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**THE CRIMINAL-LEGAL ANALYSIS OF THE OFFENCE
OF INDUCING OR AIDING SUICIDE – ARTICLE 150
OF THE CRIMINAL CODE OF THE REPUBLIC OF MOLDOVA**

Speciality: 554.01 – Criminal Law and Penal Enforcement Law

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CONCEPTUAL LANDMARKS OF THE RESEARCH

Topicality and importance of the subject addressed. Article 3 of the Universal Declaration of Human Rights proclaims that: “Every human being has the right to life, liberty and security of person”¹, while the Convention for the Protection of Human Rights and Fundamental Freedoms protects the right to life under Article 2(1) – Right to life, through the following stipulation: “Everyone’s right to life shall be protected by law”². The protection of human life as the supreme value of the legal order is enshrined at constitutional level in Article 24 – Right to life and to physical and psychological integrity of the Constitution of the Republic of Moldova³, a provision which establishes both the fundamental right to life and integrity and safeguards against any form of treatment liable to harm the dignity or integrity of the person, thereby expressing the positive obligation of the state to ensure and protect life as a legal value of supreme importance.

The importance of research on the topic “*The Criminal Legal Analysis of the Offence of Inducing or Facilitating Suicide – Article 150 of the Criminal Code of the Republic of Moldova*” is determined by the need to strengthen the criminal law guarantees of a person’s right to life, including through the further refinement of the normative framework governing the offence set out in Article 150 CC RM Inducing or Facilitating Suicide, intended to ensure uniform and coherent judicial practice in this field. This is so because the criminalisation of inducing or facilitating suicide protects the most important social value safeguarded by criminal law, namely the right to life.

In the criminal law doctrine of the Republic of Moldova, the offence provided for in Article 150 CC RM has been examined from certain angles, but has not to date benefited from a systemic and comprehensive scientific analysis, an undertaking all the more necessary in the context of the substantial amendments relatively recently made to the previously existing normative framework. The present work proposes a comprehensive theoretical and practical conceptual approach to the interpretation and application of the current criminal law regulation of the act of inducing or facilitating suicide, based,

¹ Universal Declaration of Human Rights. UN General Assembly Resolution No. 217 A (III) of 10.12.1948. In: *International Treaties*, Vol. I, Chişinău, 2001, pp. 11-18.

² *Convention for the Protection of Human Rights and Fundamental Freedoms*. [online]. [cited 08.01.2026]. Available at: https://www.echr.coe.int/documents/d/echr/Convention_ENG.

³ Constitution of the Republic of Moldova: No. 1 of 29.07.1994. In: *Official Gazette of the Republic of Moldova*, 1994, No. 1. In force since 27 August 1994.

among other things, on a comparative analysis of the doctrine and legislation of other states in this field.

Placement of the topic within international concerns. The European Court of Human Rights has consistently held that Article 2 ECHR imposes on member states positive obligations to protect the right to life⁴. Also relevant to the study is the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, adopted in Istanbul on 11 May 2011 and ratified by the Republic of Moldova on 14.01.2021 through Law No. 144⁵, which under Article 1(1)(a) proclaims the purpose of protecting women against all forms of violence and preventing, prosecuting and eliminating violence against women and domestic violence.⁶

The offence of inducing or facilitating suicide is likewise criminalised in the criminal legislation of several European states, each adopting its own normative solutions depending on its legal traditions and national criminal policy. For example, under the Criminal Code of Romania, the act is criminalised in Article 191 – Inducing or Facilitating Suicide⁷, under the Italian Criminal Code, in Article 580 – Instigation or Assistance to Suicide⁸, under the German Criminal Code, in Article 217 – Inducing or Facilitating Suicide⁹, and under the French Criminal Code, in Article 223-3 – On the Incitement to Suicide¹⁰.

The Republic of Moldova, as a member state of the Council of Europe and a candidate country for accession to the European Union, is under an obligation to align its criminal legislation with European standards regarding the protection of the right to life, including by ensuring an adequate normative framework for the criminalisation of conduct aimed at the suppression of human life through the inducement or facilitation of suicide.

Placement of the topic within national and regional concerns.

⁴ Convention for the Protection of Human Rights and Fundamental Freedoms. [online]. [cited 08.01.2026]. Available at: https://www.echr.coe.int/documents/d/echr/Convention_ENG.

⁵ Law on the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence: No. 144 of 14.10.2021. In: *Official Gazette of the Republic of Moldova*, 2021, No. 256-260, 320.

⁶ Convention for the Protection of Human Rights and Fundamental Freedoms. [online]. [cited 08.01.2026]. Available at: https://www.echr.coe.int/documents/d/echr/Convention_ENG.

⁷ Criminal Code of Romania: No. 286 of 17.07.2009. In: *Official Gazette of Romania*, 2009, No. 510.

⁸ *Codex penal. Criminal Codes of the Member States of the European Union*. Coord. Tudorel TOADER. Bucharest: C.H. Beck, 2018, p. 2285.

⁹ *Ibidem*, p. 1892.

¹⁰ *Ibidem*, p. 1549.

The offence of inducing or facilitating suicide, regulated under Article 150 CC RM, represents the legal expression of the prohibition of any conduct whereby a person is induced or assisted in taking their own life. The incriminating provision likewise establishes a differentiated sanctioning regime depending on the circumstances of the commission of the act and its consequences. The scientific approach of the present work is supported by a comprehensive theoretical and normative foundation, the study drawing upon monographs, treatises, doctoral theses, scientific articles and other reference publications, produced by researchers from the Republic of Moldova and from other states. The diversity of these sources will complement the author's own analysis and reinforce the theoretical and practical argumentation of the investigation.

