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CRIMINAL RESPONSIBILITY FOR DRIVING A PERSON INTO SUICIDE

Driving a person into suicide is one of the crimes perpetrated on human life, the responsibility for its commission is clearly stipulated by the law, namely Article 120 of the Criminal Code of Ukraine. Some problems that arise during the interpretation of the above act are due to its specific features.

First, suicide is one of the varieties of unnatural death, but, at the same time, bringing suicide is the only crime against the life of a person who is not covered by the concept of murder. The criminal act envisaged by Article 120 of the Criminal Code of Ukraine can not be considered a deliberate illegal act of death to another person, since there is no direct contact between the subject of the crime and the victim because there is no causing physical pain, physical suffering or other violent actions.

Secondly, this crime is committed by the subject of the crime not directly. The problem is the complexity of establishing a causal - effect of the perpetrators actions and the death of the victim. Also controversial is the question of the responsibility of persons who driving a person to suicide in ways not specified in the disposition of Art. 120 of the Criminal Code of Ukraine. The issue of the expediency of supplementing Art. 120 of the Criminal Code of Ukraine, a tendency towards suicide and the organization of activity that inclines or otherwise promotes suicide. Therefore, it is especially important at the legislative level to recognize the consequences of which the wrongful acts is to driving a person into suicide or attempt to commit suicide.

Thirdly, such a crime represents a significant social danger, as the result of its commission is not only a violation of the biological

process of human existence, but also a negative impact on the normal functioning of society. First of all, such a phenomenon should be considered not only from the legal point of view, but also from a social point of view, as there is a sad statistics on the increase of suicides due to the deterioration of environmental conditions, the spread of various subcultures, religious sectarianism, the rapid development of information technology.

Since the moment of Ukraine's independence, the tendency of legislative definition of the concept of bringing to suicide and the punishment for committing the specified crime has changed. Thus, for the first time the responsibility for the corresponding socially dangerous offense was stipulated by Article 99 "Driving a person into suicide" of the Criminal Code of Ukraine from 1996: "Driving into suicide or attempted suicide of a person who is in material or other dependence on another person by cruel treatment or systematic humiliation of his human dignity is punishable by imprisonment for a term up to five years. Conducting suicide or attempted suicide as a result of systematic harassment or slander from a person from whom the victim was not materially or otherwise dependent is punishable by imprisonment for a term up to three years. ".

Thus, the legislator defined one main aspect - the presence or absence of material or other dependence of the victim. Accordingly, in its presence, only the following actions were taken into account:

1) ill-treatment, 2) systematic humiliation of human dignity; and in the absence of: 1) systematic persecution, 2) slander (the spread of knowingly false inventions that defame another person).

With the adoption of the new Criminal Code of Ukraine in 2001, the definition of the above-mentioned crime has changed significantly. Now criminal liability is stipulated in Article 120 "Driving a person into suicide" of the Criminal Code of Ukraine (no changes from 08.02.2018): «1. Driving a person into suicide or attempted suicide by means of cruel treatment, blackmail, coercion to unlawful actions or systematic humiliation of his/her human dignity, - shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term. 2. The same act

committed in respect of a person who was in financial or other dependence upon the culprit, or in respect of two or more persons, - shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.³ Any such act as provided for by paragraph 1 or 2 of this Article, where it was committed in respect of a minor, - shall be punishable by imprisonment for a term of seven to ten years.».

The legislator has greatly increased the list of unlawful actions that can bring a person into suicide. There are: 1) ill-treatment, 2) blackmail, 3) coercion for unlawful actions, 4) systematic humiliation of human dignity. The material or other dependence of a person, who in the previous edition of the Criminal Code was defined as the main qualifying attribute, is now an aggravating circumstance that is separately enshrined in the second part of the article. It is worth noting that under the separate protection are the rights of minors. Proceeding from the sanction of part three of Article 120, such a crime committed against a person under the age of 18 is considered as felony.

