

Legal Regulation of the Legislation on the Protection of the Suspects' Rights during Criminal Investigation

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Abstract

The issue of protecting the suspects' rights during criminal investigations is an important aspect of the functioning of the legal systems of modern democratic states. The effectiveness of European mechanisms plays a leading role in strengthening the rule of law, promoting the transparency of justice, and guaranteeing the rights and freedoms of every person. The article aims to study the effectiveness of the legislative and procedural frameworks for protecting the suspects' rights in criminal cases in the European space using the case of Sweden. The paper examines the judicial system's activity, focusing on practical and legal aspects, and highlights European mechanisms for protecting suspects' rights. Special attention is paid to the Swedish model, which is an example of effective protection of the rights of suspects due to the developed system of socialisation and rehabilitation. The analysis revealed the need to strengthen international cooperation and harmonise the legislative framework at the EU level. The practical significance of the article is the identified basic advantages of the Swedish judicial system in protecting suspects' rights, as well as the developed recommendations for improving the criminal process in European countries and in Ukraine.

Keywords: legal regulation, criminal investigation, human rights, criminal justice, presumption of innocence, international standards.

Introduction

The issue of crime in the modern world is relevant because of socio-economic instability and requires effective measures from the legal systems.

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International organised crime, cybercrime, and terrorism, as well as the issue of protection of fundamental rights and freedoms, are of particular importance in countries with a democratic system. According to Kuzminsky (2023), a special place is occupied by the suspects' right to a defence, which is a fundamental principle of democracy and the rule of law. The modern understanding of criminal justice includes punishment for crimes, socialisation, adaptation, and correction of persons who have committed crimes, with the aim of their return to normal life in society. It is adaptation and socialisation that underline the key goal of justice — restoration of law and order, and support of individuals in their desire to change life for the better.

There are numerous violations regarding the protection of suspects' rights on the way to implementing the principles of fair justice in Europe. According to Atmaja Nr (2022), there are cases of insufficient provision of the right to access a lawyer, the right to a fair and impartial trial and an objective investigation. Problems with compliance with procedural law in the form of unjustified detention, use of excessive force during detention or disrespect for the presumption of innocence point to deep systemic drawbacks. The European integration of Ukraine into the EU requires creating and developing legal protection mechanisms to comply with the principles of democracy and human freedom.

It is necessary to reform legal norms and practices in response to the challenges of the modern world and to effectively protect the suspects' rights. Falenta (2022) claims that the institutions capable of providing such protection include national courts, prosecution bodies, and international legal bodies capable of improving approaches to democratic principles. Different countries effectively cooperate and exchange experience between the legal systems in the conditions of globalisation of the criminal world and jurisdictions (Dutchak et al., 2020). The most developed states ensure the creation of effective programmes for the rehabilitation and socialisation of convicts. The existing steps will increase confidence in the legal system, strengthen the protection of human rights, and contribute to the creation of a just and safe society.

Research objectives

The study aims to analyse the effectiveness of the legal regulation of legislation on the protection of the suspects' rights in criminal cases using the case of Sweden and the European Union. The goal was accomplished by completing the subsequent research targets:

1. Analyse the relationship between the number of cases of suspects and those sentenced to a real term in Sweden based on an effective judicial system.

2. Assess the impact of European legislation on providing legal guarantees for suspects and identify the main shortcomings in the existing legal framework.

3. Based on the analysis, recommendations for the improvement of legislative and procedural norms for EU countries and Ukraine should be developed, which regulate the protection of the suspects' rights in criminal trials.

Materials and methods

The research design involves the analysis of the Crime Index, the systematisation of statistics on the number of suspects and convicts in Sweden, and comparing the results with the legal system principles, which allows for maintaining a low level of recidivism with real punishments. Sweden's jurisdiction was selected due to its unique model and influence in the European legal context to ensure a thorough analysis of the legal regulation of suspects' rights protection during criminal investigations. For comparison, the legal systems of the EU countries were studied, key shortcomings were identified, and potential areas for making recommendations for improvement were determined.

Research methods were aimed at collecting, processing, and interpreting data using statistical methods. It included calculating the percentage of convicts to the total number of suspects, which gave grounds to assess the effectiveness of justice. Qualitative interpretation of the legal space in Sweden through analysing legal norms and legal procedures identified legal factors that ensure the system's high efficiency.

