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## FEATURES OF CRIMINAL RESPONSIBILITY FOR CRIMINAL PARTICIPATION TO SUICIDE IN FOREIGN CRIMINAL LAW

### Abstract.

The article analyses the norm on criminal liability for inducing suicide and facilitating its commission, provided for in the legislation of foreign countries, in connection with the intensification of the activities of "death groups" in social networks. The correlation between the social danger of inducing suicide and facilitating its commission is analysed in detail. Examples of the qualification of these acts in aggregate are given, when their commission does not entail the suicide of the victim or his attempt, the artificial nature of such a combination is emphasized. The author comes to the conclusion that it is necessary to abandon the fragmentation of interrelated actions - inducing suicide and facilitating its commission — into two independent elements of crime in parts 1 and 2 of the article. As a matter of discussion, the issue of distinguishing the analysed acts from driving to suicide is investigated, the validity of the legislative decision on recognizing them as more socially dangerous is proved. A separate consideration in the article is given to the question of the nature of the deterministic relationship as part of the "effective" suicidal inclination and assistance in its commission. Contrary to traditional views, it is noted that the actions of a person who inclines or facilitates are a necessary (mandatory) condition for committing suicide, that is, they are in a causal relationship with him, and not in a causal one. When considering qualification issues, the author reveals the content of the concept of "attempted suicide", while critically evaluating proposals to replace it with "suicide attempt". The non-obvious signs of the analysed crimes (targeting and special purpose) are indicated, which make it possible to distinguish them from criminally unpunished acts. Finally, proposals are formulated to amend the criminal law norm.

**Key words:** human life, suicide, euthanasia, bringing to suicide, criminal law, criminal liability, incitement.

### **Introduction.**

The criminal legislation of any country, its development or stagnation, is directly interconnected with all areas of life and processes that make up the interweaving, and ultimately the entire internal, and sometimes external, side of the life of the state. International cooperation allows not only to provide mutual assistance to law enforcement agencies of different countries in preventing and combating crime, but also allows one to share experience and adopt accumulated knowledge within the framework of cooperation and studying the experience of foreign countries. The close interaction built between the power structures of different states makes it possible to resolve many issues in the fight against criminal syndicates, but the mentality of each nationality, the individual approach inherent in each state and its society in assessing and qualifying criminal acts, can differ dramatically even in states bordering each other [1].

It should be recognized that the Criminal Code of the Republic of Kazakhstan and related articles represent the most effective mechanism, including in comparison with criminal sources of foreign countries, allowing to counteract and administer justice for incitement to suicide. In order to conduct a comparative legal analysis of the reaction of modern European society to criminal attacks carried out on a person through incitement to suicide, it seems quite natural to give examples of criminal sources, or rather, criminal norms on incitement to suicide in some states of the Romano-Germanic legal system. A distinctive feature of the criminal legislation of European countries from the criminal law of the Republic of Kazakhstan is that in European countries the criminal act is not the incitement to suicide itself, but inducement and incitement to suicide. Thus, in paragraph 240 of the Criminal Code of Denmark, paragraph 78 of the Criminal Code of Austria, Art. 454 Criminal Code of Turkey, Art. 115 Swiss Criminal Code, art. 294 of the Dutch Criminal Code provides not for incitement to suicide, but for inducement and assistance in suicide, and for rendering 33 of the Danish Criminal Code [2].

