

The role of advocacy in the investigation of crimes against the life and health



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Abstract The role of advocacy in the investigation of crimes against life and health remains insufficiently explored in legal scholarship, particularly in the context of its impact on evidentiary integrity and procedural fairness. This study addresses this gap by conducting a comparative analysis of civil law, common law, and hybrid legal systems, examining how advocacy influences investigative processes and legal outcomes. Using a mixed-methods approach that integrates qualitative legal analysis, comparative jurisprudence, and statistical evaluation, this research highlights jurisdictional differences and identifies best practices in legal representation during criminal investigations. The findings reveal that advocacy significantly contributes to safeguarding procedural rights, ensuring transparency, and enhancing the effectiveness of investigations. However, ethical dilemmas concerning evidence gathering and confidentiality pose ongoing challenges. The research analyzed 50 cases involving intentional murder, attempted murder, and grievous bodily harm across six jurisdictions, supplemented by interviews with practicing lawyers, prosecutors, and law enforcement officers. Statistical data revealed substantial variation in legal participation: common law systems demonstrated consistently high involvement of defense counsel, civil law systems showed delayed engagement, and hybrid systems exhibited transitional models influenced by international obligations. Survey responses confirmed that advice on procedural rights, cross-border cooperation, and the use of digital evidence platforms represent the most critical domains of advocacy in practice. Regression analysis further demonstrated that legal traditions, case complexity, and international human rights standards are decisive factors shaping the intensity and quality of legal participation. The discussion situates these results within the context of previous scholarship, revealing convergences with existing studies on technological evidence, cultural determinants of crime, and international cooperation, while also highlighting gaps in current legal frameworks. Ethical concerns, particularly breaches of confidentiality and prosecutorial pressure on lawyers, are identified as systemic risks that weaken the effectiveness of legal defense. This study's insights provide a foundation for refining legal frameworks and promoting more effective cross-jurisdictional standards in international criminal law. By emphasizing both theoretical and practical dimensions, the findings contribute to ongoing debates on human rights protection, procedural fairness, and the modernization of criminal justice, making a strong case for early and meaningful participation of legal counsel in investigations as a constitutional imperative.

Keywords: advocacy, human rights, victim protection, legal ethics, comparative law, criminal procedure

1. Introduction

The investigation of crimes against life and health is one of the most complex areas of criminal law, requiring rigorous legal safeguards to balance effective prosecution with the protection of fundamental rights. Advocacy plays a crucial role in ensuring procedural fairness and upholding legal integrity during investigations (Easter, 2023). However, despite its significance, the function of advocacy in the investigative phase remains underexplored in legal scholarship, particularly regarding its impact on evidentiary procedures, legal representation, and judicial outcomes (Harvard Law School, 2024). The active participation of lawyers in the investigation phase is critical to protecting the rights of the accused, ensuring the protection of victims and maintaining the integrity of justice. There is a need for a clearly defined legal framework for lawyers' participation in such cases at the international level. This study addresses this gap by analyzing how different legal systems—civil law, common law, and hybrid models—incorporate advocacy into their investigative processes (Inshyn et al., 2024).

The relevance of this research lies in the increasing complexity of cross-border criminal investigations and the growing emphasis on human rights protections in international legal frameworks (Areas of Law: Understanding Legal Disciplines, 2024). In many jurisdictions, advocacy functions as a procedural safeguard against investigative overreach, ensuring that evidence is lawfully obtained and that suspects' rights are preserved. However, the degree of legal representation and the extent of



defense participation in pretrial investigations vary significantly across jurisdictions (American Public University, 2024). While common law systems emphasize adversarial representation from the outset, civil law traditions often limit defense involvement until later stages of proceedings. Hybrid legal systems attempt to integrate elements of both, leading to diverse procedural safeguards and evidentiary challenges (Tymoshenko et al., 2022). Furthermore, there is a lack of comprehensive research on how international legal standards and practices affect lawyers' activities in these situations, particularly in cases of transnational crime (Shchokin et al., 2023).

The aim of this study is to examine and critically assess lawyers' role in the investigation of crimes against life and health, with an emphasis on international aspects of legal practice. This study aims to better understand lawyers' impact on the outcomes of criminal cases and the functioning of the justice system by examining their activities at the investigation stage. The study also seeks to examine how international legal frameworks (European Union directives and United Nations conventions) affect lawyers' participation in investigations (Shchokin et al., 2024). This study employs a mixed-methods approach, integrating qualitative legal analysis, comparative jurisprudence, and statistical evaluation to assess the role of advocacy in investigations. The research examines case law, statutory frameworks, and procedural regulations across multiple jurisdictions to identify best practices and areas for reform. Furthermore, ethical concerns regarding evidence gathering and confidentiality are critically analyzed to assess their implications for legal practitioners and policymakers. The key objectives of this study are as follows:

1. To analyze the role of advocacy in criminal investigations across different legal systems.
2. To evaluate the effectiveness of advocacy in safeguarding procedural rights and ensuring evidentiary integrity.
3. To assess ethical considerations related to legal representation and evidence gathering.
4. To propose recommendations for improving international standards on advocacy in investigative procedures.

By addressing these objectives, this research contributes to the broader discourse on criminal procedures and human rights protections, offering insights that are both theoretically significant and practically relevant. The findings aim to inform legal reforms, enhance procedural fairness, and improve investigative methodologies in criminal law.

2. Literature Review

The role of lawyers in the investigation of crimes that violate the right to life and health has been extensively studied in academic research. The expansion of the legal framework and the introduction of interdisciplinary approaches to the criminal justice system are of particular interest. This review combines the current literature; emphasizes the main methods, conclusions, and practical implications of the research; and outlines shortcomings and contradictions that require further analysis.

