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THE RIGHT TO LIFE: PROTECTION ISSUES

In the article, on the basis of the current civil legislation, the right to life of an individual is analysed in terms of the right of use, protection, and disposition of their lives. Some problems of civil law and criminal law guarantees of protection of the right to life are outlined.

Human life as defined in Art. 3 of the Constitution of Ukraine is the highest social value. Life is the most important moral good of the natural and inalienable human rights and it is logical that, in its absence, all individual rights are meaningless. Analysing the current legislation and practice, we can conclude that the concept of “human life” means the physical, mental, and social functioning of the human body as a whole.

We believe that the content of the constitutional right to life should include: 1) the right to

use as the possibility of human to exist in time and space, i.e. act or fail to act at discretion; 2) protection of life, as the possibility of human to require from legally binding subjects to ensure the existence in time and space, guarantees against arbitrary deprivation of life, protection of man's life and lives of others from unlawful encroachments; 3) state guarantees of the protection of human life; 4) disposal of their own lives.

We can state that the current civil legislation for the first time codified the right to life in such a wide concept at the legislative level in Ukraine. However, there are still many problems concerning civil law and criminal law guarantees of protection of the right to life, which necessitate a legislative consolidation.