The research sample included Sweden with a medium crime rate but one of the lowest rates of convictions, indicating the effectiveness of the country's legal and correctional systems. To provide a detailed examination of legal frameworks governing the protection of suspects' rights during investigations, the Swedish jurisdiction was chosen for its distinct approach and significant role within the European legal landscape. The sample includes regulatory and legal acts of the EU countries and outlines the main shortcomings in the implementation practice.

The research tools are selected to ensure the analysis and objectivity of the results. The main tool was the application of statistical analysis and its interpretation in accordance with the legal system of the studied country. The use of content analysis identified factors that positively contribute to the effectiveness of the Swedish legal system. The tools of calculating percentage ratios and comparative analysis were used to compare the indicators of the cases of suspects and convicts.

The ethics of the research is ensured by strict adherence to the principles of confidentiality, anonymity, and a responsible attitude to data processing. The study focused on ensuring equality, ensuring statistical and legal analyses respect the

subject's rights without compromising justice and equality principles. All data used were obtained from open sources for privacy rights.

Literature review

The suspects' right to protection in criminal cases is an important factor in the observance of human rights and fundamental freedoms in the legal practice of European countries. Piza and Sytsma (2024) note that in the conditions of the constant evolution of legal systems and challenges, optimal legal regulation needs improvement in socialisation. Flower (2023) emphasises the need to harmonise national legislation with international standards to protect the suspects' rights effectively. Källmen et al. (2023) focus on a critical analysis of procedural guarantees in criminal trials, pointing to strengthening measures to protect the presumption of innocence and access to a fair trial. According to Daly et al. (2021), there are significant problems and gaps in the system of protecting the rights of suspects in practice. Norman and Enebrink (2023) single out issues related to the duration of pretrial detention, lack of effective access to legal aid, and insufficient provision of the right to defence.

Daly et al. (2021) state that there are significant problems and gaps in the system of protecting the suspects' rights in practice. Norman and Enebrink (2023) focus on the issues related to the duration of pretrial detention, lack of effective access to legal aid, and insufficient provision of the right to defence. Akimov (2023) notes that the components of education 4.0 are an element of reforming corporate and state systems that can be used for justice. As Garcia-Argibay et al. (2023) noted, ensuring the right to investigation transparency and openness of court proceedings is a fundamental right of every person. Krüsselmann et al. (2023) point to integrating the latest technological solutions to improve the efficiency and accessibility of legal aid for suspects. According to Stewart et al. (2023), the work of international institutions and bodies should be improved in terms of providing protection rights during the investigation. Johansyah (2020) emphasises the importance of ECHR case law in establishing uniform protection standards at the national legislation level.

Wallengren et al. (2023) state that despite international norms, the protection of suspects' rights varies in national implementation. According to Jarvis et al. (2016) the juxtaposition of formal security against real security through quantitative and qualitative approaches is manifested in cultural and ethical approaches. Amin and Wicaksana (2022) are developing new strategies for increasing the effectiveness of protecting suspects' rights through existing legal mechanisms. Hutiv (2023) explores legal protection for suspects in criminal trials against international standards and practices. Sebayang (2020) examines the need to

reform European countries' national legislation to strengthen the protection of the suspects' rights. Ratnasari (2022) emphasises that effective justice ensures the protection of victims of crimes and guarantees respect for the suspects' rights, as well as the possibility of implementing alternative punishment measures that would help avoid excessive criminalisation.

Sholecha et al. (2023) analyse the role of the ECHR in resolving disputes related to violating the suspects' rights. Akrima and Hafidz (2021) draw attention to the difficulties that suspects face in obtaining a fair trial in the overburdened court systems. Solares et al. (2023) study the impact of geopolitical challenges on the legal system, pointing to the need for global interaction and cooperation to improve legal protection mechanisms. Therefore, modern publications emphasise the problems of protecting the suspects' rights and the importance of an integrated approach to its solution.

Results

In Europe, the crime rate and its structure have significant differences between countries due to the diversity of socio-economic conditions, cultural traditions, and the effectiveness of law enforcement systems. The European Union advocates for ensuring a high level of human rights protection enshrined in the Charter of Fundamental Rights of the EU and the European Convention on Human Rights on the European continent. However, the crime problem remains widespread, as evidenced by the data in Table 1.

