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## LEGAL COUNTERACTION TO THE ORGANIZATION OF CRIMINAL ACTIVITY AIMED AT INDUCING SUICIDE

*Abstract:* the article raises the topic of criminal legal assessment in the Russian legislation of such a crime as bringing to self-murder and organizing activities aimed at inducing suicide.

*Keywords:* minor, personality, suicidal behavior, incitement to suicide, attempted suicide, organization of a crime.

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## ПРАВОВОЕ ПРОТИВОДЕЙСТВИЕ ОРГАНИЗАЦИИ КРИМИНАЛЬНОЙ ДЕЯТЕЛЬНОСТИ, НАПРАВЛЕННОЙ НА ПОБУЖДЕНИЕ К СОВЕРШЕНИЮ САМОУБИЙСТВА

*Аннотация:* в статье поднимается тема уголовно-правовой оценки в российском законодательстве такого преступления, как доведение до

*самоубийства и организация деятельности, направленной на побуждение к совершению самоубийства.*

**Ключевые слова:** *несовершеннолетний, личность, суицидальное поведение, доведение до самоубийства, попытка самоубийства, организация преступления.*

Article 110.2 of the Criminal Code of the Russian Federation establishes criminal liability for organizing activities aimed at inducing suicide by distributing information about ways to commit suicide or calls for it. Part 2 of Article 110.2 includes such a qualifying feature, which is contained in Article 110 and in Article 110.1, as the conjugation with a public performance, the use of a publicly displayed work, mass media or information and telecommunication networks. According to the authors, in this case we are talking about the responsibility exclusively of administrators and organizers of any informal communities whose activities are aimed at inducing suicide. Ordinary participants in this activity are liable under Article 110.1 of the Criminal Code of the Russian Federation.

The explanatory note, which has already been mentioned in the work, states that in this part we are talking about the responsibility of administrators and organizers of any informal communities whose activities are aimed at inducing suicide. Thus, ordinary participants in this activity are liable under Article 110.1 of the Criminal Code.

The note contained in Article 110.2 of the Criminal Code, which allows the organizer of the crime to be released from responsibility, deserves attention. In our opinion, the legislator, as it were, makes concessions to the guilty persons in order to contribute to the detection of this crime, considering it the most dangerous of all, in connection with which the question arises, is it not worth extending a special type of exemption from punishment to Articles 110, 110.1 of the Criminal Code of the Russian Federation? Part 2. Art. 110.2 The Criminal Code of the Russian Federation has such a flaw, in our opinion, as the absence of the concept of the term «work», there are also no indications of its correlation with the provisions of the Civil Code of the Russian Federation, the legislation of the Russian Federation on culture. It is not completely clear what should be understood by the work [1, с. 263].

The immediate object of the encroachment is the life of another person. In this regard, it should be noted that the act specified in Part 1 of Article 239 of the Criminal Code of the Russian Federation should be distinguished from Article 110.2 of the Criminal Code of the Russian Federation, in the presence of seemingly similar dispositions. In the first case, an additional object is human health, not life. Therefore, for this reason alone, it can be argued that there is no repetition of criminalization. The objective side is characterized by an act in the form of actions aimed at forcing suicide. By design, this composition is formal, i.e. in order to recognize the specified crime as completed, the onset of socially dangerous consequences (suicide of the victim) is not required. The crime is considered to be over at the moment when information about the methods of committing suicide or calls for suicide begins to spread.

Responsibility under this article comes for organizing activities that are aimed at inducing suicide by spreading information about ways to commit suicide or calls to commit suicide. Namely: 1) the actions of a person or a group of persons are aimed at the dissemination and accessibility of information that acts as a kind of practical advice to suicide; 2) actions of the same nature, but using mass media; 3) all actions that are directly related to the activation of interest in suicide, some recommendations for the implementation of such actions, tips for the execution of suicide [2, c. 77].

Appeals should be understood as an appeal to an initially indefinite circle of people, and not to a specific person, which is a positive thing. An indirect form of appeal is found in the organization of activities aimed at encouraging suicide by spreading information about ways to commit suicide. This information can influence the determination of a potential suicide. Accordingly, appeals are a form of direct appeal to possible victims of suicide. In Part 1 of Article 110.2 of the Criminal Code of the Russian Federation there is no mention of the public nature of the draft. This situation is an omission and blurs the boundaries between declension and a call to suicide. However, the sign of publicity is fixed in Part 2 of Article 110.2 of the Criminal Code of the Russian Federation. This allows us to conclude that the norm provided for in Part 1 of Article 110.2 of the Criminal Code of the Russian Federation is «dead». As noted in the scientific literature, the identified shortcomings can significantly affect the

effectiveness of these innovations. Speaking about the relationship of Article 110.1 of the Criminal Code and Article 110.2 of the Criminal Code, it is necessary to focus on the distinction of Part 3 of Article 33 of the Criminal Code of the Russian Federation. 1 or Part 2 of Article 110.1 of the Criminal Code and Article 110.2 of the Criminal Code. A common point of view is the fact that these norms should be correlated as a general and special norm (Article 110.2 of the Criminal Code of the Russian Federation). It turns out that the actions of the organizer can be qualified both under Part 3 of Article 33 of the Criminal Code of the Russian Federation, Part 2 of Article 110.1 of the Criminal Code of the Russian Federation, and under Part 1 of Article 110.2 of the Criminal Code of the Russian Federation. The competition that has arisen, based on Article 17 of the Criminal Code of the Russian Federation, is decided in favor of a special norm, which is Article 110.2 of the Criminal Code of the Russian Federation [3].