Placement of the topic within an inter- and transdisciplinary context. The applicative value of the present work extends beyond the strict framework of criminal law, the results obtained and the conclusions formulated being capable of being drawn upon in the development of related legal disciplines, such as legal psychology, criminology, forensic science and criminal procedure. The interdisciplinary approach adopted in the present work required consultation of doctrinal contributions both legal and from other scientific fields, this comprehensive perspective allowing for a more rigorous grounding of the analysis undertaken. The authors of the works drawn upon in this respect include: M. Poalelungi (criminal procedure); G. Cărauşu, A. Mamedo (psychology); A. Rankin (history).

Presentation of the results of previous research on the chosen topic. The offence of inducing or facilitating suicide provided for in Article 150 CC RM has been the subject of research by several scholars from the Republic of Moldova, among whom may be mentioned: S. Brînză, V. Stati, V. Bujor, A. Borodac, I. Macari, M. Avram, T. Popovici, V. Cobăşneanu, L. Dumneanu, M. Mutu Strulea, L. Gîrla, I. Iacub.

The most extensive domestic doctrinal contribution in the field of the offence of inducing or facilitating suicide belongs to Professor S. Brînză, whose theoretical and practical research has directly influenced the evolution of the normative framework governing this offence, an illustrative example being the proposal to supplement Article 150 CC RM with the criminalisation of the facilitation of suicide.

The present work also draws upon the doctrinal contributions of researchers from other states, whose diversity of perspectives has significantly complemented the analysis of the offence of inducing or facilitating suicide, thereby demonstrating the importance of com-

parative law in domestic criminal law research. In this context, particular reference is made to the highly valuable scientific contributions of doctrinal writers such as: I. Tanoviceanu, T. Toader, A. Boroi, V. Lazăr, M. A. Hotca, I. Ristea, A. Al. I. Dumitrache, I. Rusu, Io. Rusu, B. Bîrzu, B. Sergiu, D. Al. Șerban, G. V. Teliceanu, S. Elke, J. Loveless, D. Ormerod, K. Laird, R. Card, M. Jill, M. Allen, C. Derry, J. Herring, M. James, N. F. Antonov, M. I. Bajanov, Ia. M. Brainin, A. I. Rarog, S. V. Borodin, M. S. Serebrennikova.

The purpose of the thesis consists in carrying out a comprehensive criminal law analysis of the offence of inducing or facilitating suicide provided for in Article 150 CC RM, through an exhaustive examination of its constituent elements, the identification of legislative gaps and normative ambiguities that generate difficulties in judicial practice, as well as the formulation of practical recommendations and *de lege ferenda* proposals, intended to contribute to the improvement of the applicable legal framework and to ensuring uniform and coherent judicial practice in the field, thereby enhancing the effectiveness of the criminal law protection of the right to life as a supreme social value.

Research objectives: 1) analysis of the scientific materials published in both domestic and foreign doctrine devoted to the offence of inducing or facilitating suicide provided for in Article 150 CC RM; 2) research into the historical evolution of the criminalisation of inducing or facilitating suicide in the criminal legislation of the Republic of Moldova and of other states; 3) the scientific grounding of the criminal law concept of inducing or facilitating suicide and of its associated features; 4) a comprehensive criminal law analysis of the constituent elements of the offence provided for in Article 150 CC RM, through examination of the object, the objective side, the subjective side and the subject of the offence; 5) examination of the aggravating circumstances provided for in Article 150(2) and (3) CC RM, as well as of the mitigating circumstance regulated under Article 150(4) of the same article; 6) the delimitation of the offence of inducing or facilitating suicide from adjacent, related and homogeneous offences, through the identification of distinguishing criteria applicable in judicial practice; 7) the examination of the offence of inducing or facilitating suicide through the lens of comparative criminal law, with an emphasis on the criminal legislation of the member states of the European Union; 8) research into national and international judicial practice in the field of offences against the life of the person, with particular reference to the offence provided for in Article 150 CC RM; 9) analysis of the relevant case law of the European Court of Human Rights in the field of the protection of the right

to life and its implications for the interpretation and application of Article 150 CC RM; 10) the identification of legislative gaps and normative ambiguities existing in the regulation of the offence provided for in Article 150 CC RM, which give rise to difficulties in judicial practice regarding the legal classification of acts; 11) the elaboration of a coherent conceptual framework for the legal classification of acts provided for in Article 150 CC RM, intended to contribute to the standardisation of judicial practice in this field; 12) the formulation of conclusions and *de lege ferenda* proposals.

Research hypothesis the foundation of the research hypothesis of the present work consists of the following essential ideas, which have been subjected to scientific analysis and verification with a view to formulating the author's own conclusions on certain dilemmas identified in the theoretical and practical approach to the subject researched: the absence of the criminalisation of suicide itself in criminal law does not amount to an absence of any legislative reaction to this phenomenon, any intervention by a third party inducing or facilitating the suicide of a person being liable to criminal sanction under Article 150 CC RM; the methods of inducing or facilitating suicide are non exhaustive in nature, the criminal act being capable of being committed through any action or omission liable to influence the victim's suicidal decision, irrespective of the specific form it takes; the subject of the offence provided for in Article 150 CC RM may be either a natural person or a legal person; the offence provided for in Article 150 CC RM may be committed exclusively with direct or indirect intent; Article 150(4) CC RM, which regulates the prejudicial consequence consisting of the victim's attempted suicide, in reality establishes the attempted form of the offence of inducing or facilitating suicide, and not a self standing mitigated variant thereof; coercing the victim to take their own life, such that the victim does not act on the basis of a free decision, precludes the offence of inducing or facilitating suicide provided for in Article 150 CC RM from being retained; the existing normative framework regulating, under Article 150 CC RM, the offence of inducing or facilitating suicide can and should be subjected to substantial optimisation with a view to enhancing the effectiveness of the criminal law response to and prevention of the offence that formed the subject of the research, and to strengthening the criminal law protection of the person's right to life.