Table 1.
Top 10 countries with the highest Crime Index

Rank	Country	Crime Index	Safety Index
1	Belarus	56.4	43.6
2	France	55.3	44.7
3	Belgium	49.1	50.9
4	Sweden	48.5	51.5
5	Moldova	47.1	52.9
6	Greece	47.0	53.0
7	United Kingdom	46.9	53.1
8	Italy	46.9	53.1
9	Ukraine	46.7	53.3
10	Ireland	45.9	54.1

Source: created based on Numbeo (2023).

In countries with a high Crime Index, the protection of the rights of suspects during criminal investigations faces serious challenges. They include excessive use of detention, insufficient access to quality legal aid, lack of transparency and objectivity in investigations. Adopting Ukraine's new Criminal Procedure Code aims to enhance suspects' rights and align procedures with international standards. Rights violations worsen in non-EU countries due to corruption, underfunding, and overburdened judicial systems, leading to prolonged trials. In Ukraine and Belarus, the legal systems face geopolitical challenges, which are obstacles to following European standards. Suspects face restrictions on their fundamental rights and freedoms, including the right to a fair trial and the presumption of innocence. Existing cases undermine public confidence in the legal system and further increase crime rates as the sense of legal accountability and justice is lost.

Sweden is one of the countries that have demonstrated the effectiveness of legal protection against suspects in criminal investigations. Swedish law provides a wide list of rights for suspects, starting from the moment of their detention. Section 21 of the Code of Judicial Procedure guarantees the right to defence, while Section 23 provides the right to information and access to case materials. Sweden attaches great importance to ensuring the right to a fair trial. Figure 1 shows the number of suspects under criminal investigation.

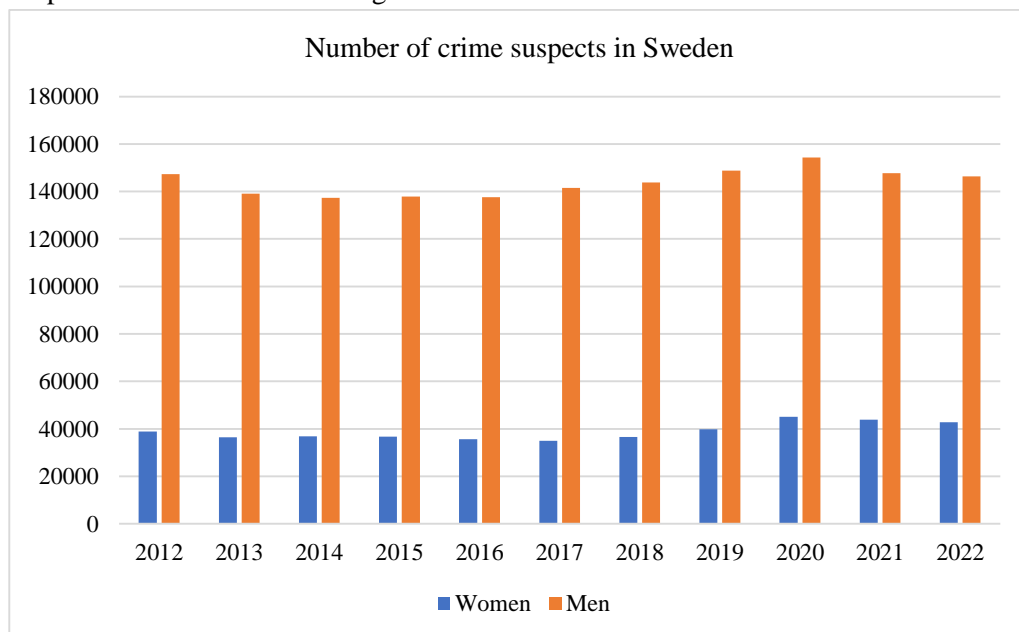


Figure 1. Number of crime suspects in Sweden from 2012 to 2022, by gender
Source: created based on Statista (2023a)

Sweden’s criminal justice strategies focus on suspects’ correction and socialisation, emphasising reintegration over mere punishment. A wide variety of correctional interventions, including rehabilitation programmes, educational courses, and psychological support, address the root causes of criminal behaviour. The Swedish approach reduces the risk of repeated criminal activity, restores social ties, and promotes responsible behaviour. The strategy’s effectiveness is manifested in ensuring long-term security and stability in society, where each person has the opportunity to correct his behaviour and fully return to life in the community, which is confirmed by the statistics in Figure 2.

