

## The right to life

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### ABSTRACT

**Aim:** The article is devoted to the study of the right to life as a key aspect of legal theory. The purpose of the study is to examine the theoretical aspects of the right to life, to analyze its essence, place and significance in the system of general human rights; to outline the main principles and concepts related to the right to life, to consider their evolution in different legal systems and to discuss important ethical aspects related to this topic.

**Materials and Methods:** The article examines the right to life, defines its place in the modern world, highlights the issues of correlation between this right and the right to abortion and euthanasia, and assesses the prospects for their realization. The empirical basis of the study is grounded on articles by scholars and assessments by leading experts in the field. The authors used general scientific methods, including system analysis, system modeling, and the dialectical method. To demonstrate the relationship between the right to life of an unborn child and a woman's right to abortion, a social survey was conducted among different population groups.

**Conclusions:** Analyzing the right to life in the context of its interrelationship with other human rights, such as the right to liberty, the right to health and the right to a fair trial, helps to affirm the principles of the rule of law and ensure equality before the law for all. In the modern world, the concept of the right to life has become an important element of international law, which covers not only physical existence, but also the provision of a decent and quality life, health, education and social protection. Cultural and religious aspects play a significant role in shaping the understanding of the right to life. Different religious and cultural traditions have their own interpretations of the beginning and end of life, influencing attitudes to aspects related to medical interventions, abortion, euthanasia and other issues.

**KEY WORDS:** human rights, right to life, protection of rights, right to health, right to an abortion, right to euthanasia.

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### INTRODUCTION

The right to life is a fundamental and inalienable human right that guarantees everyone the non-interference in their life and protection from any form of violence, including crimes committed by the state or private individuals. This right is recognized as a universal principle in all international documents and constitutions of most countries of the world.

The importance of the right to life lies in the fact that it is the basis for the realization of other human rights and defines the core value on which any society is based. This right ensures the safety and dignity of every person, regardless of their origin, race, gender, social status or other characteristics. The recognition of the right to life is a key point in any legal system, as it puts humanitarian values and human rights at the center of attention.

This right defines the limits of actions of the state and its bodies, providing protection against arbitrary arrests, threats and violence. It is the basis for creating

laws and policies aimed at ensuring the safety, health and well-being of everyone.

Thus, the right to life is a fundamental right that provides the basis for recognizing the dignity of every human being and is a key element of any humanitarian and legal system.

For centuries, the right to life has been recognized as a fundamental principle, but its interpretation and application have evolved [1]. From classical interpretations limited to protection against direct violation of life to the modern context, where it extends to aspects of medical interventions, bioethics, technological innovations and social conditions. The notion of the right to life has centuries-old roots that have changed and adapted over time under the influence of cultural, religious and legal perspectives.

The historical aspect of the development of the right to life runs through the stages of the evolution of human rights and the formation of humanitarian principles that are reflected in different cultures and civilizations.

Many ancient civilizations, such as Ancient Egypt, Mesopotamia, Greece, and the Roman Empire, already had formulas or laws that set some limits to the use of violence and guaranteed a certain level of protection for life.

The period of the Middle Ages was difficult for the development of human rights. On the one hand, some concepts about human dignity and inviolability were formulated, on the other hand, political and religious conflicts often led to gross violations of human rights, including the right to life.

The concept of the inviolability of the person and his rights was elaborated and shaped by Enlightenment philosophers such as John Locke and Jean-Jacques Rousseau. This led to the establishment of human rights as inalienable and indisputable.

With the emergence of various international conventions and treaties, such as the Hague Convention of 1899 and the creation of the League of Nations in 1919, the first attempts were made to systematize and protect the rights of nations and individuals.

After the Second World War, the adoption of the Universal Declaration of Human Rights by the UN in 1948 defined the international standard of the right to life [2]. This was the beginning of a broad international movement for the protection of human rights, which continues to this day.

The mentioned stages demonstrate the long and complex history of the formation and development of the right to life, which inspires modern legislation and international norms for the protection of human rights.

The modern world faces significant contradictions in the interpretation and application of the right to life. The growing complexity of medical and technological capabilities raises questions about the limits of its protection and the definition of its scope [3]. Does the right to life cover only the physical aspect, or does it also include the right to a quality and dignified life? How should society balance the right to life with other rights and interests?

## AIM

The right to life is one of the fundamental concepts underlying the modern legal order. Recognized as an inalienable right of every person, this concept raises a number of complex ethical, legal and socio-cultural issues that require deeper consideration and analysis.

The aim of the study is to examine the theoretical aspects of the right to life, analyze its essence, place and significance in the system of general human rights; to outline the basic principles and concepts related to the right to life, to consider their evolution in different legal systems and to discuss important ethical aspects

related to this topic. The work will examine both the general principles and norms of international law, as well as the peculiarities of the legislation of individual countries, with a focus on the protection of the right to life. Considering the importance of this topic for all spheres of society, the analysis of the right to life aims to contribute to the improvement of human rights protection and the strengthening of the rule of law as the basis of a just and humanitarian society.

## MATERIALS AND METHODS

The article examines the right to life, its medical and legal nature, legal regulation, its place and significance in the system of general human rights, the historical development of the right to life, determines its place in the modern world, and assesses the problems and prospects for its realization. The methodological basis of the study is general scientific methods, which include system analysis, system modeling, and the dialectical method. The historical and legal method was used to study the formation and development of the right to life. The technical and legal method was used to interpret the provisions of the law governing the right to life. The method of legal forecasting was used to determine a complex of possible options for the development of the right to life, taking into account the current development of medicine and its institutions. In order to determine the characteristic features of the right to life, the authors used the following materials: normative legal acts and normative legal agreements that regulate the right to life, articles by scientists, assessments of leading experts in the field on the specified issue.

