lawyers the following effective results in legal work, in particular in a particular case:

- any speech actions (lectures, lectures, training sessions, etc.);
- Ability to construct logical, rational and accurate speech and oral speech;

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- Skills of proper dispute resolution or discussion;
- Ability to communicate with any audience, taking into account its features and interests, and to improvise in any case;
- the basis for a clear and convincing statement in court and in litigation;
- to know the structure of the court speech;
- Inspiration and inspiration of trust within judicial polemics;
- methods of persuasion and refusal of speech;
- standards for dealing with professional terminology;
- her voice, the possibilities of speaking techniques: diction, power and range of voice, breathing, intonation;
- Non-verbal means: gestures, facial expressions, position of speakers;
- Basics of questions correctly.

At trial, the prosecutor and the lawyer are referred to as the court speaker.

Speaking in general is not only beautiful but also the ability to speak with confidence, it is a combination of talent and certain knowledge and skills.

Judicial oratory has its own peculiarities, which arise from the norms of procedural legislation and have the legal nature and value of speech. The main task of the court speaker (or court orchestra) is to assist in establishing the legal reality of the case and in forming the internal trust of the judges [4].

Each speaker's speech, style, technique of speaking and tactics of the speakers will be original and tried.

This process is also manifested in its ability to find precise linguistic means for expressing ideas, as meaningful, valuable ideas need perfect form. The fluidity of the speech creates an atmosphere of confidence in the speaker in the courtroom.

Effective speech in court is a careful, comprehensive and impartial analysis of case materials based on legal norms; it is important to speak intelligently, logically and convincingly in accordance with the norms of literary language. The credibility of a court speech depends to a great extent on the quality of the evidence.

The highest level of speech culture is the ability to speak clearly, logically and reliably to convey ideas, vocabulary, and various grammatical structures. It is important not only to convey the information, but also to convey it clearly. The speech process also includes the ability to find the most accurate information, which is the most accurate and stylistically based language tool, to apply rhetorical methods with emotional, psychological effects.

In order for courtroom talk to reach out to others and those who listen to it, it must have the following characteristics:

### 1) Reliability

The purpose of the court speech is to convince the judges and the speaker that the judge's position is correct. Reliable speech is evidence-based discourse that contains facts, opinions supported by solid evidence. An important factor in the credibility of your speech is the fact that the speaker is confident in his or her position in the work. Confidence is a firm belief that something is true. Reliability is achieved by presenting evidence. Evidence is one or more related statements (judgments) designed to confirm the truth of the process. Evidence in civil and criminal cases is understood as forensic evidence: it is any valid evidence of a case involving a proper criminal, civil, or constitutional case. Evidence can be found in evidence, physical evidence, expert opinions, protocols and more. The following types of evidence are available:

Direct evidence (indirectly) - It is possible to come to a definitive conclusion (if true) on the existence (or non-existence) of the proved fact.

Indirect evidence is evidence that one can assume that a credible, proven fact exists. All evidence is subject to eligibility and eligibility requirements. The credibility of a court speech depends to a great extent on the quality of the evidence. Judges evaluate the accuracy of the prosecutor and defense attorney's opinions, first of all, on the importance and extent of the substantive material. Only the strength of the evidence and their reliability depend on the full confidence of the judges.

### 2) Understanding

The speech of the court should be understood by all listeners.

Accuracy is achieved through a thorough knowledge of the material, the exact content of the speech, logical presentation, and convincing evidence.

### 3) Clarity (simplicity)

The simplicity of the presentation makes it easier for the speaker to understand the speech and to follow the judge's opinion without any difficulty. The simplicity of speech involves the use of complex syntactic structure and rhetorical methods.

### 4) Accuracy

Accuracy is the characteristic of the content of speech based on the ratio of speech and reality (this is true, objective accuracy), the conceptual and semantic accuracy of the ratio of speech and thinking, which depends on how the speaker controls the meaning of the words used. Conceptual clarity is the search for a word or phrase that suits the author's wishes.

### 5) Logicality

At the whole text level, logic is created by the content of speech and a number of logical techniques, the main ones being the definition, explanation, description, comparison, analysis, synthesis and abstracting. The rationale at the level of the individual parts of the court speech depends on how clearly and correctly the statements of the individual statements and the components are expressed.

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### 6) urgency

It is the ability of language tools to determine the purpose, the content of the speech, the ability to construct the theme, task, time, place and speaker accordingly.

### 7) Compatibility

Related speech has the following features.

- Proportionality of linguistic means and content, that is, words should clearly express these or other content.

- Conformity of language means to the situation.

- Correspondence of language means.

### 8) Correctness

Correct structure involves adherence to the generally accepted norms of literary language.

### 9) efficiency

### 10) Accuracy

Accuracy of speech is ensured by a clear expression of thoughts, the presence of a clear language, the absence of additional words that do not carry information, and the use of verbal and unnecessary ideas.

### 11) Accuracy

Speech reduction should be combined with its deeper meaning that comes with emotional and expressiveness.

### 12) expressiveness, sensitivity, expression

Emotions stem from the material of the court speech. The expressiveness of the speaker depends on the independence of his thinking, his interest in what he is saying. Express speech arouses excitement among judges and citizens in the courtroom, encourages interest in the topic of conversation.

Expressionism, as well as emotionality, is created by means of language, by which the speaker responds emotionally to the topic of the speech, thereby affecting the feelings of judges and citizens who listen to the case. These are various means of expression. However, every figurative instrument is appropriate in a courtroom speech as it helps to increase controversy, as well as convey the important point, from the speaker's point of view, to the judge, the defendant, or the citizens in the courtroom. The use of rhetorical techniques for embellishment, the beauty of speech undermines its logic and reduces its credibility.