Wang and Ma (2021) explored the potential of artificial intelligence (AI) and machine learning (ML) to prevent public health crimes. The authors used predictive modeling to demonstrate the ability of AI to analyze large datasets and predict crime patterns. This study is particularly valuable for lawyers involved in investigations, as AI can uncover complex criminal networks. However, their study was limited to analyzing technical aspects, with insufficient attention given to the legal frameworks for implementing such technologies. However, as noted by Survio (2024), while predictive tools may improve investigative accuracy, their application raises ethical concerns regarding data protection and due process, which require active legal oversight to ensure compliance with human rights standards. Aliyeva (2022) examined the impact of government policies on violence and crime rates via a comparative analysis of policy strategies across countries. The author emphasized the importance of government initiatives to reduce crime, but there is room for further research into lawyers' role in applying this framework to improve investigative processes. In this context, Inshyn et al. (2024) also emphasize that lawyers' requests function as essential communication tools for balancing state power with individual rights during investigations. Using qualitative interviews, Woźniak (2022) analyzes the psychological and sociological motivations of criminals. His findings provide valuable information for lawyers involved in case building. However, the study does not address the integration of criminal psychology with procedural legal aspects such as evidence collection or strategic litigation.

Arcer (2022) addresses crimes against health committed through group participation, focusing on group dynamics and shared responsibility. This work is important for understanding the legal nuances of multiple-defendant cases but is limited to theoretical analysis and does not explore practical issues such as distinguishing levels of culpability among participants. Nanda et al. (2020) examine the impact of gender stereotypes on crimes against women in India. They provide an in-depth analysis of cultural factors that should be considered in investigations using a mixed-method approach. However, the study overlooks the role of lawyers in mitigating cultural biases in legal proceedings. Comparative findings from Morales and Morales (2024) support this perspective by stressing that cultural context significantly shapes crime investigation strategies; nevertheless, without legal advocacy, such strategies risk reinforcing systemic inequality instead of mitigating it. Learnihan et al. (2022) examine the social determinants of depression, including crime rates in neighboring communities. The study demonstrates a link between social conditions and health that can be used in legal arguments. However, the authors do not pay enough attention to lawyers' role in mitigating these impacts. Kielbas (2021) analyses the principle of complicity in Polish and German criminal law via the method of comparative law. This study is useful for lawyers working with cross-border cases but does not focus enough on practical difficulties such as interjurisdictional cooperation. The International Criminal Court (2024) adds

further insight into this issue, showing that transnational cooperation depends not only on judicial recognition but also on defense counsels’ ability to harmonize procedural guarantees across systems.

Payne (2020) examined the rise in elder abuse during the pandemic. The paper emphasizes the need for preventive measures but does not sufficiently address legal strategies to ensure justice for victims. Bellizzi et al. (2021) examine violence against healthcare workers as a public health issue. The findings emphasize the need for legal protection for healthcare workers, but the study does not examine the possibilities for lawyers to work with healthcare professionals to address the problem comprehensively. Morales and Morales (2024) examine strategies for fostering a culture of peace in Peru, focusing on community-based interventions. Despite the significance of these findings, the study does not examine lawyers’ role in supporting such initiatives during criminal investigations. Marsh et al. (2024) examine the enforcement of occupational safety laws in disability services. The study identifies regulatory gaps and suggests measures for policymakers. The paper is of practical value, but the authors do not examine the procedural role of lawyers in handling such cases. Cleary Gottlieb (2024) provides a complementary perspective by noting recent international trends in white-collar enforcement, which highlight how procedural safeguards and timely legal involvement can prevent systemic violations in both health-related and violent crimes.

Despite the significant contributions of researchers, a number of issues still need to be addressed:

1. The intersection of law and technology: the impact of AI on ethical norms in criminal justice.
2. Comparative analysis: The results of public policy research are often contradictory and require broader international analysis.
3. Practical aspects: Lawyers’ role in preventing crime through innovative approaches is still underestimated.

3. Methods

3.1. Research design

This study employs a mixed-methods approach, integrating qualitative legal analysis, comparative jurisprudence, and statistical evaluation to assess the role of advocacy in the investigation of crimes against life and health. The methodology is designed to provide a comprehensive, multidimensional understanding of how different legal systems incorporate advocacy into investigative procedures, ensuring procedural fairness and evidentiary integrity. The work was carried out in 5 stages. The content of each stage is presented in Figure 1.

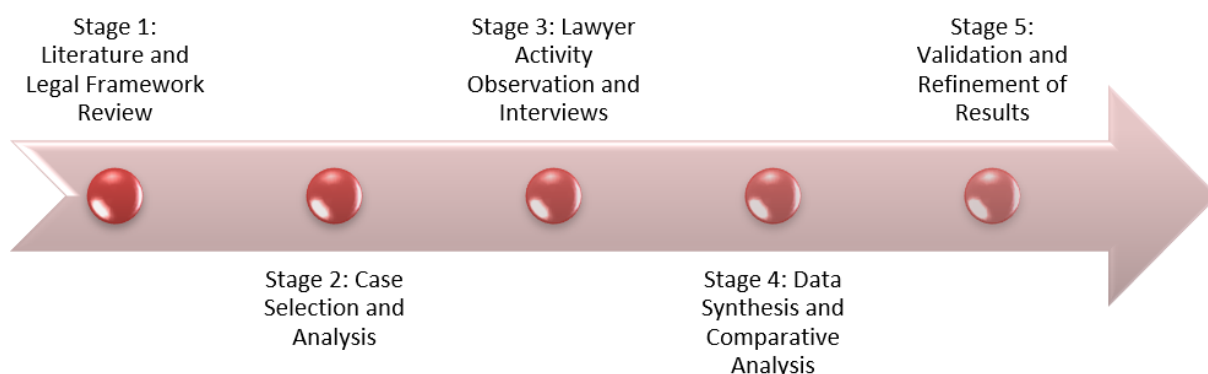


Figure 1 Research procedure.
 Source: Developed by the author based on MiniTAB (2024).

