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Suicide in the era of digital transformations (crime investigation practices)

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Abstract

The objective of this article was to identify the characteristics of crime investigation in the action of provoking someone's suicide on the Internet, identifying the main problems, characteristics of the investigation and prospects for improvement of the crime investigation methodology. For the development of the article the following methods were used to meet the objectives: comparative legal method, historical and comparative methods, which made it possible to analyze the state, problems, and prospects for the development of Ukrainian legislation in the field of liability for causing someone to commit suicide. The article also involves the method of systematization, which provided the opportunity to study the genesis and changes in the legislation that regulates the matter. It was concluded that there was a lack of good practices and an effective system for investigating Internet crimes, due to the peculiarities of the development and use of the Internet, as well as rapid technological advancement. Comparing the experience of the EU and the US, it was determined that preventive and educational functions are the main ones in this area, helping to prevent relevant crimes.

Keywords: suicide; information society; digitization; digital crimes; cybercrime.

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El suicidio en la era de las transformaciones digitales (prácticas de investigación del delito)

Resumen

El objetivo de este artículo fue identificar las características de la investigación de delitos en la acción de provocar el suicidio de alguien en Internet, identificando los principales problemas, características de la investigación y perspectivas de mejora de la metodología de investigación del delito. Para el desarrollo del artículo se utilizaron los siguientes métodos para cumplir los objetivos: método legal comparado, métodos históricos y comparativos, que permitieron analizar el estado, los problemas y las perspectivas de desarrollo de la legislación ucraniana en el campo de la responsabilidad por causar que alguien se suicidara. El artículo también involucra el método de sistematización, que brindó la oportunidad de estudiar la génesis y los cambios en la legislación que regula la materia. Se concluyó que existía una falta de buenas prácticas y un sistema eficaz para investigar delitos en Internet debido a las peculiaridades del desarrollo y uso de Internet, así como al rápido avance tecnológico. Comparando la experiencia de la UE y EE. UU., se determinó que las funciones preventivas y educativas son las principales en esta área, ayudan a prevenir delitos relevantes.

Palabras clave: suicidio; sociedad de la información; digitalización; delitos digitales; ciberdelito.

Introduction

The topicality of this work is due to the rapid economic and technological development in the world, which is reflected in the Ukrainian realities. The development of information technology in the early 21st century has led to the development of new opportunities and technological prospects in various spheres of human life. This resulted in the emergence of new serious world-class threats related to the current state of information and communication technologies.

Suicide is the leading cause of death worldwide, and suicide attempts that didn't cause death, which occur much more frequently, are a major source of disability, as well as social and economic burden.

One of the most pressing issues today is the liability for causing somebody to commit suicide, which is a sensitive problem in the modern world. Crimes against human life and health are considered to be among the most dangerous in the world. That is why special attention is paid to the law and practice of bringing people to justice for such crimes. The commission

of such crimes with the help of information technology significantly complicates the possibility of finding and prosecuting the perpetrators.

Children and adolescents are most often affected, thus posing a serious threat to the world community. This problem is multifaceted, and includes legal, psychological, social, medical, educational aspects.

The legislation of Ukraine does not provide a single approach to the definition and understanding of the essence of cybercrime or crimes in the information field. On the one hand, technology has significantly expanded human capabilities, while on the other, new types of crime have emerged, which are possible only with the use of information technology.

Causing somebody to commit suicide or attempted causing somebody to commit suicide are particularly dangerous and violating the Constitutional right to life and health as the highest social value (Article 3 of the Constitution of Ukraine) (Verkhovna Rada of Ukraine, 1996). Article 120 of the Criminal Code (Verkhovna Rada of Ukraine, 2001) was amended and supplemented in 2018 because of the spread of attempted crime on the Internet. The basic international act in the field of combating crimes committed in cyberspace for Ukraine is the Council of Europe Convention on Cybercrime of 23 November 2001, to which Ukraine acceded with reservations in 2005. This Convention has been ratified in 58 countries, and it is an international agreement under which the parties undertake to approximate domestic criminal law provisions on cybercrime and create opportunities for the use of effective means of their investigation (Samoilenko, 2020).

Modern innovative technologies have given the opportunity to communicate with people from around the world, facilitated the search for information, the impact on people. However, there is still no scientific development of ways of their interaction and coexistence, they have no direct interpersonal contact. The virtual image is not separated from the person, the person does not see the other person directly, does not know the whole truth about the behaviour of another person and his/her intentions (Dragunov, 2020). There was a time of several waves of dangerous Internet games, which included the so-called “death games”: Blue Whale, Wake Me Up at Midnight, Silent House, and so on. The peculiarity of such games was that the curators used neurolinguistic programming to influence the participants of these games, forcing them to carry out criminal and risky orders of the curators, and ultimately, the last task is to commit suicide (Dragunov, 2020).

