

THE RIGHT TO LIFE: THE MOMENTS OF ORIGIN AND LOSS**Oleg I. Amelchakov***Belgorod State National Research University, Belgorod, Russia***Article info**

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The subject of the article is the right to life interpretation issue, as well as the definition of the term "life" applicable in the legal field, the study of the problems of establishing of the constitutional right to life realization moment and its loss. This is necessary due to the formalized nature of law and the unification of the legal categorical apparatus, controversy in the scientific community, as well as the lack of a holistic understanding of the moments of its origin and loss, which will improve modern legislation in the field of protecting the right to life, eliminate existing contradictions.

The purpose of the study is to confirm or refute the author's hypothesis about the moment of the emergence of the right to life and its termination as processes interrelated with the context and society. The author interests how this moment is fixed in current Russian legislation as well as in international legal norms and the constitutions of some foreign countries.

The methodology. The following general scientific and special methods of cognition were used in the work: dialectical, systemic, historical, comparison, analysis and synthesis, formal legal and statistical methods. The method of comparison was used in the analysis of the texts of constitutions in order to consolidate the moments of the emergence and loss of the right to human life. The formal legal method made it possible to identify contradictions in the legislation of Russia in terms of issues related to the emergence and loss of the right to life. The use of these methods in combination with the latest achievements made it possible to identify and analyze the content, essence and features of the emergence and loss of the human right to life in the Russian Federation and foreign states.

The main results, scope of application. Within the framework of the scientific and practical problem the author considers various approaches to the right to life emergence and loss moments, identifies the main problems of the current legislation of Russia and compares it with international legal norms and the constitutions of some foreign countries in order to fix the right to life emergence and loss the moments.

Conclusions. The moment of the occurrence of the right to life must be recognized as a birth of viable infant, and the moment of loss of the right to life – the onset of his death.

The right to life of a premature newborn, including those with extremely low body weight, as well as those with certain complications, is realized by providing him with full medical care.

1. Introduction

One of the main indicators of the level of the democratization of the state is the provision of the right to life [1, p. 55]. Life in any legal state is considered as the highest social value which must be guaranteed and protected by the law. Despite its fundamental value it can still be limited under certain circumstances. The point here is not only the death penalty that has not been abolished in Russia (it is prohibited in the Federal Republic of Germany and other countries of the European Union) but the legal possibility of depriving another person's life as a result of necessary defense, with a reasonable risk, during hostilities, etc. [2, p. 52].

Criminality is one of the criminogenic factors that affects social life and violate human rights, especially the right to life, liberty and security of person [3, p. 11]. In the context of the spread of terrorism, the criminalization of society and the pandemic the protection of the right to life becomes essential in any democratic state.

Since the right to life is one of the natural inalienable human rights the question of when the right to life arises and ends is extremely important both for criminal, civil law, and for legal science in general [4, c. 25]. For the most effective and appropriate protection of the right to life, it is necessary to define these points.

By virtue of Part 2 of Art. 17 of the Constitution of the Russian Federation fundamental human rights and freedoms which undoubtedly include the right to life are inalienable and belong to everyone from birth. In this regard the most part of the legal community is convinced that the right to life arises at the moment of birth, however, under the question is the definition of "birth", especially in connection with the availability of modern medicine means and methods of rescuing and nursing premature newborns with extremely low body weight. To date the system of Russian legislation lacks a norm, as well as any official clarifications that determine the time frame for the validity of the constitutional human right to life. In this regard it seems necessary to determine the moments of the emergence and loss of the right to life, since they determine when the state should

take appropriate measures to protect the life of persons under their jurisdiction, in particular, by introducing effective criminal law norms.

The topic under study requires reference to various sources. Within the framework of this study, a number of positions of various scientists are analyzed in order to form a holistic understanding of the problem raised. Many foreign authors have been studying the human right to life for a long time, including: D. Gomien, D. Harris, P. Zaak, D. J. Harris, M.O. Boyle, S. Warbrick, B.G. Ramcharan, J. Sudo, V.F. Murphy, J. Tanenhaus. At different times, Russian scientists such as A.S. Avakyan, M.V. Baglai, V.D. Zorkin, L.V. Lazareva, N.I. Matuzov, L.A. Nudnenko, D.Z. Mutagirov, B.A. Strashun, S.M. Shakhrai and others dealt with issues related to research on the right to life. Scientific periodicals have published articles by various authors, which consider the definition of the concept and content of the right to life, its occurrence and loss, as well as guarantees of its provision and protection.

