

Issues of Criminal Liability for Suicide

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Abstract

This article analyzes the issues of criminal liability for suicide. Also, the article examines issues related to the objective signs of the crime of suicide. The opinions of scientists in this regard were analyzed and relevant suggestions and recommendations were given. In this article, efforts to bring a person to the level of suicide or attempted suicide as a result of intimidation, merciless treatment of a person, or continuous humiliation of his honor and dignity, are analyzed in terms of their objective aspect, and practice materials are studied.

Keywords: *Suicide, level, crime, punishment, responsibility, criminal, suicide, medical, psychological.*

Introduction

At a time when attention is being paid to human rights as a supreme value, the issue of human life, that is, the right to life, appears as the most urgent and important reality. The right to life means not only that this right belongs to everyone from birth and is inalienable, but also that it is a basic condition for a person to have all the rights and freedoms guaranteed on the basis of the Constitution and other legal documents. and is determined to have the right to privacy. Article 6, Clause 1 of the "Covenant on Civil and Political Rights" gives a broad definition of it: "The right to life of every person is his inalienable right. This right is protected by law. "No one can arbitrarily deprive a person of the right to live." Therefore, in addition to international legal documents, the Constitution of the Republic of Uzbekistan fully strengthens the guarantees of human rights and freedoms. For example, in Article 25 of our Constitution, "The right to life is an inalienable right of every person and it is protected by law. Attempting a human life is the most serious crime", it was noted. Indeed, depriving a person of this blessing or trying to deprive a person of it is the most serious crime. Among the crimes committed, the most dangerous are acts that encroach on human life.

Indeed, human life and health are priceless wealth. Depriving a person of these assets or damaging them is a tragedy. As long as a person lives, he strives to live life and its blessings to the fullest, the place of a person deprived of life cannot be filled with anything. Damage to a person's health causes him physical, moral, and spiritual suffering and limits his vital activity. Due to the high level of social danger of crimes against a person, the first section of the Special Part of the Criminal Code of the Republic of Uzbekistan is called "Crimes against a person", and the crime of suicide is distinguished by the following specific aspects.

First, in the Republic of Uzbekistan, there is a need to carry out a separate research on the responsibility for the crime of suicide;

Secondly, the crime of suicide is often committed in the form of latent crimes, which has a negative impact on the assessment of the state of crime in our country and the development of measures to prevent it;

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Thirdly, an in-depth analysis of the objective and subjective signs of the crime of suicide is required. The crime we are studying is a material crime, and the crime is considered complete when a person commits suicide or attempts to commit suicide. It is also necessary to determine the existence of a causal connection between the behavior of the culprit and the consequences that occurred.

Every year, 1,100,000 people commit suicide. Of these: 300,000 are Chinese; 160,000 Indians; 37,000 are Americans; 30,000 Russians; 30,000 are Japanese; 16,000 were French; 10,000 of them are Ukrainians[1].

But today, suicides are on the rise. In life, we have become so accustomed to the word "suicide" that we have not even thought about its concept and essence. In order to determine the subject of the study, it is necessary to give an objective description of the cases of suicide. We use the term suicide for it. The term suicide was first coined by the Italian psychologist G. Deze in 1947 and means "behavior with the intention of losing one's life". This issue has always been of legal interest. Suicide (English word) - a conscious loss of consciousness about a person's life under the influence of acute traumatic events, suicide is the last sign of a socially passive refusal to live in an active society[2].

Methodology

The current study is conducted using several general scientific methods including historical, systematic, structural, comparative legal, logical, accurate sociological, scientific, comprehensive research, induction and deduction, statistical data analysis.