Summary of the research methodology and justification of the methods chosen. The present research was carried out on the basis of a scientific methodology suited to such investigations, which en-

compassed the study of domestic and foreign doctrine, the analysis of national and comparative regulations, as well as the formulation of *de lege ferenda* proposals with a view to optimising the applicable normative framework. The historical legal method made it possible to research the evolution of the criminalisation of inducing or facilitating suicide in domestic criminal legislation and to identify trends in domestic criminal policy in this field. The comparative legal method was used to examine the provisions corresponding to Article 150 CC RM in the legislation of the member states of the European Union, with a view to identifying similarities and differences between the legislative regulations. The use of the systemic analysis method made it possible to examine the incriminating provision set out in Article 150 CC RM by reference to international and European legal standards concerning the protection of the right to life, in particular the ECHR and the relevant case law of the Strasbourg Court. The logical methods of induction and deduction served as effective research tools throughout the investigation, contributing to a systemic approach to the subject matter, to the highlighting of essential theoretical and practical reasoning, and to the substantiation of the author's own conclusions.

Theoretical importance and applicative value. The theoretical importance of the present work lies in its contribution to the development of domestic criminal law doctrine in the field of the offence of inducing or facilitating suicide provided for in Article 150 CC RM, through the elaboration of a coherent conceptual framework for the interpretation and application of the incriminating provision, the clarification of the constituent elements of the offence, and the identification of existing legislative gaps.

The results obtained through the elaboration of the doctoral thesis have applicative value for several categories of beneficiaries: a) theorists may benefit from a coherent conceptual framework applicable to the criminal law analysis of the offence provided for in Article 150 CC RM, through the elaboration of which an attempt was made to identify existing doctrinal gaps and to formulate proposals for their removal; b) the work provides practitioners with concrete theoretical and practical solutions for the correct legal classification of acts and with precise criteria for distinguishing the offence analysed from adjacent offences; c) the legislature may draw upon the concrete *de lege ferenda* proposals formulated with a view to improving the normative framework set out in Article 150 CC RM; d) the thesis constitutes a comprehensive bibliographical source for the study of special criminal law disciplines by students and master's degree candidates.

CONTENTS OF THE THESIS

The thesis is structured in four chapters. Each chapter concludes with a synthesis of the matters addressed and the results obtained from the investigation carried out in the respective section of the work.

Chapter 1, entitled *Analysis of the Doctrine Concerning the Offence of Inducing or Facilitating Suicide*, comprises the analysis of domestic and foreign doctrine concerning the offence of inducing or facilitating suicide. The chapter is structured in three distinct subchapters. The first subchapter presents a synthesis of the domestic doctrinal contributions devoted to the offence provided for in Article 150 CC RM, highlighting the principal opinions, controversies and doctrinal gaps existing in the specialised criminal law literature of the Republic of Moldova. The second subchapter is dedicated to the study of scientific materials published in other states concerning the same offence, drawing on the comparative perspectives elucidated in international criminal law doctrine. The third subchapter examines the phenomenon of suicide in correlation with the criminal regulations existing in certain states during various historical periods, as well as within the context of current approaches to the matter.

Legal doctrine plays a very important role in interpreting and developing the law through its multiple functions: clarifying legal norms, identifying application problems, proposing legislative solutions and ensuring the coherence of the criminal law system.

Among the domestic authors who have, mention should be made of: S. Brînză, V. Stati, V. Bujor, A. Borodac, I. Macari, M. Avram, T. Popovici, V. Cobâșneanu, L. Dumneanu, M. Mutu-Strulea, L. Gîrla, I. Iacub, among others.

The author who has carried out the most extensive research in this field is Professor S. Brînză¹¹, whose theoretical and practical research decisively contributed to the amendment of the legal framework governing the offence of inducing suicide. An illustrative exam-

¹¹ BRÎNZĂ, Sergiu. *Offences against the Life, Health, Freedom and Dignity of the Person*. Chișinău: USM, 1999. 234 p. / BRÎNZĂ, Serghei, STATI, Vitalie. *Criminal Law. Special Part*. Vol. I. Chișinău: Tipografia Centrală, 2011. 1062 p. / BRÎNZĂ, Serghei, STATI, Vitalie. *Treatise on Criminal Law. Special Part*. Vol. I. Chișinău: Tipografia Centrală, 2015. 1328 p. / BRÎNZĂ, Serghei. The Facilitation of Suicide as a Normative Modality of the Offence Provided for in Article 150 of the Criminal Code: Defining Features. In: *Integration through Research and Innovation. Legal and Economic Sciences: Scientific Conference*, Chișinău, 7 8 November 2019. Chișinău: CEP USM, 2019, pp. 139-142.

ple in this regard is the proposal to supplement Article 150 CC RM with the criminalisation of the facilitation of suicide.

Of particular doctrinal relevance are the approaches to the most varied aspects of the researched topic undertaken by the following Romanian scholars: I. Tanoviceanu, G. Antoniu, M. Popa, Ș. Daneș, T. Vasiliu, D. Pavel, G. Antoniu, O. A. Stoica, I. Gh. Brădet, O. Loghin, T. Toader, A. Boroș, G. Diaconescu, A. Oroveanu-Hanțiu, G. Nistoreanu, V. Dongoroz, S. Kahane, D. Dinuică, P. Buneci, V. Lazăr, M. A. Hotca, S. Bogdan, V. Cioclei, V. Păvăleanu, M. Gorunescu, P. Dungan, T. Medeanu, V. Pașca, V. Pușcașu, C. Voicu, S. A. Uzlaşu, R. Moroșanu, C. Popa, M. B. Mitrică, I. M. Rusu, V. Cristean, I. Pascu, P. Buneci, G. Ivan, M. Ivan, R. Bodea, B. Bodea, M. Udroiș, I. Ristea, A. Al. I. Dumitrache, G. Zlati, V. Constantinescu, I. Rusu, Io. Rusu, B. Bîrzu, B. Sergiu, D. Al. Șerban, G. V. Teliceanu, among others.

