








ORIGINAL

## The lawyer's role in safeguarding suspects' rights: A comparative study across Ukraine, Poland, and Lithuania in the era of technological and criminal justice reform

### El papel del abogado en la salvaguarda de los derechos de los sospechosos: Un estudio comparativo entre Ucrania, Polonia y Lituania en la era de la reforma tecnológica y de la justicia penal

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#### ABSTRACT

**Introduction:** this study examines the important role of lawyers in shielding suspects' rights during criminal cases, focusing on Ukraine, Poland, and Lithuania. Its aim is to analyze lawyers' roles in protecting suspects' rights throughout the criminal procedure.

**Method:** by using interviews, watching courtrooms, and analyzing themes and numbers, the research finds big problems and shows a need for changes across different fields. Special attention is given to how technology like AI and online proof is changing things as well as the health issues of suspects before trial or during it.

**Results:** the results show clear differences in legal actions across areas, pointing out holes in support training and resource sharing. Suggestions for policy include using tech tools for better legal help, improving training to deal with health worries, and making uniform ways for different areas to work together.

**Conclusions:** further research should focus on evaluating the effectiveness of legal practices, analyzing technological changes, and taking an interdisciplinary approach to understanding the impact on suspects' rights. This study contributes to the ongoing debate on criminal justice reform, providing actionable insights for improving legal practices and safeguarding human rights in a rapidly changing legal landscape.

**Keywords:** Lawyer; Criminal Proceedings; Suspect; Human Rights; Protection Of Rights; Trial; Legal Aid; Investigative Actions.

#### RESUMEN

**Introducción:** este estudio examina la importante labor de los abogados en la protección de los derechos de los sospechosos durante los procesos penales, centrándose en Ucrania, Polonia y Lituania. El objetivo del

estudio es analizar el papel de los abogados en la protección de los derechos de los sospechosos a lo largo de todo el procedimiento penal.

**Método:** mediante el uso de entrevistas, la observación de las salas de vistas y el análisis de temas y cifras, la investigación encuentra grandes problemas y muestra la necesidad de cambios en distintos ámbitos. Se presta especial atención a cómo la tecnología, como la IA y las pruebas en línea, está cambiando las cosas, así como a los problemas de salud de los sospechosos antes del juicio o durante el mismo.

**Resultados:** los resultados muestran claras diferencias en las acciones legales entre las distintas áreas, señalando lagunas en la formación de apoyo y en cómo se comparten los recursos. Las sugerencias para la política incluyen la puesta en uso de herramientas tecnológicas para una mejor ayuda legal, mejorar la formación para hacer frente a las preocupaciones de salud y hacer formas uniformes para trabajar juntos entre las diferentes áreas.

**Conclusiones:** las investigaciones futuras deberían centrarse en evaluar la eficacia de las prácticas legales, analizar los cambios tecnológicos y adoptar un enfoque interdisciplinario para comprender el impacto en los derechos de los sospechosos. Este estudio contribuye al debate en curso sobre la reforma de la justicia penal, aportando ideas prácticas para mejorar las prácticas jurídicas y salvaguardar los derechos humanos en un panorama jurídico en rápida evolución.

**Palabras clave:** Abogado; Proceso Penal; Sospechoso; Derechos Humanos; Protección de Derechos; Juicio; Asistencia Jurídica; Acciones de Investigación.

## INTRODUCTION

Lawyers play a pivotal role in safeguarding the rights of suspects during criminal proceedings, an issue that has gained increasing prominence in contemporary legal discourse. As societies prioritize justice, fairness, and due process, legal systems face the dual challenge of integrating technological advancements and addressing the mental and physical vulnerabilities of suspects.<sup>(1,2)</sup>

The advent of digital tools, such as artificial intelligence (AI), digital evidence management systems, and remote legal consultations, has revolutionized the way evidence is handled and suspects' rights are protected. While these innovations enhance efficiency and accuracy, they also introduce ethical and procedural challenges, requiring lawyers to adapt rapidly without compromising fundamental rights.<sup>(2)</sup> Equally critical is the growing awareness of the mental and physical health challenges faced by suspects, which underscores the lawyer's role as both a legal advocate and a protector of human dignity. Psychological stress and socio-cultural barriers, especially in cross-border or transitional environments, significantly influence suspects' experiences within the criminal justice system. For example, systemic disparities, such as uneven resource allocation and jurisdictional differences, exacerbate the complexity of legal representation, particularly in countries with diverse legal traditions like Ukraine, Poland, and Lithuania.<sup>(3)</sup>