The analysis of scientific literature allows us to conclude that the research topic is insufficiently developed in modern Russian legal science. Despite the fact that the issues of determination of the right to human life content as well as its guarantee have repeatedly become the object of research by many scientists, some of its aspects have remained unexplored. Also, in our opinion, the issue of the moments of the emergence and loss of the right to life has not been fully studied.

For the most complete knowledge of the object of research, general scientific and special methods of cognition were used in the work: dialectical, systemic, historical, comparison, analysis and synthesis, formal legal and statistical methods. The method of comparison was used in the analysis of the texts of constitutions in order to consolidate the moments of the emergence and loss of the right to human life. The formal legal method made it possible to identify contradictions in the legislation of Russia in terms of issues related to the emergence and loss of the right to life. The use of these methods in combination with the latest achievements made it possible to identify and analyze the content, essence and features of the emergence and loss of the

human right to life in the Russian Federation and foreign states.

2. The right to life is a fundamental element in the human rights system

The right to life is central to all fundamental human rights. This is due to the fact that life is recognized as the most important and highest social good which is the primary and necessary condition for the emergence and realization of all other human and civil rights [12, p. 58]. Enshrining in the texts of normative acts the right to life and endowing it with a person, the legislator puts under protection precisely "life" as the highest social value. We share the position of M.V. Markhheim who claims that everyone needs guarantees not only against violation of his rights, but also against encroachments on them [13, p. 28]. Under the category of "encroachments on human rights," the author understands attempts and intentions to limit, diminish rights, and turn them into an empty formality.

For the most complete understanding of the essence and content of the right to life, we consider it expedient to clear up what life is like as the highest constitutional value. There are different interpretations of the category "life" from the point of various sciences. We need to define the concept and content of the categories of "life" from a legal point of view because life itself is an object of legal protection. There have been several attempts to give a legal definition of the right to life and life itself in the scientific literature. One of the most laconic is the definition formulated by L.O. Krasavchikova "... life is the physiological existence of a person or an animal" [14, p. 38]. In our opinion the proposed concept does not reveal the features and content of such a category as "life". In this context it is necessary to distinguish between the concepts of "life" and existence. "The existence, in contrast to the life, means living one's own life without any purpose, in vain, performing biological functions which is not characteristic of a person.

A.N. Golovastikova defines life as "an independently emerging, self-regulating, socially integrated process that takes place in time, interconnected with the environment ..." [15, p. 35]. It is worth noting that the author rightly notes

that life is a process proceeding in time, but he misses the fact that the process has its limits (the beginning and the end).

Babadzhanov I.H, Salnikov S.P., considering life through the prism of legal practice, understand by it: "a special state (or process), considered as a special legal fact serving as the basis for the emergence, change or termination of legal relations" [16, p. 65].

We believe that the term "state" cannot be used in relation to the category under consideration. Because a state is something "stable" in being, but amenable to change, and the process includes a change in states.

In this regard, it is quite reasonable to develop a definition of the definition of "life" applicable in the field of legal regulation. This is necessary due to the formalized nature of law and the unification of the legal categorical apparatus.

We suggest that "life" be understood as a process interconnected with the environment and society, the beginning of which is the moment of a person's birth, and the end is death. It is important to take into account that when it comes to the definition of "life" in the legal aspect, we, first of all, mean the life of a person who is a subject of social relations.

The problem of comparing "life" and "right to life" still causes controversy in the scientific literature. The opinion of G.B. Romanovsky who believes that the concept of "life" is not identical with the concept of "the right to life" is quite reasonable. To support his position the author argues that the concept of "life", despite a wide variety of options for its interpretation, reflects the biological (in relation to a person - more precisely, physiological) characteristics of the subject [17, p. 151].