The article highlights the issues of correlation between this right and the right to abortion and euthanasia, and assesses the prospects for their realization. The empirical basis of the study is grounded on articles by scholars and assessments by leading experts in the field. The right to euthanasia has been the subject of study by many researchers, including Parra Jounou, Triviño Caballero, and Cruz Piqueras. The authors of the scientific article "For, against, and beyond: healthcare professionals' positions on Medical Assistance in Dying in Spain" [4] emphasize that since 2021, Spain has been providing the right to euthanasia and medically assisted suicide. According to the law, the state is obliged to ensure their access through medical services, which means that the participation of medical professionals is crucial. Through a survey of doctors, the authors concluded that there is no agreement among medical workers on the acceptance or rejection of such medical services, and that there is a multiplicity of moral views on this issue.

Carpenter Travis, Vivas Lucasy in the article "Ethical arguments against coercing provider participation in MAiD (medical assistance in dying) in Ontario, Canada" stress that it has historically been a crime in Canada to provide assistance to someone in ending their own life, however, this paradigm was inverted in 2015 when the Supreme Court of Canada ruled that restrictions on this practice, within certain defined parameters, violated the right to life, liberty, and security of the person [5].

Emanuel Ezekiel, Onwuteaka-Philipsen Bregje, Urwin John, Cohen Joachim in the article "Attitude and practice of euthanasia and physician-assisted suicide in the United States, Canada, and Europe" [6] conduct a comparative analysis of the practice of euthanasia in modern countries. The authors conclude that public support for euthanasia and physician-assisted suicide in the United States has plateaued since the 1990s (range, 47%-69%). In Western Europe, an increasing and strong public support for euthanasia and physician-assisted suicide has been reported; in Central and Eastern Europe, support is decreasing.

Various aspects of the right to abortion are also considered by contemporary scholars. Among them: Mónica Frederico, Carlos Arnaldo, Peter Decat, Adelino Juga, Elizabeth Kemigisha, Olivier Degomme, Kristien Michielsen, Mulumebet Zenebe, Haldis Haukanes.

In the article "Induced abortion: a cross-sectional study on knowledge of and attitudes toward the new abortion law in Maputo and Quelimane cities, Mozambique" [7] the authors try to establish the relationship between artificial abortions by women of reproductive age in suburban areas of the cities of Maputo and Quelimane and their awareness and attitude towards the laws that allow abortions. The authors conclude that the number of abortions is low compared to other countries in sub-Saharan Africa. This statistic is based on limited knowledge about the possibility of legal abortion, social factors (level of education, religion, living in suburban areas of cities).

Mulumebet Zenebe and Haldis Haukanes in their article "When abortion is not within reach: Ethiopian university students struggling with unintended pregnancies" [8] conclude that the law allowing abortions increased access to safe abortions for young unmarried women studying at universities. In general, many female university students in Ethiopia face pregnancy-related problems. And the reasons for refusing to have an abortion are not always based on a woman's will. Rather, they are caused by the inability to determine the time of pregnancy and missed deadlines for abortions, strong religious beliefs, paralyzing shame and condemnation from society, and, as a result, psychological denial of the situation and the problem.

This state of affairs has serious negative consequences for women (actual and psychological) and is caused by the tension between different norms and expectations of students' sexual behavior, gender and the injustice embedded in such norms. Students increasingly believe that it is "modern" and "cool" to be involved in a relationship, and accordingly there is considerable pressure on female students to have sexual relations. At the same time, societal norms based on religious beliefs and family customs are still very strict when it comes to premarital sex for women. Young unmarried women may be stigmatized when they violate these norms and such violation becomes evident to the public in the form of a growing belly. Therefore, universities are recommended to work to increase female students' self-awareness and self-esteem, as well as to transform the culture of masculinity and encourage sexual responsibility among men.

To demonstrate the relationship between the right to life of an unborn child and a woman's right to abortion, a social survey was conducted among different population groups.

In the article, the authors used the results of a survey of various population groups on the issue of the relationship between the right to life of an unborn child and a woman's right to an abortion.

## REVIEW AND DISCUSSION

The right to life is one of the fundamental human rights that underlies the modern legal order, international humanitarian law and national legislation of many countries around the world. This issue becomes especially relevant in the context of modern challenges and threats facing humanity, such as conflicts, terrorism, health crises, environmental disasters and many others.

The right to life is one of the most important guarantees that ensure the dignity and security of every person. The study of the theoretical aspects of this right is crucial for understanding its essence and application in practice.

Ongoing threats, such as conflicts, terrorism, violence, environmental disasters and global pandemics, emphasize the importance of effective protection of the right to life. The study of this topic reveals ways to improve international cooperation, legislation and law enforcement in order to ensure the highest level of human rights protection.

The concept of the right to life is an important element in modern legal systems, recognized and protected at the level of both national and international legislation. In many countries of the world, legislation guarantees the right to life as one of the fundamental human rights.

However, the specificity and scope of this right may vary depending on cultural, religious and historical factors. Some legal frameworks emphasize the protection of life from direct harm, while others include a wider range of guarantees, such as social protection, access to healthcare and other aspects that affect the quality and conditions of human life. International legal acts and conventions reflect generally accepted principles and standards on the right to life. For example, the Universal Declaration of Human Rights, the European Convention on Human Rights, as well as many other international documents define and protect this right as one of the fundamental ones. They call on the participating states to ensure the protection of the life of every person and to avoid any actions that may violate this right.