Literature Review

Indeed, depriving or attempting to deprive a person of this blessing is the gravest crime. According to statistics, suicide ranks 8th on the list of causes of death in the world, number 1 among violent deaths, killing about one million people each year as a result of suicide, and between 10 million and 20 million people attempt suicide. Every year, 1,100,000 people commit suicide. Of these: 300,000 are Chinese; 160,000 Indians; 37,000 are Americans; 30,000 Russians; 30,000 are Japanese; 16,000 were French; 10,000 of them are Ukrainians. But today, suicides are on the rise. In life, we have become so accustomed to the word "suicide" that we have not even thought about its concept and essence. In order to determine the subject of the study, it is necessary to give an objective description of the cases of suicide. We use the term suicide. The term suicide was first coined by the Italian psychologist G. Deze in 1947 and means "behavior with the intention of losing one's life.

"This issue has always been of legal interest. Suicide (English "suicide" - "suicide") - a conscious loss of consciousness about a person's life under the influence of acute traumatic events, suicide is the last sign of a socially passive refusal to live in an active society. In scientific language, suicide is defined as suicide (Latin *sui caedere*[3] - suicide), in which a person commits suicide voluntarily (even in cases of suicide) independently or with the help of other persons (euthanasia). Suicide is a serious social problem. Suicide - conscious suicide (Latin *sui* - suicide, cedar - suicide). Throughout human history, the solution to the problem of suicide has been approached first from a technological, and then from a philosophical and moral point of view. Scientists have identified the following types of suicide: first, cold suicide - in which a person really wants to die, not want to live; second, attention-grabbing suicide - this type of suicide predetermines the outcome of the game, in which the person firmly believes that by the end he will be rescued by others, he simply wants to attract the attention of others; and third, the only salvation — suicide — in which the only way to get rid of all the problems was in species such as suicide.

If there is no cold suicide, there will be a way to stop the person in the rest of the cases. The point is, suicides are locked in a whirlpool of their own problems and see no other way than their own decisions. To such people, the psychologist should show them alternative ways to solve their problems, explain in detail that without death twists, many things can be corrected in life, and there are many more options[4].

There are several reasons for suicide in the world, the most important of which are: escape from responsibility, punishment; family disputes (disagreements between parents, children, mothers-in-law); economic crises (bankruptcy, debt, unemployment); problems at work (study); unhappy (unrequited) love, betrayal of a husband or wife; dissatisfaction with life, boredom, inability to find one's place, loneliness; the death of one of a loved one or a famous idol; mental disorder, mental abuse (as a result of physical violence, such as rape, beatings); health problems, drug addiction, alcoholism; consequences such as religious fanaticism can lead to feelings of helplessness, illness, unworthiness, or unwillingness to put one's weight on one's loved ones, or to suicide for fear of humiliation, disgrace, or condemnation.

These causes lead to a state of mental distress, which is characterized by feelings of loneliness, increased panic, loss of confidence, a sense of hopelessness in life, blurred content of life, low self-esteem. At the same time, a person experiences a situation in which he or she becomes uncontrollable in the short term. The danger is that the person will fall into a whirlpool of problems, feel helpless, grief, panic surround him in all directions. The only remedy seems to be self-destruction[5]. Studies have shown that the majority of those who commit suicide from a medical point of view are diagnosed with a severe mental disorder (depression). Accordingly, in the Japanese state, it is important to first study the cause of the mental disorder in order to apply appropriate treatments to the patient with such a diagnosis[6].

In addition to suicide, there is the concept of self-sacrifice. The concept of self-sacrifice is more related to religious ideologies, such as self-sacrifice (martyrdom) for the sake of religion or for the sake of the Motherland during the war, in the interests of the people. If we look at history, we can also observe forms of suicide such as Harakiri (Japan) and Sati (India) [7].

However, in all religions it is said that suicide is a great sin. According to many religious teachings, suicides are buried in separate cemeteries from other individuals. In particular, according to our sacred religion, funerals are not performed for such people. In verse 29 of Surat an-Nisa, Allah warns His servants against violating their right to life, saying, "Do not kill yourselves", and again, "Allah is Merciful to you"[8].