The criminal law studies concerning the offence of inducing or facilitating suicide in Romanian criminal doctrine stand out for their extensive and comprehensive treatment of the offence across numerous specialised works. The value of Romanian doctrine regarding the analysis of the offence forming the subject of the present thesis is of particular significance, since the criminal law provisions set out in Article 150 CC RM – Inducing or Facilitating Suicide bear a significant resemblance to the corresponding regulation in the Romanian Criminal Code, provided for in Article 191 – Inducing or Facilitating Suicide. Accordingly, Romanian doctrinal interpretations constitute a valuable point of reference for the correct interpretation and application of the incriminating provision of domestic criminal law.

The legal literature of the post Soviet space has made a notable contribution through the studies of authors from Ukraine, namely N. F. Antonov, M. I. Bajanov, Ia. M. Brainin, A. P. Babiy, T. A. Gonchar, A. B. Zahika, among others, and from the Russian Federation, namely A. I. Rarog, V. P. Stepalin, O. F. Shishov, S. V. Borodin, D. V. Golenko, M. S. Serebrennikova, among others.

Western European criminal doctrine is distinguished by the particularly relevant research of the following authors: S. Elke, J. Loveless, D. Ormerod, K. Laird, R. Card, M. Jill, M. Allen, C. Derry, J. Herring, M. James, among others.

The analysis of the scientific materials issued on the subject of the present research supports the conviction that the diversity of doctrinal opinions constitutes a valuable instrument for identifying normative deficiencies in the regulation of the offence analysed in

domestic criminal law, and for justifying the need for legislative intervention aimed at their removal. The research undertaken suggests the inference that, wherever doctrine fails to reach consensus, there exist the premises of an incomplete or ambiguous regulation, which calls for intervention through *de lege ferenda* proposals in order to ensure the clarity and predictability of the legal norm.

In Chapter 2, *The Objective Elements of the Offence of Inducing or Facilitating Suicide Provided for in Article 150 CC RM*, structured in five subchapters, the objective elements of the offence of inducing or facilitating suicide provided for in Article 150 CC RM are analysed. The first subchapter examines the legal object of the offence and identifies the values and social relations protected by the incriminating provision. The second subchapter analyses the material object and the victim of the offence, and reveals the particularities of the passive subject in the commission of this offence. The third subchapter contains the analysis of the prejudicial act, examining the normative modalities of committing the offence, namely inducing and facilitating suicide. The prejudicial consequence is subsequently examined, manifesting respectively in the victim's act of suicide or attempted suicide. The subject of the following subchapter is the causal link between the prejudicial act and the resulting consequence, with an emphasis on its particularities in the case of the offence provided for in Article 150 CC RM.

Certain divergences are attested in criminal law doctrine regarding the precise identification of the specific legal object of the offence of inducing or facilitating suicide provided for in Article 150 CC RM.

The majority of criminal law authors consider that the special (specific) legal object of the offence of inducing or facilitating suicide consists of the social relations concerning the person's right to life, an opinion which the author shares.

As regards the minority doctrinal opinion, according to which the specific legal object of the offence analysed consists of the social relations concerning the person's right to honour and dignity (I. Macari)¹², it is noted that the statutory text does not require that the inducement or facilitation of suicide be carried out through means that harm the honour and dignity of the person. Moreover, it is point-

¹² MACARI, Ivan. *Criminal Law of the Republic of Moldova. Special Part*. Chişinău: CE USM, 2003, p. 63. / MACARI, Ivan. *Criminal Law of the Republic of Moldova. Special Part*. Chişinău: Dinamo, 2004, p. 67.

ed out that the specific legal object must correspond to the social value actually harmed by the commission of the offence, and, in the case of the offence provided for in Article 150 CC RM, that value is evidently the life of the person.

It may be inferred that:

- The generic legal object of the offence of inducing or facilitating suicide consists of the social relations concerning the life and health of the person;

- The specific legal object of the offence of inducing or facilitating suicide consists of the social relations concerning the person's right to life;

- The material object of the offence of inducing or facilitating suicide is the human body;

- The victim of the offence of inducing or facilitating suicide may be any responsible natural person, in the case of the standard variant under Article 150(1) CC RM.

In the case of the aggravated variants of the offence, the status of the victim is circumstantiated, which presupposes the existence of certain special elements relating to the person of the passive subject that aggravate the perpetrator's criminal liability.

As a result of the research, it is noted that the passive subject of the offence of inducing or facilitating suicide regulated under Article 150 CC RM can only be a natural person meeting the following general conditions:

- the victim is alive;

- the victim is of sound mind;

- and the decision to commit suicide belongs to the victim, the suicidal act being carried out entirely by the victim.

Although the offence of inducing or facilitating suicide benefits from a relatively clear regulation as regards the prejudicial consequence, there remains a need for legislative intervention to provide an express definition of the terms inducing and facilitating, in order to eliminate any interpretative ambiguities and ensure the uniform application of the criminal norm. In this context, it is considered appropriate to supplement Chapter XIII – Meaning of Certain Terms or Expressions in this Code of the General Part of the CC RM with explicit definitions of these terms, with a view to ensuring legal certainty and uniform judicial practice.