Modern theorists of constitutional law recognize the absolute value and inalienability of the right to life. For example, A.S. Kashlakova points out that "in article 20 of the Constitution of the Russian Federation, the right to life is enshrined in the meaning of the right to existence of a person as a biological being" [18, p. 21]. It seems that the proposed concept is narrow, because the right to life, enshrined in Art. 20 of the Constitution of the Russian Federation is not only the physical existence

of a person, but also the right not to be arbitrarily deprived of life.

N.V. Tyumeneva, studying the right to life in the theoretical and legal aspect, comes to the conclusion that “the right to life as benefit contains basic indicators that materialize a certain general balance of the legally declared and actual quality of life” [19, p. 13].

V.P. Chebotareva in her research defines the right to life as “inalienable, except for cases specifically provided for in the law, a right received by a person from birth, which is realized by him directly and satisfies the highest value emanating from human nature - life itself, as well as the values formed in the process of social development of society” [20, p. 15]. We consider this definition to be incorrect due to the fact that the right to life is inalienable. Deprivation of human life is possible only in one case, which is provided for in Part 2 of Art. 20 of the Constitution of the Russian Federation (in case of a death sentence). It should be noted that according to the Decree of the Constitutional Court of the Russian Federation of February the 2nd, 1999 No. 3-P, the death penalty cannot be imposed. Thus, the use of the phrase “except for cases specifically provided for in the law” in the proposed concept is inappropriate, because the law provides for only one such case which is currently not being implemented. At the same time, we consider it inappropriate in the context of the right to life to use the phrase “is realized by him directly” since the exercise of this right means on the one hand the obligation of the state to protect this right and on the other hand the prohibition of other persons from arbitrary deprivation of human life.

The point of view of N.A. Belobragina is of interest, she claims that “having been born, a person has already realized his right to life” [21, p. 17]. Therefore, she sees the need to enshrine in the constitutional law the formulations “the right to life security” or “the right to life protection.” It is worth not agreeing with this opinion, because the right to life is not limited to the fact of a person's birth. It is necessary to distinguish between these two categories naming a different essence, nature and purpose. The concept of “life” encompasses the biological aspects of the existence of matter and is

manifested as a source of development of the organism while the law is identified with the act of subjects regarding this good.

3. International legal standards for the protection of the right to life

At the moment, the right to life is enshrined in many domestic, regional and universal international acts. Some personal rights and freedoms of a person are proclaimed absolute from the position of the impossibility of their legal limitation [22, p. 267]. One of these rights is the right to life. Article 3 of the 1948 Universal Declaration of Human Rights defines that everyone has the rights to life, liberty and security of person. According to Part 1 of Art. 6 of the International Covenant on Civil and Political Rights of December 16th, 1966, the right to life is an inalienable right of every person. These acts contain the norm according to which everyone has the right to recognition everywhere as a person before the law (Article 16 of the International Covenant on Civil and Political Rights, Article 6 of the Universal Declaration of Human Rights). The literal interpretation of these norms suggests that only a person who has already been born can be recognized as a person before the law.

As part of the analysis of the constitutional right to life, it is also necessary to refer to Art. 11 of the International Covenant on Economic, Social and Cultural Rights which enshrines the right of everyone to a decent standard of living for himself and his family. This provision organically follows from the articles of the Constitution of the Russian Federation (Articles 39, 40, etc.) [23, p. 23].

In the European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4th, 1950, similar provisions are enshrined, which are expanded by the possibility of imposing the death penalty (part 1 of article 2). The analysis of the texts of these and other documents of the international level indicates that the question of the moments of the emergence and loss of the right to life remains open, that is, it can be decided at the discretion of states.

The European Court of Human Rights has indicated that: “Under the circumstances studied to date by the Convention institutions, i.e. in various abortion laws, the unborn child is not considered a

“person” directly protected by Art. 2 of the Concepts “that if the unborn still has the “right to life”, it is clearly limited by the rights and interests of the mother” [24, p. 9].

4. The emergence of the right to life: the experience of legal regulation of foreign countries

Among the many debated issues related to the rights to life, one of the most difficult is the question of the moment of its origin. In various states and in scientific literature, two different positions have developed on the issues of the emergence of the right to life. According to the first, the right to life arises and is protected from the moment of conception and on the basis of the second from the moment of the birth of a child. Depending on the position taken the situation in the states regarding the permission of abortion is different.