### 13) individuality

A particularly valuable feature of public speaking is individuality - the ability to speak the most familiar facts in your own words, without the use of speech stamps.

Court speeches are divided into the following types:

- Speech of the criminal accuser in court (indictment)

- Speech of the criminal defense lawyer in court (defense speech and defense counsel of the victim, civil plaintiff and civil defendant).

- Defendant's speech (defense speech)

- Speech of the victim and his representative. Speeches of civil plaintiffs and civil defendants or their representatives (within the framework of civil suit on criminal cases)

- Speeches of civil plaintiff and defendant, their civil representatives

- Speeches of the procurator and civil lawyer at the court of first instance

- Proceedings of the prosecutor and defense counsel in the criminal and civil courts of the second instance;

- Speeches by prosecutors and public defenders on criminal cases;

- Speeches by representatives of civil society organizations and labor collectives;

Prosecutor and lawyer's speech is a type of public discourse that covers genres of speech, which are very diverse in purpose and content: meeting, debate, rally, lecture, academic lecture, university lecture, courtroom monologue, and so on. reflection, comparison; examines, analyzes and evaluates the various perspectives available on this issue, and shapes the speaker's position. Each public discourse is designed to give the audience specific information, to explain it, to understand it, and to influence the audience, their outlook or attitude.

The law does not specify a specific part of the indictment, and the rest does not specify how it should be formulated, but there are a number of scientific considerations.

While in practice scientific ideas are used by prosecutors of the Republic of Uzbekistan, advanced ideas that do not contradict our laws are extracted and are used by the prosecution authorities as an approximate form of indictment. As for these points, for example, A.J. The section of Davletov's book, "Prosecutor's Oversight" in Russian, focuses on the following elements of the prosecution's speech in public prosecutions:

1) Socio-political assessment of the crime;

2) to describe the actual circumstances of the case;

3) to analyze and evaluate the evidence;

4) substantiate the legal qualification of the act;

5) description of the person under trial;

6) analysis and evaluation of mitigating and aggravating circumstances of the offender;

7) analyze the causes and conditions contributing to the commission of crimes and to formulate proposals on measures to eliminate them;

8) make proposals on the penalty to be imposed, civil lawsuit to be recovered, compensation for the material damage caused by the crime and the like;

9) make conclusions.

Also, A.J. As shown by Davletov [4], of course, any criminal case does not have to produce an indictment in the same order. The elements of the indictment need not be stated in the same way. Perhaps, depending on the specifics of the case, the

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structure of the material collected in the criminal case, the location of the recorded elements of the indictment may vary, and the substance and extent of those elements may vary. A distinctive type of public discourse is a judicial monologue issued by the state prosecutor and defense attorney, as well as by the plaintiff and defendant's representative. It differs slightly due to situational and thematic factors: it differs from other genres of public discourse in terms of topics, and even more so in terms of purpose and semantic orientation. First, the court's speech is limited to the scope of use: it is the official narrow professional speech that appears in court; his sender can only be a prosecutor and a lawyer whose position is determined by procedural status. Every public speech has a theme and a material. The object is part of the reality that the specific side, the reality, describes, the material that gives the material the basis to speak clearly about the chosen subject. The theme of the court hearing is the case in criminal and civil proceedings. Material - facts, facts related to a particular event. The subject matter of the court hearing is limited only to the case materials under consideration, which is more specific than all other public speeches. An important feature of judicial speech is honesty (or objectivity). the complete coincidence of events with objective reality. There are no exaggerated statements and fictitious events, and there is no acceptable evidence.

Judicial speech is a polemic discourse that is convincing because the main task of the parties to the trial is to prove, reject, and convince [6].

The controversy could be between procedural opponents, defense attorneys representing various defendants. This could be a dispute with an expert who presented the court with unfounded conclusions.

Public speaking includes answers to questions from listeners. This sign is not available due to procedural rules in the court speech. In a polemic with a procedural opponent, the judge usually knows what they are dissatisfied with and what they can ask for. Speakers of the civil and criminal courts, in order to form a verdict, conduct a comprehensive, complete

and objective analysis of all the circumstances of the case and, above all, the legal assessment. Defendants' actions in criminal proceedings shall be assessed from the point of view of law, as provided by a certain article of the Criminal Code of the Republic of Uzbekistan; Assessment of aggravating and mitigating circumstances; Identify and evaluate the causes of the crime for the purpose of imposing a fair sentence.

In civil proceedings, the defendant's actions are analyzed from a legal point of view to recognize the legitimacy or illegality of the controversial agreement, to recognize the right to recover or not to recover the infringed right. All this serves to protect the controversial rights, freedoms and legitimate interests of citizens, organizations, and victims of crime, as well as to protect a person from illegal and unjustified convictions and limitation of his rights and freedoms. Thus, evaluation and legality are the most important features of judicial discourse.

The speech of the trial participants reflects the peculiarities of the sphere of legal relations. First and foremost, both the indictment and the defense speech being appealed to the court are in direct communication, characterized by the existence of a plan that seeks to establish the legal reality and in each case the specific nature of the criminal case.

An essential part of the trial is the trial or the parties' debate. Judicial proceedings in criminal cases considered by the jury are held in two stages: before the jury's verdict and within the issues considered by the jury and after the guilty verdict.

Post-Trial (replica). After giving speeches by the parties to the court proceedings, including the prosecutor, they may once again give their opinion on the pleadings. The law states: "After the parties have made their speeches, each of them may again make statements or objections on the issues raised in the speeches of the other party. The last objection shall always be given to the defense and the defendant". (Article 449 of the Criminal Code of the Republic of Uzbekistan).

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