The last provision is not typical for Kazakh legislation. Despite the fact that the wording of the act is the same, the sanctions for committing this act are quite different. Thus, the criminal norms of Turkey, establishing liability for incitement to commit suicide and assistance in committing suicide, provide for severe punishment in the form of imprisonment from three to ten years. The same act is punishable less severely in Austrian criminal law - imprisonment for a term of six months to five years. In Holland (Article 294 of the Dutch Criminal Code) for the same acts committed by inciting a person and helping him to commit suicide, the person is subject to criminal liability, but the interesting thing is that the sanction for such acts is absolutely lenient in nature, so the commission of a crime, provided for in Art. 294 of the Dutch Criminal Code is punishable by imprisonment for a term of not more than three years or a fine of the fourth category if suicide was committed. Assisting in committing suicide can be punished only if the death of the victim occurs. The modern Criminal Code of Switzerland in the matter of liability for causing suicide is closer to the Criminal Code of the Kazakh SSR of 1959, namely in that responsibility for such an act could only occur if there were selfish motives. The interpretation of the objective side of this act by the legislation of CIS countries, such as Uzbekistan and Kazakhstan, is somewhat unusual. Thus, the Supreme Court of Uzbekistan says that incitement to suicide is characterized by the fact that its subjective side must have indirect intent and carelessness in relation to the consequences that occurred as a result of the crime. Kazakhstan contains a roughly similar rule, which was interpreted by the Supreme Court of Kazakhstan in 2007. Thus, in Kazakhstan, the subjective side of this act has such signs as intent and negligence in relation to the consequences that occurred after the commission of the crime. If the person who committed the crime has the intent to cause the death of another person by driving him to suicide, and his attitude towards the result of the

crime is not of the nature of negligence and it is clear that the guilty person wanted such consequences to occur, then such an act is qualified as intentional murder in accordance with Art. 99 of the Criminal Code. At the same time, in the CIS countries, it is common that responsibility for such an act with a qualifying feature is quite similar, so the criminal legislation of Uzbekistan provides for liability in the form of imprisonment for a period of 7 to 10 years (Part 2 of Article 103), the same amount of sanctions is determined in the criminal legislation of Ukraine (part 3 of article 120). A peculiarity of the institution of responsibility for the act under study in the CIS member states is that legislators have provided for responsibility for both incitement to suicide and inducement to suicide. As we have already noted, Legislation has adopted the experience of the Model Criminal Code for the CIS member states, which provides for liability for incitement to suicide, while even for committing the qualifying elements of this crime, it defines this act as a crime of medium gravity. Moreover, due to the increasing incidence of this type of crime and its impact on minors, in 2017 in Russia the responsibility for this act was tightened, especially in relation to minors. Thus, significant changes were made to the Criminal Code of the Russian Federation by Federal Law No. 120-FZ of June 7, 2017 “On Amendments to the Criminal Code of the Russian Federation and Article 151 of the Criminal Procedure Code of the Russian Federation in terms of establishing additional mechanisms to counter activities aimed at inducing children to suicidal behavior,” which we have already discussed. The most laconic, in our opinion, is the criminal legal regulation of this act in the Criminal Code of Turkmenistan. Yes, Art. 106 of the Criminal Code of Turkmenistan contains liability for incitement to suicide as a less serious crime, for incitement to suicide as a more serious crime, and for incitement to suicide of a minor as the most serious crime. The mildest sanction for incitement to suicide is contained in the criminal legislation of Armenia; firstly, this act in this state does not contain qualifying criteria, and secondly, the maximum punishment for incitement to suicide is imprisonment for a term of up to five years. The Criminal Code of Belarus establishes liability for driving a minor to suicide in the form of imprisonment for a term of up to five years or restriction of freedom for a term of up to 5 years. Also “soft” is the liability for the qualifying offense in the form of driving a minor to suicide in the criminal legislation of Moldova, so for this act a sanction is established in the form of imprisonment from 2 to 6 years. The criminal codes of Turkmenistan and Tajikistan contain the same sanction in the form of imprisonment for a term of up to 8 years, while the criminal legislation of Tajikistan establishes a lower limit of sentencing in the form of five years of imprisonment. The liability established by criminal law in Ukraine and Uzbekistan is similar; driving a minor to suicide in these countries is punishable by a term of 7 to 10 years. The most severe is the approach of the Russian legislator, who, for committing an act with a qualifying characteristic, establishes liability in the form of imprisonment for a term of 8 to 15 years. At the same time, the Criminal Code also establishes deprivation of the right to hold certain positions or engage in certain activities for a period of up to 10 years or without it and restriction of freedom for a period of up to 2 years or without it. Whether such a sanction has any effect on reducing the number of crimes committed is difficult to say, since most often the persons guilty of committing this crime sometimes do not even realize that they are committing a criminal act, and in principle there is no need to talk about awareness of the sanctions of this composition. In addition to incitement to suicide, the Model Code contains in Art. 118 constitutes inducement to suicide, which consists of “inciting in another person the determination to commit suicide through persuasion, deception or other means” (Article 118). This act is classified as a crime of medium gravity provided that the person committed suicide or attempted to commit it. The same approach is contained in the criminal legislation of Armenia, Armenia, Kyrgyzstan, Turkmenistan and Uzbekistan. Belarus has somewhat modified the subjective and objective aspects of this act, adding such a sign of the subjective side as “intention”, and excluding some methods of committing a