According to the first position, the right to life should be recognized from the moment of conception, which is conditioned by the idea that the human embryo has all human rights, and human life is “sacred” and inviolable from the moment of conception [25]. Supporters of this position believe that the subjective rights of a child can arise in the embryo, since it is genetically different from the mother (Popov D.V.), bodily independent because it is not the part of the organism of its carrier and is capable of self-development [26].

The legislation also contains a similar approach to the problem of protecting the rights of the human embryo. First of all, attention should be paid to the preamble to the 1989 Convention on the Rights of the Child, according to which “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”. In addition, Art. 1 of the Convention says that «a child means every human being below the age of eighteen years unless under the law applicable to the child» but does not establish the starting point from which a human being should be recognized as a child. In the sense of the above article, a child is not only a born human being, but also one that is still in the mother's womb, has not been born.

In constitutions that secure the moment of the emergence of the right to life or of human life itself as a rule the emergence and protection of the right to life is associated with the moment of conception (Paraguay, Hungary, Guatemala, Kenya). Thus, the Irish Constitution of December 29th, 1937 recognizes the right to life of the unborn and the equal right to life of the mother (Article 40). The United States of America recognizes the right to life from the moment of conception, as follows from the content of the text of the 1969 American Convention on Human Rights (Kheifets V.L., Khadorich L.V., 2015).

Angola's Constitution of 2010 recognizes the right to life and fully protects it at various stages (part 1 of article 8). It seems that in this context, the stages of a person's life mean different periods (stages) of his development, which include: childhood, adolescence, old age, senile age, etc. It should be noted that a number of authors believe that the initial stage of everyone's life is the embryonic period, which begins with the formation of a zygote and ends with the birth or release of the embryo from the egg. Thus, it can be assumed that the Constitution of the Republic of Angola protects the right to life from the moment of conception.

A number of Russian researchers admit the validity of this position. So, T.V. Klyga says the right to life of the unborn child must be guaranteed by law. The position of a number of foreign experts is more categorical, according to which abortion is not just a harmless “termination of pregnancy”, but “premeditated murder”. A similar opinion is shared by D. O'Conner: “Pregnancy is a period of maturation of a new being, and not its transformation into a human, since it is already a human” [27, p. 25].

It is noteworthy that national legislation, recognizing the right to life of unborn children, guarantees them the right to inherit. Confirmation of this argument can be found in domestic legislation (part 2 of article 218 of the Tax Code of the Russian Federation (part 2), article 1166 of the Civil Code of the Russian Federation). Thus, the current legislation of the Russian Federation also protects the interests of the conceived. However, in our opinion, this does not mean that the unborn child is recognized as a subject of law, but the indication that the child will be “born alive” once again emphasizes that the right

of inheritance in an unborn child can arise only if he is born viable.

We consider this position to be unfair, due to the fact that the embryo at any period of pregnancy may experience spontaneous miscarriage, pregnancy fading for various reasons, or the birth of a child dead. Of course, his interests will be taken into account only on the condition that he is born alive. If he is born dead, then the fact of his conception loses any legal significance, since his legal capacity never arose.

As noted earlier, this approach is not the only one. As they rightly point out Trifonov V.A., Metalnikov V.S. in most countries of the world it is believed that the right to life is valid from the moment of childbirth or the birth of a person [28, p. 38]. The basic laws of states associate the emergence of personal law (the right to life) with the fact of birth, meaning by this fact the separation of the child from the womb.

Article 17 of the Constitution of the Russian Federation establishes that fundamental human rights and freedoms belong to everyone from birth. Consequently, the emergence of the right to life, as other fundamental constitutional rights and freedoms, must be associated with a fairly definite legal fact that is the fact of birth. The right to life also belongs only to a specific subject that is a born person.

The national criminal law does not contain any indication of the moment of the beginning and end of life. Article 106 of the Criminal Code of the Russian Federation contains *corpus delicti*, which consists in the murder of a newborn child by a mother. In this norm, the victim is recognized as a "newborn child", therefore, already born and having all the signs of a live birth. There is no other norm protecting the life of a child not born, but a conceived one, in the criminal legislation of Russia.