Despite these developments, several research gaps persist. Most existing studies focus on procedural or ethical dimensions of legal advocacy, overlooking the intersection of technology and health considerations. Empirical data on the long-term impact of systemic disparities and resource limitations on the quality of legal representation remain scarce. These challenges highlight the need for interdisciplinary research that integrates legal expertise, technological innovation, and health sciences to promote equity and justice in legal advocacy. Addressing these gaps is essential to ensure that suspects' rights are safeguarded amidst rapidly evolving legal landscapes.<sup>(1,3)</sup> Focusing on the nexus of law, technology, and health, the study attempts to contribute to the larger discussion of criminal justice reform with concrete solutions for legal practice improvements. To achieve this, the research aims to:

1. Analyze procedural guarantees available to suspects and evaluate the effectiveness of lawyers in utilizing these protections.
2. Investigate case studies of legal representation to identify challenges and best practices for defending suspects.
3. Examine suspects' perspectives on their legal representation and its overall impact on their experiences within the criminal justice system.

## Literature review

The role of lawyers in the protection of suspects' rights in criminal proceedings has been one of the cornerstones of legal science. Extensive research has failed to bridge important gaps in understanding how technological changes, health vulnerabilities, and systemic disparities bear on legal advocacy. Barbu<sup>(3)</sup> underscores that attorney-client privilege, especially at pre-trial stages, forms the basis of any effective defence strategy. Confidentiality instils trust and ensures the integrity of the judicial process, whereby lawyers can develop

robust defence strategies. This overemphasis on confidentiality often suppresses other important aspects of advocacy, such as the addressing of procedural inefficiencies or the adaptation to emerging challenges in digital evidence management. Cape and Hodgson<sup>(4)</sup> focus on the procedural obstacles to accessing legal representation, especially during police detention. Their research brings out disparities in the implementation of the EU directive on the rights of suspects to a lawyer, with systemic barriers often limiting effective advocacy. They call for harmonization of procedural legislation across jurisdictions to improve access and equality.

Johnston<sup>(5)</sup> critiques adversarial systems, particularly pre-charge stages, where the suspect's interests are inelastic and subordinated to prosecutorial priorities. Johnston's findings align with the present study's exploration of flawed systems that compromise defense strategies. By comparing these dynamics across jurisdictions, this research provides a broader perspective on advocacy challenges. Yao<sup>(6)</sup> discusses how systemic obstacles in authoritarian regimes prevent lawyers from performing their duties, thereby denying the realization of rights. This perspective is relevant to this study, as it examines systemic inequities in underfunded or resource-constrained legal systems.

Kościelniak-Marszał<sup>(7)</sup> examines the conflicts of interest between co-defendants and the possibilities of choosing a lawyer. The study highlights situations where suspects are forced to accept court-appointed lawyers, which can weaken their defense due to conflicting interests. The influence of technology on the practice of legal representation is a relatively unexplored area in the existing literature. Kulyk et al.<sup>(8)</sup> discuss specialized knowledge, particularly forensic expertise, but do not analyze the wider influence of digital evidence and AI in safeguarding suspects' rights. This study addresses this gap by exploring how lawyers adapt to technological and systemic challenges in jurisdictions with varying levels of digital integration. In the same vein, Sadler and Siegel<sup>(9)</sup> emphasize how the small compensation of court-appointed lawyers affects the quality of suspect defense. Their findings highlight resource allocation as a key variable, extending to discrepancies between the Ukrainian, Polish, and Lithuanian systems.

Sakowicz<sup>(10)</sup> underscores the importance of early access to legal representation, drawing upon ECHR case law to advocate for the protection of suspects' rights. Early intervention has been shown to significantly impact the fairness and outcomes of trials. Mergaerts<sup>(11)</sup> and Vásquez-Torres<sup>(12)</sup> highlight the need to account for the health vulnerabilities of suspects during criminal proceedings. While Mergaerts<sup>(11)</sup> points to inconsistencies in recognizing vulnerabilities, Vásquez-Torres<sup>(12)</sup> focuses on ethical dilemmas in defending vulnerable groups, such as juvenile offenders. Kiyanitsa and Gunko<sup>(13)</sup> present comparative analyses of legal practices in different jurisdictions on the issues of conflict of interest and the stage of pre-trial investigation. The results underline the contextual approach to legal advocacy, which this study has further developed through the analysis of regional disparities and the proposal for standardized reforms.