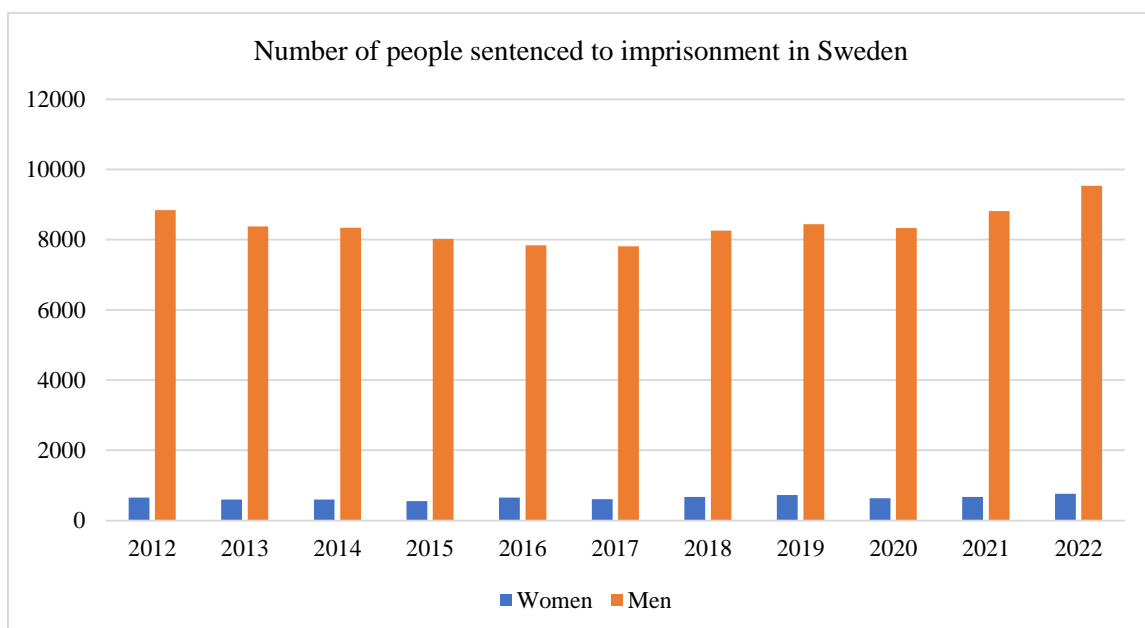


Figure 2. Number of people sentenced to imprisonment in Sweden from 2012 to 2022, by gender

Source: created based on Statista (2023b)

In Sweden, the percentage of persons who have been convicted among all suspects is relatively low, about 5% among men and about 2% among women. Available statistics testify to the effectiveness of the country’s legal system in terms of thorough investigation of criminal cases and careful application of detention measures. Sweden emphasises not just punishing criminals but also their rehabilitation and socialisation, reducing recidivism and aiding justice restoration. Recognising that crimes often stem from complex socio-economic and personal issues prompts a deeper analysis of crime causes and stronger support for those

nearing criminal involvement. Statistical methods were used to calculate the number of convicts, the results of which are shown in Table 2.

Table 2.

Gap in conviction rates between women and men from 2012 to 2022

Year	Percentage of convicted women	Percentage of convicted men	Total number of suspects	Total number of convicts	Total percentage of convicts	The gap in the percentage of convictions between the genders
2012	1.69%	6.00%	186176	9500	5.10%	-4.32%
2013	1.64%	6.02%	175502	8975	5.11%	-4.38%
2014	1.63%	6.08%	174076	8943	5.14%	-4.45%
2015	1.52%	5.82%	174546	8581	4.92%	-4.30%
2016	1.84%	5.70%	173188	8495	4.91%	-3.86%
2017	1.74%	5.52%	176450	8423	4.77%	-3.78%
2018	1.84%	5.74%	180273	8930	4.95%	-3.90%
2019	1.83%	5.68%	188592	9172	4.86%	-3.85%
2020	1.40%	5.40%	199343	8964	4.50%	-4.00%
2021	1.53%	5.97%	191547	9481	4.95%	-4.44%
2022	1.79%	6.51%	189185	10298	5.44%	-4.73%