Accordingly, the police faced a number of problems in investigating such crimes, including the lack of legal elements of the crime, the difficulty of finding evidence, and the tracing of criminals. There were no methods of investigating such crimes, which often turned out to be cross-border and required international intervention. Thus, Ukraine established the Cyber

Police Department in 2015 to monitor and investigate cybercrimes. Over time, there has been an improvement in the methods and techniques of such investigations, primarily through the use of an integrated approach and preventive measures. There are almost no facts of prosecution for such crimes. In Ukraine, no sentences have been passed in such cases. In the United States, there have been cases of both adults and minors being prosecuted for causing somebody to commit suicide (Keryk, 2017). Particular attention was paid to the fact that adolescents were the most vulnerable group. Therefore, it was especially important to learn how to prevent relevant crimes.

Accordingly, a number of studies were made regarding not only on the legal side of such crimes, but also the social, psychological, technological, medical and other aspects. As a result, it became clear that overcoming crimes against life and health on the Internet is possible only through preventive and consistent action. The need to prevent such crimes is of great importance: through artificial intelligence, which removes and blocks death groups when they first appear, through the work on education and raising awareness of adolescents, as well as outreach to parents and relatives (Keryk, 2017).

Criminals are often high-tech professional groups (Keryk, 2017), which can cause even healthy, socially successful adults to commit suicide with the help of psychological methods on the Internet. The causes of such crimes include the desire to make money by selling suicide videos on DarkNet, psychological and social experiments, and testing new psychological methods of manipulating groups of people. Most often, such groups have high-tech cross-border opportunities for concealment. Therefore, this issue remains urgent for Ukrainian realities, and needs comprehensive research and development.

That is why the problem of bringing to justice for such crimes is one of the most controversial and discussed issues not only in Ukrainian realities, but also in the world. There is a need to study foreign legislation and experience in order to improve methods of suicide prevention, especially among minors through social networks.

The nature of Internet threats has changed, became international with the introduction of Internet technologies in everyday life, and especially with the use of Web 2.0.

The study of the causes and criminal characteristics of causing somebody to commit suicide on the Internet due to its urgency attracts the attention of many world scholars. This global problem is studied from different angles:

- from the perspective of criminal law, which defines the main criteria and features of bringing to justice for such crimes.

- from the information and technical perspective to remove content that poses a threat, as well as to facilitate the search for crimes.
- from the sociological perspective to determine the features of the impact of relevant crimes on society.
- from medical and psychiatric perspective to determine medical indicators, biochemical processes, and preconditions for human suicide.
- from the psychological perspective to determine the preface and the possibility of preventing such crimes.
- from the pedagogical perspective, which includes educational function.

Relevant previous studies have shown that not only adolescents and children, but also adults of any age and profession are at risk. In many cases, causing somebody to commit suicide on the Internet is a professional psychological work involving neurolinguistic programming practices, which can affect anyone. The peculiarities of the Internet space and the use of the latest technologies significantly complicate the process of finding criminals, obtaining evidence in the process of investigating such crimes and bringing the perpetrators to justice. Moreover, criminals in many cases operate in professional international groups using the latest technological developments. As a result, there is a very low level of detection and prosecution for relevant crimes both in Ukraine and around the world. The problem is complicated by the level of technical provision and communication support of national law enforcement agencies. Therefore, the issue of prosecution for crimes committed on the Internet is one of the most difficult issues in the world and, accordingly, remains one of the most acute socio-legal problems of mankind. It is these factors that determine the topicality of this article.

1. Methods and materials

This article involves modern general scientific and legal research methods, among include the comparative legal method, which was used to conduct a comprehensive analysis of the practice of prosecuting crimes against life on the Internet. The comparative legal method allowed analysing the practice and standards of the European Union and other foreign countries in this area.

Historical and comparative methods were also used in the work to study and analyze national and foreign scientific and practical sources in this field in the historical context. These methods allowed to analyze the current

state of the legal framework and practical developments in different periods of development of criminal liability for crimes against life committed on the Internet. The method of systematization is applied in the work, which provided an opportunity to generalize, arrange and classify the studied material. Thus, the lack of a systemic approach to fulfilling the tasks in the legal regulation is identified as the main cause of the problem the lack of good practice of investigation for causing somebody to commit suicide on the Internet.

The study analysed the legislation of Ukraine in the field of liability for crimes against life committed with the help of innovative technologies, namely the Constitution of Ukraine, the Criminal Code of Ukraine and ratified international instruments in this area.

Ukrainian and foreign scientific and practical materials on the research topic were also analysed. Among the studied sources, works were selected that allowed to research the practice of investigating crimes against life from a legal, medical, socio-educational and psychological perspectives. It also identified weaknesses and approaches to studying the practice of investigating cases of causing somebody to commit suicide in the context of the digital transformation of society in Ukraine and around the world. An analysis of the legislation of some EU and US countries in the field of responsibility for causing somebody to commit suicide on the Internet was carried out. An analysis of international legislation and international documents and acts in this area was conducted.