The prejudicial act may be committed either through action or through omission (inaction), although the latter may be criminalised

only where the victim was under an obligation to act. Such an obligation may have been previously imposed by law, by a regulation or by a special provision, or may result implicitly from the nature of the criminalised act and from the purpose of protecting the social value safeguarded by criminal law.

It is absolutely necessary to establish the existence of an objective causal link between the perpetrator's conduct (the actions or omissions inducing or facilitating suicide) and the resulting outcome. Accordingly, the suicide or attempted suicide must be a direct consequence of the perpetrator's intervention. This causal link constitutes the connecting element between the material element (action or omission) and the prejudicial consequence within the objective side of the offence, the absence of which renders the offence impossible to retain, even where both elements (the act and the consequence) are present separately.

Thus, as a result of the investigations undertaken, it is noted that where the inducement of suicide and the facilitation of suicide are both carried out cumulatively within the same complex act, only a single offence under Article 150 CC RM will be retained. The use of the disjunctive conjunction or in the formulation of the norm does not exclude the possibility of the offence being committed through both normative modalities simultaneously, but merely indicates that each modality, taken separately, suffices for the offence to be consummated. However, the cumulative realisation of the two modalities can and should be taken into account when individualising the sentence, as a circumstance reflecting a heightened degree of social danger of the act and a more pronounced persistence in the criminal conduct.

In Chapter 3, *The Subjective Elements of the Offence of Inducing or Facilitating Suicide Provided for in Article 150 CC RM*, the subject of the offence and the conditions for subjecting that subject to criminal liability are examined. In examining the subjective side of the offence, culpability is addressed in the forms compatible with the structure of the offence. The motive and purpose of the offence are analysed, together with the essential distinctions between these and the prejudicial consequence. Finally, the theoretical and practical aspects concerning the institution of criminal participation are investigated with reference to the normative specifics of the offence examined in the thesis.

Accordingly, the subject of the aforementioned offence can

only be a responsible natural person who has reached the age of 16. The offence of inducing or facilitating suicide, under Article 150 CC RM, is a specific offence compared to the other offences protecting social relations concerning the life and health of the person, since the suppression of life is carried out by the very victim of the offence. Accordingly, the suicidal act is carried out by the victim knowingly and in the absence of any constraint restricting the suicidal decision. Where the suicidal decision is not carried out through the victim's own act, the act constitutes the offence of murder.

Analysing the aggravated forms of the offence of inducing or facilitating suicide, in particular Article 150(2)(a) CC RM knowingly against a minor and Article 150(3)(a) CC RM against a minor under 14 years of age, it is found that the legislature has presumed the victim's discernment to decide on the suicidal act even in respect of persons who have not reached the minimum age of 14, meaning that the victim of the offence of inducing or facilitating suicide may be a person under 14 years of age.

Thus, a discrepancy is observed between the minimum age of the victim of the offence of inducing or facilitating suicide, which may be under 14 years of age, and the age of the active subject of this offence, which cannot be under 16 years of age. It is considered appropriate to include the offence of inducing or facilitating suicide, provided for in Article 150 CC RM, in the list of offences (Article 21(2) CC RM) for which the active subject may also be a natural person who has reached the age of 14.

It is noted that such a regulation is likewise provided for other homicide related offences, namely Article 145 – Intentional Murder, Article 147 – Infanticide, Article 151 – Intentional Grievous Bodily Harm or Harm to Health, and Article 152(2) – Intentional Moderate Bodily Harm or Harm to Health, in respect of which the perpetrator may likewise be a person who has reached the age of 14.

The analysis of Article 150 CC RM reveals that the legislature has not provided for any criminal liability of legal persons, either in the standard or aggravated variants. Accordingly, legal persons are excluded, by the legislature's decision, from the range of active subjects capable of committing this offence.

Thus, although the specialised literature (Gh. Diaconescu and

C. Duvac¹³, M. I. Rusu¹⁴, S. Bogdan and D. A. Șerban¹⁵, and V. G. Teliceanu¹⁶) acknowledges the legal person's capacity as a subject of the offence of inducing or facilitating suicide, under the provisions of the CC RM the legal person cannot have the status of active subject (perpetrator) of the offence of inducing or facilitating suicide.

The incriminating provision set out in Article 150 CC RM underwent substantial reconfiguration through Law No. 157 of 26 July 2018 amending and supplementing Criminal Code of the Republic of Moldova No. 985/2002¹⁷, a legislative intervention which significantly altered both the constituent elements of the offence and its applicable sanctioning regime. Following these amendments, the basic constituent elements of the offence are enshrined in Article 150(1) CC RM in the following wording: "The intentional inducing or facilitating of suicide, including through electronic communication networks, resulting in suicide."

The inclusion of the phrase including through electronic communication networks in the normative content of Article 150 CC RM constitutes an addition of undeniable theoretical and practical importance, unequivocally clarifying the possibility of establishing criminal liability for acts of inducing or facilitating suicide committed in the online environment, thereby extending the scope of criminalisation beyond the classic modalities of committing the offence.

While positively assessing the legislative intervention introducing the possibility of committing the offence provided for in Article 150 CC RM through electronic communication networks, it is nonetheless noted that the legislature failed to expressly define this phrase in Chapter XIII of the CC RM – Meaning of Certain Terms or Expressions in this Code, a terminological gap capable of generating difficulties in the correct and uniform application of the criminal norm analysed.

As a result of the research undertaken, it is argued that the

¹³ DIACONESCU, Gheorghe, DUVAC, Constantin. *Treatise on Criminal Law. Special Part*. Bucharest: C.H. Beck, 2009, p. 116.