Despite these valuable contributions, critical gaps remain. The influence of technological advances, particularly AI and digital evidence, on the rights of suspects is under-researched. There is limited empirical evidence on the long-term outcomes for suspects whose lawyers face systemic obstacles, such as low compensation and insufficient training. Moreover, the intersection of health vulnerabilities and legal advocacy remains an underexplored domain, especially in jurisdictions with underfunded healthcare and legal systems. This study seeks to address these gaps by examining the role of lawyers in safeguarding suspects' rights within the distinct contexts of Ukraine, Poland, and Lithuania.

*General Objective:* this study examines how lawyers can effectively protect suspects' rights in the context of technological advancements, systemic disparities, and health vulnerabilities, focusing on Ukraine, Poland, and Lithuania. By analyzing these factors, the research contributes actionable insights to advance equitable and effective legal representation practices.

## METHOD

### Research design

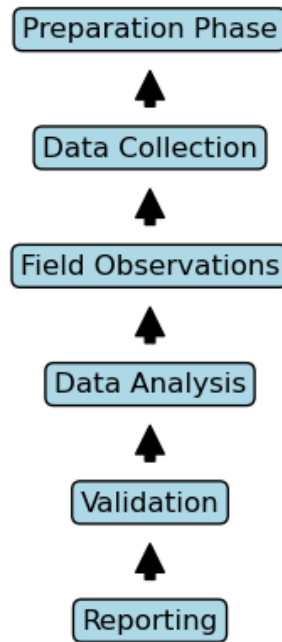
The research was carried out in the following stages, which are presented in figure 1. This research has used the mixed-methods approach by bringing together both qualitative and quantitative methodologies to fully explore the role of the lawyer in the protection of the rights of suspects within a criminal proceeding. It used three stages of data collection, analysis, and interpretation that provided the opportunity for the triangulation of findings necessary to increase the reliability and validity of results. The research was designed to capture comparative insights across Ukraine, Poland, and Lithuania, representing diverse legal systems and practices. These countries were selected based on their geographical diversity and differences in criminal justice systems, which provided a robust framework for understanding the challenges and opportunities lawyers face in ensuring suspects' rights.

### Sampling

The study is a cross-sectional, qualitative, and comparative study. 20 participants were purposively sampled, comprising 40 lawyers from each of the three countries. Participants have been selected to represent a range

of experience levels from recently admitted junior practitioners to senior advocates who have practiced more than 20 years. This sample also includes judges and prosecutors to take a holistic perspective on courtroom dynamics and legal advocacy. The sample size chosen was sufficient to achieve variability in perspectives and practices and simultaneously retain a database that could be handled more easily. A variation in professional background further enriched the findings by capturing nuances at different levels of criminal proceedings.

### Research Procedure for Lawyer's Role in Criminal Proceedings



Source: created by the author based on MiniTAB<sup>(14)</sup>

Figure 1. Research design

#### Data collection methods

Data collection was through the following methods:

- *Semi-Structured Interviews*: semi-structured interviews were conducted to gather in-depth insights into the experiences and perspectives of lawyers. The interviews followed a flexible guide (see Appendix A) covering topics such as procedural guarantees, legal representation challenges, and suspects' rights. Participants were interviewed in their native languages, and all interviews were recorded and transcribed for accuracy.
- *Courtroom Observations*: real-life lawyer-suspect interactions during court hearings were observed through structured observations. Observers used standardized checklists for observing main issues, such as the number of legal interventions, the quality of advocacy, and the use of the rights of suspects. In total, 150 hearings were observed (50 per country) that provided rich contextual data.
- *Quantitative Surveys*: the survey questionnaires were also structured to quantify the frequency of certain key legal practices using the same set of respondents. Thematic analysis of qualitative data from interviews and observations yielded qualitative data that have been analyzed using thematic analysis. NVivo software has been used for systematic coding, which has allowed for the identification of some important recurring themes and patterns in the three jurisdictions.

#### Instruments

##### Qualitative data tools

For managing and analyzing qualitative data, both NVivo and Atlas.ti software were employed. These tools supported coding processes and consistency in theme identification across the datasets.