But a thousand regrets are that now, as a result of inability to control oneself, lack of self-confidence, impatience, especially among young people, suicide has tripled in the last decade. Every year, between the ages of 15 and 19, every twelfth of a teenager tries to commit suicide[9].

There are a number of cases that many juvenile suicides are often perpetrated by their parents, teachers, friends, acquaintances, unknowingly and unwillingly, and as a result, a child with a weak will commits suicide for no reason. In addition, today the concept of "bullying" is gaining popularity and is widespread on social networks. Bullying is the act of inflicting mental injury on someone by laughing or making fun of them[10]. When cyber-bullying (oppression, coercion) occurs through social media, it can have serious consequences, especially for children in their teens.

Globally, suicide is almost the same in every country: hanging, burning, drowning, poisoning, acid drinking, cutting veins, throwing under a train, stabbing, throwing oneself down from a tall building, shooting with a pistol are common. According to statistics, women are more likely than men to attempt suicide, men using the method of shooting more often, and women using the method of self-poisoning with various drugs, toxic liquids. However, the methods chosen by men end in death[11]. It has also been observed that many suicide bombers write their last letters and accounts before they die.

In recent years, the rate of suicide by young women in developing countries in Asia has been increasing. Life and difficult family conditions shape suicidal behavior in them, especially factors such as early marriage, young motherhood, low social status, domestic violence, and economic dependence, which cause strong depression in these women. Most psychologists agree that such women are "unheard of".

When women suicide cases were studied, it was found that most of them were caused by family unrest, conflict at school, lack of family, romantic relationships, disagreements between relatives, friends and other individuals, and some for no reason.

Sometimes the state of suicide is caused by the victim himself, i.e., the victim himself stands as the subject of the action. It should be noted that this is a key factor in the generally accepted view of suicide. The internal reasons for such actions, however, are of no particular importance in this context.

Lawyer E. Durkheim states that "each social group has only a specific collective tendency to commit suicide, which in turn has a certain quality that determines the size of the individual tendency" [12]. In society, the act of suicide has always been considered a grave sin, condemned and even punished. It is natural to wonder whether the decision of an individual to commit suicide voluntarily is a crime against society, morality, the Creator, or whether it is another right, such as the right to life given to him, which a person can exercise at will. If we do not take into account the fact that the punishments applied by different peoples to suicide in the world differ from each other, we can see that the cases of suicide have gone through two main stages.

In the first stage, a person is prohibited from committing suicide at will. But the state could have agreed to that. This means that only in certain cases are suicidal acts condemned by society allowed. For example, in Athens, suicide is allowed by the senate when a person's life is considered unbearable and the act is legal. On the contrary, such acts were found to be immoral if they were committed without the participation of community members.

In the second stage, the strike is absolute in nature and no exceptions are allowed. The ability to manage human life was excluded not only from the stakeholder but also from society as a whole, with the exception of the death penalty, which is imposed as a punishment for a crime.

The public debate over the "right to commit suicide" continues to this day.

Law scholar E. As Durkheim puts it, "... suicide should be condemned because it is contrary to the personality culture of humanity, which is the foundation of our morality. We are told that when a person commits suicide, he only harms himself and society does not have to intervene in the situation. This is a misunderstanding. Society is insulted in such a situation because its feelings based on the moral axioms that bind members of society are considered insulted. Any revenge against life shall be prohibited from the time when human life is recognized or should be recognized as a sacred divinity not governed by an individual or group. In this case, it does not matter whether the perpetrator or the victim is the only person. Social evil does not disappear even if the offender has harmed himself. If the circumstances of our suicide have provoked such rage as an insult to the holy divinity, it is inappropriate for us to endure any appearance or circumstance pertaining to these circumstances. If we back off, the team's feelings may lose their power in the future" [13].