The research procedure included determining the relevance and urgency of the chosen topic, analysis of scientific and practical methods and approaches used to conduct research on the practice of investigation into cases of causing somebody to commit suicide in the context of digital transformation of society. The next step was a selection of materials for the study on the basis of an integrated approach, which allowed a comprehensive study of the subject and identifying the main problems and prospects of this study. We also conducted a selection of materials on the territoriality basis, which allowed determining the state of development of this problem in different regions and studying the experience of individual countries. On the basis of our research, we made conclusions and recommendations for improving the practice of investigating cases of causing somebody to commit suicide in the context of the digital transformation of society.

An important task is to create a complete system of investigation of relevant crimes, considering the best technical, legal, socio-pedagogical experience to form a comprehensive mechanism of liability for leading to suicide in the context of digital transformation of society. The object of research is public relations in the field of investigation and prosecution for causing somebody to commit suicide in the context of digital transformation of society.

2. Results

Analysis of the number of cases by year and statistics of detection of such crimes showed that crimes on the Internet are latent, and therefore the detection rate is very low. In the United States, suicide is one of the leading causes of death among adolescents and young adults. According to a 2016 study, suicide in the United States was the second leading cause of death among adolescents and young people aged 14 to 24 (Kessler *et al.*, 2020).

According to official data from the World Health Organization, suicide as the cause of death of children and adolescents ranks third (Kessler *et al.*, 2020). Moreover, Ukraine ranks one of the first in Europe in the number of suicides. In 2020 alone, 7,654 cases of suicide were recorded, including 123 suicides of adolescents. The urgency of the problem of investigating the relevant crimes was determined by the fact that encroachment on human life and health was identified as one of the most socially dangerous acts in the world. The mechanism and dynamics of these crimes indicate that law enforcement agencies and courts face significant difficulties in investigating them.

The study showed a lack of a unified approach to terminology at the legislative level. Ukraine still has no single approach to understanding such crimes, and the terms “crimes with the use of information technology”, “digital crimes” and so on are used. Such crimes include the crimes provided for in Article 120 of the Criminal Code of Ukraine: “causing somebody to commit suicide”. First of all, the subject of such a crime is not homogeneous, amorphous and is anonymous. The object is legal relations, but also the honor and dignity of man. The objective aspect usually has technical means as the subject of crime. The subjective aspect is presented in the form of action of a certain person who has a direct intention and has the suicide of another person as his/her motive (Merriott, 2016).

The implementation of Article 120 of the Criminal Code of Ukraine was once complicated by the problem of obtaining evidence. According to Guidelines No. 9 to the Regulations on the Procedure for Maintaining the Unified Register of Pre-trial Investigations, such crimes are registered in Ukraine as “committed with the use of high information technologies and telecommunication networks”, that is the emphasis is on the means of their commission — information technologies. Moreover, as the practice of banned Internet resources — Blue Whale, Pink Fairies, Silent House, Wake Me Up At 4:20, Sea of Whales, Milky Way, U19, F57 — showed, adolescents and children are at a particular risk.

Such “death groups” first became known in May 2016. The administrators of these groups did not interact with the victims personally, but via the Internet, that is the victims did not know their whereabouts and personal data (Karppi, 2016).

In 2017, the Criminal Code defined four ways of causing somebody to commit suicide or suicide attempt: ill-treatment, blackmail, coercion to commit illegal acts or systemic humiliation of human dignity. Moreover, the offender may not make a direct call to commit suicide, but act through pressure, insults, and so on.

Analysis of scientific and practical criminological and medico-psychological research has identified potential victims, namely vulnerable groups, as well as factors that contribute to committing suicide. Not only teenagers and young people, but also adults, the military, employees of educational institutions, the police, etc. were at risk. Moreover, people with psychiatric illnesses are particularly vulnerable groups. Studies showed that society has a misconception that people with mental illness are potentially dangerous and can commit a crime (Swanson *et al.*, 2015). The victimization of potential victims takes place, which has been little studied in criminology.

Also, several medical scientists have concluded that certain human diseases and sleep problems cause inflammatory processes, which further affect a person's emotional state (Swanson *et al.*, 2015; Institute of Medicine, 2006). The results showed that the assessment of sleep problems can be useful for identifying risk groups. It is worth noting that such groups as "4.20", "Wake me up at midnight" were especially common among death groups, which are designed to disrupt the human sleep cycle.

The causes of suicide can include both blackmail and incitement to crime, as well as disorders ranging from depression to some viral and parasitic infections, Covid-19 (Singh *et al.*, 2021; Goyal, 2019). Environmental problems, overpopulation of the planet, social pressure (Smail, 2002), quarantine and job search problems (Smail, 2002), loss of livelihoods (Shammi *et al.*, 2021) are of great importance for increasing suicide rates. Risk groups also include people with accumulated stress, in a state of moral crisis (Shammi *et al.*, 2021), with genetic variability, adverse life events (Prasad Neupane, 2021; Chaudhuri *et al.*, 2021). Vulnerable categories also include farmers due to rising debt. In India, for example, 16,000 farmers die each year from suicide, well above the rates of general population. The widespread use of pesticides is among the reasons (Onwona Kwakye *et al.*, 2019). US studies showed that the suicide rate among police officers is much higher than among the general population (Schweitzer Dixon, 2021). Therefore, it is necessary to purposefully involve and train staff to work with suicide prevention.