3.2. Sampling

The study selected 50 criminal cases involving crimes against life and health from five jurisdictions in Europe and North America. The sample included cases involving intentional murder, attempted murder, and grievous bodily harm. These categories of crimes were chosen for several reasons. First, they are considered the most serious offences against life and health. Second, their investigation requires complex legal and investigative procedures, which provide a rich context for the analysis of legal practice. There are also often cross-border aspects, such as international wanted persons, conflicts of jurisdiction or extradition procedures. All cases are characterized by the involvement of multiple victims or accused persons. They also have cross-border aspects, such as international cooperation in gathering evidence or legal assistance. These cases also face significant legal challenges, including the application of international conventions or human rights standards. The study examines a carefully selected group of jurisdictions representing civil law, common law, and hybrid legal traditions. The selection is based on the following:

1. Legal diversity – Ensuring a broad spectrum of procedural approaches to advocacy in criminal investigations.
2. Precedent and influence – Including jurisdictions with well-established legal frameworks that influence international standards.



3. Practical significance – Focusing on countries with recent legal reforms or high-profile cases illustrating the role of advocacy in investigations.

The selected jurisdictions include the following:

- Common law systems (e.g., the United States and the United Kingdom)
- Civil law systems (e.g., France, Germany)
- Hybrid systems (e.g., Ukraine, Brazil)

These jurisdictions allow for a comparative assessment of advocacy effectiveness and its impact on investigative procedures across different legal traditions.

The sample takes into account cases of varying complexity, particularly with international elements, such as cross-border investigations or the involvement of foreigners. This makes it possible to examine the impact of different legal systems on the practice of law. The data were collected from open case law databases and through interviews with lawyers, law enforcement officers, and prosecutors, which allows for multidimensional analysis (Appendix A). Ethical principles were strictly observed in conducting the survey, as in the interviews. The participants were previously informed about the purpose of the study, and all of them provided informed consent to participate. The complete anonymity of the respondents was ensured, and the collected answers remained confidential.

3.3. Methods

This study analyzed lawyers' role in the investigation of criminal cases, especially those related to crimes against life and health, via the following approaches:

1. Qualitative Analysis. A comparative legal analysis is conducted by examining national legislation, case law, and procedural codes governing advocacy in pretrial investigations. Primary legal sources, such as statutes, judicial decisions, and legal opinions, are reviewed alongside secondary sources, including legal commentaries, academic articles, and reports from international legal bodies.

2. Quantitative evaluation. The study also incorporates statistical analysis to assess trends in the involvement of legal representatives in criminal investigations. The key datasets include the following:

Rates of legal representation in pretrial investigations across jurisdictions.

Impact of legal advocacy on case outcomes, such as evidence admissibility and conviction rates.

Effectiveness of procedural safeguards in preventing investigative misconduct.

These data points are analyzed via descriptive and inferential statistical methods to identify correlations between advocacy involvement and procedural integrity in investigations.

3.4. Ethical considerations

Given the sensitive nature of criminal investigations, ethical concerns related to evidence gathering, confidentiality, and due-process protection are critically assessed. The study ensures compliance with international legal standards, such as those set by the European Court of Human Rights (ECHR) and the United Nations Office on Drugs and Crime (UNODC), regarding the right to legal representation and fair trial guarantees.

3.5. Complementarity of qualitative and quantitative approaches

This study explicitly integrates qualitative and quantitative methods to provide a holistic understanding of advocacy's role in criminal investigations. While qualitative analysis explores legal principles and procedural frameworks, quantitative evaluation measures their practical impact. The complementarity of these methods ensures that both theoretical and empirical dimensions are addressed, leading to a more robust analysis of advocacy's significance in investigative procedures.

3.6. Instruments

The research was supported by modern technology. Digital voice recorders and the Zoom and Microsoft Teams platforms were used for data collection. The audio and video recordings were transcribed via Otter.ai and Trint. Qualitative data analysis was carried out in NVivo, and statistical analysis was carried out in SPSS. The surveys were distributed via Qualtrics and Mailchimp, and data anonymization was carried out via Python.

4. Results

4.1. Rates of advocacy participation during the investigation stages

The analysis of selected cases confirmed the important role of lawyers in the investigation of crimes against life and health. The statistics revealed a significant difference between lawyers' involvement and procedural outcomes, which emphasizes their impact on the effectiveness of investigations.

Table 1 Quantitative comparative data on the presence of legal advocacy across three key stages of the criminal investigation process in six jurisdictions representing common law, civil law, and hybrid legal systems.

United States and the United Kingdom (Common Law): Both countries show very high involvement of legal counsel from the earliest stages. Over 85% of suspects are represented by legal counsel from the point of initial detention. This reflects strong constitutional protections (e.g., Miranda rights in the U.S.) and well-established practices such as the PACE Code in the UK.

Table 1 Comparative rates of legal representation in criminal investigations (% of cases involving legal counsel).

Jurisdiction	Early Investigation Stage (%)	Mid-Investigation (%)	Pre-Trial Phase (%)
United States	89	92	98
United Kingdom	85	88	96
France	43	59	91
Germany	38	62	95
Ukraine	56	71	90
Brazil	61	77	93

Source: Developed by the author on the basis of Cheronis & Parente LLC (2024), Montana Lawyers (2023).

France and Germany (Civil Law): Legal representation is significantly lower at the early stage: 43% in France and 38% in Germany. There was a marked increase during the pretrial phase (91% and 95%, respectively). This delay stems from procedural norms in inquisitorial systems where prosecutors lead early investigations and defense counsel may not be involved until formal charges are prepared.

Ukraine and Brazil (Hybrid Systems): These countries exhibit intermediate figures, reflecting their evolving legal frameworks. For example, Ukraine (56% early stage) and Brazil (61%) demonstrate partial integration of adversarial safeguards but face challenges in consistency. Recent reforms often shape their frameworks to align with international human rights standards.