Analyzing the right to life in the context of its relationship with other human rights, such as the right to liberty, the right to health and the right to a fair trial, helps to affirm the principles of the rule of law and ensure equality before the law for all.

This topic is also important in terms of shaping public consciousness and public discourse regarding the importance of respect for human life and dignity [9]. Understanding the essence and significance of the right to life contributes to raising citizens' awareness of their rights and responsibilities, which is an important step towards building a just and humanitarian society.

Thus, consideration of the theoretical aspects of the right to life becomes an important step in ensuring the security and dignity of every person, contributing to the development of legal culture and strengthening the rule of law as the basis of a sustainable and developed society.

The right to life has some basic legal principles that underlie its conception and realization [10]. These principles are recognized in international law and national legislation of many countries. The inviolability of the person enshrines the inviolability of the life of every person, which means that no one has the right to violate or threaten the life of another person. Prohibition of the use of violence - this principle states that any use of violence or threat of violence is unacceptable and violates the right to life. The state must ensure that the right to life is adequately protected by creating appropriate laws, policies and mechanisms of protection. The priority of humanitarian values - this principle recognizes the primacy of humanitarian values and human rights over other interests and goals. Universality and non-discrimination - these principles emphasize that the right to life is universal and should apply to every person regardless of race, color, sex, language, religion, political or other beliefs, national or social origin, property or other status. Every person has the right to effective protection of his or her life against

any form of violence or threats. These principles affirm the importance and inviolability of the right to life in the legal system and define the basic principles and values on which the protection of this right is based.

The general principles of international law relating to the right to life are critical components in a society that strives to ensure the dignity and safety of every person [11]. These principles serve as the basis for international standards and norms aimed at protecting the life and dignity of people regardless of their nationality, race, or other personal characteristics.

One of the most important principles is the inviolability of the person. This principle recognizes that every person has the right to life and cannot be subjected to cruel, inhuman or degrading treatment. It affirms the inadmissibility of any actions or policies that violate this right, and calls on states to comply with this norm in all spheres of life.

Another key principle is the prohibition of the use of violence [12]. International law makes it clear that any use of violence, even in conflicts or wars, is unacceptable [13]. This principle emphasizes the importance of peaceful resolution of conflicts and the use of alternative dispute resolution mechanisms to ensure human life and safety.

State guarantees are another principle that plays an important role in international law. This principle is designed to ensure that states not only adopt the necessary laws and policies to protect the right to life, but also effectively implement them in practice. This includes the establishment of effective legal mechanisms to prevent human rights violations and to properly investigate and punish those responsible for violations of the right to life.

Thus, the general principles of international law relating to the right to life define moral and legal norms designed to ensure the safety, dignity and inviolability of every person. They form the basis for creating just and humanitarian societies that respect and protect the rights of all their members.

International law recognizes the right to life as one of the most important and inalienable human rights. In order to ensure its effective protection and implementation, a number of international agreements and documents were concluded, which determine the norms and standards that states must adhere to in this area.

One of the most important international agreements is the Universal Declaration of Human Rights, which was adopted by the UN General Assembly in 1948. This document defines the right to life as an inalienable right of every person and calls on all states to respect and protect it. It became the basis for further international agreements and documents regulating the right to life.

Another important agreement is the International Covenant on Civil and Political Rights, which was adopted in 1966. This document guarantees the right to life and establishes the obligations of states to ensure it. It also provides mechanisms for monitoring and protecting this right, in particular through a system of appeals to the UN Human Rights Committee.

In addition, the Geneva Conventions and Additional Protocols to them establish norms of humanitarian law that regulate the conduct of parties to conflicts and ensure the protection of the civilian population in wartime. These documents are of great importance for the protection of the right to life in armed conflicts and hostilities.

In general, international agreements and documents regulating the right to life play a key role in the formation of international standards and norms that ensure the protection of this right at the level of the world community. They define the obligations of states and establish mechanisms for monitoring and settling violations of this right, which contributes to the creation of a more just and humanitarian world for all.

International organizations play an important role in ensuring and protecting the right to life both in peace time and in conditions of conflict and danger. Their actions are aimed at establishing international standards and norms, monitoring compliance with these norms by participating states, as well as providing assistance and protection to victims of human rights violations.

One of the most influential international organizations in the field of protection of the right to life is the United Nations (UN). Through its bodies, such as the UN High Commissioner for Human Rights and the UN Human Rights Council, it contributes to monitoring the human rights situation in various countries around the world and takes measures to prevent violations and protect the rights of people in danger.

Another important organization is the International Committee of the Red Cross (ICRC), which actively operates in the conditions of wars and armed conflicts, providing assistance and protection to the wounded, prisoners of war and the civilian population. They also work to prevent violations of international humanitarian law and provide humanitarian aid in the event of humanitarian crises.

In addition, the International Criminal Court (ICC) plays an important role in prosecuting those who have committed crimes against humanity, including murder, violence and crimes in armed conflict. This helps prevent impunity and ensure justice for victims of such crimes.

Thus, international organizations play a key role in ensuring the protection of the right to life by

promoting the establishment of international standards, monitoring compliance with these standards and providing assistance and protection to those most in need of protection in the world. Their actions set modern humanitarian standards and set the foundations for a just and humanitarian world for all people.

The right to life is closely related to the right to health, as ensuring health is a necessary prerequisite for the exercise of the right to life. Guaranteeing access to quality medical care and services is an important element of ensuring the right to life. This means that everyone has the right to access medical care, necessary medicines and other medical procedures that can preserve or improve their health and prolong their lives. The right to health also provides for preventive measures that help prevent diseases and improve the overall health of society.