Not much time has passed since Ukraine and several other countries shook the rapidly spreading of so-called "death groups" in social networks. As of April 25, 2017, according to the information of the National Police of Ukraine, 926 were found, according to the facts revealed 35 criminal proceedings, 4 facts of suicide related to the activities of "death groups" were established, more than 10 suicide attempts were prevented. Such groups are communities that are mainly concentrated in the network "Vkontakte" and are intended for teenagers.

It starts with the fact that their administrators give trainees "task" to the group members - for example, knowingly cut their hands with a blade, taking all of this into a video. The ultimate goal of the game is to bring the child to suicide, which she must also fix on the camera. For the first time about the "death group", such as the "Blue Whale", "Quiet House" communities, and "Wake Me at 4:20" talked back in May 2016 in Russia.

The great public response, the special social danger and the inability to bring the perpetrators to justice, due to insufficient legal grounds, forced the response of the state accordingly. Thus, some lawmakers proposed a draft law "On Amendments to the Criminal Code of Ukraine (regarding the establishment of criminal liability for a driving a person into suicide)". In the explanatory note it was noted that Ukraine has already received a signal of the need to amend article 120 of the Criminal Code of Ukraine, which would correspond to the current realities of driving a person into suicide.

This Law received the necessary support from the Verkhovna Rada of Ukraine and was signed by the President of Ukraine on February 8, 2018. The first part of article 120 has undergone a change, now it has the following expression: «Driving a person into suicide or attempted suicide by means of cruel treatment, blackmail, systematic humiliation of his human dignity or systematic unlawful coercion against acts contrary to his will, inclination to suicide, and other acts contributing to committing suicide, - shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.»

According to the World Health Organization, the average indicator for our country is 22 suicides per 100 thousand people. Ukraine is among the top ten countries with the highest suicide rate. According to scientific sources, the ratio of suicides and suicides is about one to twenty. At the same time, from 2010 to 2015 in Ukraine only four sentences were imposed for suicide, that is, less than one sentence per year.

Due to the high latency of suicide attempts and the absence of a relevant legal norm in Ukrainian legislation that would allow prosecution for a driving a person into suicide through the Internet and other means that were not mentioned earlier in the disposition of Article 120 of the Criminal Code, it was extremely difficult to even assess the real the situation and the state of the danger of the problem.

Crime is constantly in the dynamics not only in terms of quantity, but also qualitative features. With the development of

technical progress and the evolution of mankind, there are new, previously not existing, crimes and methods of committing crimes. So, with the advent and development of the Internet, new ways of committing not only theft or fraud, but also suicide. Therefore, it is necessary to take this into account at the legislative level and to promote the criminalization of certain actions, which eventually begin to pose a public danger and encroach on state and social values.

The level of decent and safe life of a person depends on the quality of the norms of legislation, both on their efficiency and on the attitude of citizens to them. At present, the Criminal Code of Ukraine, with the recent changes, have a successfully combines in Article 120 the ways that can harm the normal existence of a person in society and driving it into suicide, and implies responsibility for it. Also, these changes positively influenced the improvement of the domestic Law on Criminal Liability in the section on criminal offenses against life and health of a person.

List of references:

1. Constitution of Ukraine Adopted at the Fifth Session of the Verkhovna Rada of Ukraine on 28 June 1996.
2. Criminal Code of Ukraine (Approved by the Law of 28.12.60 (2000-05). VVR, 1961. No. 2. Art.14).
3. Criminal Code of Ukraine (This Code enters into force on September 1, 2001)
4. Explanatory Note to the draft Law "On Amendments to the Criminal Code of Ukraine (regarding the establishment of criminal liability for driving a person into suicide)"
5. The Law of Ukraine "On Amendments to Article 120 of the Criminal Code of Ukraine on the Establishment of Criminal Responsibility for Driving a person into to Suicide" (Adopted on 08.02.2018)