In our opinion, the above competition is absent, since these compositions regulate different relations caused by different legal facts. In the first case, it is said about the organization of inducement or assistance to suicide, and in the second case about the fact of organizing activities aimed at inducing suicide. Article 110.2 of the Criminal Code of the Russian Federation establishes responsibility for the organization of activities aimed at inducing suicide, but not for the organization of inducement or assistance to commit suicide. Thus, when the perpetrator organizes the provision of physical or intellectual assistance to a specific suicidal person, the actions should be qualified according to Part 3 of Article 33, Part 2 of Article 110.1 of the Criminal Code of the Russian Federation. The subjective side of the analyzed composition is characterized by an intentional form of guilt. The guilty person is aware that he is organizing activities aimed at inducing the commission of murder, and wants this. Let's consider an example when responsibility will come under Part 2 of Article 110.2. There are well-known cases of distribution on the Internet of the instructions «How to become a fairy of fire from Winx at home», which talks about setting yourself on fire, etc., clearly designed for the mass murder of children and their loved ones. Thus, the organizers of

such instructions deliberately disseminate information about ways to commit suicide [4, c. 56].

A number of authors propose to expand the scope of this article. Supplement the disposition of Part 1 of Article 110.2 of the Criminal Code of the Russian Federation, establishing criminal liability for inducing murder by spreading information about the methods of committing murder, as well as calls to commit murder. The proposed version of the article will cover socially dangerous acts that do not currently fall under the signs of any *corpus delicti*, but are actually committed. Explaining such measures by the fact that cases have become more frequent when schoolchildren attack teachers with knives, shoot people in educational institutions (the recent incident in Kerch, Kazan, etc.) and use an improvised explosive device [5, c. 87]. It is worth noting that some of the attackers were «part of the so-called Columbine Societies» – groups on social networks dedicated to mass killings in schools, including Columbine High School, where students were attacked with firearms earlier [4, c. 57]. Criminals are given the appearance of heroes who have done the right thing. Admiring reviews are often found in discussions of posted videos.

In our opinion, a person's life does not directly suffer from the urge to murder. The public danger of this act lies in the fact that as a result of a distorted motivation of a person, murder can be realized, resulting in the death of another person. A possible object of criminal law protection when forced to murder is social relations that protect the life of another person, the direct protection of which is devoted to Chapter 16 «Crimes against life and health» of the Criminal Code of the Russian Federation, where Articles 110–110.2 are located. Indeed, the inclusion in Article 110.2 of responsibility for inducements to commit murders can be considered appropriate, based on what is happening in the world. Part 1 of Article 110.2 of the Criminal Code of the Russian Federation can be stated as follows: «organization of activities aimed at inducing suicide or murder by spreading information about ways to commit suicide or murder, as well as calls to commit suicide or murder» [5, c. 88].

Summing up the results of this chapter, it should be noted that the objective side of Article 110.1 of the Criminal Code of the Russian Federation is characterized by an

act in the form of active actions (inducement to suicide or assistance), unlike Article 110 of the Criminal Code of the Russian Federation, where both actions and inaction can take place. Part 1 of the article refers to the inducement to commit suicide by persuasion, offers, bribery, deception or otherwise in the absence of signs of incitement to suicide. In this case, an open list of ways in which suicide is possible. According to part 2 of art. 110.1 of the Criminal Code of the Russian Federation, responsibility is provided for facilitating the commission of suicide by advice, instructions, providing information, means or instruments of committing suicide or removing obstacles to its commission or promising to conceal the means or instruments of committing suicide [3].

There are points of view according to which, in Part 1 of Article 110.1 of the Criminal Code of the Russian Federation, the form of attempted suicide is fixed, it turns out that such an act can be qualified under Part 3 of Article 30 of the Criminal Code of the Russian Federation, Article 110 of the Criminal Code of the Russian Federation, without the introduction of Article 110.1 of the Criminal Code. Part 2 of Article 110.1 of the Criminal Code duplicates Part 5 of Article 33 of the Criminal Code of the Russian Federation, which suggests that it is inappropriate to introduce these parts of Article 110.1 of the Criminal Code of the Russian Federation. Also, Part 4–6 of Article 110.1 of the Criminal Code of the Russian Federation contradicts Part 1 and Part 2 of Article 110.1 of the Criminal Code of the Russian Federation, since they speak of unfinished crimes in the form of bringing to suicide, whereas bringing the victim to suicide or an attempt on him Part 1 and Part 2 do not provide. By design, these compositions (Part 1., Part 2. of Article 110.1 of the Criminal Code of the Russian Federation) are formal. The crime is considered completed from the moment of the beginning of the action (declination, assistance), that is, the occurrence of socially dangerous consequences in the form of the death of another person is not required. Also, part 4–6 of Article 110.1 of the Criminal Code of the Russian Federation contradicts Part 1 and Part 2 of Article 110.1 of the Criminal Code of the Russian Federation, since they speak of unfinished crimes in the form of bringing to suicide, while bringing the victim to suicide or an attempt on him Part 1 and Part 2 do not provide. By design, these