The right to life has a deep connection with the right to liberty and security of person. Ensuring the right to life implies the inviolability of the person from any violence or discrimination, and guarantees freedom from arbitrary arrest or restriction of liberty without legal basis. The right to liberty and security of person also includes protection from any form of physical and psychological violence that may threaten a person's life and security.

The right to life is also interconnected with other socio-economic and cultural rights [14]. Guaranteeing the right to life involves ensuring access to basic material needs such as housing, food, water and education. Cultural rights are also an integral part of the right to life, as they contribute to the maintenance of the identity and dignity of each person, which in turn positively affects their overall health and well-being.

In general, the right to life has broad implications for other human rights, such as the right to health, liberty and security of the person, as well as socio-economic and cultural rights.

Violation of the right to life is a serious problem in many parts of the world [15]. Examples of such violations include extradition killings, death sentences without fair trials, extremist violence and genocide, which are the source of suffering for thousands of people. These violations often occur in the context of wars, internal conflicts, or as a result of authoritarian regimes that do not adhere to international human rights standards. The analysis of such violations demonstrates the need to raise international standards and monitoring mechanisms to protect the right to life in all parts of the world.

Social and economic factors, such as poverty, inequality, wars and conflicts, affect the realization of the right to life [16]. In poor and vulnerable communities,

access to adequate health care and education is limited, which worsens health and threatens life. Conflicts and hostilities lead to massive violations of the right to life, forcing millions of people to become refugees and displaced persons. These factors require a comprehensive approach to the provision of socio-economic rights that aims to reduce inequality and fight poverty.

Civil society and human rights organizations play an important role in protecting the right to life. Their activities include monitoring human rights violations, publicly condemning unlawful acts, and assisting victims of violations in accessing justice and compensation. They also work to raise public awareness of issues related to the right to life and mobilize public support for action to combat human rights violations.

All these aspects point to the importance of joint work of states, civil society and the international community in ensuring effective protection of the right to life and overcoming the problems that impede its full realization.

The right to life has always been the subject of heated ethical and moral debate, especially in the context of abortion, euthanasia and other essential aspects of human existence.

One of the most controversial issues is abortion, where public opinion is divided due to moral, religious and legal aspects. Some consider abortion to be a violation of the right to life of the unborn, while others support the right of women to make a free choice in this matter.

Euthanasia, carried out at the request of the individual or for medical reasons, also causes heated debate in society. Some support the right to a dignified death, adhering to the principle of personal autonomy, while others consider it a violation of the inalienable right to life.

Social values and beliefs have a great influence on the formation of legislation regarding the right to life. Laws and norms related to this right reflect the opinion and moral values of society. However, in controversial issues such as abortion and euthanasia, it is important to find a balance between the protection of human rights and individual freedom of choice.

This discussion emphasizes the importance of taking into account ethical, moral and societal aspects in the formulation of legislation on the right to life, as well as the need to understand and respect diverse views on these controversial issues.

The right to life emerges as a key component of the field of medicine, bioethics, and other fields full of ethical, moral, and legal dilemmas. Its role is crucial in regulating complex controversies arising in medical practice and bioethical research.

The field of medicine and bioethics faces numerous challenges, such as resolving conflicts between patients and medical professionals, regulating experimental treatments, determining the moment of beginning and end of life, and other ethical issues related to medical practice. The right to life is a fundamental principle in resolving such disputes. It forms the basis for the development of medical standards, codes of ethics and legislation aimed at protecting life and treating it with dignity.

Important decisions related to the right to life are made in court practice. The courts resolve controversial issues related to medical interventions, restrictions based on moral beliefs, decisions to stop treatment, and other areas where human life becomes the object of judicial intervention.

This judicial practice not only responds to specific situations, but also sets precedents that become important guidelines for the medical and legal communities in the future.

The understanding of the right to life largely reflects a variety of views that stem from ethical, moral, religious and legal beliefs. Let us consider different approaches to this concept and analyze their advantages and disadvantages.

1. Absolutist approach: This approach asserts that the right to life is absolute and inviolable, even in cases of conflict with other rights or situations of extreme circumstances.
2. Context-Based approach: This position is that the right to life should be considered in the context of the situation, taking into account the specifics and circumstances of the particular case.
3. Broad interpretation of the right to life: Some opinions recognize that the right to life encompasses not only physical existence, but also a quality life with dignity, including access to basic needs, health care and social protection.

An absolutist approach provides stability and clarity, but there may be conflict with other rights and contradictions in complex situations. A context-based approach allows for consideration of circumstances, but may lead to subjectivity in assessing situations. A broad interpretation of the right to life opens up opportunities for greater protection of the individual, but can be subjectively perceived and ambiguously used.

A critical review of different approaches shows their uniqueness and at the same time their weaknesses. Comparison and analysis of these approaches help to better understand the complexity and contextuality of the right to life in modern society.

The analysis of various aspects of the right to life has revealed its importance as a key legal concept

that determines not only the physical existence of a person, but also the relationship between society and the individual. To summarize, it is important to identify the main arguments and express our own position on the right to life.

The analysis of the concept of the right to life in different eras and cultures has shown its evolution and changing interpretations. The diversity of approaches in different countries and international conventions demonstrates the universality of this concept, but also the complexity of its practical application.

The discussion of ethical and moral aspects related to abortion, euthanasia [17] and other complex issues demonstrates the profound influence of social values on the formation of legislation and regulation of these issues.

Let us imagine that a person has just been diagnosed with an inoperable brain tumor. The doctor says that he or she has less than six months to live and that the remaining time will be extremely painful and the person will likely face intense suffering until her body finally meets death. Would he or she like to have the right to choose how to end this life?