¹⁴ RUSU, Marcel Ioan. *Criminal Law. Special Part. Offences against the Person and Property*. Vol. I. Bucharest: Hamangiu, 2016, p. 72.

¹⁵ BOGDAN, Sergiu, ȘERBAN, Doris Alina. *Criminal Law. Special Part. Offences against the Person and against the Administration of Justice*. 3rd edition, revised and expanded. Bucharest: Universul Juridic, 2022, p. 94.

¹⁶ TELICEANU, Viorel Gabriel. *Criminal Law. Special Part. For Student Use*. Bucharest: Solomon, 2023, p. 12.

¹⁷ Law Amending the Criminal Code of the Republic of Moldova No. 985/2002: No. 157 of 26.07.18. In: *Official Gazette of the Republic of Moldova*, 2018, No. 347-357, 586.

analysis of the use of electronic communication networks as a modality of committing the offence provided for in Article 150 CC RM naturally leads to the examination of a closely related and undeniably topical phenomenon, namely the use of artificial intelligence systems in inducing or facilitating suicide.

An artificial intelligence (AI) – “system means a machine based system designed to operate with varying levels of autonomy and that may exhibit adaptiveness after deployment, and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations or decisions that can influence physical or virtual environments.”¹⁸

Artificial intelligence was conceived with the purpose of facilitating human activities, but, regrettably, instances have also been recorded in which artificial intelligence has “recommended”, as a solution to a certain existential crisis situation, the “suicidal” act. One such example is the Character.AI chatbot (“Daenerys Targaryen”).¹⁹

Thus, domestic criminal law does not recognise artificial intelligence as having legal personality and, implicitly, as having the status of active subject of the offence. It cannot be held criminally liable for the consequences of its activity, regardless of their gravity.

The absence of legal personality of artificial intelligence does not, however, exclude the criminal liability of those standing behind it, namely one or more natural persons or a legal person who created, programmed or used the system with a view to producing criminal consequences.

As a result of the research undertaken, it is argued that it would be appropriate to supplement the legal regulation of the offence of inducing or facilitating suicide, provided for in Article 150 CC RM, by expressly including the sanctioning modality applicable to the legal person²⁰. This legislative intervention is necessary since, under Arti-

¹⁸ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act). In: *Official Journal of the European Union*, L Series, No. 2024/1689, 12.07.2024. [online]. [cited 02.02.2026]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401689.

¹⁹ BRITTAİN, Blake, PARESH, Dave. Google, AI firm must face lawsuit filed by mother over suicide of son, US court says. In: Reuters, 21 May 2025. [online]. [cited 11.07.2025]. Available at: <https://www.reuters.com/sustainability/boards-policy-regulation/google-ai-firm-must-face-lawsuit-filed-by-mother-over-suicide-son-us-court-says-2025-05-21/>.

²⁰ GRECU, Raisa, **APĂRECE, Oleg**. Can Artificial Intelligence Be a Subject of the Offence of Inducing or Facilitating Suicide Provided for in Article 150 of the Criminal Code of the Republic of Moldova? In: *Journal of the National Institute of Justice*, 2026, No. 1(76), pp. 18-24. ISSN 1857-2405.

cle 21(4) CC RM, the legal person acquires the status of active subject of the offence only where the incriminating provision expressly provides for this possibility and establishes the corresponding sanctions.

The matters investigated support the conclusion that the offence of inducing or facilitating suicide, provided for in Article 150 CC RM, may be committed with culpability manifested in the form of intent, possible in either of its two modalities, direct or indirect intent. Likewise, it is established that criminal participation is possible in any form in respect of the aforementioned offence.

The complexity of the subject matter addressed accounts for the diversity of opinions expressed, including by one and the same authors from the Republic of Moldova in works published at different times, a fact which illustrates the evolution of domestic doctrinal approaches over time. Thus, A. Borodac and I. Macari express in their works differing, at times even divergent, opinions regarding the subjective side of the offence of inducing or facilitating suicide. A. Borodac oscillated between accepting direct and indirect intent²¹, and limiting it to direct intent or excessive self confidence²², while I. Macari oscillated between recognising direct or indirect intent²³ and admitting negligence²⁴ as a form of culpability.

The motive of the offence of inducing or facilitating suicide, regulated under Article 150 CC RM, is not expressly provided for in the normative regulation of the offence in question. Accordingly, it may be inferred that the motive may be any motive whatsoever, such as hatred, revenge or jealousy. An exception is the aggravated variant regulated under Article 150(2)(c) CC RM, the provisions of which invoke as the motive for the offence “prejudice-based motives”.

The purpose of the offence of inducing or facilitating suicide is not enshrined as a mandatory constituent element within Article 150 CC RM, being of an optional nature within the subjective side of the offence. The motive and the purpose of the offence of inducing or facilitating suicide provided for in Article 150 CC RM are distinct elements of the subjective side, which are not to be identified with

²¹ BARBĂNEAGRĂ, Alexei, BERLIBA, Viorel, BÂRGĂU, Mihail et al. *Criminal Code of the Republic of Moldova. Commentary*. Ed. Alexei Barbăneagră. Chişinău: Arc, 2003, p. 317.

²² BORODAC, Alexandru. *Handbook of Criminal Law. Special Part*. Chişinău: Tipografia Centrală, 2004, p. 71.

²³ MACARI, Ivan. *Criminal Law of the Republic of Moldova. Special Part*. Chişinău: CE USM, 2003, p. 64.

²⁴ MACARI, Ivan. *Criminal Law of the Republic of Moldova. Special Part*. Chişinău: Dinamo, 2004, p. 69.

one another nor with the prejudicial consequence: whereas the motive designates the psychological cause of the criminal conduct, and the purpose the more remote aim pursued by the perpetrator, the prejudicial consequence (the suicide or attempted suicide of the victim) represents exclusively the means through which the perpetrator seeks to achieve the criminal objective.