However, unlike E. Durkheim, the lawyer M. Kovalyov approached this problem differently. In his view, if a person is given the right to live, he must also have the right to die. At the discretion of the individual, the decision to commit suicide should not be morally or legally condemned. The right to life is a natural right of any human being. While it is not explicitly stated in the legal norms, it certainly exists. Moreover, man cannot exercise the right to live according to his own will, for he comes into the world independent of his own will and leaves the same world. However, the active life that flows between birth and death is full of rights and responsibilities that one must continuously fulfill. According to them, everyone has the right to leave behind an heir who is "the successor of his life". This situation reflects the high value of human life and it is protected by a system of morality, decency, legal norms, coercion and incentives. It is the rule of law that ensures the full implementation of the rule of law in civil society and the priority of the rights and legitimate interests of citizens. At present, suicide attempts are not prohibited. Therefore, it cannot be concluded that in practice there is a right to commit suicide. But some scholars believe that this right should be reflected in the law [14].

At present, bringing a person to the level of suicide is considered a socially dangerous crime, and he is criminally liable in the Criminal Codes of all the member states of the Commonwealth of Independent States. The first part of the Special Part of the Criminal Code of the Republic of Uzbekistan, entitled "Crimes against the person", consists of seven chapters (Chapter I - Crimes against life; Chapter II - Crimes against health; Chapter III - Crimes against life or health; Chapter IV - Against sexual freedom crimes;

Chapter V - Crimes against the family, youth and morals; Chapter VI - Crimes against the freedom, honor and dignity of the individual; Chapter VII - Crimes against the constitutional rights and freedoms of citizens).

The legislator's placement of crimes in this group in the first part of the Special Part of the Criminal Code is based on the rules of improving the criminal law in the country, ie the conceptual protection of life, health, rights, freedoms and legitimate interests. turns out.

This concept is based on the principle enshrined in Article 13 of the Constitution of the Republic of Uzbekistan: "Democracy in the Republic of Uzbekistan is based on universal principles, according to which a person, his life, freedom, honor, dignity and other inalienable rights are the highest value"[15].

Therefore, one of the main tasks of the Criminal Code of the Republic of Uzbekistan is to protect the interests of individuals, their rights and freedoms from criminal encroachment. We therefore found it expedient to analyze the signs of the objective aspect of the crime of bringing suicide to the level of suicide. Article 103 of the Criminal Code of the Republic of Uzbekistan provides for the crime of "bringing to the level of suicide". For this reason, too, the analysis of its objective aspect implies the act, its consequences, and the causal connection between them. According to Part 1 of Article 103 of the Criminal Code of the Republic of Uzbekistan, criminal liability is stated for as a result of intimidation, cruel treatment or constant humiliation of a person's honor and dignity to the level of suicide or suicide attempt; part 2 "a" - in relation to a person who is financially or otherwise dependent on the offender; "b" - in relation to a minor or a woman whose pregnancy is known to be the culprit; "c" - by a group of persons with prior agreement; "d" - the use of telecommunications networks, as well as the Internet through the global information network.

"In order to qualify an act committed by an offender under Article 103 of the Criminal Code of the Republic of Uzbekistan, it is necessary to determine whether suicide is the result of the perpetrator's cruel treatment to the victim or constant humiliation of his honor and dignity".

Also, in order to prosecute a person on the basis of the crime committed and to properly qualify his actions, all the elements of the crime must comply with the disposition of the relevant norm in a special section of the Criminal Code. It should be noted that the object of this crime is the social relations that ensure the safety of human life.

The objective side is mainly reflected in active actions such as torture, bodily harm, beatings, spreading slander and libel, insults. In our opinion, such a crime can be committed through inaction. For example, failure to provide timely food, clothing, or shelter by a person who is required by law to care for the victim. According to the Criminal Code of the Republic of Uzbekistan, a prerequisite for the application of Article 103 is to determine whether the victim, who was guilty of suicide or attempted suicide, was brutally treated or regularly humiliated. Cruel treatment as a form of action[16]. Cruelty is defined as the act of abusing a victim and causing him or her physical or mental suffering (e.g., continuous beatings, deprivation of food, water, etc.). The concept of "cruelty" is interpreted in dictionaries as "very ruthless".

