

Institute / Higher School: Law Institute

Chair: Chair of Constitutional and Municipal Law

Level of study: bachelor's degree

Profile: 40.03.01 - Jurisprudence (state and legal profile)

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Subject matter: Constitutional and legal bases of activity of legal profession in the mechanism of protection of human rights and freedoms

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Annotation:

The topicality of the research is predetermined by the trends and dynamics of Russia's internal development and is conditioned by the need for a comprehensive comprehensive theoretical and legal study of the effective activity of the bar in the mechanism for ensuring constitutional rights. Human rights are turned into real value when they are protected, that is, their guarantee is inevitable. In accordance with the positions of the Constitutional Court of the Russian Federation, the state and the legal profession act as guarantors of the protection of constitutional rights along with other subjects, primarily the President of the Russian Federation, and therefore the institutional three-part Russian advocacy (profession, corporation, institute) is recognized as an important element of the effective activity of the proposed mechanism. on the protection of the rights of an unlimited circle of persons, including the function of professional and legal public oversight of constitutionality and lawfulness the administration of justice.

The main purpose of the legal profession in society has changed, significantly affecting its social status. At present, the Bar as an institution of civil society is an important segment of ensuring the implementation of the constitutional values of the whole society, which requires consolidation in the Constitution of the Russian Federation. It is necessary to analyze the need to develop an actual concept of the institutionalization of the bar, allowing to solve new problems and meet new challenges.

The aim of the research is to study the constitutional and legal foundations of the advocacy in the mechanism for the protection of human rights and freedoms.

Objectives:

- investigate the legal framework of the advocacy and advocacy;
- define the concept of the constitutional legal status of the russian legal profession;
- consider a lawyer as a subject of ensuring the constitutional rights and freedoms of citizens and organizations;
- to give a classification of the elements of the legal status of the lawyer;
- identify the guarantees of ensuring the activities of a lawyer as a guarantee of securing constitutional rights and freedoms.

The object of the study is the social relations that develop between the Russian legal profession and the subjects of the mechanism for ensuring

constitutional human rights and civil society.

The subject of the study is represented by the norms of law that form the constitutional and legal mechanism for ensuring human rights, which includes the advocacy as an effective way to guarantee the implementation of constitutional human rights and the development of civil society.

The theoretical and practical value of the research is that it can serve as a basis for further scientific research in this important sphere of social relations, where the institutions linking society and the state, such as the bar, developing the professionalism and moral qualities of its members, acquire independent value for preserving the integrity of society. The developed and supplemented conceptual apparatus in the sphere of ensuring constitutional rights can be used in studying the academic disciplines "Advocacy and Lawyer's Law", "Constitutional Law of the Russian Federation", etc.

The results obtained: The concept of guaranteeing constitutional rights and freedoms by state bodies through interaction with civil society institutions within the framework of the constitutional and legal mechanism for securing rights and freedoms can be realized through the implementation of guarantees of independence of the lawyer as the only subject of advocacy with a complex legal status: human rights, socio-legal, public-private. Since the state uses the work of lawyers, it must take measures to protect their labor, being guided by Article 37 of the Constitution of the Russian Federation, providing free or reduced rates for work premises, preferential payment of utilities, etc. Of scientific interest is the possibility of assessing the degree of independence of a lawyer in the performance of his professional activity and the possible consequences of the violation of the principle of independence by various actors. Provision of the principles of the guarantees provided by the Constitution and the law is possible with the help of two subjects of legal relations in the field of advocacy: the state and the Bar as an organization in the person of its bodies.