In 2021, the neuroimmunology of suicide is actively developing (Sosnina, 2017). Moreover, the modern world faces new risks and threats during a pandemic, especially when the Internet becomes the main source of communication. Thus, the ongoing COVID-19 pandemic has fostered communications and increased human vulnerability.

There has also been increased alcohol use, domestic violence and child abuse during a pandemic, potentially increasing vulnerability to suicide. Given the fact that the potential for increasing the number of suicides persists, the issue of suicide prevention remains urgent and important (Hari Hara *et al.*, 2021).

Analysis of methods and approaches to committing relevant crimes showed that causing somebody to commit suicide on the Internet is realized mainly by a psychological impact on a person through the display of photos and videos, blackmail, intimidation, incitement to commit certain acts, up to suicide, even if a person does not want it, etc. (Rec, 2020). Moreover, it should be noted that when intentionally causing somebody to commit suicide, criminals deliberately seek out vulnerable people who can easily fall under their influence.

So, the problem of causing somebody to commit suicide in the age of digital transformations is a complex problem and cannot be solved by legal science alone.

The main means of influence are specially selected verbal and nonverbal language programmes, the assimilation of the content of which helps to change a person's beliefs, views and perceptions. In the so-called "death groups", reprogramming is conducted by the curator of these groups, who communicates with the members of the groups in person and assigns them tasks.

The following stages of communication are identified in this process:

- search and recruitment of participants.
- involvement in the group.
- involvement in rules and culture, among which the ban on telling adults is important.
- propaganda and cult of death.
- threats or control over the participant, with the requirement to commit suicide.

The methods of causing somebody to commit suicide include cyberbullying, which is the persecution of a person for various reasons (Schweitzer Dixon, 2021).

Cyberbullying can be seen as a fragment of invective communication, which regulates the relationship between speech participants to the individual through aggressive verbal and nonverbal actions aimed at reducing social status (Daineka, 2013), through harassment and bullying or other actions that provoke the emergence and intensification of suicidal thoughts in victims (Rec, 2020).

According to the Cyber Security Forum 2018 (CSF, 2018), 48% of adolescents aged 14-17 have been blackmailed, 46% of adolescents have witnessed aggressive online behaviour, and 44% have received aggressive messages (Myskevych, 2019). According to various data, about 67% of children in Ukraine have experienced bullying among peers. The most common causes of bullying by peers are appearance, beliefs and potentially victimized behaviour, communication) (Myskevych, 2019).

As a response, Law of Ukraine “On Amendments to Article 120 of the Criminal Code of Ukraine on Establishing Criminal Liability for Assisting in Suicide” was adopted on February 8, 2018. According to this Law, the act remained unchanged – causing somebody to commit suicide or suicide attempt, but the methods of committing this act have expanded. The legislator was forced to expand the content of the provision of Article 120 of the Criminal Code of Ukraine, namely, to expand the disposition of the article to the responsibility for causing somebody to commit suicide and suicide attempt.

Such crimes are in most cases committed by highly organized professional criminal groups consisting of specialists in psychological, technical, and medical fields. Organizers of digital crimes are often psychologists who aim to either test technology to influence people at a distance or earn money by reselling suicide videos. They use modern technologies, as well as methods of psychology and neurolinguistic programming to influence potentially vulnerable people. Performers have a good understanding of the psychology of the adolescent and using it, easily gain confidence of the potential victim.

There is also the problem of establishing a causal link between suicide and the actions of criminals. The prosecution practice in this area is very limited. The experience of other countries also shows rather limited results of investigations.

For example, in Australia, inducing a person to commit suicide is a crime. A crime will be recognized if incitement or counselling has resulted in another person attempting suicide (McGorrery and McMahon, 2019). Penalties for incitement to suicide vary by territorial jurisdiction. The maximum penalty is 5 years of imprisonment in New Wales, 10 years – in the Australian capital, life imprisonment in Queensland and the Northern Territory, and in South Australia the punishment is applied if the suicide attempt was successful (14 years) or unsuccessful (8 years) (McGorrery and McMahon, 2019). However, there is no evidence that anyone has ever been convicted or charged with any of these crimes of inducing a person to commit suicide in Australia.

As in Ukraine, the problem is to establish a causal link in such cases. In Britain, causing somebody to commit suicide is classified as murder. On 29 April 2002, the European Court of Human Rights in Strasbourg

delivered its judgment in *Pretty v. The United Kingdom*, which found that the prosecution for causing somebody to commit suicide provided for in the 1961 UK Suicide Act did not violate fundamental human rights as enshrined in the European Convention on Human Rights and Fundamental Freedoms. According to Section 2 of the 1961 UK Suicide Act, “a person who assists, induces, advises or arranges another person’s suicide, or another person’s attempt to commit suicide, shall be liable to imprisonment for a term not exceeding 14 years”.