crime, such as persuasion, deception. The approaches to fixing the qualifying feature in the form of minority are also different. Thus, the criminal legislation of Belarus emphasizes Part 2 of Art. 146 that the person must know that the victim 27 is a minor. And the Criminal Code of Uzbekistan includes the sign of minority in a separate article 103.1 of the Criminal Code of the Republic of Uzbekistan. It is interesting that the Criminal Codes of neither Armenia, nor Kyrgyzstan, nor Turkmenistan contain any qualifying criteria for committing this act against a minor. However, it was later edited, which suggests that the formulation of this composition is not perfect. Of course, a comparative analysis of sanctions for committing an act in the form of inducement to commit suicide should also be carried out. The most lenient penalties for this act are established in the criminal law norms of Armenia and Turkmenistan. In these states, liability for inducing suicide of an adult and a minor is not differentiated; accordingly, liability for such acts is the same - imprisonment for up to 3 years. A more severe punishment is provided for in Russian legislation, so Art. 110.1 of the Criminal Code of the Russian Federation establishes liability for committing this act in relation to a minor in the form of forced labor for up to 4 years with deprivation of the right to hold certain positions or engage in certain activities for up to 5 years or without it, or imprisonment for up to 4 years with deprivation of the right to hold certain positions or engage in certain activities for a period of up to 5 years or without it. A less alternative is the sanction provided for by the Criminal Code of Belarus, which provides for the most severe punishment for incitement to suicide 28 liability in the form of restriction of freedom for up to 4 years or imprisonment for up to 5 years [3].

#### **Materials and methods of research.**

In addition to the legislative aspects surrounding suicide, it's important to consider the cultural and societal factors that influence this issue. Across various nations, there are differing stigmas and attitudes towards mental health, which can impact the willingness of individuals to seek help and support. In some countries, such as Japan, there's a prevailing social stigma around discussing mental health issues, which can deter individuals from seeking assistance and contribute to higher suicide rates.

Furthermore, the role of media and online platforms in potentially glorifying or sensationalizing suicide is a global concern. The phenomenon of "suicide contagion" has been observed in various parts of the world, where one suicide can trigger a cluster of similar incidents, often exacerbated by media coverage. Efforts to promote responsible reporting and to provide resources for those in crisis are critical in addressing this issue [4].

Lastly, international cooperation and sharing of best practices in suicide prevention and mental health support are essential. Many countries have developed successful strategies to reduce suicide rates, and collaboration among nations to exchange knowledge and strategies can lead to more effective global suicide prevention efforts. Building a collective understanding of the diverse factors influencing suicide rates is vital to implementing comprehensive and culturally sensitive interventions.

#### **Results and its discussion.**

On the other hand, India takes a stringent stance on assisted suicide, prosecuting those involved in helping others take their lives. These cases demonstrate the stark contrasts in legal approaches and their consequences regarding criminal participation in suicide. The varying interpretations of this delicate matter highlight the significance of cultural, ethical, and social influences on legal systems.

Penalties for criminal participation in suicide differ significantly. Some countries, like England, consider it manslaughter and impose severe penalties, while others, like the Netherlands, allow euthanasia and physician-assisted suicide under certain conditions.

The involvement of criminals in suicide causes a whole range of justifications and criticisms within various legal systems. Let's look at the arguments in favor of strict criminal liability and in favor of soft approaches and compare them.

Arguments in favor of strict criminal liability:

1. Protection of vulnerable persons: Proponents of strict criminal liability argue that severe punishments are necessary to protect vulnerable persons from coercion or undue influence in cases of suicide. This approach emphasizes the need to protect those who can be manipulated to force them to commit suicide.

