

*Commentary***A note on law and legal profession****George Berman***

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DESCRIPTION

Law is a set of rules formed and enforced by social or political institutions to follow certain guidelines, and its precise meaning has long been a source of contention. Individuals can negotiate legally enforceable contracts that use a different means of resolving disputes than typical court action, such as arbitration agreements. A constitution, whether written or unwritten, and the rights enshrined within may affect the formulation of legislation. The law has a wide range of effects on politics, the economy, history, and society, and it functions as a link between persons. Comparative law examines the differences in legal systems between countries. In civil law jurisdictions, the law is codified and consolidated by a legislative or other central body. Judges in common law systems establish binding case law through precedent, albeit this can be overturned by a higher court or the legislature on rare occasions. The scope of law can be separated into two categories. This divergence is more prominent in civil law countries, particularly those with a separate administrative court system; in common law countries, however, the public-private law divide is less pronounced.

In general, there are two types of legal systems namely, civil law and common law. Modern scholars claim that the significance of this division has waned as a result of the multiple legal transplants characteristic of modern law, which result in modern legal systems sharing many characteristics previously associated with either common law or civil law. Religious law, which is founded on scriptures, is a third form of legal system

that some countries allow without separating church and state. The history, relationships with other countries, and adherence to international standards all play a role in determining the system by which a country is governed. Any legal system's defining aspects are the sources that jurisdictions accept as authoritatively binding. However, because comparable laws frequently prevail, classification is a matter of form rather than substance.

The existence of a sufficiently autonomous legal profession to invoke the authority of an independent judiciary is a corollary of the rule of law; the right to assistance of a barrister in a court proceeding is derived from this corollary. In England, the function of barrister or advocate is distinguished from that of legal counsellor. The practise of law is often regulated by either the government or an independent regulating body such as a bar association, bar council, or law society in order to ensure professionalism. Modern lawyers develop a separate professional identity by prescribed legal procedures, and are obliged by law to hold a special qualification, such as a Bachelor of Laws, a Bachelor of Civil Law, a Master of Laws, a Master of Legal Studies, and so on. Legal research to determine the present state of the law is important to the practise of law in the common law tradition. This usually requires looking through case law reports, legal journals, and statutes. Drafting papers such as court pleadings, persuasive briefs, contracts, and wills and trusts is also part of the law practise. Depending on the field, negotiation and dispute resolution abilities are also vital in legal practise.

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