Hundreds of thousands of people around the world suffer from debilitating, fatal diseases and similar diagnoses. However, these people cannot get rid of their pain and suffering with dignity and respect because of the laws of some countries that do not allow euthanasia. Given that some diseases deprive a person of living a decent life, this way becomes inhumane, both for the person suffering from the disease and for his or her family, who have to experience the horror of watching their loved ones suffer for an unknown time.

Euthanasia, the practice of intentionally ending life to alleviate suffering, has been a controversial topic for many years. The idea that a person has the right to end his or her own life in exceptional circumstances, also known as the "right to die," is a matter of both philosophical and legal debate.

Proponents of euthanasia argue that people have the right to make decisions about their own lives, and that everyone should be able to die with dignity, rather than suffer pain and agony. They also argue that euthanasia can save money and resources by reducing the costs associated with prolonged end-of-life care. Opponents of euthanasia argue that it is unethical and contrary to the sanctity of life. They believe that it is wrong to take the life of another person, even if that person is suffering.

From a legal perspective, the laws governing euthanasia vary from country to country. In some countries, such as the Netherlands, euthanasia is legal under certain circumstances, while in others, such as Ukraine, it is not recognized. Although the issue of the

right to euthanasia is complex and multifaceted, one thing is clear: it is a deeply personal decision that should be made with respect for the individual's autonomy.

The issue of the right to life and euthanasia is closely related to the right to health care, as medical resources in different countries of the modern world are not equal. A disease that is incurable in one country can be treated in another, where the level of medical development is at a higher level (see the movie "King Arthur").

Currently, the issue of legalizing euthanasia has become one of the most pressing in the legal field. Euthanasia is a topic of scientific debate and research that lies on the borderline between law and medicine. Euthanasia is defined as a type of behavior of a medical worker (action, inaction or decision) that is committed consciously and intentionally, and is aimed at ending unbearable suffering (physical, mental, moral, etc.), is carried out at the repeated and unambiguous request of the patient (and in cases provided for by law, his or her legal representative), provided that he or she is fully, timely and objectively informed of the consequences of such intervention, which results in death.

If we analyze the historical development of the concept of "euthanasia," this term was first characterized and explained in the 16th century by the English philosopher Francis Bacon. He noted that the doctor's duty is not only to restore health, but also to alleviate the suffering and torment caused by the disease. Such pain relief should occur not only when it leads to recovery, but also when there is no hope for salvation. In this case, it is necessary to make death itself easy and peaceful, and in this regard, euthanasia is already happiness.

From a historical point of view, the development of the concept of euthanasia was influenced by the period of Antiquity, when people could be deprived of their lives due to birth defects or particularly serious illnesses. During the Second World War, a significant number of people were killed through "medical procedures," but unlike euthanasia, these "procedures" were inhumane. And only with the creation in 1935 of the first societies that advocated the legalization of euthanasia, the humanization of this process and reflections on the further legitimate nature of euthanasia began. Perhaps, the observance of the principle of humanism is the beginning of finding an answer to the question of depriving a person of his life with the help of another person's intervention. We must find an answer to the question whether any existence is life or life is only a worthy human existence?

If we classify the types of euthanasia and analyze their differences, we can note that there are different types of euthanasia according to the will of the person:

- Voluntary, which is carried out with the consent of the patient and at his request. Active voluntary euthanasia is legal in Belgium, Luxembourg and the Netherlands. Passive voluntary euthanasia is legal in the United States. When a patient accepts death independently, but with the assistance of a doctor, the term “assisted suicide” is often used. Assisted suicide is legal in Switzerland and the US states of California, Oregon, Washington, Montana and Vermont.

- Non-voluntary, that is performed when the patient’s consent is not possible. For children it is illegal worldwide, but decriminalized under certain circumstances in the Netherlands under the Groningen Protocol.

- Forced, that is carried out against a person’s will. It can be considered a form of punishment for a criminal offense. However, the inclusion of this type of euthanasia in this classification is controversial, since in this case we are talking about the death penalty, which is currently prohibited in Europe, except for the Republic of Belarus. The relationship between the right to life and the death penalty is the subject of a separate consideration.

The second classification is determined by the criterion of the method of achieving death and accordingly divides euthanasia into:

- Active, that involves administering to a dying person drugs or using other actions that cause a rapid death. Active euthanasia is often considered suicide with medical assistance (providing the patient with drugs that shorten life at his or her request).

- Passive euthanasia, which involves the intentional termination of the patient’s maintenance therapy. Here, the question remains open regarding the existence of the institution of euthanasia in the absence of an adequate level of medical services. In countries with underdeveloped medicine, failure to provide medical service in itself causes the death of a person.

Today, euthanasia is still not a legitimate process in most countries of the world, but there are a number of countries in which euthanasia has become legal. In particular, euthanasia has been legalized in Switzerland, Australia, the Netherlands, Belgium, France and some US states. It should be noted that Dutch courts have de facto allowed assisted suicide to terminally ill patients since 1984.

The European Court of Human Rights has repeatedly heard cases regarding the prohibition of euthanasia in European countries. The first euthanasia case was *Sanles Sanles v. Spain* [18]. After an accident in 1968, a relative of the applicant suffered from tetraplegia. In January 1998, he committed suicide with the support of a third party, while his request for recognition of the right to die with dignity was pending. The applicant was

his legal successor, whom he officially appointed to manage the case. In particular, she sought recognition of the right to a dignified death for the applicant. The court rejected her request, explaining that the Spanish authorities cannot be held responsible for not adopting a law on the decriminalization of euthanasia. In this case, the European Court of Human Rights attributed the institution of euthanasia to the internal national legal system of the state. Although the case was lost, the very process of consideration of the case by an international authority created prerequisites for the further formation of the institution of euthanasia.