In foreign constitutions, there are various interpretations of the right to life [29, p. 167].

The most common is the wording according to which everyone has the right to life (Azerbaijan, Belarus, Germany, Zimbabwe, Iraq, Kazakhstan, Kyrgyz Republic, Malawi, Russian Federation, Seychelles, and some others). In most states, at the constitutional level, the moments of the beginning and end of the right to life are not defined. As

noted earlier, some countries in the constitutional provision on the right to life consolidate the moments of the beginning of its protection. Thus, according to the Hungarian Constitution, which entered into force on January 1, 2012, the life of the fetus is protected from the moment of conception (Art. 2). The Constitution of the Republic of Kenya in Art. 26 establishes that a person's life begins with conception. Article 3 of the Constitution of the Republic of Guatemala guarantees state protection of human life from the moment of its conception. Despite the fact that the designated norms are similar, if you literally interpret them, you will notice that they have different meanings. The difference is that the basic laws of Hungary and Kenya determine the moments of the beginning of a person's life, and Guatemala's beginning of its state protection. In Hungary, the right to life is recognized for the fetus, which in medical terminology is designated as an intrauterine developing human body from the 9th week of pregnancy until birth. In this regard, it is not clear what should be considered the beginning of life: the moment of the onset of the fetal period (from the 9th week of development to birth).

5. Medical aspects of the emergence of the right to life

Separately, it is worth dwelling on the concepts available in medical science regarding the moment of the beginning of life. One of the most common is the position according to which the appearance of any part of the newborn's body is recognized as the moment of the beginning of life, but at the same time it is not completely separated from the mother's body, that is, in this case, the umbilical cord has not yet been cut. This kind of understanding of the moment of the beginning of life, found in a number of foreign countries (Ireland, the Slovak and Czech Republic), in our opinion, is not specific. Article 40 of the Irish Constitution states that the state recognizes the right to life of the unborn. The Constitutions of Slovakia (part 1 of article 15) and the Czech Republic (part 1 of article 6) contain similar provisions, according to which human life is worthy of protection even before birth. We believe that the use of the word "worthy" in this context is evaluative and inappropriate in the text of the main law of the state.

According to the order of the Ministry of Health and Social Development of Russia dated December 27th, 2011 No. 1687n "On medical criteria for birth, the form of a birth document and the procedure for issuing it", the moment of birth of a child is the moment of separation of the fetus from the mother's body through childbirth.

In accordance with clause 3 of the said Order, "live birth is the moment of separation of the fetus from the mother's body through childbirth at a gestational age of 22 weeks or more with a newborn's body weight of 500 grams or more (or less than 500 grams for multiple births) or if the body weight the child is unknown at birth, with a newborn's body length of 25 cm or more if the newborn has signs of live birth (breathing, palpitations, pulsation of the umbilical cord or voluntary muscle movements, regardless of whether the umbilical cord is cut and the placenta has separated)."

Based on the foregoing, from a legal point of view, a newborn is viable if the newborn has signs of live birth without malformations incompatible with life, if he can independently live outside the mother's body without creating special medical conditions, if his body weight is at least 1,500 g or body length 25 cm or more.

We adhere to the position that the right to life should be recognized as the right of everyone from the moment of his birth as a viable baby. We believe that the human embryo is not endowed with subjective rights: a person becomes a subject of law only if he is born, and, moreover, is born alive.

By vitality, we propose to understand the ability of an infant to exist outside the mother's body, which is characterized by a certain degree of its maturity and the absence of deformities incompatible with life, developmental anomalies and some painful conditions and severe malformations.

A person is considered to be born alive if there has been a complete expulsion or extraction of the product of conception from the mother's body, regardless of the duration of pregnancy, if the fetus breathes after such separation or shows other signs of life [30, p. 133]. Accordingly, until the

specified moment, a person should not be recognized as a subject of law.

Thus, the emergence of the right to life must be associated with the fact of the birth of a person, namely the process of physiological childbirth, during which a viable baby is born.