Source: calculated by the authors

Despite Sweden's effective legal system, EU countries commonly face correctional issues, with conviction rates below 2% and 5% for female and male suspects, respectively. Correctional institutions face problems of migration, shortage of resources for rehabilitation and education, inadequate level of medical care. Swedish legal regulation addresses detention issues by enacting laws and programs for better conditions, education, vocational training, and post-release convict socialisation. Legal regulatory mechanisms focus on strengthening procedural guarantees for suspects to ensure fair and transparent criminal investigations. A comparison of the suspect protection system in Sweden and most EU countries is shown in Table 3.

Table 3.

Rights of suspects during criminal investigation in Sweden and the EU

Right	Regulation in Sweden	Regulation in the EU
General principles	Focused on the safeguarding of individual rights and liberties.	It draws upon the foundational principles outlined in the European Union's Charter of Fundamental Rights and the European Convention on Human Rights.
The right to protection	Suspects have the right to a lawyer from the moment of arrest, Section 21 of the Code of Judicial Procedure (Rättegångsbalken).	The right of access to a lawyer is guaranteed by Directive 2013/48/EU.
The right to information	Suspects must be promptly informed of the charges against them and of their rights, Section 23 of the Code of Judicial Procedure.	Directive 2012/13/EU requires suspects to be promptly informed of their rights and charges.
The right to language	Suspects have the right to an interpreter if they do not understand the language of the proceedings, Section 33 of the Code of Judicial Procedure.	Directive 2010/64/EC provides for the right to translation and interpretation.
Presumption of innocence	Strongly enshrined in Swedish criminal procedure, Section 2 of the Code of Judicial Procedure.	Enshrined in Directive 2016/343/EU.
Access to case materials	Suspects have the right to access the case file relevant to their charges, Section 23 of the Code of Judicial Procedure.	Guaranteed as part of the right to an effective defence.
Arrest and detention	Strictly regulated by law, with limits on the duration and conditions of detention, the Detention Act (Häkteslagen).	Minimum standards for the conditions of detention are defined in several EU directives.
The right to a fair trial	Guaranteed by the Swedish Constitution and procedural law, the Basic Law on Freedom of the Press (Tryckfrihetsförordningen).	A central element of the EU legal system supported by the Charter of Fundamental Rights.
Right to appeal	Suspects have the right to appeal the court's decision, Section 49 of the	Guaranteed by EU law, in particular, in criminal cases.

Code of Judicial Procedure.		
Protection against double persecution	No re-prosecution for the same offence, Section 7 of the Code of Judicial Procedure.	Prohibited by Protocol No. 7 to the European Convention on Human Rights, which is part of EU law.

Source: created by the authors

In Sweden, the effectiveness of the convict socialisation system is the result of implementing several targeted measures and programmes. The Frivård programme focuses on alternatives to imprisonment, offering convicts conditions of probation with strict supervision instead of classic imprisonment. Another important element is the Open Prisons programme, which provides more humane detention conditions during investigation and focuses on preparation for life after release. The programmes demonstrate high efficiency in protecting the suspects' rights, reducing recidivism, contributing to the successful socialisation of ex-convicts, and reinforcing their positive inclusion in society. In Ukraine, the corresponding system is beginning to acquire signs of its development and requires significant efforts to form and modernise it.

There is a need to improve the regulation of existing legal mechanisms to the current problems of the correctional system and the protection of the suspects' rights of in the EU countries. Long-term detention without sufficient evidence of guilt, insufficient protection against illegal actions by law enforcement agencies, and the need to improve rehabilitation programmes should become the foundation of reform. Increased investment in educational and social programmes for convicts and increased supervision of compliance with the procedural suspects' rights can increase the level of rights protection. Ukraine collaborates with global entities to enhance its criminal justice legal framework, boosting the protection of suspects' rights.