In Chapter 4, *The Aggravating Circumstances and the Mitigating Circumstance of the Offence of Inducing or Facilitating Suicide. Delimitation of the Offence Regulated under Article 150 CC RM from Adjacent Offences*, an analysis is carried out of the aggravated variants and of the mitigated variant of the offence of inducing or facilitating suicide provided for in Article 150 CC RM. The identification of the criteria for delimiting the offence forming the subject of the present investigation from adjacent offences, undertaken in the final section, sought to clearly identify the relevant criteria and to precisely specify the correct legal classification of certain adjacent criminal acts capable of giving rise to dilemmas in judicial practice.

The most frequently used method of differentiating criminal liability consists in structuring the standard form and the aggravated forms of offences. This legislative technique is achieved by including, within the structure of the principal variant, qualifying elements that express a heightened degree of social danger of the act and justify the application of a more severe sanction relative to the penalty provided for the standard form of the offence.

The aggravating elements provide for a stricter form of liability in connection with the existence of certain circumstances relating to the personality of the person who commits suicide, circumstances that facilitate the commission of the offence by the perpetrator, thereby justifying the heightened social danger of the act and the establishment of a more severe form of liability compared with the basic constituent elements.

The distinction between mandatory qualifying elements and optional aggravating circumstances is fundamental to the correct application of the law. The qualifying elements provided for in Article 150(2)(a), (b), (c) and Article 150(3)(a), (b) CC RM form part of the legal structure of the offence of inducing or facilitating suicide, their presence altering the legal classification, the aggravated forms being used by the legislature in establishing the limits of the penalty.

The general aggravating circumstances, regulated under Article 77 CC RM – General Aggravating Circumstances, are criteria for

judicial individualisation. They do not alter the legal classification of the act, their application being optional, at the discretion of the court, and they have an influence on sentencing.

An aspect that must be taken into account is that the aggravating circumstances applicable to the offence of inducing or facilitating suicide, provided for in Article 150(2)(a), (b), (c) and Article 150(3)(a), (b) CC RM, as qualifying elements, can no longer be treated as general aggravating circumstances, since the principle of non bis in idem prohibits the double use of the same circumstance.

The results of the investigation show that the current regulation of the offence of inducing or facilitating suicide provided for in Article 150 CC RM, although relatively complete, does not adequately respond to all contemporary challenges, taking into account the current phenomenological specifics of inducing or facilitating suicide. Particular reference is made to phenomena and circumstances such as the prevalence of bullying, group victimisation, the use of electronic means, the vulnerability of pregnant women²⁵, or of persons serving a custodial sentence²⁶. Following the analysis carried out in the present chapter, it is found that these specific modalities of inducing or facilitating suicide do not entail sanctioning proportionate to their actual gravity.

As regards the mitigated variant, regulated under Article 150(4) CC as the inducing or facilitating of suicide resulting in attempted suicide, this represents an unconsummated form of the offence provided for in Article 150 CC RM. The legislature's choice to establish a distinct incrimination for this situation creates a disproportionate regulation incompatible with the fundamental principles of criminal law, since it accords a distinct sanctioning treatment to a situation which, by its legal nature, represents an unconsummated stage of the same offence. Moreover, the legislature artificially fragments the stages of realisation of the same offence, according them an autonomous legal regime that is conceptually unjustified.²⁷

²⁵ GRECU, Raisa, **APĂRECE, Oleg**. On the Need to Supplement Article 150 CC RM with a New Aggravating Circumstance. In: *The Rule of Law*, 2025, No. 2, pp. 17-27. ISSN 2345-1971.

²⁶ JITARIUC, Vitalie, **APĂRECE, Oleg**. The Offence of Inducing or Facilitating Suicide under Article 150 CC RM Committed by or against Persons Serving a Custodial Sentence. In: *Legal Dialogues*, Iași: Al. I. Cuza University Press, 2023, pp. 135-141. ISBN 978-606-714-816-9.

²⁷ **APĂRECE, Oleg**. An Analysis of Certain Aspects of the Criminal Law Characterisation of the Offence of Inducing or Facilitating Suicide Resulting in Attempted Suicide, Provided for in Article 150(4) of the Criminal Code of the Republic of Moldova. In: *Scientific Annals of "Alexandru Ioan Cuza" University of Iași*, 2024, No. 3, pp. 145-156. ISSN 1221-8464.

The systematic structure of the Special Part of the CC RM is organised according to the criterion of the generic legal object, the offence of inducing or facilitating suicide, under Article 150 CC RM, being regulated in Chapter II – Offences against the Life and Health of the Person, together with the other offences protecting the supreme value, human life. The correct criminal law classification of the specific act, through the identification and application of the appropriate incriminating provision, constitutes an operation of crucial importance in the administration of criminal justice, since both the observance of the principle of legality of criminalisation and the application of a criminal sanction proportionate to the actual gravity of the act committed depend on the accuracy of that operation.

In the course of the research, a comparative analysis was carried out between the offence of inducing or facilitating suicide and related offences, identifying the distinguishing elements whose presence or absence determines the correct legal classification.

The offence regulated under Article 150 CC RM is distinguished from the other offences by the following differentiating criteria:

In relation to the offence of the public justification of suicide, regulated under Article 150¹ CC RM, the fundamental distinction lies in the content of the prejudicial consequence: whereas the provisions of Article 150 CC RM presuppose the occurrence of the victim's suicide or attempted suicide, Article 150¹ CC RM is consummated by the mere act of distributing or making available to the public a message that legitimises suicide, presents it as a model to be followed, or solicits support for it.