In this regard, the statement that the moments of the emergence of life and the right to life do not coincide is somewhat unfair, the manifestation of life is only a prerequisite for the emergence of the right to life, which may not be recognized if the child is born dead [31, p. 115]. We fully support this point of view, believing that the right to life should be recognized for a viable infant born. If a child is born dead, there can be no talk of either a new life or the right to life. We believe that the moments of the emergence of life and the right to life in the case of the birth of a viable baby coincide, and the former is a necessary prerequisite and condition for the latter.

The issue of recognizing the right to life of premature babies deserves special attention. Premature birth is considered to be born with a period of less than 37 full weeks, that is, up to 260 days of pregnancy. The right to life of a premature newborn, including those with extremely low body weight, as well as those with certain complications, is realized through the provision of medical assistance in full, based on the thesis that the newborn is alive, and, therefore, is a human being, according to the Constitution of the Russian Federation. The Federation is guaranteed the right to medical assistance.

Thus, we come to the conclusion that the right to life for every person arises at birth, namely his birth as a viable baby. This position, in our opinion, is fair, since in accordance with Article 17 of the Constitution of Russia, the right to life, as a fundamental natural right, arises in a person not from the moment of conception, but from the moment of birth, which is quite consistent with the spirit of modern legal systems based on the concept of natural law, which distinguishes concepts such as "subject of law" (natural person) from the concepts of "person" and "personality".

6. Loss of the moment of life: analysis of existing approaches

Determining the moment of loss of life, along with its emergence, remains one of the topical and important issues. The right to life of every person is realized in his individual being, in all forms of his self-affirmation in society, in activities related to the struggle for existence, for a dignified and moral life, against death for the sake of life even under the most unfavorable circumstances [32, p. 60].

The study of the moment of the onset of a person's death consists in the fact that it acts as a basis for changing or terminating the legal relations that existed before its onset and the emergence of others, due to the lack of legal capacity and capacity of the deceased person himself.

It is noteworthy that discussions are also underway regarding the definition of the moment of spending the right to life in the scientific society, however, similar positions are expressed, according to which the moment of termination (loss) of the right to life of a person is recognized as his death.

As you know, death can occur from various external and internal causes. It should be noted that death can be violent and non-violent. Death is considered to be violent if it occurs as a result of external factors affecting the human body: mechanical, chemical, physical, or others. The causes of violent death are most often various diseases or profound age-related changes (old age). A violent death can be homicide, suicide, or an accident.

In medical science it is customary to distinguish between clinical and biological death. The first is characterized by external signs of the body's death (absence of heart contractions, spontaneous breathing and any neuroreflex reactions to external influences), while maintaining the potential for restoring its vital functions using resuscitation methods. Biological death is expressed by posthumous changes in all organs and systems, which are permanent, irreversible, and cadaverous.

In accordance with Part 1 of Article 66 of the Federal Law of November 21st, 2011 No. 323-FZ (as amended on 02.07.2021) "On the Fundamentals of Health Protection of Citizens in the Russian Federation", the moment of death of a person is the moment of death of his brain or his

biological death (irreversible death of a person). The death of the brain occurs with a complete and irreversible cessation of all its functions, recorded with a beating heart and artificial ventilation. The biological death of a person is established on the basis of the presence of early and (or) late cadaveric changes.

The moment of loss of life by a person should be recognized as his death, which occurs in the event of the death of his brain or his biological death. The biological termination of human life is a necessary basis for the subsequent legal determination of death (Golovin A.Y., Bessarab N.S., 2012). According to the specified Federal Law No. 323 - FZ, the diagnosis of brain death is established by a council of doctors in the medical organization in which the patient is located (clause 3 and article 66), and the determination of a person's biological death is carried out by a medical worker (doctor or paramedic) (clause 5, art. 66).

Therefore, by the moment of loss of the right to life, we propose to understand the death of a person, which is ascertained by the diagnosis of brain death or biological death of a person.

Thus, we come to the conclusion that questions about the moments of the emergence and loss of the right to life are not regulated at the international level, and are also not resolved in most states. It seems necessary to develop a unified approach to this issue in the international arena in order to bring the legislation of states into line.