Adopting EU norms and Swedish practices in Ukraine could notably enhance laws protecting suspects' rights in criminal investigations, focusing on transparency, justice, and humane treatment. Ukraine is gradually adapting European standards to ensure the suspects' rights, which are mandatory for EU membership. Establishing mechanisms for rights protection similar to Swedish practices, utilising independent oversight, and monitoring detention conditions and case processing are key priorities. The integration of European approaches to the use of alternatives to imprisonment, conditional sentences, and community service

will help Ukraine create a humane and efficient justice system that is close to that of the European one.

Discussion

The study on legal regulations for protecting suspects' rights in criminal investigations found that European mechanisms need enhancements to meet contemporary challenges (Bondarenko et al., 2022). The statement is consistent with the findings of Shodunke et al. (2023) regarding the importance of international standards and strengthening rehabilitation practices. According to the results obtained by Heber (2023), in practice, there are difficulties with access to a lawyer and procedural guarantees for suspects. Compared to Taei et al. (2023), which focused on enhanced punishment measures, the effectiveness of a liberal legal system was found to reduce recidivism. According to Mälärstig et al. (2023), the legal authorities in protecting the suspects' rights were not effective enough. The article of Wiguna et al. (2020) reveals the problem of the overloading of judicial systems, which affects the speed and quality of consideration of suspects' cases and the provision of humane detention conditions.

The hypothesis of Schoultz and Muhire (2023) confirmed that global cooperation is necessary to solve the problems of protecting the suspects' rights by spreading the principles of democracy and ensuring human rights. According to Kripsiaji and Minarno (2022), the article revealed the importance of transparency of judicial procedures to ensure trust in justice. The study's findings are like the analysis conducted by Malenko (2022) regarding the need to integrate technological rehabilitation solutions to improve access to legal aid. Yukhnenko et al. (2023) confirmed the effectiveness of reforming uniform standards for protecting the suspects' rights and developing recommendations to reduce crime.

In the opinion of Siponen et al. (2023), international cooperation and exchange of experience between countries is crucial for improving the protection of the suspects' rights at the global level. This thesis supports the author's belief in global cooperation as a key to safeguarding suspects' rights, emphasising the importance of comprehensive strategies that include legal reforms, international partnerships, and novel rehabilitation initiatives.

Conclusion

The study compared Sweden's legal system for suspect rights protection with those of other EU countries and identified regulatory aspects that enhance suspects' rights and decrease crime rates. The result of the introduction of a complex programme of rehabilitation and socialisation of convicts in Sweden demonstrates a positive effect on reducing recidivism and facilitating their return to

normal life in society. The system of open prisons and alternative punishment measures form the provision of humane treatment of convicts and their further adaptation. Despite the Swedish model's efficiency, the study uncovered issues relevant to other EU countries and Europe.

Problematic aspects arise with Directive 2012/13/EU on the right to information in criminal proceedings, which does not ensure timely and complete information about suspects' rights and charges. Directive 2013/48/EU on the right of access to a lawyer suffers from obstacles in practical application because of differences in national legal systems and limited access to qualified legal aid in certain regions.

The identified shortcomings lead to violations of the suspect's rights to a fair trial, undermining trust in European justice. Therefore, the EU must continue to work on the unification and improvement of the legal standards, ensuring their effective implementation at the national and global levels of the continent. Given Sweden's extensive experience in using digital technologies to improve access to justice, Ukraine can develop and implement similar digital solutions to ensure fair protection of the suspects' rights.

Recommendations

The conducted research and the identified problems of the legal regulation of the legislation protecting the suspects' rights require taking measures to improve legal guarantees and increase the efficiency of justice based on the Swedish model.

- Ensure access to quality and free legal aid for all suspects from the moment of detention.
- Securing necessary funding for providing quality, free legal aid and supporting rehabilitation programs poses a significant barrier.
- Improve the procedural guarantees of the suspects by enshrining the right to be informed of charges in an understandable form.
- Coordinating improvements in oversight mechanisms to protect suspects' rights in Ukraine, requiring adaptation of Swedish and EU experiences to the local context.
- Improve the mechanisms of control and supervision over the observance of the suspects' rights in Ukraine at all stages of the criminal process under the experience of Sweden and EU norms.

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