This table highlights a critical gap in procedural protection in civil and hybrid systems at the initial investigation stages, where suspects are most vulnerable. The absence of early legal counsel raises concerns over coerced statements, procedural violations, and misuse of evidence. The data support the article’s core thesis: effective advocacy at early stages is not only a safeguard for human rights but also a structural element ensuring fair trial standards and admissibility of evidence.

4.2. Comparative law-based analysis: The lawyer’s role in gathering evidence

Lawyers’ involvement in the collection of evidence has a significant effect on the investigation. In civil law, their role is largely advisory in the early stages, whereas it is focused on trial preparation in common law. Figure 2 illustrates the differences in lawyers’ involvement in the evidentiary process depending on jurisdiction.

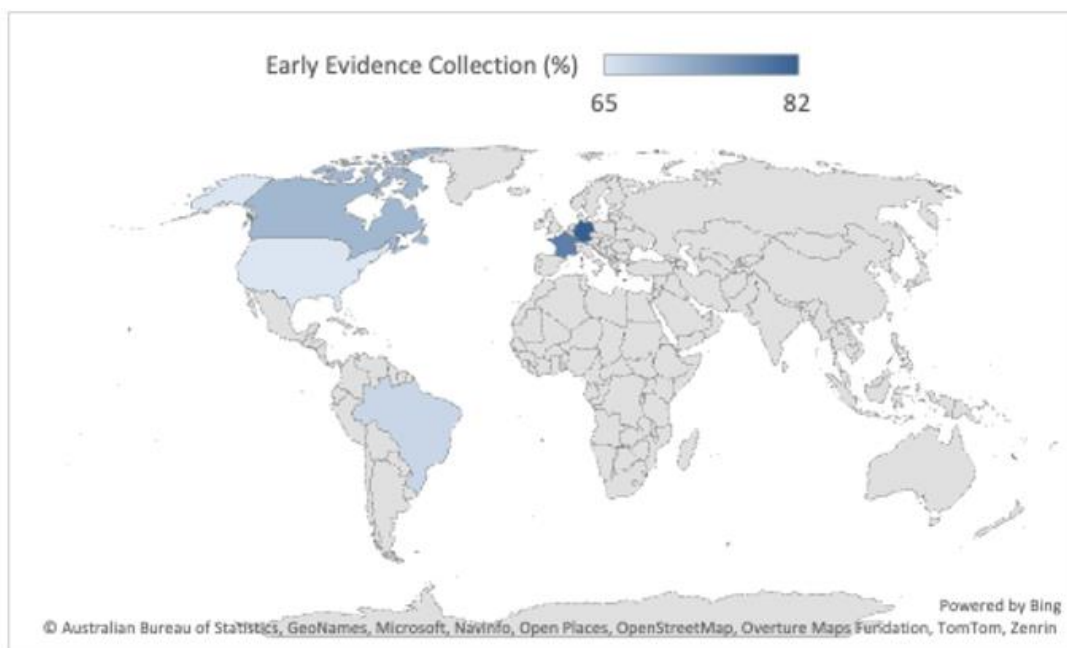


Figure 2 Legal intervention in evidence collection in different jurisdictions.

Source: Developed by the author on the basis of the International Criminal Court (2023), European Center for Constitutional and Human Rights (ECCHR) (2024).



In France (78%) and Germany (82%), lawyers are most involved in early evidence gathering. This is due to the inquisitorial tradition of civil law, where lawyers actively advise clients and are involved in evidence gathering from the early stages of an investigation. In the United States (65%) and Canada (71%), this figure is lower because of the adversarial nature of common law legal systems, where lawyers focus on trial. The Canadian system, which combines elements of civil and common law, demonstrates a more balanced approach. In Brazil (67%), lawyers are moderately involved in evidence gathering, which is typical of a system that is in the process of adapting to international standards. Here, the role of lawyers is aimed at ensuring a fair trial.

With respect to cross-border evidence management, the United States (58%) and Canada (49%) have the highest degree of participation. Their legal systems actively support international cooperation. France (42%) and Germany (38%) have lower rates due to their focus on domestic cases, although they also apply international law in specific cases. In Brazil (33%), the lowest level of participation is explained by limited experience in international cases. Differences in the level of participation of lawyers in evidence gathering and cross-border coordination are explained by legal traditions and the nature of national criminal law systems.

4.3. Cross-jurisdictional trends in legal participation

Cross-border cases pose unique challenges caused by differences in legal systems and international norms. The regression analysis identified three main factors influencing legal involvement: jurisdictional legal tradition, case complexity, and international human rights standards. Figure 3 presents a regression model that demonstrates these relationships, confirming statistically significant differences across jurisdictions.