### Quantitative data tools

Quantitative results from surveys were analyzed using SPSS statistical software. Regression analysis was also used to examine the relationship among variables such as lawyer experience and successful interventions. Descriptive statistics also made it possible to identify the number of times certain legal practices occurred.

### Structured observation checklist

The observation checklist, as shown in Appendix A, covered lawyer-suspect interactions, legal interventions, and procedural safeguards during the court hearings. The observation checklist was pretested for clarity and relevance before its formal use.

### Ethical considerations

Ethical considerations were observed to protect the confidentiality of the participants and to ensure voluntary participation. Written informed consent was obtained from all participants, and personal data were anonymized. Ethical approval was obtained from the appropriate institutional review boards in each country.

### Data analysis

Data were analyzed using a combination of qualitative and quantitative techniques.

1. Qualitative analyses included thematic analysis, through which key themes related to advocacy challenges and systemic disparities were identified.
2. Quantitative Analysis: Regression analysis has been used to study the relationship between, for example, experience and successful interventions. Descriptive statistics underlined regional differences in legal practices.

## RESULTS

The study provides a comparative analysis of the lawyer's role in protecting suspects' rights in Ukraine, Poland, and Lithuania. Through thematic analysis, structured observations, and statistical correlations, several key findings emerge that outline systemic differences and shared challenges across the three jurisdictions (table 1).

### Legal representation practises

Key issue	Ukraine (%)	Poland (%)	Lithuania (%)
Legal representation	90	45	65
Advocacy during pretrial detention	85	35	70
Procedural guidance	60	80	55

Source: developed by the author based on ATLAS.ti Scientific Software Development GmbH<sup>(15)</sup>, Lumivero<sup>(16)</sup>

Thematic analysis of 120 semi-structured interviews showed sharp contrasts in the way in which legal representation is viewed and practiced:

- Ukraine: Lawyers overwhelmingly prioritize the protection of suspects' rights during all stages of criminal proceedings. About 90 % of Ukrainian lawyers stress their role of ensuring fair treatment and advocating for suspects in court.
- Poland: It is less focused on legal representation at 45 % compared to procedural guidance, which Polish lawyers view as their main responsibility. This shows that in this legal culture, it's more about procedural navigation than direct advocacy.
- Lithuania: Lawyers have a balanced approach, where 65 % emphasize legal representation, yet still keep the focus on procedural support.

These differences in emphasis reflect the impact of national legal traditions and procedural priorities, with Ukrainian lawyers being more adversarial than the cooperative tendencies evident in Poland and Lithuania. Statistical analysis made it possible to estimate the frequency of key legal practices in the three countries presented in table 2.

### Advocacy during pre-trial detentinal

Pre-trial detention emerged as a critical stage where suspects' rights are most vulnerable.

Legal practice	Ukraine (n=40)	Poland (n=40)	Lithuania (n=40)
Lawyer's presence during detention	75 %	85 %	70 %
Protection against pre-trial release	65 %	50 %	55 %
Legal intervention on behalf of the suspect during custody hearings	85 %	45 %	70 %

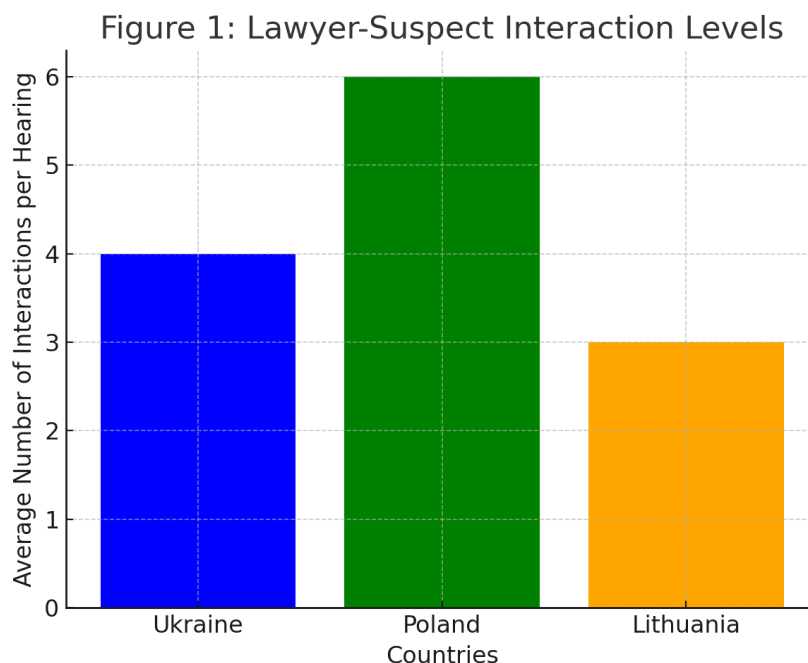
Source: developed by the author based on How to Measure Frequency Hioki<sup>(17)</sup>.