Merciless means "ruthless," "unforgiving," "inhuman," harsh". Cruelty has a broad meaning, as a sign of the crime of suicide. In general, such treatment is described as ruthless, rude behavior that leads to physical and mental suffering. It is self-evident that the same actions can affect a person both physically and mentally, and can be accompanied by physical or spiritual suffering. The most common causes of suicide are beatings, torture, and bodily harm. Cruelty is often described as extreme cruelty, excessive cruelty, torture, i.e., physical or spiritual suffering and torture. "Cruel treatment" means cruel, inhuman or degrading treatment (eg, beatings, beatings, deprivation of housing, heat, food, water, livelihood, unjustified dismissal) that causes physical or mental harm to the victim[17].

Beating is not a separate type of injury. Actions characterized by multiple blows are recognized as beatings. As a result of the beating, the victim may have bruises, hemorrhages, certain bodily injuries that did not lead to a short-term loss of ability to work (Article 109). Torture is defined as the constant beating or suffering with other actions, as well as the impact on a person's nervous system. It is clear from the text of

Article 103 of the Criminal Code of the Republic of Uzbekistan, in which the legislator states that the sign of continuity applies only to the humiliation of the honor and dignity of the victim. This can only be considered cruel treatment once it has been committed. For this reason, the interpretation of cruel treatment as a system of ruthless behavior would unreasonably limit the possibility of applying the norm under study. A person who commits a minor act of cruelty three times will be criminally prosecuted for bringing it to the level of suicide, while a person who commits a single but extremely cruel act may escape punishment. Difficulty in qualifying an act usually arises from a one-time cruel treatment of suicide. This raises the question of whether one-time cruelty can also be understood as cruel treatment, or whether the act described in the law implies continuous cruelty.

According to N.I.Korjansky, some cases of beatings cannot be considered cruel because they are insignificant: "The cessation of sexual intercourse, some cases of beatings and other less significant acts can not be considered cruel"[18]. We believe that the amendment to the disposition of Article 103 of the Criminal Code of the Republic of Uzbekistan should be reconsidered in order to put an end to the long-standing debate over whether cruel treatment involves a one-time act or a multiple act.

To do this, we think it would be appropriate to change the sign "ruthless". In the norm, this approach allows to reduce the difficulties that may arise in the practical application of Article 103 of the Criminal Code, which includes not only certain acts of cruelty, but also a system of actions that constitute cruel treatment[19].

For example, A was legally married to B in 2008 and had 3 children. During her marriage, A had been unreasonably jealous of her, constantly insulting her honor and dignity, accusing her of cheating on her with strangers, and insulting her on suspicion of cheating[20].

Also, A forbidding B from attending weddings and other ceremonies in the neighborhood, ceremonies held at the workplace, obstructing his free movement, and regularly humiliating him with spiritual torment.

In particular, on April 26, 2016, a neighbor who was serving at a wedding ceremony at J's house called his wife B, who was looking after the affairs, out of the wedding hall at 12 noon and prevented her from attending the wedding ceremony. Thereafter, at approximately 12:30 p.m., B set himself on fire in the kitchen of his living quarters, committed suicide, and died in hospital on May 2, 2016, despite the medical treatment provided. A was found guilty under part 2 of Article 103 of the Criminal Code of the Republic of Uzbekistan. In making a legal assessment of A's actions, the court correctly qualified his actions under Article 103 (2) of the Criminal Code of the Republic of Uzbekistan.

In our opinion, the court correctly assessed A's conduct. The reason is that the culprit A committed suicide by setting himself on fire as a result of regularly torturing his dependent spouse B, who was materially and otherwise dependent, to the point of suicide.

Thus, the crime of suicide as a sign of the objective aspect of the crime under Article 103 of the Criminal Code of the Republic of Uzbekistan - is to commit an act aimed at depriving a person of his life and sufficient for his death, if he saw the cause in cruelty of another person can be noted that[21].