compositions (Part 1., Part 2. of Article 110.1 of the Criminal Code of the Russian Federation) are formal. The crime is considered completed from the moment of the beginning of the action (declination, assistance), that is, the occurrence of socially dangerous consequences in the form of the death of another person is not required. Part 4–6 talks about the consequences that led to suicide or attempted suicide, therefore there is a material construction. In contrast to the verb of bringing (when driving to suicide), which means bringing into some state that causes or generates some consequences, «to incline» means to convince that it is necessary to commit some act. Thus, according to Article 110 of the Criminal Code of the Russian Federation, physical or psychological pressure is applied, and in Article 110.1 of the Criminal Code of the Russian Federation, only psychological influence is used [5, c. 86].

However, at the moment there is no unified approach, which means inducing suicide by persuasion, offers, bribes, deceptions. In our opinion, clarifications should be introduced so that the law enforcement officer has an idea when to apply one or another method. Or get rid of the enumeration of methods altogether, since there is still an open list, and it can never become exhaustive (closed) due to the large number of possible options.

The subjective side under Article 110.1 of the Criminal Code of the Russian Federation is characterized by an intentional form of guilt – direct intent. The guilty person purposefully inclines a person to commit suicide or contributes to it. With the assistance of the victim, he has already made a decision that he wants to die, and when the culprit declines, the actions of the guilty person are aimed at ensuring that the victim has a desire to die. Based on this, the social danger of inducing suicide is higher than the promotion of suicide. And therefore, in our opinion, the responsibility for assistance should have been established in part 1 of the article, and the responsibility for declension in part 2.

We believe, it would be more logical to specify in Part 1 of Article 110.1 of the Criminal Code of the Russian Federation: «inducement to suicide by persuasion, bribery, deception or in any other way, as well as assistance in committing suicide by advice, instructions, providing information, means or instruments of committing a

crime...". Such an option would eliminate the error, including those related to legal technology. After all, as a general rule, the main elements of crimes should be fixed in the first part of the article.

We agree with the opinion of scientists who propose to combine the analyzed corpus delicti with incitement to suicide (in Article 110 of the Criminal Code of the Russian Federation). Since these articles have minor differences from each other. The combined Article 110 of the Criminal Code of the Russian Federation will remain with the same name as it is now, since it covers the main contents of the composition. The methods of bringing and declension should not be listed in the disposition. The moment of the end of the crime should be recognized as a person committing suicide or attempted suicide. If the actions of the guilty person did not lead to the specified consequences, his activity should be qualified as an unfinished crime. Of course, when combining these compositions, it will be necessary to revise the sanctions of the article, since when imposing punishment, it is necessary to increase the arsenal of its differentiation and individualization. If we talk about Article 110.2 of the Criminal Code of the Russian Federation, it is criminally punishable to organize activities that are aimed at inducing suicide by spreading information, as well as calls for suicide.

The crime is considered over from the beginning of the dissemination of information about the methods of committing suicide or calls to commit suicide (formal composition). In part 1 of Article 110.2 of the Criminal Code of the Russian Federation, the sign of publicity is not fixed, because of this, it is very problematic to distinguish declension from calls to suicide. However, the sign of publicity is present in Part 2 of Article 110.2 of the Criminal Code of the Russian Federation, which suggests that the norm provided for in Part 1 of Article 110.2 of the Criminal Code of the Russian Federation is «dead». And whether it will be used in practice is not clear, since there are no explanations on the application of this part.

In our opinion, the positive aspect of the emergence of responsibility for organizing activities aimed at inducing suicide can be considered the expansion of the practice of complicity, as an independent and independent (from the performer) responsibility of the most dangerous accomplices. Also, this article is of a preventive nature, which



allows you to prevent mass forms of inducement to commit suicide even at the stage of preparatory activity.

Indeed, the inclusion in Article 110.2 of responsibility for inducements to commit murders can be considered appropriate, based on what is happening in the world. Part 1 of Article 110.2 of the Criminal Code of the Russian Federation can be stated as follows: «organization of activities aimed at inducing suicide or murder by spreading information about ways to commit suicide or murder, as well as calls to commit suicide or murder...". However, in our opinion, a person's life does not directly suffer from the urge to murder. The public danger of this act lies in the fact that as a result of a distorted motivation of a person, murder can be realized, resulting in the death of another person. Although this conclusion does not exclude the possibility of making such changes to the Criminal Code of the Russian Federation, even though murder and suicide have differences, their association can be found in the legislation of foreign countries, there is an opportunity to refer to their experience.

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