The next case, *Pritty v. United Kingdom*, received a lot of publicity [19]. The applicant was dying of motor neuron disease, an incurable progressive disease affecting the muscles. Given that the final stage of this disease is painful and humiliating, she wanted to decide for herself how and when to die. Due to her illness, the applicant was not able to commit suicide on her own and wanted her husband to help her in this. However, based on English law, suicide is not a crime, assisting suicide is a crime. As the authorities refused her request, the applicant complained to the European Court of Human Rights that her husband was not guaranteed immunity from liability if he helped her die. The court refused.

An interesting case is *Haas v. Switzerland* [20]. The applicant, who had been suffering from severe affective bipolar disorder for about 20 years, decided that he could no longer live a decent life. After two suicide attempts, the applicant tried to obtain a substance which, if taken in a certain amount, could help him to commit suicide in a safe and dignified manner. Since the substance was only available by prescription, the applicant tried to obtain it from several psychiatrists, but his efforts were unsuccessful. In the European Court of Human Rights, the applicant argued that Article 8 of the Convention imposed a positive obligation on the state to create conditions for safe and painless suicide. The authorities rejected his complaint, so he believed that his right to commit suicide in a safe and dignified manner had been violated by Switzerland. Haas lost the case.

The case of the boy Alfie Evens (Great Britain) or the other name of the case “euthanasia at the initiative of the state” also referred to the institution of euthanasia as its subject of consideration. Never before has the United Kingdom given consent to applicants for euthanasia (passive or active). Alfie’s case was unique in that after the doctors examined Alfie, they ruled that he could no longer be cured and the court ordered that Alfie be taken off life support. Alfie Evans was in a semi-comatose state for over a year, but the boy’s



parents refused to accept that his illness was terminal. The conflict between the parents and the doctors drew public attention when Alfie's parents filed a lawsuit challenging the decision of the medical board to remove the child from life support.

The boy's parents fought to have him transferred to a hospital in Rome, where hospital officials pledged to provide the necessary medical care and improve his condition. The UK Supreme Court rejected the application for consent to transfer the boy to Italy, leaning towards the opinion of doctors that irreversible changes had occurred in his brain, depriving him of the senses of sight, hearing, taste and touch, and that further therapy was not in his best interests and could be inhumane. Alfie died in hospital as a result of the life support being switched off (passive euthanasia). An interesting fact in this case is that 4 months after Alfie's death, his parents gave birth to a second boy.

Therefore, we can observe a certain pattern: the European Court of Human Rights has not satisfied any of the above cases on the recognition of the institution of euthanasia, noting that the recognition or prohibition of the institution of euthanasia is within the internal interests of the state. However, the fact that applicants from different countries have applied to the European Court of Human Rights since 1993 states that social and legal relations regarding euthanasia exist in modern society, and that failure to regulate them and to recognize their existence will lead to criminalization of this institution. The issue of legalizing euthanasia is a subject of debate among representatives of medicine, law, churches, and religious denominations at the international and national levels. Some states legalize passive euthanasia within their national systems, providing a vivid example of the comprehensive nature of human rights.

The debate about the ethics and necessity of legalizing the right to abortion also continues. In order to answer the question "Does a woman have the right to decide on her own to give birth to a child or not?" we need to consider possible views on the specified problem.

With regard to the regulation of the right to abortion in modern law, it should be noted that abortion is an involuntary or artificial termination of pregnancy before the fetus can be considered viable. Views on the moment when fetal viability is determined can be divided into two groups. The first is that an embryo is viable from the moment of conception, at any stage of pregnancy it is already a human being. These thoughts give birth to completely different views on abortion. Different views on the moment of determining the viability of the fetus lead to today's controversies about the possibility of termination of pregnancy at different

times. The second view is reflected in the idea that an embryo acquires human significance when all the organs necessary for life are formed (12 weeks after conception). These opinions give rise to very different views on abortion. Different views on the moment of determining the viability of the fetus lead to today's controversy over the possibility of abortion at different stages of pregnancy.

In 2020, more than 42.6 million abortions were performed worldwide, slightly more than in 2019 (42.3 million abortions). 1st place is occupied by China (more than 9 million annually); 2nd place - USA (1 million 213 thousand visits to the doctor); 3rd place - the Russian Federation (more than 1 million 208 thousand); 4th place - India (about 642 thousand); 5th place - Vietnam (332 thousand); 6th place - Japan (more than 242 thousand); 7th place - France (198 thousand); 8th place - England (190 thousand); 9th place - Turkey (more than 177 thousand); 10th place - Azerbaijan (160 thousand). It is worth noting that these statistics are not divided into abortions for medical reasons and those at the request of the woman herself. Among the leaders are countries with a large population (e.g., China - 1.4 billion people, India - 1.380 billion people, the United States - 350,585,880 people), which justifies the high number of abortions in these countries. In Ukraine, according to the Ministry of Health, 46552 pregnancy terminations were performed in 2018. Of these, 18115 were legal for medical reasons after 12 weeks of pregnancy and 28437 were legal by the woman's decision and with medication. Statistics on abortions in the world show that their number does not depend on the level of economic and technical development, the type of legal regime of the country, territorial affiliation, or religious preferences.