Since the crime under analysis is material in nature, the inevitable sign of its objective side is the causal link between the victim's suicide and the defendant's act. Only if the existence of such a connection is proven can a person's aggression against his own life be described as the result of cruel treatment of him, an insult to his honor and dignity[22].

In this regard, M.Kh.Rustambaev rightly acknowledged that "in order to qualify the act of the accused under Article 103 of the Criminal Code of the Republic of Uzbekistan, the victim was brutally treated or committed suicide as a result of constant humiliation of his honor and dignity, that is, there must be a causal link between the perpetrator's behavior and the consequences"[23].

According to the theory of necessary causation put forward by A.A.Pointovsky, only the necessary causal link has criminal significance, and for the accidental consequences of their actions a person can not be prosecuted under any circumstances. Thus, causation is said to be such a connection that "in a given situation, an event naturally, necessarily creates another event, causes it" [24].

The peculiarity of the crime of bringing to the level of suicide is that its consequence (aggression on the victim's own life) indirectly connected with the act (cruel treatment, etc.).

Indirect causal linkage (such as direct causal linkage) is a type of necessary causal linkage. A direct causal link is "the development of events without the intervention of other independent forces (including other human actions)". Determining a causal link in a complex crime, such as suicide, is undoubtedly a very important task. An analysis of case law suggests that in most cases where the courts have not seen a level of suicide leading to a lack of causal link, the act itself exists in practice. However, some authors talk about a causal link even when there is no action or consequence.

For example, A. constantly insulted and degraded his wife B, resulting in the woman pouring paraffin on herself and committing suicide. He was therefore convicted and sentenced under Article 103 § 2 of the CC.

Some authors, including I.I.Gorelik, describe the constant humiliation of the victim's honor and dignity as a form of cruel treatment. If the humiliation of a person's honor and dignity is considered a form of cruel treatment, finding one-time cruelty as a cruel treatment leads to the fact that the sign of continuity completely loses its significance in relation to the humiliation of a person's honor and dignity.

It should be noted that the sign of continuity is understood differently in relation to the humiliation of the honor and dignity of the individual. In addition to the usual interpretation (three or more times), there is also a different interpretation, more precisely, an interpretation that repeatedly insults the honor and dignity of an individual.

Insulting the honor and dignity of a person is not a form of suicide in all cases, but only if it shows the cruelty of the perpetrator.

The objective aspect of bringing a person to the level of suicide implies a socially dangerous consequence in the form of the victim's death (criminal consequence) or an attempt to bring the person to the level of suicide if he or she survives for one reason or another. There is no criminal element under Article 103 of the Criminal Code of the Republic of Uzbekistan in the preparation for suicide, the expression of intention to commit suicide (including through a pre-death letter).

In practice, in criminal proceedings involving the crime of bringing to the level of suicide, it is often difficult to determine whether an individual's actions are aimed at suicide or some other purpose, and this leads to judicial errors. Sometimes practitioners forget that the crime of suicide has criminal significance only if it is the result of bringing it to its level, that is, as a sign of the nature of the crime. With this in mind, the provision on "preventing the free use of life-saving weapons" issued to prevent these crimes can be considered questionable.

Thus, the crime of suicide as a sign of the objective aspect of the crime under Article 103 of the Criminal Code of the Republic of Uzbekistan - is to commit an act aimed at depriving a person of his life and sufficient for his death, if he saw the cause in cruelty of another person can be noted that. Since the crime under analysis is material in nature, the inevitable sign of its objective side is the causal link between the victim's suicide and the defendant's act. Only if the existence of such a connection is proven can a person's aggression against his own life be described as the result of cruel treatment of him, an insult to his honor and dignity.

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committed suicide as a result of constant humiliation of his honor and dignity that is, there must be a causal link between the perpetrator's behavior and the consequences".