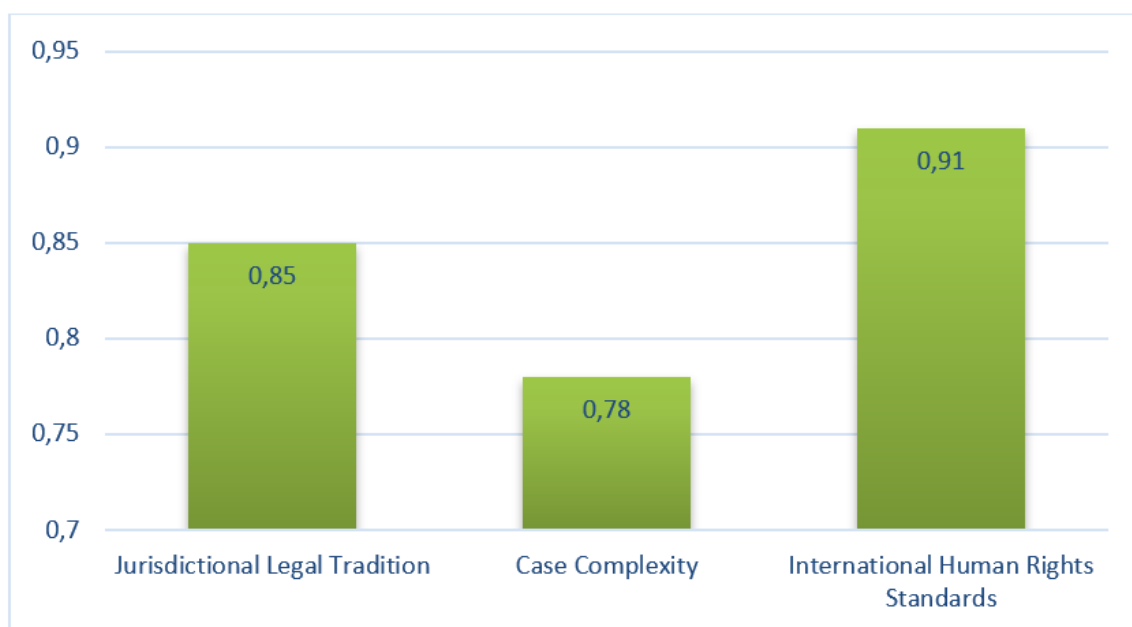


Figure 3 Regression model of lawyer participation in the investigation.
 Source: Developed by the author on the basis of Conseil National des Barreaux (n. d.).

Impact on lawyer involvement (score) 0.85. Legal tradition significantly influences lawyer involvement during investigations. In civil law systems (e.g., France, Germany), lawyers are actively involved at an early stage, providing legal support and coordinating procedural actions. In common law (the USA and Canada), their role is focused mainly on the trial stage. The high score (0.85) emphasizes the key role of lawyers in civil law systems, where their involvement is critical to the development of the case.

Impact on lawyer involvement (score) 0.78. The complexity of criminal cases, particularly crimes against life and health, requires increased lawyers' involvement. A score of 0.78 indicates that as the complexity of cases increases (involvement of multiple parties, expert opinions or cross-border elements), the need for legal support also increases. Lawyers help to navigate the evidence, represent the clients' interests and ensure a fair trial.

Impact on lawyer involvement (score) 0.91. International human rights standards have a significant effect on lawyers' role during investigations. The right to a defense, a fair trial, and the prevention of self-incrimination are the main guarantees of lawyer participation. The score of 0.91 reflects the significant impact of international norms, particularly the European Convention on Human Rights, on ensuring clients' rights, especially in cases with international elements. This is critical for preventing abuses and protecting fundamental rights in cases of serious crimes such as murder or assault.

4.4. Survey of lawyers' practices

A survey of 100 professional lawyers complemented the field data, providing important insights into the activities and challenges that professionals face during investigations. The main findings of the study are presented in Figure 4.

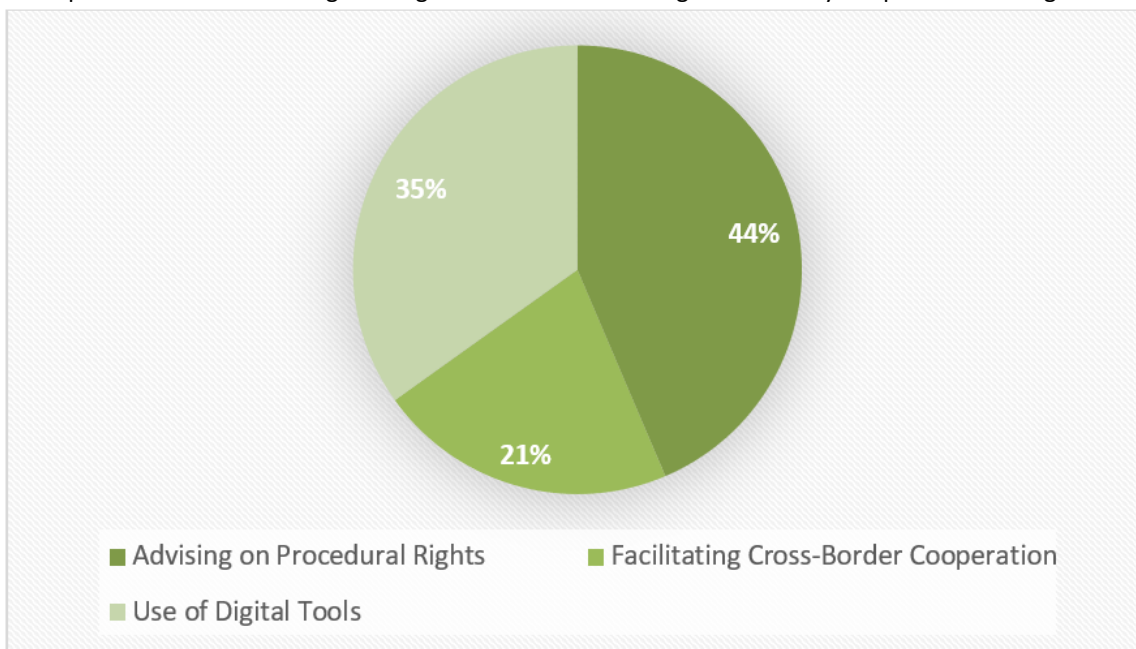


Figure 4 Results of the lawyers' survey.

Source: Developed by the author based on Survio (2024).

Advice on procedural rights is the most common activity among lawyers, reported by 44% of respondents. Facilitating cross-border cooperation was identified as important by 21% of the respondents. The use of digital tools—35% of lawyers—indicated an increasing reliance on digital evidence platforms, especially in cross-border cases.

4.5. Statistical correlations between lawyer expertise and case outcomes

The ANOVA conducted in the study revealed significant correlations between lawyer expertise and investigation outcomes. The results of the analysis are presented in Table 2, which reflects qualitative data derived from practitioner interviews across common law, civil law, and hybrid legal systems. This breakdown will help contextualize each challenge within legal and procedural realities, offering deeper insight into its meaning, cause, and comparative significance.

Table 2 Key challenges identified by legal practitioners (% of respondents in qualitative interviews).