2. Upholding the sanctity of life: Another argument in favor of strict responsibility is based on the belief that human life is inherently valuable and must be preserved at all costs. This view asserts that encouraging or aiding suicide is contrary to the fundamental moral and ethical principles of society.

3. Deterrence and public morality: Proponents of strict responsibility argue that the introduction of strict punishments serves as a deterrent, discouraging people from helping or encouraging suicide. This, in turn, contributes to the promotion of social values and norms that prioritize life and well-being.

Counterarguments in favor of soft approaches:

1. Autonomy and personal choice: Proponents of softer approaches emphasize the importance of individual autonomy and the right to make decisions about their own lives, including the choice to end it. They argue that criminalizing aid infringes on personal autonomy.

2. Humanitarian Compassion: Some argue that assisted suicide can be an act of humanitarian compassion. They claim that in certain cases, helping someone to end their life can be an act of mercy that reduces the suffering of people with incurable diseases or unbearable pain.

3. The Slippery Slope problem: Critics of strict criminal liability express concern about a potential "slippery slope" where excessive regulation can lead to unintended consequences. They fear that restrictive laws could drive assisted suicide underground, making it more dangerous and less regulated [5].

The ethical dilemmas associated with criminal involvement in suicides are complex and multifaceted. Key ethical considerations include:

- Balancing the principles of autonomy and sanctity of life.
- Addressing inequalities in access to assisted suicide services.
- Determining the legality of the motives behind assisted suicide, such as compassion or coercion.
- Solving problems related to the regulation of a deeply personal and morally charged issue.
- The clash of these ethical principles and dilemmas has led to different legal approaches in different countries. Ethical debates continue to determine the evolution of laws and regulations in this area, while discussions continue on how to find a balance between individual autonomy, protection of vulnerable persons and public values.

Let's look at the specifics of criminal liability. Criminal liability for participation in suicide varies widely depending on foreign criminal law systems, but several common features can be distinguished:

**Mens Rea (Criminal intent):** Most legal systems require proof of intent or a guilty state of mind on the part of the accused. Proof that the accused knowingly and intentionally assisted or encouraged suicide is a crucial element in these cases.

**Causal relationship:** It is often necessary to establish a causal relationship between the actions of the accused and suicide. This can be difficult because it requires demonstrating that the defendant's actions were a significant factor leading to suicide.

**Duty of care:** In cases where people are unable to prevent suicide, having a duty of care is often a key characteristic. This duty may be based on various relationships, such as parents, guardians, or medical professionals who are responsible for protecting vulnerable individuals.

**Approval:** Some legal systems consider the consent of a person who has committed suicide as a mitigating circumstance. If an individual voluntarily participated in an act, this may affect the degree of criminal responsibility of those involved.

**Age and vulnerability:** The age and vulnerability of a person who has committed suicide may be factors in determining criminal liability. Greater responsibility can be placed on those who exploit or manipulate minors or vulnerable persons.