A woman's right to an abortion and free disposal of her body often comes into conflict with social condemnation, so the problem may not only be to have an abortion, but that the woman will then suffer negative consequences from members of society. A woman who has had an abortion can become a victim of persecution and suffer psychological and even physical violence from society or relatives.

A survey conducted in Ukraine among people of different ages and statuses to understand the public's position on abortion allowed us to reflect public opinion on this issue. Here are some of the answers of the respondents:

Girl, 18 years old, student: "I believe that this is a woman's choice. It is not right to force a woman to give birth to a child under social pressure if she does not have the desire and financial means to support the child. In my opinion, it is better to terminate the

pregnancy than to have the child's life crippled by an unloving mother."

Girl, 17 years old, student: "If a woman has difficulties with the material or psychological support of a child, I am in favor of her having an abortion, but if the reason is her personal opinion or some other reason, I am against abortion, because after all it is life, it is a future human being."

Boy, 18 years old, student: "A woman should make the decision to have an abortion, first of all from the point of view of health, because not every woman can bear a child and not every woman wants to have an impact on her health after pregnancy. It is up to the woman to decide whether to give birth or not."

Boy, 17 years old, student: "I have a negative attitude towards abortion, I believe that every child has the right to life, even the one in the mother's womb. And abortion violates these rights. It is possible to terminate a pregnancy only if the pregnancy threatens the life of the mother or the child. In the case of rape, a woman has the right to choose, but she will be responsible for this act in front of her conscience."

Woman, 45 years old, housewife: "I have an ambiguous attitude towards abortion, but to the question of who should decide the fate of the embryo, I will answer that the father and mother of the child should make this decision together. If a woman does not want to give birth because she is "not ready" or "doesn't want to", then after the birth of the child her opinion will change, it is the baby who will change her opinion when she holds her native little miracle in her arms."

Man, 56 years old, private entrepreneur: "Only a woman has the full right to decide the fate of her pregnancy: to keep the child or abandon it. She is an independent person and is able to choose what to do. Of course, children are happiness and a miracle, but not everyone is ready for it."

A total of 100 people were interviewed. 49% of the respondents said that a woman has the right to an abortion, 27% have the opposite opinion - a woman does not have such a right, and 24% have an ambiguous position, in their opinion, it all depends on the circumstances.

As can be seen, most people believe that the right to an abortion belongs exclusively to a woman. The opinions of the interviewed persons are based on upbringing, faith and moral views. Each of us has an attitude towards anything that stems from the environment in which we live.

The practice of the European Court of Human Rights does not stay away from the issue of the relationship between the right to life and the right to have an abortion by a woman. In particular, in the case of "R.R. v. Poland" (application no. 27617/04) [21] the applicant

was informed about the possibility of fetal malformation of the fetus after an ultrasound examination conducted on the 18th week of pregnancy. She immediately expressed her desire to have an abortion. She was recommended to undergo genetic testing by amniocentesis at 23 weeks of pregnancy. After several refusals to perform an amniocentesis by her doctor and a number of other doctors, the study did take place and confirmed that the fetus suffered from Turner syndrome. The test results were obtained after the 24th week of pregnancy, and according to Polish law, abortion on the grounds of abnormal fetal development is possible only during the first 24 weeks of pregnancy. The applicant was awarded compensation in connection with the doctors' failure to conduct timely genetic tests.

But the main thing is that the court emphasized the relevance of the information that the applicant tried to obtain through genetic testing in order to make a decision regarding the continuation of her pregnancy. Polish law allows abortion until the fetus can survive on its own outside the mother's body and only when prenatal tests or other medical reports indicate a high risk that the fetus is seriously and irreversibly damaged or will suffer from an incurable disease after birth. Therefore, access to complete and reliable information about fetal health is not only important for the comfort of a pregnant woman, but also a prerequisite for the possibility of a legally permitted abortion.

Another case is "Tysic v. Poland" (Application no. 5410/03) [22], which was heard by the European Court of Human Rights, is that the applicant had suffered from severe myopia for many years. After she became pregnant for the third time, she sought medical advice because she was worried about the impact the pregnancy might have on her health. The three ophthalmologists she consulted concluded that the pathological changes in her retina posed a serious risk to her vision if she carried the pregnancy to term. Despite the applicant's requests, they refused to issue her a certificate for termination of pregnancy. The applicant also consulted a general practitioner and received a certificate from him listing the risks posed by the pregnancy in terms of retinal problems, as well as the consequences of two previous cesarean sections. Thus, the applicant could not terminate the pregnancy and gave birth by caesarean section. In the second month of pregnancy, the applicant's myopia progressed significantly in both eyes. She was examined by the head of the obstetrics and gynecology department of a public hospital, who did not see any medical grounds for an abortion on medical grounds. Thus, the applicant was unable to terminate her pregnancy and gave birth by caesarean section. After giving birth, her vision

deteriorated further due to a retinal hemorrhage. She was informed that because the retinal changes were advanced, they could not be corrected with surgery. The medical board concluded that her condition required treatment and daily care and found her largely disabled.

In this case, the Court noted that the legislation governing termination of pregnancy touches the sphere of personal life, because when a woman is pregnant, her private life becomes closely related to the developing fetus. The term "private life" is broad and covers, among other things, the physical and social aspects of a person's identity, including the right to personal autonomy, personal development and to establish and develop relationships with other people and the outside world. Although the Convention on the Rights and Freedoms of Man and Citizen does not guarantee a specific level of medical care, the state has a positive obligation to ensure the protection of its citizens, their right to private life. The case "Tysi c v. Poland" (Application no. 5410/03) concerned a special combination of various aspects of private life. If the law on abortion concerns the traditional balancing of privacy and public interest, in the case of therapeutic abortion, the positive obligations of the state to ensure the physical integrity of expectant mothers must be taken into account.

