**INTRODUCTION**

Relevance of the research topic.

In modern Russia a difficult process of finding ways to build the rule of law is going on; and rethinking of values ​​and meanings ​​of many legal institutions and mechanisms is taking place. The priority of the human personality, his rights and freedoms is declared as one of the main directions of development of the Russian legal system, and that was enshrined in the RF Constitution. This fundamental principle has highlighted new key points in the development of constitutional, criminal, criminal procedure and other branches of the Russian legislation.

However, a formal declaration of rights and freedoms doesn’t have a significant practical importance without an effective legal mechanism to ensure these rights and freedoms, without a developed system of legal and constitutional guarantees for their implementation.

Currently, judicial and legal reform is gaining momentum in Russia; an intensive preparation of regulations and other decisions for both current and future legal proceeding democratization tasks is carried out, the process of updating the current criminal procedural legislation is implemented.

At the same time legislative reforms in several directions are carried out, including the adoption of laws expanding the rights of citizens, establishing guarantees of its compliance.

In recent years, in order to implement the requirements of the RF Constitution and international law, the legislator has introduced a number of amendments to the Criminal Procedure Code of the Russian Federation (CCP RF), to the Federal Law № 63-FL "On Advocacy and the Legal Profession in the Russian Federation".

The introduction of certain innovations into these laws was accompanied by the expansion of the rights of the accused in the implementation of the defense from the indictment, as well as by the enhancement of the defender legal status. However, the defensive work has not yet fully met modern requirements and opportunities offered to the defenders.

In this regard, more in-depth study of defense features in the criminal process and the role of the lawyer in the exercise of criminal defense is relevant.

Despite the fact that this theme is developed intensively by scientists-processualists, not all problems in this area are studied in recent years.

Thus, the problem of participation of a defense counsel in criminal procedure proving is an integral part of the more general problem of defense in criminal proceedings, and the latter is derived from the problem of competitiveness of the parties in criminal proceedings. General theoretical bases of a defense counsel activity in terms of gathering evidence and presenting it to the investigator are insufficiently developed. Enshrined in the CCP RF the right of the defense to gather evidence in the case hasn’t brought anything new because of the lack of appropriate legal regulation of this issue. There is also the problem of attachment of such evidence to the criminal case file. The investigators and interrogating officers often deny the attachment of evidence collected by the defender to the criminal case file.

Thus, the relevance of the study is due to the necessity of establishing a scientific basis of the defense function in the criminal procedure, of improving legal mechanisms and developing recommendations for their practical application in respect of the implementation of the defense counsel activity.

The degree of elaboration of the theme.

In legal literature of the pre-revolutionary period, the category of defense was developed by processualists S.I. Viktorov, V.K. Sluchevsky, et al. Such authors as I.J. Foinitsky, A.D. Boyko, M.M. Otter, A.P. Gulyaev, V.G. Daev, T.Z. Zinatullin, L.D. Kokorev, A.M. Larin, P.A. Lupinskaya, L.A. Mariupol, I.L. Petruhin, R.D. Rahunov, F.N. Fatkullin, P.S. Elkind, N.A. Yakubovich, et al, also developed and enriched the doctrine of criminal procedure functions.

The scientists - representatives of related areas of legal knowledge (criminal law and criminology, forensics, etc.) also focused on defense in criminal proceedings (in particular, S.M. Inshakov, B.V. Yatselenko).

However, it should be recognized that a number of issues related to the content and implementation of criminal procedural defense function remains hitherto controversial and insufficiently deeply studied. It is necessary to find new ways of improving the lawyer’s work in relation to new historical conditions, new legislation, and in accordance with the legal reform ideas.

The object of scientific research.

The object is a set of social relations in the field of criminal justice in terms of implementing the defense functions in the Russian criminal procedure and the role of the legal profession.

The subject of scientific research is the Russian Federation legislation governing participation of a lawyer in the Russian criminal procedure, judicial practice, historical, legal and scientific literature.

The purpose of research is improvement of the theory and practice of the implementation of defense functions in criminal proceedings and enhancing the role of legal profession in defending suspects and accused.

Realization of this goal has required the solution of the following tasks

- to gain new knowledge about the defense and criminal defense function of the legal profession;

- to determine the place and role of the defense function in the system of criminal procedure functions;

- to set the definition of modern, science-based concepts of defense in criminal proceedings;

- to determine the legal, organizational and tactical problems of defense counsel participation in the investigative actions on the criminal case;

- to identify areas of further scientific developments in the field of lawyer’s defense activity.

The theoretical base of the research was made up with the ​​works of famous Russian scientists and experts in the field of criminal law, criminal procedure law, state and law, the operational-investigative activity, and other branches of law.

In particular, the dissertator’s judgments are based on the works of N.A. Alekseev, V.G. Afanasiev, R.S. Belkin, A.D. Boikov, I.Y. Tarichko, S.A. Schafer, V.E. Shmanatova, S.P. Scherba and other scientists.

The dissertator also used theoretical conclusions in the field of tactics, techniques, professional defense strategies of Y.S. Arah, A.I. Alekseev, M.O. Baev, O.J. Baev, M.Y. Borshevsky, T.V. Varfolomeyeva, D.S. Ignatov, S.D. Ignatov, A.G. Kucherena, Y.F. Lubshev, E.J. Lvov, G.P. Padva, G.Y. Reznik, F.N. Fatkullina.

The legal framework of research is constituted by the RF Constitution, criminal law, criminal procedure law, the federal law "On Advocacy and the Legal Profession in the Russian Federation" № 63-FL dated 31 May 2002, as well as decisions of the Constitutional Court, the Plenum of the Supreme Court of the Russian Federation.

The research methodology is largely determined by the nature of the object, the object of the phenomena studied, the tasks of its scientific processing, presented objectives and actual results. Therefore, general scientific and private-scientific methods of knowledge: formal-legal, historical-legal methods were used when writing the work.