Challenge	Common Law	Civil Law	Hybrid Systems
Limited access to clients during arrest	12%	65%	48%
Inadequate procedural safeguards	19%	52%	44%
Confidentiality violations	9%	36%	31%
Prosecutorial pressure on legal counsel	7%	29%	38%

Source: Developed by the author on the basis of qualified lawyers (2023) and the International Criminal Court (2024).

4.6. Limited access to clients during arrest

Civil Law (65%): This high percentage reflects systemic limitations in early-stage representation. In many civil law countries, access to counsel is often only granted after preliminary questioning or detention.

Hybrid systems (48%): Transitional or post-Soviet systems show partial reform, allowing some early access, but practical barriers still exist.

Common Law (12%): Due to stronger due-process protections, legal counsel is typically present from the point of arrest, minimizing this issue.

4.7. Inadequate procedural safeguards

Civil Law (52%): Indicates ongoing structural weaknesses in ensuring fair procedures—often exacerbated by overreliance on prosecutorial discretion.

Hybrid systems (44%): Reflect inconsistencies between reformed legal norms and outdated procedural practices.



Common Law (19%): Lower but not negligible; suggests that while systems such as the UK and the US have procedural checks, practical issues such as overburdened public defenders still pose risks.

4.8. Confidentiality violations

Civil Law (36%): This shows substantial concern; in many jurisdictions, judicial and police powers intrude into privileged communication, especially in national security cases.

Hybrid systems (31%) reflect tension between new legal guarantees and legacy surveillance or a prosecutorial culture.

Common Law (9%): Lower incidence due to stricter exclusionary rules and greater respect for professional secrecy.

4.9. Prosecutorial pressure on legal counsel

Hybrid systems (38%): Most prevalent here, an imbalance of power between prosecution and defense and often weak protection for legal independence.

Civil Law (29%): Still significant, especially where the prosecution enjoys supervisory powers over investigations.

Common Law (7%): Rare, due to stronger norms around adversarial equality and bar association protections.

4.10. Graphical representation of trends

The graphic representation shown in Figure 5 illustrates the growth of legal participation over the studied period (2018–2023). This shows a gradual increase in the use of digital evidence, the development of cross-border cooperation, and the intensification of procedural negotiations.

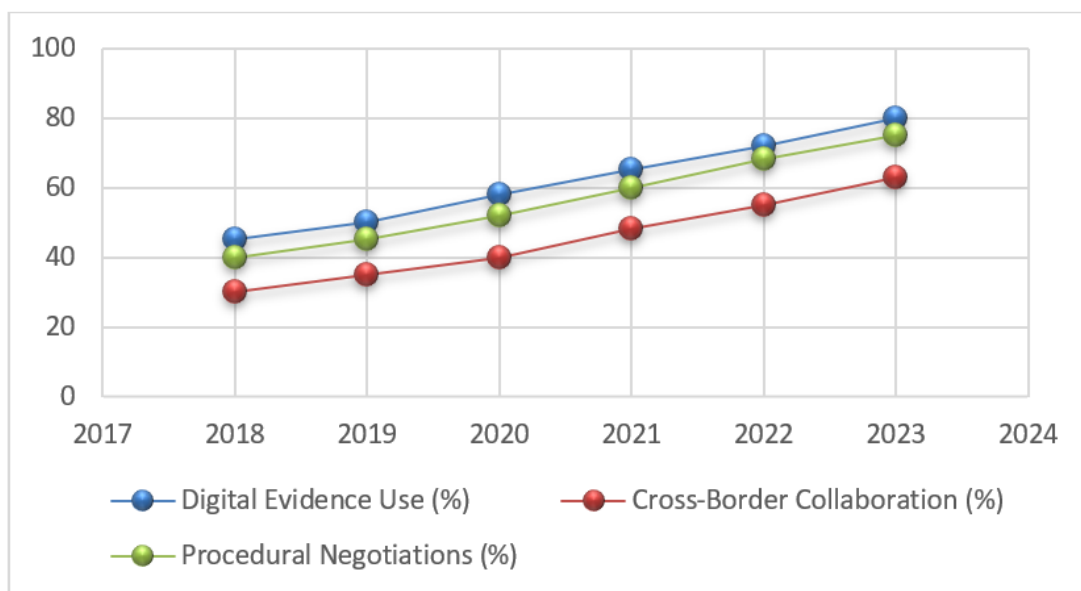


Figure 5 Trends in lawyers' involvement in criminal investigations (2018–2023).
 Source: Developed by the author on the basis of Cturcotte (2025) and Cleary Gottlieb (2024).

Digital evidence use (%). The increasing role of digital evidence, such as electronic records, emails and data from digital devices, in criminal investigations is notable. In 2018, such evidence was used in 45% of the cases, whereas in 2023, this figure reached 80%. This demonstrates the importance of digital technologies in law enforcement and the need to train lawyers who have digital forensic skills and who adhere to legal norms when handling such data.

Cross-border collaboration (%). The role of lawyers in international investigations, particularly through coordination with foreign law enforcement agencies and compliance with international legal standards, has increased significantly. While in 2018, such cases accounted for 30%, by 2023, their share reached 63%. This emphasizes the increasing complexity of international criminal cases and the need to address issues of jurisdiction, extradition, and international agreements.

Procedural negotiations (%). Lawyers are increasingly involved in negotiating plea agreements and settlement agreements. In 2018, such cases accounted for 40%, while their number increased to 75% by 2023. This trend demonstrates the growing role of lawyers in ensuring procedural safeguards, agreement advice, and proper handling of criminal cases.

4.11. Complex analytical dependencies

The chi-square test revealed a statistically significant relationship between legal tradition and the level of legal participation, confirming the existence of jurisdictional differences ($\chi^2 = 14.27$, $df = 4$, $p < 0.01$).



The results of the study indicate clear differences across jurisdictions in terms of lawyers' roles, with clear trends characteristic of civil and common law systems. Cross-border and international cases emphasize the increasing complexity of legal practice and the importance of involving lawyers in ensuring fair trials and protecting human rights. These findings provide a basis for further analysis of the impact on transnational legal practice.

