

sentenced to a term of imprisonment, then deprivation of liberty shall extend to a term of at least two years and no more than five years after the date of the main punishment.

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QUALIFICATION OF CURRENT EVENTS OF INDUCEMENT TO SUICIDE

In judicial and investigative practice, there are no universal approaches to the identification of socially dangerous acts. The most widespread variants of qualification of such actions are deliberate murder (Article 115 of the Criminal Code of Ukraine) and inducement to suicide (Article 120 of the Criminal Code of Ukraine).

Let's look at the most typical situations of such unlawful actions and try to give them a legal assessment.

To the first option, we include cases where adolescents who are members of groups and who were assigned a day of suicide through social networks or SMS-messages, arrived at the site of a

planned suicide, but could not carry it out and they were «helped» to make it by other people.

In detecting such cases of death of minors, it is necessary to establish signs of murder, in particular to identify the signs of an objective party: 1) an act - an attack on the life of another person, aimed at violating the functions or anatomical integrity of vital organs of another person; 2) consequences - the biological death of the victim; 3) a causal connection between the stated act and the consequences. It is important to remember that the murder has been completed since the onset of the biological death of the victim. The subject of the murder is a physical, condemned person who has reached the age of 14 years. The subjective aspect of the murder is defined as intent. At the same time, in order to qualify that as a murder of a victim, the victim's age does not matter and can only testify to the presence of a qualifying attribute in the murder of a young child, that is, a person who has not the age of 14 years.

Next, we will consider the typical version of the situation with the appropriate illegal influence on the minor. The greatest complicity of investigators in criminal-law assessment is the case when a teenager involved in the activities of «death groups», however, independently acts that lead him to death. Such actions of the perpetrators who encourage juvenile to suicide may receive a different legal assessment.

The first option is an intentional murder, the responsibility for which is provided for in Art. 115 of the Criminal Code of Ukraine. In order to accuse the guilty party of the murder, it must be proved that the victim could not understand his actions and their consequences and (or) manage them [1, p. 54; 2, p.54]. But this should take into account the age of the victim. Thus, when it comes to suicide of minors under the age of 14 who can understand and manage the content of the acts committed, then there is no reason to consider them to be committed by the person who inclined the adolescent to commit suicide by murder. Such actions, subject to appropriate circumstances, should be qualified under Art. 120 of the Criminal Code of Ukraine.

Another situation is when a child is a victim. If, according to experts, a victim who has not reached the age of 14 due to his mental illness, which arose as a result of his inclination to suicide, could not understand the meaning of his actions and (or) manage them, then in

this case it is also necessary to speak about the assassination and to qualify for such a compulsion under Part 2 of Art. 115 of the Criminal Code of Ukraine [3, p. 279].

Let us recall that the victim's suicide is an acute mental reaction to a traumatic situation. Therefore, in such a situation the investigator should prove that the guilty person was aware that the minor victim had no other options to avoid suicide. Attention should also be drawn to bringing in the mentioned cases the intention to deprive the lives of minors who were involved in the activities of «death groups». If direct or indirect intent is not established, then the qualification of proving or inclining to suicide of juvenile under art. 115 of the Criminal Code of Ukraine will be impossible to establish at all because the murder involves only deliberate committing the corresponding acts.

The second option for legal assessment of such actions is inducement to suicide for what responsibility is provided for in Art. 120 of the Criminal Code of Ukraine.

In qualifications of inducement to suicide in relation to a minor (Part 3 of Article 120 of the Criminal Code of Ukraine), it is necessary to prove the following alternative acts first: brutal treatment of a person, blackmail, systematic humiliation of human dignity or systematic unlawful coercion against actions that contradict her will, suicidal tendency as well as other actions that contribute to committing suicide.

Article 120 of the Criminal Code of Ukraine can be applied only under the condition that the abuse of a person, blackmail, coercion of unlawful acts or systematic humiliation of human dignity resulted from suicide (deprivation of life) or an attempt to commit suicide (an attempt to deprive oneself of life) . In this case, it is necessary that the victim acted intentionally, that is, consciously wanted to deprive himself of life. The perpetrator does not carry out any actions that directly lead to death of the victim.

It should be a causal connection between stipulated in the Art. 120 of the Criminal Code of Ukraine behavior of the guilty and suicide or attempted suicide of the victim.

An offense is considered as completed one since the victim has committed an act aimed directly at the deliberate deprivation of his life.

The subjective part of the crime, provided for in Art. 120 of the Criminal Code of Ukraine, in our opinion, is characterized by a fault, which can be either in the form of intent or in the form of negligence [1, p. 300]. Some scholars consider that inducement to suicide is possible only with indirect intent and carelessness [4, p. 11]. Subject of the stipulated article. 120 Criminal Code may be a convicted person who has reached the age of 16 years.

Consequently, we can conclude that the analysis of the indicated signs of the objective side of suicide proves some of their imperfections (general character, duplication in content, unreasonable complexity of the proof of certain attributes) and the need for further improvement. Also, the study allowed to determine the rules of qualification of acts related to the activities of «death groups» in social Internet networks and mobile apps of IP telephony. To improve law enforcement practice, we propose a new version of the disposition of Part 1 of Art. 120 of the Criminal Code of Ukraine: «1. Inducement a person to suicide or attempted suicide, resulting from ill-treatment, blackmail, deception, incitement, including assisting in suicide, social engagement in groups, games, contests, quests and other events which has the purpose of suicide or their imitation».

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