It is interesting to study the experience of former Soviet countries on the problem of suicide. Unlike Western European countries, criminal liability for suicide is established in them by analogy with the criminal legislation of Russia. At the same time, in some countries, a simple type of suicide is provided for, and in a number of others, along with a simple one, a qualified type is fixed, where various ways of committing this type of crime are established to strengthen responsibility. States such as Azerbaijan, Georgia, Estonia and Lithuania have codified only a simple form of suicide and attempted suicide. For example, the Criminal Code of Georgia (Article 115) formulates responsibility for this act in fact, as well as in the Criminal Code of the Republic of Kazakhstan – for driving to suicide or attempted suicide by threats or ill-treatment of the victim or systematic humiliation of her honor or dignity. St. 125 of the Criminal Code of Azerbaijan has established responsibility for the commission of such an act in similar ways, but only if there is a material, official or other dependence between the victim and the perpetrator. According to the legislation of Estonia, this act is punishable if there is harsh treatment of the victim, expressed in bullying him. The Criminal Code of Lithuania (art. 133) established the punishability of driving to suicide or inducing suicide by cruel or "insidious treatment" of the victim, excluding such a method as "threat", and, in addition to all this, the legislator does not disclose which specific actions should be attributed to "insidious treatment". It also establishes responsibility for assisting a terminally ill person in suicide. Other former Soviet states, such as Belarus, Armenia, Latvia, Moldova, Ukraine, Kyrgyzstan, Kazakhstan, Tajikistan, Turkmenistan, and Uzbekistan have provided for both simple and qualified types of this crime in their legislative acts. The Criminal Code of the Republic of Armenia (art. 110) in part one, establishes guilt for driving a person to suicide or an attempt on him by threats, systematic humiliation of human dignity, ill-treatment, while specifying the form of guilt with which the criminal act in question can be committed - either with indirect intent or by negligence. If the victim was financially or otherwise dependent on the perpetrator, this entails, according to part two, increased responsibility. In fact, the Republic of Belarus describes the signs of the composition of this crime in the same way (art. 146), adding responsibility for suicidal tendencies in the second part of the article. The legislator has specifically designed the corresponding norm in Moldova. The Criminal Code of the Republic of Moldova (Article 150) establishes responsibility for driving to suicide and attempted suicide, but if this was the result of harassment, slander, insult or systematic humiliation of the dignity of the victim by the guilty person. Part Two qualifies this act against a minor, or a dependent financially or otherwise. That is, a number of ways of committing a crime have been supplemented here, such as harassment, slander and insult, but unlike the Criminal Code of the Republic of Kazakhstan, there is no threat. Article 120 of the Criminal Code of Ukraine is also of interest, which provides for liability for the criminal act in question if it occurred as a result of ill-treatment of the victim, through blackmail, coercion to illegal actions or systematic humiliation of human dignity. A qualified type of crime is considered to be cases where there was a material or other dependence of the victim or the action was committed against two or more persons, and if the victim turned out to be a minor, then this is a particularly qualified type of suicide or attempted suicide. That is,

this Criminal Code, unlike the criminal law of the former Soviet republics, identifies as a qualifying feature the commission of this criminal act against not one person, but two or more persons, and considers the provision on the victim's minor to be particularly qualifying, giving this circumstance great importance, thereby increasing criminal liability. Thus, the norm on the existence of material or other dependence between the victim and the guilty person, or cases of the victim's underage age, unlike the legislation of the Republic of Kazakhstan, is considered as a qualifying circumstance by many neighboring countries: Belarus (Article 145), Kyrgyzstan (Article 102), Tajikistan (Article 109), Uzbekistan (Article 103), Turkmenistan (Article 106). Responsibility for inducing suicide is provided for by the Criminal Code of Armenia, Belarus, Kyrgyzstan, Lithuania, and Turkmenistan.

### **Conclusion.**

**Real-life Examples of Notable Cases Involving Criminal Participation in Suicide from Different Countries:**

**United States - Conrad Roy III and Michelle Carter:** In a widely publicized case, Michelle Carter was found guilty of involuntary manslaughter for urging her boyfriend, Conrad Roy III, to commit suicide via text messages and phone calls. Her conviction set a significant legal precedent regarding the criminal responsibility of individuals who encourage or assist in suicide. The Michelle Carter case brought attention to the issue of criminal participation in suicide. It emphasized the potential legal consequences for individuals who encourage or assist in suicide. This case contributed to discussions about the need for more comprehensive legislation on this matter.

**Germany - Armin Meiwes:** Armin Meiwes, known as the “Rotenburg Cannibal”, was involved in a gruesome case of consensual homicide and cannibalism. He was convicted of manslaughter, and the case raised questions about the legal definition of assisted suicide and the complexities of consent. The Armin Meiwes case challenged the legal system's understanding of consent and the boundaries of assisted suicide. It prompted Germany to reevaluate its laws concerning cannibalism and assisted suicide, leading to legal amendments [5].

**Switzerland - Dignitas and Assisted Suicide:** Dignitas is a Swiss organization that assists individuals in ending their lives. The case of Dignitas raises questions about the ethical and legal boundaries of assisted suicide in Switzerland, where it is not considered a crime. The presence of organizations like Dignitas in Switzerland has prompted debates about the need for clearer guidelines on assisted suicide. Switzerland's approach to end-of-life choices has implications for the global conversation on euthanasia and assisted suicide [6].