7. Conclusions

Every human right must be recognized from the moment of birth as a viable infant until death. Consequently, we consider it expedient to recognize the birth of a viable baby as the beginning of the effect of the right to life of a person, and death as the moment of the loss. The right to life of a premature newborn including those with extremely low body weight as well as those with certain complications is realized through the provision of medical care in full based on the thesis that the newborn is alive and, therefore, is a person to whom the Constitution of the Russian Federation guarantees the right to medical care. The study of such problems of the

implementation of the constitutional right to life as the establishment of the moment of its occurrence and loss will make it possible to

improve modern legislation in the field of protecting the right to life and eliminate the contradictions existing in it.

REFERENCES

1. Baimagambetova Z., Maulen A. The human right to a dignity life. *Bulletin of the Kazakh National University. International relations and international law journal*, 2018, vol. 1, no. 81, pp. 56–66.
2. Kondrat I.N. General principles of the restriction of human rights in the sphere of criminal proceedings. *Vestnik Sankt-Peterburgskogo universiteta. Pravo = Bulletin of St. Petersburg University. Right*, 2013, no. 2, pp. 50–59. (In Russ.).
3. Tymoshenko V.I., Maksymov S.I., Makarenko L.O., Kravchenko O.S., Kravchenko S.S. Threats to human rights in a globalized world. *Amazonia Investiga*, 2021, vol. 10, no. 39, pp. 9–15. DOI: 10.34069/AI/2021.39.03.1.
4. Skorobogatov V.Y. The limits of law and paradoxes in the legal regulation. *Gosudarstvo i pravo = State and Law*, 2020, no. 5, pp. 20–30. DOI: 10.31857/S013207690008347-3. (In Russ.).
5. Balashov A.V. *Constitutional right to life in modern Russia*, Cand. Diss. Kazan, 2011. 194 p. (In Russ.).
6. Belobragina N.A. *Right to life: constitutional and legal mechanism for ensuring and protecting*, Cand. Diss. Moscow, 2012. 219 p. (In Russ.).
7. Kazanovskaya Yu.A. *The right to life and the death penalty: problems of constitutional and legal regulation in the Russian Federation*, Cand. Diss. Stavropol, 2004. 173 p. (In Russ.).
8. Kal'chenko N.V. *The right of a person and a citizen to life and its guarantees in the Russian Federation*, Cand. Diss. Volgograd, 1995. 193 p. (In Russ.).
9. Koshcheeva A.A. *The right to life in the system of constitutional rights and freedoms of man and citizen in the Russian Federation*, Cand. Diss. Moscow, 2006. 187 p. (In Russ.).
10. Perevozchikova E.V. *Constitutional right to life and reproductive human rights*, Cand. Diss. Kazan, 2006. 137 p. (In Russ.).
11. Romanovskii G.B. *Constitutional regulation of the right to privacy*, Cand. Diss. St. Petersburg, 1997. 188 p. (In Russ.).
12. Talapina A.V. About human rights universality. *Gosudarstvo i pravo = State and Law*, 2019, no. 12, pp. 57–66. DOI: 10.31857/S013207690007818-1. (In Russ.).
13. Markhgeim M.V. *Constitutional system for the protection of human and civil rights and freedoms in the Russian Federation*, Doct. Diss. Thesis. Moscow, 2005. 56 p. (In Russ.).
14. Krasavchikova L.O. *Law protects the personal life of citizens*, Monograph. Moscow, 1983. 160 p. (In Russ.).
15. Golovistikova A.N. Philosophical content of the category "life" and its implementation in law. *Gosudarstvo i pravo = State and Law*, 2005, no. 6, pp. 30–39. (In Russ.).
16. Babadzhanovl Kh., Salnikov S.P. "Life" as a legal category and a natural phenomenon. *Vestnik Akademii ekonomicheskoi bezopasnosti MVD Rossii*, 2010, no. 9, pp. 63–67. (In Russ.).
17. Romanovskii G.B. *Gnoseology of the right to life*. St. Petersburg, Yuridicheskii tsentr Press Publ., 2003. 368 p. (In Russ.).
18. Kashlakova A.S. The right to human life: the labor law aspect. *Trudovoe pravo v Rossii i za rubezhom = Labor law in Russia and abroad*, 2011, no. 3, pp. 21–23. (In Russ.).
19. Tyumeneva N.V. *The right to life as an object of theoretical and legal research*, Cand. Diss. Thesis. Saratov, 2008. 22 p. (In Russ.).
20. Chebotareva V.P. *The right to life and its provision in the Russian Federation*, Cand. Diss. Thesis. Moscow, 2008. 28 p. (In Russ.).
21. Belobragina N.A. International legal standards for the provision and protection of the right to life. *Sovremennoe obshchestvo i pravo = Modern society and law*, 2012, no. 4 (9), pp. 15–21. (In Russ.).
22. Vakhrameeva L.N. The human right to life in the legislation of foreign countries. *Sibirskoe yuridicheskoe obozrenie = Siberian Law Review*, 2019, no. 3, pp. 266–269. DOI: 10.19073/2658-7602-2019-16-3-266-269. (In Russ.).
23. Kartashkin V.A., Vikhryan A.P. The constitution of Russia: human rights and freedoms. *Sovremennoe pravo*, 2018, no. 12, pp. 20–28. (In Russ.).
24. Belyaev S.I. (ed.). *The Right to life, prohibition of torture and inhuman or degrading treatment or punishment: European standards, Russian legislation and law enforcement practice*. Yekaterinburg, Ural University Publ., 2005. 244 p. (In Russ.).
25. Arsanusova L.Yu. *Dictionary of biomedical ethics*, for students of all faculties of higher medical educational institutions. Stavropol, Stavropol State Medical Academia Publ., 2011. 120 p. (In Russ.).
26. Selikhova O.G. *Constitutional and legal problems of the exercise of the right of individuals to freedom and*