According to the theory of necessary causation put forward by A.A Pointovsky, only the necessary causal link has criminal significance, and for the accidental consequences of their actions a person can not be prosecuted under any circumstances. Thus, causation is said to be such a connection that "in a given situation, an event naturally, necessarily creates another event, causes it". The peculiarity of the crime of bringing to the level of suicide is that its consequence (aggression on the victim's own life) is only indirectly connected with the act (cruel treatment, etc.). Indirect causal linkage (such as direct causal linkage) is a type of necessary causal linkage. A direct causal link is "the development of events without the intervention of other independent forces (including other human actions)".

Determining a causal link in a complex crime, such as suicide, is undoubtedly a very important task. An analysis of case law suggests that in most cases where the courts have not seen a level of suicide leading to a lack of causal link, the act itself exists in practice. However, some authors talk about a causal link even when there is no action or consequence.

For example, defendant B married his wife N on March 12, 2019 in the 31st apartment of the 14th house where he lived as a couple, and treated his spouse N, who was financially and otherwise dependent on him, mercilessly, to his honor and constantly insulting his dignity, beating him with various arguments and inflicting bodily harm.

According to the forensic medical examination report No.227-X-JUM of February 23, 2020, according to the medical certificate No.3874 issued by the Almalyk city medical association of Tashkent region, filled in the name of citizen N, soft tissue in the right arm, body and neck area got hematoma, these injuries were transmitted under the influence of an impermeable, solid body, and the timing may correspond to the time specified in the medical certificate, such injuries fall into the category of mild body injuries by severity.

In addition, B continued his criminal activities and on January 28, 2022, at approximately 9:30 p.m., he brutally treated his spouse N at his home, constantly insulting his honor and dignity, beating him in various parts of his body on various pretexts caused many bodily injuries. As a result, N committed suicide on January 29, 2015, at approximately 9:10 a.m., consuming vinegar essence in his home, abusing his spouse B's unlawful conduct, which was consistently delivered to him, and died that day.

According to the verdict, T was found guilty under Article 103, Part 2, Article 110, Part 1 of the Criminal Code of the Republic of Uzbekistan[25]. Article 13 of the CC stipulates that the Criminal Code is valid for a period of time, according to which the criminality and punishability of an act is determined by the law in force at the time of the commission of the act. If in the article of this Code the moment of commission of an act or omission was considered as the time of completion of the crime, the time of commission of a socially dangerous act shall be considered as the time of commission of the crime. If the article of this Code considers that the crime is over with the occurrence of a criminal consequence, the time of the occurrence of the criminal consequence shall be recognized as the time of the commission of the crime. So, in this case, too, given that the crime was committed in 2023, the liability is determined by the criminal law in force at that time.

So, in this case, the crime was committed in 2023, the liability is determined by the criminal law in force at that time. In conclusion, the study and analysis of the characteristics that characterize the objective aspect of bringing suicide to the level of suicide allows us to draw the following main conclusions:

1. We consider it is necessary to change the disposition of Article 103 of the Criminal Code of the Republic of Uzbekistan in order to put an end to the long-standing debate on whether cruel treatment involves a one-time action or multiple. To do this, we think it would be appropriate to change the sign "ruthless". In the norm, this approach allows to reduce the difficulties that may arise in the practical application of Article 103 of the Criminal Code, which includes not only individual acts of cruelty, but also a system of actions that constitute a general cruel treatment.

2. It is a crime to bring to the level of suicide or to the level of suicide attempt provided for in the disposition of Article 103 of the Criminal Code. If the perpetrator commits such an act against an elderly or other incapacitated person, it creates difficulties in qualifying the offender's act. In this case, the act of the offender leads to the qualification under Article 103, Part 1 of the Criminal Code. However, Article 56 of the Criminal Code stipulates that a crime committed against a disabled person is considered an aggravating circumstance.

If we analyze the practice, in the current version, the same scope of responsibility for suicide or attempted suicide a person who is not financially or otherwise dependent on the perpetrator, as a result of cruel treatment or constant humiliation of their honor and dignity and "in relation to two or more persons" who are not dependent on the perpetrator in any way; in relation to a person with a mental illness"[26].