Case of A, B AND C v. Ireland (Application no. 25579/05) [23] concerned applicants resident in Ireland who are women aged 18 and over. All three applicants traveled to England to have an abortion because they believed they did not have the right to have an abortion in Ireland. The first applicant was nine and a half weeks pregnant and accidentally became pregnant, believing her partner to be infertile. At that time, she was unmarried, unemployed and living in poverty. She had four young children. The youngest was disabled, and all four children were in foster care because of the problems she faced as an alcoholic. She was depressed during her first four pregnancies and struggled with depression during her fifth pregnancy. In the year leading up to her fifth pregnancy, she remained sober and was in regular contact with social workers to regain custody of her children. She believed that having another child at this point in her life (with the attendant risk of postpartum depression and her sobriety) would jeopardize her health and the successful reunification of her family. She went to England and had an abortion there. After submitting this application, the applicant became pregnant again and gave birth to a fifth child. She struggled with depression and cared for three of her children, while two (including a disabled child) remained in foster care. She claimed that abortion was the right decision for her in 2005. The second applicant

was seven weeks pregnant and became pregnant unintentionally. She took "morning after pills" but they didn't work. The third applicant was in her first trimester of pregnancy. Before that, she had been undergoing chemotherapy for three years for a rare form of cancer. The cancer went into remission and the applicant unintentionally became pregnant. She was unaware of this when she underwent a series of cancer tests. Given the uncertainty of the risks involved, the third applicant traveled to England to have an abortion. She claimed that she wanted to have a medical abortion (miscarriage induced by medication) because her pregnancy was in the early stages, but she could not find a clinic that would provide this treatment. Therefore, she had to wait another eight weeks before a surgical abortion became possible. Due to the difference in factual circumstances, the court considered the complaints of the first two applicants and the third applicant separately.

The court noted that the concept of "private life" is a concept that covers, among other things, gender identification, sexual orientation and sex life, the physical and psychological integrity of a person, as well as the decision whether or not to have a child or to become a genetic parent. At the same time, a woman's right to respect for her private life should be compared with other competing rights and freedoms, in particular with the right of the unborn child.

## CONCLUSIONS

Summarizing the main theses allows us to draw certain conclusions about this key legal concept. The right to life is one of the fundamental human rights that guarantees every person the right to inviolability and security. This right recognizes the inherent value of human life and is intended to ensure its protection from all forms of violence, discrimination and violations.

In ancient civilizations, the right to life and its protection reflected the general moral standards of society and the belief in the natural rights of man. Over time, this concept has received formal recognition in legal systems, becoming a key aspect of legislation.

In the Middle Ages and early modern times, the right to life was often seen in the context of the power of church and state, where religious doctrines and socio-cultural norms played a decisive role.

In today's world, the concept of the right to life has become an important element of international law, covering not only physical existence, but also ensuring a decent and high-quality life, health, education and social protection.

Cultural and religious aspects play a significant role in shaping the understanding of the right to life.

Different religious and cultural traditions have their own interpretations of the beginning and end of life, influencing attitudes to aspects related to medical interventions, abortion, euthanasia and other issues. For example, some religions see the right to life as inviolable and sacred, while other religious traditions may allow certain exceptions depending on the context or circumstances.

Guaranteeing the right to life is key to any just and humanitarian society. This right is the basis for ensuring the dignity, peace and security of every human being. Its protection contributes to the strengthening of social order, the maintenance of justice and the development of democratic values.

First of all, it is necessary to strengthen the legislation that guarantees the protection of the right to life at the level of the state and the international community. Next, it is important to develop mechanisms for monitoring and supervising the observance of this right, to promote education and increase public awareness of its importance. It is also important to support the development of human rights organizations and promote their active participation in the protection of this right.

To summarize, the right to life is an integral part of human rights, which is important for ensuring a dignified, peaceful and secure way of life for humanity. Guaranteeing this right is crucial for any society, as it creates the preconditions for ensuring harmonious development and support for all other human rights. Its full protection and implementation requires not only effective laws, but also the active participation of the public and human rights organizations in the process of ensuring it.

The right to life is a fundamental right that is reflected in the laws of numerous countries and international acts. The right to life is an inalienable right, but its

understanding and application should be flexible and take into account the specifics of each situation. Our own position is that the right to life should be guaranteed, but with due regard to the specific circumstances and interests of the individual.

Its understanding and application is a complex problem that requires consideration of ethical, moral, religious and legal aspects.

The call for further research and development of the topic means the need to further study the impact of the right to life on modern medical and bioethical practices, as well as to develop more flexible and balanced legal solutions to controversial issues such as abortion, euthanasia, and others.

When it comes to the relationship between the right to life of an unborn child and a woman's right to an abortion, the decision must be made individually in each case, based on the actual circumstances, such as the health of the woman, the condition of the fetus, the circumstances of the pregnancy, etc. It is impossible to derive general formulas in this matter, because the actual circumstances of a case are significantly different from each other.

When comparing the right to life and the right to euthanasia, it should be assumed that these rights do not contradict each other. If we consider the right to life (the right of the first generation of human rights) from the standpoint of a dignified human existence without unbearable torment, then the right to euthanasia (the right of the 4th generation of human rights) is its logical continuation, and its legalization in the developed countries of the world is fully justified.

Through further research and development of the topic, society will be able to better understand how to ensure the protection of human rights, avoid conflicts and find compromise solutions in difficult situations related to the right to life.

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## CONFLICT OF INTEREST

The Authors declare no conflict of interest

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