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## **THE CULTURE OF SPEECH IN DRAFTING PROCEDURAL DOCUMENTS AS A GUARANTEE OF HUMAN RIGHTS OBSERVANCE**

According to the criminal procedure legislation of Ukraine (hereinafter CPC), an inquirer, investigator, or prosecutor (hereinafter referred to as the group of officials) are the persons who are the first to respond to a report of a committed criminal misdemeanor or crime, which obliges them to conduct a pre-trial investigation and record its course in procedural documents. Such persons must possess strong communication skills to establish contact with the victim, witness, suspect, and other participants in the criminal proceedings. At the same time, the manner in which this group of officials formulates the content of procedural documents of the pre-trial investigation determines the further course of judicial review.

According to V. Havryliuk, the culture of oral and written speech of an investigator is important, ranging from orthographic, punctuation, lexical, and morphological literacy to stylistic expressiveness and general ability to conduct dialogue [1], with which we quite agree. It

should also be noted that low level of professional speech and/or spelling by this group of officials in the framework of procedural documents of criminal proceedings may cause legal conflicts, complicate further judicial review of these documents, and cast doubt on the admissibility and compliance of the obtained evidence.

When considering the culture of speech, it is not only about the correct use of linguistic norms but also about the ability to choose language means appropriate to a specific communication situation, communicative goal, and audience. It is precisely this group of officials on whom it depends whether the suspect will cooperate with pre-trial investigation bodies, in what manner and to what extent, whether interrogations within the criminal proceedings will be effective, and whether they will be able to establish communication with participants of the criminal process. In each of these cases, accuracy, clarity, and logical consistency of speech are of great importance. Any vagueness or ambiguity may lead to procedural risks - misinterpretation of oral or written statements by this group of officials, misperception of their expressions by participants in criminal proceedings, which in some cases may be perceived as undue pressure.

Of course, establishing contact with every suspect, witness, or victim is not always possible, but the task of this group of officials is to do everything possible to achieve such contact, and the culture of speech plays a significant role in this process. In this context, the culture of speech performs two key functions: the communicative function – ensuring clear, understandable, and meaningful interaction of law enforcement officers with participants in criminal proceedings; and the procedural function - guaranteeing the legal significance and admissibility of the results of their activities (in particular, when drafting protocols, rulings, and motions).

Although not directly, the requirements for the culture of speech are enshrined in the CPC. In particular, Article 104 of CPC establishes general requirements for drafting protocols. A protocol must be written in the Ukrainian language, contain a complete and accurate account of the circumstances that occurred, and be signed by all participants. This means that the language of the protocol must be clear, unambiguous, legally precise, and at the same time understandable to all participants in the process. Furthermore, Article 277 of CPC sets clear requirements for the content of the notice of suspicion, which must necessarily

include a concise statement of factual circumstances and the legal qualification of the criminal offense of which the person is suspected. Similarly, Article 291 of CPC requires that the indictment contain a statement of the factual circumstances and the formulation of the charge. In these cases, the level of speech culture determines how clearly and precisely the accusation will be formulated, which directly affects the right of the person to defense.

Therefore, a low level of speech culture of this group of officials in procedural documents may have negative procedural consequences, namely: ambiguity, the possibility of evidence being declared inadmissible (due to non-compliance with the CPC), violation of the rights and freedoms of the suspect, and, consequently, the annulment of court decisions. Thus, the culture of speech in drafting procedural documents is not only a matter of professional and personal literacy of this group of officials but also a guarantee of the realization of constitutional rights and freedoms within the framework of criminal proceedings.

In the process of drafting procedural documents, this group of officials often commits lexical and terminological errors, using colloquial or everyday vocabulary instead of legally established terms (e.g., “fight” instead of “conflict involving physical violence”). Terminological mistakes may also be found in indictments, where officials indicate that a person “committed a criminal offense” instead of stating that the person “is suspected of committing” such an offense, which directly contradicts the presumption of innocence [2]. Errors may also be syntactic (structural), where formulations are too complex, convoluted, and lacking logical clarity, resulting in ambiguity in interpreting events and enabling the defense to challenge the content of the procedural document. It should also be noted that, as human beings, these officials sometimes draft procedural documents with excessive emotionality or evaluative judgements (e.g., “the detainee behaved arrogantly” instead of a factual description of actions), which directly contradicts the principle of objectivity. At the same time, the use of vague clichés without specification (e.g., “took measures” — without indicating which ones) may call into question the objectivity of such documents. Mistakes in spelling names, addresses, confusion in dates, procedural terms, and the absence of punctuation marks that may fundamentally alter the meaning of a document — all this may become

a formal ground for recognizing such a document as inadmissible evidence (Article 86 of CPC). A critical error may also be the omission of details which officials failed to assess as significant at the time of drafting the document, or incomplete/inaccurate reflection of the course of a procedural action, which contradicts the principle of completeness of pre-trial investigation.

Thus, speech errors in procedural documents are not merely “grammatical mistakes” or a sign of fatigue on the part of officials, but a factor that may directly affect the legality and admissibility of evidence in criminal proceedings, the rights of participants, and the outcome of a court case.

Therefore, the culture of speech of this group of officials is an integral part of their professional activity and has direct procedural significance. It ensures accuracy, clarity, and logical consistency of procedural documents, which are a guarantee of safeguarding the rights and freedoms of participants in criminal proceedings. Deficiencies in speech or errors in drafting documents may lead to legal conflicts, doubts about the objectivity and completeness of pre-trial investigation. That is why literacy and the culture of speech serve as a guarantee of the quality of pre-trial investigation and subsequent judicial review. The language of a law enforcement officer performs not only a communicative but also a procedural function, ensuring legality and effectiveness of the criminal process.

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