personal inviolability, Cand. Diss. Thesis. Yekaterinburg, 2002. 24 p. (In Russ.).

27. Klyga T.V. The problem of the right to life as a legal fact in theory and practice. *Vestnik Moskovskogo universiteta MVD Rossii*, 2012, no. 1, pp. 152–156. (In Russ.).

28. Trifonov V.A., Metalnikov V.S. The right to life: the concept and main problems of implementation. *THEORIA: pedagogika, ekonomika, pravo = THEORIA: Pedagogy, Economics, Law*, 2021, no. 1 (2), pp. 70–79. DOI: 10.51635/27129926_2021_1_70. (In Russ.).

29. Vlasenko V.V., Markina I.N. Fohrer-Dedeurwaerder E. Crimes related to illegally carrying out an artificial termination of pregnancy (abortion) in the legislation of foreign countries. *Vestnik Sankt-Peterburgskogo universiteta. Pravo = Vestnik of Saint-Petersburg University. Law*, 2020, vol. 11, no. 1, pp. 154–172. DOI: 10.21638/spbu14.2020.111. (In Russ.).

30. Kiseleva N.A. Regulation of natural human rights on the example of the right to life. *Problema sootnosheniya prirodnogo i sotsial'nogo v obshchestve i cheloveke = The problem of the relationship between the natural and the social in society and man*, 2011, no. 2, pp. 131–134. (In Russ.).

31. Zavyalova N.Y. Theoretical and legal analysis of the human right to life. *Obshchestvo i pravo = Society and Law*, 2020, no. 3, pp. 112–116. (In Russ.).

32. Babichev A.G. Topical issues of the beginning and end of life according to the criminal legislation of Russia, in: *Gosudarstvo i pravo: teoriya i praktika*, proceeding of the 3rd International scientific conference (Chita, July 2014), Chita, Molodoi uchenyi Publ., 2014, pp. 58–61. (In Russ.).

33. Golovin A.Yu. Some legal problems of the moment of death of a person as a legal fact. *Izvestiya TulGU. Ekonomicheskie i yuridicheskie nauki = Izvestiya Tula State University. Economic and legal sciences*, 2012, iss. 3, pt. II, pp. 7–11. (In Russ.).

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BIBLIOGRAPHIC DESCRIPTION

Amelchakov O.I. The right to life: the moments of origin and loss. *Pravoprimenenie = Law Enforcement Review*, 2022, vol. 6, no. 2, pp. 169–180. DOI: 10.52468/2542-1514.2022.6(1).169-180. (In Russ.).