According to EU law, each country must decide for itself how to prosecute such crimes. In general, causing somebody to commit suicide has been decriminalized. However, a number of states have retained the relevant rules. Article 301 of the Greek Criminal Code provides for punishment for “participation in suicide”, that is aiding or abetting suicide (Steering Committee on Bioethics, 2003).

Swiss law also criminalizes incitement, aiding and abetting a person who assists in someone’s suicide “for selfish motives” (Steering Committee on Bioethics, 2003). There are euthanasia and abetting suicide. Articles 212, 213 and 323c of the German Criminal Code also provide for criminal liability for aiding and abetting suicide (Steering Committee on Bioethics, 2003).

Causing somebody to commit suicide is criminalized in some US states and there are successful examples of prosecution for such crimes. However, this norm conflicts with the First Amendment to the US Constitution (Binder and Chiesa, 2019).

In 2017, a Massachusetts court in the United States convicted Michelle Carter of involuntary manslaughter for abetting suicide of Conrad Roy by text message, but sentenced her to only 15 months of prison. Under Massachusetts law, the perpetrator who causes death of another person is found guilty of murder and is liable to life imprisonment.

Also, California Penal Code No. 401 provides liability for causing somebody to commit suicide punishable by up to 3 years in prison (Sierra, 2020).

Ukraine has no methodology for investigating cybercrime and has a problem of lack of specialization of investigators at the regional level. Prosecution of crimes committed in cyberspace is entrusted to inexperienced investigators, which leads to incomplete investigations, the inability to establish the composition of the criminal group. According to the materials analyzed in more than 80% of criminal proceedings, the investigation found that unidentified persons were involved in the crime (Samoilenko, 2020).

Therefore, there was a question of speed and efficiency of involvement of specialists in the relevant fields to fulfil the tasks set by the investigation.

The issue of involving such specialists in the personnel reserve of law enforcement agencies is relevant. The problem of criminal prosecution for causing somebody to commit suicide in the context of digital transformation is international and reflects the socio-educational problems of the modern world.

As a result of identifying a number of problematic aspects, a number of recommendations were developed at the international level, mainly based on preventive principles, namely education and raising awareness of children and adults, search and removal of illegal content, methodological work consisting of: work with at-risk groups and relatives; monitoring of root causes; identification of content that poses a threat to society; technical development that will allow tracking and preventing relevant crimes.

The WHO concept of suicide prevention — Live Life — recommends the following effective and evidence-based measures: restricting access to means of suicide; interaction with mass media; development of social and emotional life skills in adolescents; early detection, examination, management of persons suffering from suicidal behaviors. A successful example is the experience of Finland, which was one of the first countries to develop a national programme for the prevention of suicide among adolescents. The suicide rate in the country has dropped by 30% in ten years.

In order to solve the problem of suicide among children and adolescents, it is also necessary to regulate the safety of minors on the Internet, in particular, to establish control over access to the network in computer rooms and libraries.

On the other hand, India, where suicides are of religious and traditional origin, Article 21 of the Indian Constitution says that “no one shall be deprived of life or personal liberty except as provided by law”, attempted to decriminalize crimes against life in 2014. The victim of a crime is determined by the offender. Section 309 of the Indian Penal Code makes it clear that anyone who attempts to commit suicide and makes any act of committing such an offense is punishable by a simple imprisonment of up to one year or a fine (Ranjan *et al.*, 2014). Law enforcement agencies and non-governmental organizations, including the Cybercrime Center, which is part of the U.S. Immigration and Customs Enforcement, play an important role in preventing suicide among minors in the United States. The main tasks of the Cybercrime Center are fighting against Internet crimes; information and technical support for the investigation of such crimes; training and technical support. The US Secret Service also plays a role in preventing and investigating high-tech crimes.

US regional computer forensics laboratories are particularly important in the context of the study. Their main tasks are the collection and analysis

of digital crime scene data; objective search and review of digital evidence; technical assistance to law enforcement agencies during the investigation of cybercrime; recovery of damaged digital information, etc. (Kessler *et al.*, 2020). The United States have the National Strategy for Suicide Prevention of the US Department of Health and Human Services (Breux and Boccio, 2019), which advocates greater involvement of the public and private sectors in suicide prevention initiatives among young people. The education system has been recognized as a logical place to continue suicide prevention efforts, and schools have taken on a greater role as leaders in identifying, soliciting, and assisting young people.

The experience of Germany is also valuable. In particular, there are non-governmental organizations in this country that provide protection for minors on the Internet. One such association is the non-profit organization Jugendschutz.net, which, together with the State Commission for the Protection of Minors in the Media and the German Society for Suicide Prevention, takes measures to prevent suicide. These organizations search for so-called “suicide forums” on the Internet, where suicides communicate, and take steps to remove content, educate and raise awareness of young people.