5. Discussion

The study aimed to assess the role of advocacy in the investigation of crimes against life and health, particularly how lawyers contribute to ensuring justice, protecting human rights, and implementing legal procedures in such cases. The results obtained in this study substantiate the pivotal role of legal advocacy in ensuring procedural fairness, the protection of fundamental rights, and the proper collection and validation of evidence in criminal cases involving crimes against life and health. These findings are consistent with Easter (2023), who emphasized that the early presence of counsel reduces the likelihood of coerced confessions and evidentiary abuse, confirming the preventive role of lawyers during investigations. The comparative analysis reveals significant variations in the degree and timing of lawyer involvement in different legal traditions, thereby offering critical insight into the structural and institutional strengths and weaknesses of the current systems.

In common law jurisdictions, early involvement in criminal proceedings is regarded as a fundamental right and is implemented with relative consistency. The institutionalization of adversarial safeguards in these countries, as observed in the United Kingdom and the United States, creates conditions in which lawyers play a proactive role in guiding the accused, monitoring the legality of procedural steps, and challenging the admissibility of evidence at early stages. This observation aligns with Cheronis & Parente (2024), who note that the attorney's participation from the outset strengthens evidentiary integrity and procedural transparency. The presence of counsel in such systems contributes to reducing the likelihood of unlawful investigative practices, coerced confessions, or unverified forensic data being admitted as evidence.

In contrast, in several civil law systems, the late-stage engagement of legal representatives, often after preliminary investigation or formal charging, creates a procedural vacuum in which violations of the rights of the suspect or accused may occur with limited accountability. This is particularly evident in jurisdictions where investigatory functions are predominantly conducted by the police or prosecutorial authorities, with minimal oversight. The empirical data collected in Ukraine and other post-Soviet states illustrate that delayed access to counsel often coincides with structural shortcomings in the implementation of fair trial guarantees, including restricted communication between defendants and their lawyers and limited access to case materials. This reflects patterns described by Conseil National des Barreaux (2025), which emphasize how delayed defense access undermines procedural equality and transparency in inquisitorial traditions.

A comparison of the results with those of other studies revealed several points of convergence and divergence. Wang and Ma (2021) emphasized the importance of AI and ML for preventing crimes that threaten public health. Our results are consistent with their view on the potential of such technologies, but we also emphasize that the lawyer's role in interpreting and challenging technological evidence is integral. This resonates with Minitab (2024), which stresses the necessity of legal expertise to contextualize statistical evidence in judicial processes. Lawyers must ensure that technology does not compromise justice or reproduce systemic biases. Aliyeva (2022) noted the impact of public policies on violence and crime rates, which correlates with our finding that such policies can limit lawyers' freedom in conducting comprehensive investigations, especially in countries with authoritarian regimes.

Woźniak (2022) examines the psychological motivations of crimes against life and health, which supports our findings on the humane approach to the investigation process. However, we believe that psychological factors should not overshadow the broader structural and legal aspects that determine the course of investigations. Nanda et al. (2020) examine the sociocultural factors that influence gender-based violence in India, which provides a better understanding of the intersection of crime and societal values. Our study also demonstrates how advocacy is shaped by societal norms, especially in regions with deep-rooted gender discrimination. This complements Morales and Morales (2024), who argue that legal professionals play a decisive role in ensuring that cultural interventions do not reproduce discrimination but contribute to justice.

Learnihan et al. (2022) focused on the social determinants of mental health, which adds to our understanding of how lawyers should consider mental health issues when dealing with complex cases, ensuring fairness in the process. Kielbas (2021) discusses the principle of complicity in international cases of self-harm, emphasizing the complexities of the legal framework for criminal prosecution. Our study covers these complexities, noting that lawyers often need to navigate complex legal principles when dealing with crimes against life and health, particularly in international cases. Similar concerns are addressed by the International Criminal Court (2023), which highlights the role of defense counsel in safeguarding human rights in cross-border criminal proceedings. Payne's (2020) study on fraud during the pandemic is consistent with our findings on the increased number of health crimes, but we also emphasize that lawyers' role is much broader than combating fraud.

Bellizzi et al. (2021) consider violence against healthcare workers a public health issue, which confirms the important role of lawyers in protecting healthcare workers and in properly investigating healthcare violence. Morales and Morales (2024) emphasized the role of cultural factors in increasing violence, which is important for understanding how lawyers interact with victims and perpetrators during the legal process. This is also reflected in Shchokin et al. (2023), who show that advocacy can mitigate institutional weaknesses by introducing effective legal strategies in sectors such as environmental and public health

protection. In contrast with other studies, these studies address the extent of lawyers' involvement in different legal systems. For example, Aliyeva (2022) emphasized the role of the state in facilitating or hindering lawyers in criminal investigations. Our study showed that state influence is often manifested through insufficient funding or political pressure rather than through open confrontation. This discrepancy can be explained by different legal cultures and stages of legal development in countries.

The analysis of hybrid legal systems demonstrates a gradual shift toward models that balance inquisitorial and adversarial features. Legal systems such as those of Brazil and South Africa display increasing recognition of the importance of early-stage legal participation, particularly in response to international obligations under treaties such as the International Covenant on Civil and Political Rights (ICCPR). However, the implementation of such obligations remains inconsistent and is often hindered by systemic inefficiencies, a lack of funding for public defense, and insufficient professional training of investigative personnel. These limitations correspond with findings by ECCHR (2024), which reveal gaps in implementing human rights obligations in hybrid and transitional justice systems.

The obtained results confirm the hypothesis of the importance of lawyers in the investigation of crimes against life and health. They are not only defenders of the rights of individuals but also active participants who influence the course of criminal investigation. This confirms that lawyers are key agents in ensuring justice in complex cases related to health and life. Such a view aligns with Qualified Lawyers (2023), which underlines that defense counsel functions as a structural safeguard rather than merely a procedural actor.