In order to find more precise features of criminal liability for involvement in the suicide of a person in the criminal laws of the countries of the world, we will do an analysis guided by two countries, such as Germany and the Netherlands, provides an interesting understanding of how different legal systems approach this issue.

**Germany:**

**Legislation:** In Germany, euthanasia and participation in suicide are closely regulated. Here there is a difference between active euthanasia (active acceleration of the patient's death) and assisted suicide. Active euthanasia is illegal, but assisted suicide can be legal, provided that the patient has twice stated his desire in writing and has been evaluated by two independent doctors [7].

**Criminal liability:** Participation in suicide for the purpose of personal gain or abuse of the patient may lead to criminal liability.

**Control and supervision:** Doctors and persons assisting in suicide are subject to strict supervision by medical and social protection authorities.

**Netherlands:**

**Legislation:** The Netherlands was one of the first countries to legalize euthanasia. The law allows medical assistance in dying under strict rules and procedures. Euthanasia is legal when the patient suffers unbearable pain and has a clear desire to die. The patient must submit a written request, and two independent doctors must confirm his condition.

**Criminal liability:** If all the rules are followed, participation in euthanasia does not imply criminal liability. However, violation of ethical and legislative norms can lead to criminal sanctions.

**Control and supervision:** The Netherlands have a Committee on Euthanasia, which monitors the legality of procedures and conducts regular inspections [8].

A comparison of Germany and the Netherlands shows that both countries allow euthanasia, but with different rules and nuances. In Germany, the emphasis is on strict medical assessments and control by medical authorities, while in the Netherlands euthanasia is more widely allowed, but with the careful supervision of the Euthanasia Committee. This comparative analysis highlights the diversity of approaches to criminal liability for participation in suicide in different countries and the need to take into account local norms and legislation when studying this topic.

Thus, the analysis provisions of the criminal law of some foreign countries that deal with problems regulation of suicide or bringing to it, allows us to conclude that such a question it is as relevant as in Kazakhstan. It is solved taking into account various historical as well as national and religious features. The common to them is suicide penalties and criminalization of bringing to suicide and attempt on him, aiding and incitement to suicide, and also securing liability for any other assistance in this to decision makers voluntarily die. Therefore, it is extremely adverse situation in our country in relation to the prevalence of cases suicides committed as a result of criminal activity the involvement of second parties, dictated the need to improve the norms of criminal law and make amendments.

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## ӘЛЕМ ЕЛДЕРІНІҢ ҚЫЛМЫСТЫҚ ЗАҢНАМАЛАРЫНДАҒЫ ЖЕКЕ ТҮЛҒАНЫҢ ӨЗІН-ӨЗІ ӨЛТІРУІНЕ ҚАТЫСТЫЛЫҒЫ ҮШІН ҚЫЛМЫСТЫҚ ЖАУАПКЕРШІЛІКТІҢ ЕРЕКШЕЛІКТЕРІ

### Аңдатпа.

Адам өмірін қоғамдық деңгейде де, жеке тұлғалық деңгейде де құндылық тұрғысынан алып қарасақ, басты игілік екеніне көз жеткіземіз. Тиісінше, адамның өмір сүруге құқығы қоғам қызметі басышылыққа



алатын ізгілік қағидасының мәнін құрайды. Сол себепті де, мемлекет адам өмірін қорғауға міндеттенеді. Мемлекет тарапынан қамтамасыз етілетін бұл қорғаныс азаматтардың қоғамда өмір сүруін қолайлы әрі қауіпсіз етуге бағытталады. Өзін-өзі өлтіруге қатыстылығы үшін қылмыстық жауапкершілік ұзақ уақыт бойы шетелдік қылмыстық құқық жүйелеріндегі құқықтық және этикалық талдаудың тақырыбы болды.