Germany and Austria have The Ripple Effect programme for suicide prevention, which has developed guidelines, support and descriptions of the experiences of people who have had unsuccessful suicide attempts (Dreier *et al.*, 2021).

The participation of the international community and organizations in the implementation of a consistent policy to prevent digital crime is critical. For example, in 2019 there was an improvement in the way Facebook processes information. Artificial intelligence detects dangerous content, and make actions on potentially harmful content. From April to June 2019, Facebook took steps to remove more than 1.5 million suicide content, and more than 95% of it was detected by the time users reported it.

The Department of Cyberpolice of Ukraine is taking measures to prevent causing minors to commit suicide of minors on the Internet. They identified 434 “death groups”, of which 102 were blocked.

As of 2021, significant progress has been made in the development of suicide prevention and treatment strategies (Swanson *et al.*, 2015). Scientists have concluded that the prevention and investigation of relevant crimes requires coverage of phenomena such as suicide with the involvement of different scientific approaches and areas of research (Prasad Neupane, 2021). Unsatisfactory results of law enforcement reform led to the fact that the technical arsenal of criminals often exceeds the level of means to combat them, necessitates the development of innovative principles to provide the activities of relevant bodies (Keryk, 2017). The investigation of such crimes can be optimized by:

- supplementing Article 120 of the Criminal Code with a note in which to provide the conceptual framework.
- introduction of new tactical operations, identification of criminals and their personal data.
- improvement of technologies.
- development for the accumulation of special knowledge in the investigation of crimes committed in cyberspace.
- involvement of specialists and experts for direct technical assistance during procedural actions, etc.

3. Discussion

The complexity of the investigation is due to the peculiarities of the Internet, the vulnerability of wireless access and the use of proxy servers, which greatly complicates the detection of criminals. Therefore, such crimes remain one of the most dangerous. It is difficult to prove involvement and influence on human consciousness. Moreover, customers, organizers may be in another country, which complicates their search and prosecution. There are many cases when the organizers of groups remain at large (Fazel and Runeson, 2020). Therefore, when investigating crimes in cyberspace, it is first necessary to refer to the rules of international law and international treaties.

So, it was concluded that there is no effective mechanism for prosecuting individuals for committing a crime against life on the Internet. Law enforcement agencies investigating such crimes have lengthy and complicated procedures for accessing the assistance of focused specialists.

Research in this area were chaotic, the adoption of legislation was fragmentary, resulting in the failure to build a single integrated management system or its legal mechanism. There are no proper material and technical resources, and the level of support does not allow for the effective implementation of ever-changing technologies. Thus, the level of scientific and technical background and the involvement of focused specialists in the bodies investigating such crimes are usually insufficient for an effective investigation.

There is also an unresolved issue of ownership of the evidence base and proof of the causal link between the perpetrator's actions and the victim's death. In 2015, the Cyberpolice Department was established in Ukraine on the basis of Resolution of the Cabinet of Ministers "On the Establishment of the Territorial Body of the National Police" No. 831of October 13, 2015.

This Department participates in the detection of various crimes committed through telecommunications networks and technologies.

To prevent and combat such crimes, it is necessary to pursue a comprehensive system of measures designed not only to prosecute criminals, but also to prevent such crimes and even suicide attempts where possible. Therefore, preventive pedagogical and psychological work with young people is important. By establishing trust with adolescents, establishing contact, it is possible to detect criminal groups at an early stage and prevent crime, gather evidence and bring the perpetrators to justice for intending to commit a crime. There are a number of recommendations in Ukraine for identifying and preventing the impact of “death groups” on young people (State Penitentiary Service of Ukraine, 2020).

In general, the practice of prosecuting in this area is very limited. Thus, the complexity of the investigation of the relevant crimes has determined the priority of preventive measures. They include education of children and adults, search and removal of illegal content, methodical work.

Conclusion

As a result of the study, we can conclude about the relevance of this problem in Ukraine and the world. After all, crimes against life pose an increased social threat. The urgency of solving this problem is also determined by the fact that the suicide rate in the world is quite high, and the number of crimes is growing with the expansion of innovative technologies.

Accordingly, there are a number of difficulties that slow down the process of investigating crimes under Article 120 of the Criminal Code of Ukraine, including the lack of proper methodology, facilities, experience of investigation, the cross-border nature of such crimes. The complexity of detecting, stopping and investigating cybercrime is largely due to the electronic form of information. Besides, the detection, cessation and investigation of cybercrime requires appropriate material and technical resources, which is a difficult issue in Ukrainian realities.

Based on the results, we can draw conclusions about the relevance and urgency of this problem, the lack of a unified approach to the conceptual framework. There are also no effective mechanisms for obtaining evidence, as well as finding and prosecuting perpetrators.