The study found:

- Ukrainian lawyers (85 %) frequently raise concerns about the potential for rights violations during pre-trial detention and actively intervene to secure fair treatment.
- Polish lawyers (35 %) engage less frequently, suggesting systemic differences in the prevalence of rights violations during detention.
- Lithuanian lawyers (70 %) also recognize the importance of advocacy during pre-trial detention, though the issues they address are less systemic compared to Ukraine.

Statistical analysis of structured observations confirmed these findings, since Ukrainian lawyers had filed most objections per hearing on average (2,4), followed by Polish (1,8) and Lithuanian lawyers (1,6). Such a finding points to a more adversarial legal culture in Ukraine, aimed at challenging procedural violations.

### Lawyer-suspect interactions



Source: developed by the author based on Diepeveen<sup>(18)</sup>, Legal Provisions of COM (2011)326 - Right of Access to a Lawyer in Criminal Proceedings and Right to Communicate Upon Arrest - EU Monitor<sup>(19)</sup>, Access and Contact with Lawyer APT<sup>(20)</sup>

Figure 2. The lawyer-suspect interaction levels

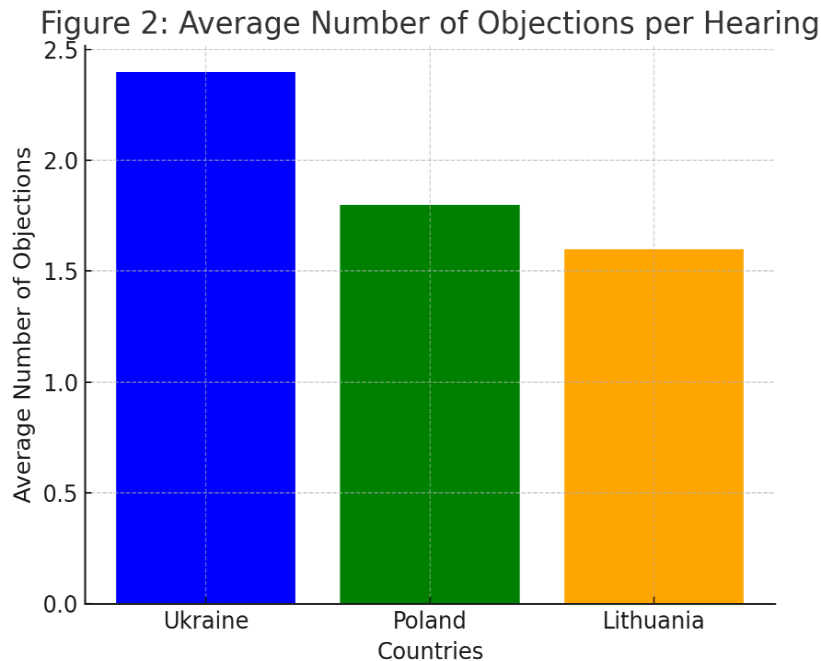
The frequency and quality of lawyer-suspect interactions during court proceedings were analyzed:

- Polish lawyers demonstrated the highest interaction rates, averaging six contacts per hearing, which points to an active approach in trying to keep in contact with clients.
- Ukrainian lawyers averaged four interactions per hearing, reflecting active but less frequent engagement.
- Lithuanian lawyers contacted their clients three times on average per hearing, which probably reflects either more efficient proceedings or less need for continuous consultations.



These differences reflect a differential level of trust and reliance on legal representatives across the three jurisdictions.