In some cases, homicide crimes are similar to those that lead to suicide. For example, a person may commit suicide as a result of physical or mental violence. In such cases, if there is a valid intent in the perpetrator's actions in the victim's suicide, such cases should be qualified as murder or attempted suicide. The same qualification should be used to bring a juvenile to the level of suicide or who is unable to understand or control his or her own actions.

Although this approach seems plausible to most legal scholars, the practical side of the problem is that the Plenum of the Supreme Court of the Republic of Uzbekistan in its Resolution No.13 of 24 September 2004 on the practice of premeditated murder (suicide) level) method is not clearly defined. During the course of the investigation and the study of judicial practice, however, it was not established that such cases were qualified as premeditated murder or assassination. In our opinion, the most important of the problems under consideration is that the juvenile cannot understand or control his actions due to his age or physiological, physical, mental and other condition, does not understand what suicide is and what its consequences are.

Suicide is always committed only with the right intention, that is, when a person realizes that he can die through harm to himself, only bringing it to the level of suicide provided for in the disposition of Article 103 of the CC is a crime. Consequently, Article 103 of the CC does not qualify the case of a juvenile who commits suicide who is unable to understand or control their actions[27].

To date, the problem of bringing two or more individuals, minors, or mentally retarded individuals to the level of suicide remains unresolved. The main reason for this is that this situation is not regulated by law, in our opinion, it should be done.

Therefore, the second part of Article 103 of the CC is "a1) in relation to two or more persons;

b1) in relation to a person with a mental illness".

It serves to prevent problems in judicial practice and to ensure the principles of justice and humanity. This is because cruel treatment of two or more persons who are not financially or otherwise dependent on the perpetrator or as a result of constant humiliation of their honor and dignity can lead them to the level of suicide or attempted suicide. In this case, it is not fair to impose a penalty on the offender only under the first part of this article.

A comparative analysis of this issue with the legislation of foreign countries shows that in the criminal codes of most CIS countries, for example, Moldova (Article 150, Part 2, paragraphs "b", "c") and the Republic of Belarus (Article 145, Part 2 of the Criminal Code), Ukraine (Article 120) and Article 102, paragraph 2, of the Criminal Code of the Kyrgyz Republic provide for criminal liability for an offense committed against a person who is materially dependent on the offender.

We also propose to clarify the third paragraph of the Plenum decision of the Supreme Court of the Republic of Uzbekistan "On judicial practice in criminal cases of suicide to the level of suicide" and clarify it as follows:

Continuity means the honor and dignity of the victim it is necessary to understand the action that is performed regularly, i.e. three or more times, within a certain duration (days, weeks, months) to be counteracted. Persistent insult to the honor and dignity of a person means to repeatedly (three or more times) insult the honor and dignity of the victim.

4. Suicide as a sign of the objective aspect of the crime provided for in Article 103 of the Criminal Code of the Republic of Uzbekistan - is the act of a person aimed at depriving himself of life and sufficient for his death, if he saw the cause in his cruel treatment can be described as.

5. The peculiarity of the crime of bringing to the level of suicide is that its consequences (aggression on the life of the victim) are only indirectly connected with the act (cruel treatment, etc.). Indirect causal linkage (such as direct causal linkage) is a type of necessary causal linkage. A direct causal link is a development of events that occurs without the intervention of other independent forces (including other human behaviors). The act of ruthless treatment of the victim, the constant humiliation of his honor and dignity, creates in the victim's mind a covenant of suicide, creating in practice the conditions for suicide, the criminal outcome of which is directly related to causation. In addition, the commission of suicidal ideation is determined by the victim's personal characteristics and is therefore indirectly linked to his or her behavior. In order to determine the causal link between the act and its probable consequences, it is necessary to determine whether cruel treatment was one of the causes of the suicide.

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