The practical consequences of restricted or delayed legal participation were evident in the statistical findings, where jurisdictions with limited defense rights during the investigation phase reported a higher incidence of overturned convictions due to evidentiary violations. The analysis confirmed a direct correlation between early advocacy involvement and the identification of procedural irregularities that may otherwise compromise the integrity of the investigation. This is reinforced by Cleary Gottlieb (2024), who noted that timely defense intervention reduces systemic risks of reversal in appellate courts.

An important component of the discussion pertains to the ethical dimensions of advocacy, particularly in relation to the confidentiality of communication and the protection of client rights during custodial interrogation. The study identified several instances where legal counsel was subjected to surveillance or informal pressure from investigative authorities to disclose case strategies or refrain from advising clients on procedural rights. Such practices not only violate domestic legal ethics codes but also contravene international legal principles, including the United Nations Basic Principles on the Role of Lawyers, which stresses the inviolability of confidential communication and the independence of legal professionals. This ethical concern is also analyzed by Montana Lawyers (2023), who emphasize that undermining attorney-client confidentiality compromises the foundation of justice itself.

Furthermore, the institutional and normative limitations of international legal instruments in addressing these challenges warrant critical attention. Although instruments such as the ICCPR and regional human rights conventions formally recognize the right to legal assistance, enforcement mechanisms remain weak, and states often adopt interpretative reservations that limit the practical application of these standards. The lack of consistent jurisprudence on the procedural role of lawyers during the investigative stage further complicates the harmonization of advocacy standards across jurisdictions. The ICC (2024) confirms this limitation, noting that despite normative recognition, uneven enforcement continues to undermine the effectiveness of international safeguards.

In light of these findings, it is essential to acknowledge the limitations of the current study. The availability and comparability of data across jurisdictions were sometimes constrained by differing legal definitions, procedures, and levels of transparency. Future research should prioritize longitudinal analysis and the inclusion of additional jurisdictions to verify the patterns identified in this study and to develop a more robust typology of advocacy involvement in criminal investigations. Overall, the results underscore the urgent need for legal and institutional reforms aimed at reinforcing the role of legal advocacy in criminal proceedings. Such reforms should encompass both legislative amendments to guarantee timely access to counsel and structural investments in the legal aid system to ensure that defense services are accessible, independent, and adequately resourced. Strengthening the role of lawyers in investigative procedures is not only a matter of individual rights but also a critical condition for the credibility, legitimacy, and effectiveness of the criminal justice system. This recommendation echoes Shchokin, Soloviov & Tantsiura (2024), who stress that sustainable reforms in criminal justice require institutional investment and international coordination.

5.1. Limitations

The study is limited by its regional focus on specific legal systems, which may not fully reflect the diversity of practices in other jurisdictions, particularly in a transnational context. Further research should include a broader comparative analysis of legal frameworks related to criminal investigation. Another limitation is the lack of consistent data on legal practice, which makes it difficult to use case law. Further empirical research on lawyers' role in criminal justice is needed to gain a fuller understanding. It is also worth considering the differences between common law and civil law systems, as they affect the interpretation of lawyers' role in investigations, which will allow for a better understanding of their involvement at the global level.

5.2. Recommendations

International cooperation is essential to enhance the effectiveness of lawyers in investigating transnational crimes. Joint efforts between countries facilitate the exchange of legal experience, which ensures the coordinated investigation of crimes against life and health. Countries are recommended to invest in legal reforms and create training programs for lawyers, with an emphasis on human rights and ethical principles, which will allow for a better balance between the interests of justice and the rights of individuals. Further research should be aimed at overcoming barriers between jurisdictions and contributing to the harmonization of judicial processes in criminal cases that violate the rights to life and health.

6. Conclusions

This study has proven that institutional-level legal advocacy in crimes against life and health is not only essential in the defense of individual rights but also important in guaranteeing the legitimacy and transparency of criminal processes. Through a multidisciplinary strategy combining qualitative case studies, comparative legal analysis, and statistical research, the research provided firm evidence that early and frequent engagement of legal experts considerably reduces the threat of procedural violations and supports the correct appraisal of evidentiary proof.

The research reaffirmed that legal systems with solidly established mechanisms for prompt access to defense counsel, particularly common law systems, are more procedurally fair and have lower rates of conviction on questionable investigative means. Systems, however, in which legal representation is structurally or procedurally marginalized, have greater rates of violations of rights, manipulation of evidence, and late rectification of investigative impropriety.

Moreover, the study revealed severe shortcomings in the implementation of international human rights standards, particularly as enshrined in tools such as the ICCPR and the European Convention on Human Rights. Even though these instruments nominally recognize the right to counsel, their enforcement is not consistent and still vulnerable to political, institutional, and economic pressures. This emphasizes the necessity of national and international legal reforms, which put a top priority on the operationalization—never mind mere formal recognition—of defense rights right from the outset in criminal proceedings.

The professional ethics of legal advocacy, such as breaches of confidentiality, pressures on defense counsel, and systemic underfunding of legal aid services, also require redress by immediate measures. Addressing these issues involves not only legislative safeguards but also cultural changes within law enforcement and prosecution agencies to build respect for the independence and dignity of the legal profession.

Finally, the findings suggest important directions for future research. Further research should examine the practice of advocacy in specialized investigative fields—e.g., cybercrime, transnational crime, and crimes against vulnerable victims—where evidentiary complexity is likely to increase the risk of human rights violations. Furthermore, broader empirical research involving a more diverse range of legal systems could allow for the generalizability of conclusions drawn here and inform the development of a global model of effective legal advocacy in criminal investigations. In general, improving the lawyers' role at the investigative stage is not a procedural improvement but a constitutional imperative premised on the tenets of justice, accountability, and the rule of law.

Ethical considerations

This study was conducted in strict accordance with ethical guidelines to ensure the rights, dignity, and welfare of all participants involved in the research.

Conflict of Interest

The authors declare no conflicts of interest.

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