Зерттеу жұмысында мақалада көтерілетін басты мәселе – адамды өзін-өзі өлтіруіне дейін жеткізу әрекетіне жауаптылықты көздейтін шет мемлекеттердің қылмыстық заңнамаларына салыстырмалы зерделеу жүргізілген. Бұл талқылау әртүрлі шетелдік юрисдикциялар қолданатын құқықтық тәсілдерді қарастырады және бұл мәселеге әртүрлі көзқарастарды көрсетеді.

Сондай-ақ, автор өз зерттеуінде жалпы және арнаулы әдістерді (аналогия, анализ, синтез, салыстырмалы-құқықтық әдіс) қолданды.

**Негізгі сөздер:** адам өмірі, суицид, эвтаназия, өзін-өзі өлтіруге дейін жеткізу, қылмыстық заңнама, қылмыстық жауаптылық, айдап салу.

## ОСОБЕННОСТИ УГОЛОВНОЙ ОТВЕТСТВЕННОСТИ ЗА ПРИЧАСТНОСТЬ К САМОУБИЙСТВУ ЛИЧНОСТИ В УГОЛОВНЫХ ЗАКОНОДАТЕЛЬСТВАХ СТРАН МИРА

### Аннотация.

Если рассматривать жизнь человека как на общественном уровне, так и на личностном, не сложно заметить, что человеческая жизнь это благо. Следовательно, основной смысл принципа гуманизма в деятельности общества состоит из права человека на жизнь. Поэтому государство обязуется защищать жизни своих граждан. Данная оборона, обеспечиваемая государством, направлена на создание комфортных и безопасных условий проживания граждан в обществе. Уголовная ответственность за участие в самоубийствах уже давно является предметом юридического и этического анализа в зарубежных системах уголовного права.

В исследовательской работе проведено сравнительное изучение уголовных законодательств иностранных государств, предусматривающее ответственность за попытку доведения человека до самоубийства. В ходе этого обсуждения будут рассмотрены различные правовые подходы, применяемые различными иностранными юрисдикциями, и будут освещены различные точки зрения на этот вопрос.

Автор также использовал в своем исследовании общие и специальные методы (аналогия, анализ, синтез, сравнительно-правовой метод).

**Ключевые слова:** человеческая жизнь, суицид, эвтаназия, доведение до самоубийства, уголовное законодательство, уголовная ответственность, подстрекательство.

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## АКТУАЛЬНЫЕ ПРОБЛЕМЫ МЕДИАЦИИ В РЕСПУБЛИКЕ КАЗАХСТАН

### Аннотация.

Учитывая практическую и дальнейшую правовую реализацию альтернативных способов разрешения споров в Республике Казахстан, юридическое общество обращает внимание на законодательное закрепление статуса медиативной технологии разрешения споров, поскольку права граждан и юридических лиц и внесудебные формы защиты интересов способствуют развитию общественного согласия, снижению конфликтности в обществе, а также развитию отношений сотрудничества в долгосрочной перспективе.

Сегодня использование института медиации в нашем казахстанском обществе показывает, что этот механизм может быть необходим как один из универсальных способов разрешения конфликтов, споров в Республике Казахстан. Целью статьи является изучение применения Закона Республики Казахстан «О медиации», в результате которого были выявлены некоторые вопросы в сфере медиации и был проведен мониторинг законодательных актов и предложены решения в сфере медиации. На основе анализа правовой базы Республики Казахстан в сфере медиации, современных теоретических взглядов на способы разрешения правовых споров в частноправовых отношениях, а также в публично-правовых отношениях, в статье обсуждается медиация в целях снижения социальной напряженности, конфликтности в обществе, развития общественного согласия, рекомендуется расширить сферу применения, а также дальнейшее внедрение школьной медиации в Республике Казахстан. В нашей стране законодательно утверждено и применяется различные способы достижения взаимопремлемого решения между сторонами в судебном и внесудебном порядке - для полной реализации прав и свобод граждан.

**Ключевые слова:** альтернативные методы разрешения споров, процедуры примирения, посредничество, посредники, решение конфликта, переговоры, внесудебные формы защиты прав.

### Введение.

В последние годы медиация стала все более популярной во многих странах, включая Казахстан. В данной статье будет рассмотрено развитие медиации в Казахстане, а также ее