### Technological challenges and opportunities



Source: developed by the author based on CalculatorSoup<sup>(21)</sup>, Ankita<sup>(22)</sup>, Guidance on Procedures for Considering Objections to Definitive Map and Public Path Orders Html<sup>(23)</sup>, Echr<sup>(24)</sup>, Echr<sup>(25)</sup>

Figure 3. Average number of objections per hearing

The integration of technology into legal practices has its challenges and opportunities alike:

- The lawyers in all three countries reported difficulties in handling digital evidence, citing a lack of training in AI-assisted tools and digital forensics.
- That included very remote hearings, an option greatly accelerated because of the COVID-19 pandemic in Ukraine, where access to technology is spotty.
- Notwithstanding that, Lithuanian lawyers mentioned that digital tools create the opportunity to expedite evidence review and procedural management.

Furthermore, a regression analysis was conducted to determine the relationship between the lawyers' experience and the frequency of successful interventions, which is illustrated in figure 4.

### Addressing health vulnerabilities

The study identified gaps in addressing health vulnerabilities among suspects:

- Ukrainian lawyers frequently reported encountering suspects with psychological stress or trauma but expressed limited capacity to address these issues beyond procedural advocacy.
- Health vulnerabilities were rarely considered by Polish and Lithuanian lawyers, which reflects a systemic lack of interdisciplinary approaches within their legal systems.

### Correlation between lawyer experience and success

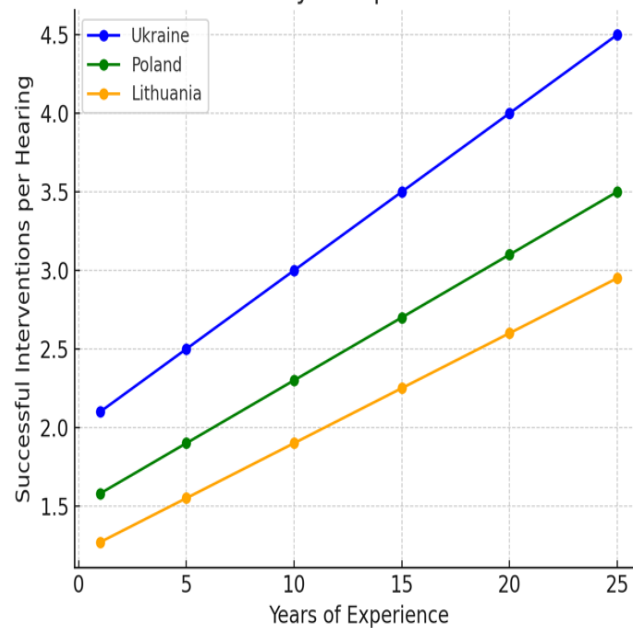
A regression analysis showed a strong positive correlation between lawyer experience and successful interventions:

- Ukraine: Experienced lawyers (20+ years) achieved approximately four successful interventions per hearing, significantly outperforming their less experienced counterparts.
- Poland: The relationship was fair, with experienced lawyers averaging three successful interventions.
- Lithuania: The lowest level of association was present, where lawyers fully experienced had more than two successful interventions per hearing.

These findings highlight the role of experience in dealing with complex legal systems and favorable outcomes

for suspects, particularly in jurisdictions with less procedural support for junior lawyers.

Figure 3: Correlation between Lawyer Experience and Successful Interventions



Source: developed by the author based on Nelson and Epstein<sup>(26)</sup>, Correlation<sup>(27)</sup>, IBM SPSS Statistics<sup>(28)</sup>

Figure 4. Correlation between lawyer experience and successful interventions

## DISCUSSION

The results of this study underpin the existing knowledge with regard to the central position of lawyers in the protection of suspects' rights in criminal procedure, while at the same time indicating large regional differences and interdisciplinary problems. The results point to the necessity of systemic reforms and further research into technological and health-related factors in legal practice.

This study supports Barbu's<sup>(3)</sup> affirmation that attorney-client privilege is a cornerstone of effective legal representation. However, our findings show that confidentiality is not enough. Lawyers should actively advocate at all points in criminal proceedings, especially pre-trial detention when rights violations most frequently occur. In addition, the findings support Sakowicz's<sup>(10)</sup> argument about early access to a lawyer but further develop this by highlighting the quality and effectiveness of representation as determining variables.

Johnston's<sup>(5)</sup> work on conflicts of interest at the pre-indictment stage aligns with our findings in terms of systemic issues inhibiting advocacy. However, unlike Johnston's, this research identifies concrete strategies, such as cross-jurisdictional protocols and increased procedural training, that can be used to mitigate these challenges. The interplay between legal knowledge and specialized knowledge, discussed by Kulyk et al.<sup>(8)</sup>, was also reflected in this study. For instance, lawyers who had experience using forensic evidence greatly enhanced advocacy outcomes.