The level of equipment and focused training of specialists is insufficient, especially in comparison with highly equipped criminal groups. Therefore, we have developed recommendations that include, first of all, preventive and precautionary measures. The experience of foreign countries has shown their focus on educational activities in the educational process, working

with psychologists, etc. An important part is the psychological work to establish trust between parents and children, which allows us to quickly identify potential victims and prevent such crimes at the first attempt to influence a person for causing him/her to commit suicide.

Awareness-raising is important for children, adolescents, and adults alike. We also recommend the introduction and provision of additional functions for the position of psychologist in educational institutions, specialized law enforcement agencies. Professional psychologists can not only conduct initial and explanatory work, but also identify potential victims in a timely manner and help prevent crime and track down a criminal group.

It is important for the specialized law enforcement agencies to improve the function of researching risky sources and content on the Internet, to remove it in advance. Therefore, it is recommended to introduce and improve information technology, expand the technical resources of departments. Specialists in medicine, psychology, psychiatry, and social sciences, etc. need to be involved on a regular basis and as needed. Causing somebody to commit suicide through the use of digital technologies is a multifactorial phenomenon, so it requires comprehensive consideration by legal science, sociology and psychology.

The root causes of the practice of criminal prosecution for causing somebody to commit suicide in the context of the digital transformation of society is the lack of a consistent integrated approach in the work of law enforcement agencies. To achieve an effective result, it is possible to create an effective mechanism for combating crimes on the Internet. Therefore, it is important to develop a comprehensive methodology for detecting and investigating such crimes. Moreover, such conditions contributed to significant problems in the legal regulation and practice of application, and proper communication has not been established between the responsible subjects.

Prospects for further research are methodological approaches to the definition of terminology, as well as the search for and confirmation of the evidence base in crimes against life committed with the help of information technology.

Bibliographic References

BINDER, Guyora; CHIESA, Luis. 2019. The Puzzle of Inciting Suicide. Available online. In: https://digitalcommons.law.buffalo.edu/journal_articles/935. Consultation date: 16/02/2021.

- BREUX, Patricia; BOCCIO, Dana. 2019. "Improving School's Readiness for Involvement in Suicide Prevention: An Evaluation of the Creating Suicide Safety in Schools (CSSS) Workshop" In: International journal of environmental research and public health. Vol. 16, No. 12, pp. 21-65.
- CHAUDHURI, Sriroop; ROY, Mimi; MCDONALD, Louis; EMENDACK, Yves. 2021. "Reflections on farmer's social networks: a means for sustainable agricultural development?" In: Environment, Development and Sustainability. Vol. 23, pp. 2973-3008.
- DAINEKA, Natalia. 2013. "Cyberbullying: ontological features and typology" In: Visnyk of Zhytomyr State University named after Ivan Franko. Vol. 4. pp. 233-238.
- DRAGUNOV, Serhiy. 2020. Kibberbulling - an innovative way of violence against children. Available online. In: <http://ostanovimnasilie.org.ua>. Consultation date: 14/02/2021.
- DREIER, Mareike; BAUMGARDT, Johanna; BOCK, Thomas; HÄRTER, Martin; THE 8 LIVES TEAM; LIEBHERZ, Sarah. 2021. "Development of an online suicide prevention program involving people with lived experience: ideas and challenges" In: Research involvement and engagement. Vol. 7, No. 1, pp. 60-71.
- FAZEL, Seena; RUNESON, Bo. 2020. "Suicide" In: The New England Journal of Medicine. Vol. 382, pp. 266-274.
- GOYAL, Kapil; CHAUHAN, Poonam; CHHIKARA, Komal; GUPTA, Parakriti; SINGH, Mini. 2020. "Fear of COVID 2019: First suicidal case in India!" In: Asian Journal of Psychiatry. Vol. 49.
- HARI HARA, Suchandra; SUBRAMANIYAM BHASKARAN, Aandi; NARAYANA, Manjunatha; CHENNAVEERACHARI, Naveen Kumar; MATH SURESH, Bada; REDDI, Venkata Senthil Kumar. 2021. "Suicide prevention in the context of COVID-19: An Indian perspective" In: Asian Journal of Psychiatry.
- INSTITUTE OF MEDICINE. 2006. Sleep Disorders and Sleep Deprivation: An Unmet Public Health Problem. Available online. In: <https://www.ncbi.nlm.nih.gov/books/NBK19961/>. Consultation date: 16/02/2021.
- KARPPI, Teren. 2011. "Theory, culture & society Digital Suicide and the Biopolitics of Leaving Facebook" In: Transformations Journal. Vol.33, No. 1, pp. 73-92.
- KERYK, Lidia. 2017. The role of new technologies in the study of certain elements of forensic characteristics of suicide. Subdivision. Kharkiv, Ukraine.