The study revealed striking dissimilarities in the legal practices of Ukraine, Poland, and Lithuania:

- Ukraine: Lawyers in Ukraine showed high frequencies of objections and interventions during hearings, reflecting an active yet resource-constrained legal environment. The steep positive correlation between experience and success rates underlines the crucial role senior lawyers play in dealing with complex cases.
- Poland: Polish lawyers stressed procedural guidance, contributing to the high lawyer-suspect interaction rates. At the same time, however, the moderate correlation between experience and success rates would be indicative that systemic support eases some lawyer effectiveness disparities.
- Lithuania: The lower interaction rates and objections in Lithuania may reflect a more formalized legal process, but it also raises concerns about the adequacy of suspects' rights protections in these streamlined systems.

These findings align with those of Mergaerts<sup>(11)</sup> regarding the heterogeneous approach to suspects' vulnerabilities taken by different legal systems. They also suggest that each jurisdiction requires tailored reforms in pursuit of better advocacy practices.

The role of technology in legal practice is not explored in most jurisdictions, yet it is increasingly critical. This study identified gaps in the training of lawyers to handle digital evidence and leverage AI tools effectively.



For example, AI-assisted legal research and predictive analytics could enhance case preparation and procedural advocacy, particularly in Ukraine, where resource constraints are significant. Integration of these tools would standardize processes, improve case outcomes, and make sure that suspects are treated fairly. Some suspects suffer greatly concerning psychological and physical duress during criminal procedures. Findings suggest that lawyers are poorly prepared for their clients' vulnerabilities, let alone pre-trial detention. Health sciences incorporated in legal education would be critical in helping lawyers identify this aspect and respond to it professionally as part of a holistic undertaking of advocacy. This fits well with the recommendation for differential defense strategies by Vásquez-Torres<sup>(12)</sup> for juvenile and vulnerable groups.

The findings support a few recommendations that may be applied to improve suspects' rights protection:

- Integrate technology: Develop a standardized tool for AI-assisted evidence management and real-time procedural support.
- Interdisciplinary Training: Incorporate modules of psychological and health vulnerabilities within the curricula of legal education to better equip lawyers for holistic advocacy.
- Standardized Protocols: Establish guidelines for cross-jurisdictional collaboration, focusing on harmonizing procedural safeguards across diverse legal systems.
- Mentorship Programs: Implement formal mentorship and training for young lawyers to close the gap in experience versus effectiveness.

The results form a valuable contribution; nevertheless, some limitations have to be conceded: the sample in this research was confined to three countries, and generalizations across other jurisdictions may not hold. In addition, the study did not track any longitudinal data on the long-term outcomes of the reforms or the effectiveness of AI tools in actual legal practice. Future research should consider these aspects, with emphasis on cross-jurisdictional comparisons and the integration of interdisciplinary perspectives. It would also be important to evaluate the impact of post-pandemic hybrid trials and remote legal consultations on the rights of suspects.

## CONCLUSIONS

The lawyers thereby play a very important role in the protection of the suspect's rights in criminal procedure in different legal systems. In comparing the situations in Ukraine, Poland, and Lithuania, there are large differences in practices concerning legal representation, advocacy challenges, and systemic obstacles. The research strongly underlines that good legal representation is not only elementary in ensuring a fair trial but also necessary for human rights protection during a changing landscape of criminal justice.

A core insight of the study is the critical role played by early legal intervention. The timing and effectiveness of lawyer involvement, especially during the pre-trial phase, have the potential to drastically alter the outcome of a criminal case. Ukrainian lawyers had a higher number of objections and successful interventions, underlining the importance of active legal advocacy. By contrast, the Polish and Lithuanian systems are more procedurally oriented and require changes to ensure that suspects' rights are safeguarded at critical stages of detention and trial. Research also shows that technology and health issues increasingly influence legal representation. Whereas new technologies, such as artificial intelligence and digital evidence management, offer new opportunities to improve legal representation, they create new challenges. Many lawyers are not trained to deal with these innovations, which leads to shortfalls in the protection of the rights of suspects. In the same vein, the psychological and physical health of suspects is an underexplored area in legal practice, where few standardized protocols exist to deal with these vulnerabilities.

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