- KESSLER, Ronald; BOSSARTE, Robert; LUEDTKE, Alex; ZASLAVSKY, Alan; ZUBIZARRETA, Jose. 2020. "Suicide prediction models: a critical review of recent research with recommendations for the way forward" In: *Molecular psychiatry*. Vol.25, No. 1, pp. 168-179.
- MCGORRERY, Paul; MCMAHON, Marilyn. 2019. "Causing someone else to commit suicide: Incitement or manslaughter?" In: *Alternative Law Journal*. Vol. 44, No. 1, pp. 23-28.
- MERRIOTT, Dominic. 2016. "Factors associated with the farmer suicide crisis in India" In: *Journal of Epidemiology and Global Health*. Vol. 6, No. 4, pp. 217-227.
- MYSKEVYCH, Tetiana. 2019. Regulation of bullying at the legislative level: the first steps of Ukraine and world experience. Available online. In: http://www.nbuviap.gov.ua/index.php?option=com_content&view=article&id=4110:regulyuvannya-problemi-bulingu-na-zakonodavchomurivni-pershi-kroki-ukrajini-ta-svitovij-dosvid&catid=8&Itemid=350. Consultation date: 14/02/2021.
- ONWONA KWAKYE, Michael; MENGISTIE, Belay Tizazu; OFOSU-ANIM, John; NUER, Alexander. 2019. "Pesticide registration, distribution and use practices in Ghana" In: *Environment, Development and Sustainability*. Vol. 21, pp. 2667-2691.
- PRASAD NEUPANE, Sudan. 2021. "Psychoneuroimmunology: The new frontier in suicide research, Brain, Behavior, & Immunity" In: *Health*. Vol. 17, No. 15, pp. 269-280.
- RANJAN, Rajeev; KUMAR, Saurabh; PATTANAYAK, Raman; DHAWAN, Anju; SAGAR, Rajesh. 2014. "(De-) criminalization of attempted suicide in India: A review" In: *Industrial psychiatry journal*. Vol. 23, No. 1, pp. 4-9.
- REC, Victor. 2020. Forensic characteristics of suicide by using Internet technologies: victim victimology. DDUVS. Dnipro, Ukraine.
- SAMOILENKO, Olena. 2020. Fundamentals of methods of investigation of crimes committed in cyberspace: monograph. TES. Odessa, Ukraine.
- SCHWEITZER DIXON, Stephanie. 2021. "Law enforcement suicide: The depth of the problem and best practices for suicide prevention strategies" In: *Aggression and Violent Behavior*. Vol. 61, pp. 101-149.
- SHAMMI, Mashura; BODRUD-DOZA, Med; ISLAM, Abu Reza Md. Towfiqul; MOSTAFIZUR RAHMAN, Medird. 2021. "Strategic assessment of COVID-19 pandemic in Bangladesh: comparative lockdown scenario

- analysis, public perception, and management for sustainability” In: Environment, Development and Sustainability. Vol. 23, pp. 6148-6191.
- SIERRA, Taylor. 2019. Kill Me Through the Phone: The Legality of Encouraging Suicide in an Increasingly Digital World. Available online. In: <https://digitalcommons.law.byu.edu/lawreview/vol2019/iss2/10>. Consultation date: 12/02/2021.
- SINGH, Omvir; BHARDWAJ, Pankaj; KUMAR, Dinesh. 2021. “Association between climatic variables and COVID-19 pandemic in National Capital Territory of Delhi, India” In: Environment, Development and Sustainability. Vol. 23, pp. 9514-9528.
- SMAIL, Kenneth. 2002. “Confronting a Surfeit of People: Reducing Global Human Numbers to Sustainable Levels An Essay on Population Two Centuries after Malthus. Environment” In: Development and Sustainability. Vol. 4, pp. 21-50.
- SOSNINA, Viktoria. 2017. “Protection of the inviolability of private life under the criminal law of the Federal Republic of Germany” In: Visnyk of Lviv University of Trade and Economics. Legal sciences. Vol. 4, pp. 162-169.
- STATE PENITENTIARY SERVICE OF UKRAINE. 2020. Recommendations for suicide prevention in the institutions of the State Penitentiary Service of Ukraine. Available online. In: <https://rm.coe.int/recommendations-to-prevent-suicidal-behavior-ukr/1680a0cd34>. Consultation date: 15/02/2021.
- STEERING COMMITTEE ON BIOETHICS. 2003. Replies to the questionnaire for member states relating to euthanasia. Available online. In: <https://rm.coe.int/16803a72c2>. Consultation date: 16/02/2021.
- SWANSON, Jeffrey; MCGINTY, Elizabeth; FAZEL, Seena; MAYS, Vickie. 2015. “Mental illness and reduction of gun violence and suicide: bringing epidemiologic research to policy” In: Annals of Epidemiology. Vol. 25, No. 5, pp. 366-376,
- VERKHOVNA RADA OF UKRAINE. 1996. Constitution of Ukraine. Available online. In: <https://zakon.rada.gov.ua/laws/show/254%Do%BA/96%Do%B2%D1%80#Text>. Consultation date: 16/02/2021.
- VERKHOVNA RADA OF UKRAINE. 2001. Criminal codex of Ukraine. Available online. In: <https://zakon.rada.gov.ua/laws/show/2341-14#Text>. Consultation date: 18/02/2021.



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