An essential criterion for delimiting the two offences is the role of the victim, determined by their material or, respectively, formal nature. The offence with material constituent elements under Article 150 CC RM presupposes the existence of an identified victim who has committed or attempted suicide, whereas the offence with formal constituent elements under Article 150¹ CC RM does not require the existence of a specific victim, its consummation occurring at the moment of distribution or of bringing the incriminated message to public attention.

With reference to the offence of intentional murder, provided for in Article 145 CC RM, the principal criterion distinguishing the offence of inducing or facilitating suicide, provided for in Article 150 CC RM, lies in the role played by the victim in bringing about their own death: whereas in the case of murder the victim's life is taken

through the direct action of the perpetrator, in the case of inducing or facilitating suicide, the victim is the author of their own death, the perpetrator intervening exclusively in the victim's psychological or material sphere, without directly carrying out the lethal act.

For the offence of inducing or facilitating suicide under Article 150 CC RM to be retained, it is essential that the victim's death represent the consequence of their own will, even where that will was influenced or directed by the perpetrator. The requirement of the victim's decisional freedom must be interpreted in a nuanced manner, not implying an absolutely free will, but presupposing that the victim was not subjected to physical or psychological pressure of an intensity sufficient to significantly suppress their capacity for self determination regarding the suicidal act.

In cases of coercion, the offence of inducing or facilitating suicide, provided for in Article 150 CC RM, cannot be retained, and the offence of intentional murder, stipulated under Article 145 CC RM, will apply instead, since the absence of decisional freedom excludes the very legal essence of suicide as a voluntary self destructive act.

At the same time, persons lacking discernment (owing to their young age or to serious mental disorders) cannot be passive subjects or victims of the offence regulated under Article 150 CC RM. In such cases, the perpetrator is liable for intentional murder under Article 145 CC RM, generally in its aggravated form, since the victim, lacking valid consent, does not take their own life in the legal sense, but is, in fact, killed through the use of their own physical energy.

The domestic legislature does not recognise a right to death, but neither does it criminalise the act of suicide itself. Thus, while a person who attempts to commit suicide bears no criminal liability for this conduct, the situation changes radically once third parties become involved. Criminal law criminalises both the conduct of the person who induces or facilitates the suicide of another person, under Article 150 CC RM, and that of the person who directly takes a life at the victim's request, under Article 148 CC RM.

In the case of the offence of ending a person's life at their own request, regulated under Article 148 CC RM, the person requesting euthanasia cannot be held criminally liable. This solution is grounded in the principle of the non criminalisation of suicide: the request for euthanasia essentially constitutes an indirect form of suicide, only the method of execution being altered, through a third party rather than through direct action. Criminal liability rests exclusively with

the person who physically carries out the act, the one who actually performs the act of ending life at the victim's request.

The delimitation of the offence analysed in the thesis from the offence of ending a person's life at their own request (euthanasia), under Article 148 CC RM, is based primarily on the specific nature of the latter offence, in which the victim has a special status, suffering from an incurable illness or unbearable physical suffering, conditions which motivate the victim's wish to die. In addition, in the case of the offence of ending life at a person's request, it is the perpetrator who brings about the ending of life through various methods, whereas in the case of the offence of inducing or facilitating suicide, the ending of life is an act of the victim's own conduct.

With regard to the delimitation of the offence of inducing or facilitating suicide, regulated under Article 150 CC RM, from the offence provided for in Article 169¹ CC RM Acts of Harassment, it may be noted that the two offences differ essentially both as to their specific legal object and as to their prejudicial consequence. From the perspective of the specific legal object, the offence provided for in Article 150 CC RM is aimed at protecting human life as the supreme social value, whereas the offence of acts of harassment under Article 169¹ CC RM concerns the criminal law protection of the psychological freedom, dignity and inviolability of the private life of the person, life being protected only as a subsidiary value within this offence. From the perspective of the prejudicial consequence, Article 150 CC RM is formulated as an offence with material constituent elements requiring the occurrence of suicide or attempted suicide, whereas Article 169¹ CC RM is an offence with formal constituent elements, consummated by inducing a state of anxiety or fear in the victim's psyche, independently of whether the victim's suicide actually occurs.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

As a result of the research undertaken, the present work has arrived at the *following results*: 1) the doctrinal opinions concerning the characteristics of the offence of inducing or facilitating suicide were analysed, the research revealing the existence of valuable doctrinal contributions, but also of significant theoretical omissions and unresolved controversies in the field, which justified the necessity and appropriateness of the scientific undertaking; 2) the historical evolution of the criminalisation of inducing or facilitating suicide in the criminal legislation of the Republic of Moldova and of other states was researched; 3) the scientific grounding of the criminal law concept of inducing or facilitating suicide and of its associated features was carried out; 4) a comprehensive criminal law analysis of the constituent elements of the offence provided for in Article 150 CC RM was undertaken; 5) the aggravating circumstances provided for in Article 150(2) and (3) CC RM, as well as the mitigating circumstance regulated under Article 150(4) of the same article, were examined; 6) the delimitation of the offence of inducing or facilitating suicide from adjacent, related and homogeneous offences was carried out, through the identification of distinguishing criteria applicable in judicial practice; 7) the offence of inducing or facilitating suicide was analysed through the lens of comparative criminal law, with an emphasis on the criminal legislation of the member states of the European Union; 8) national and international judicial practice in the field of offences against the life of the person was examined, with particular reference to and possible implications for the offence forming the subject of the research; 9) the relevant case law of the European Court of Human Rights concerning the protection of the person's right to life was analysed, together with its significance for the interpretation and application of the provisions of Article 150 CC RM in strict alignment with international standards in the field; 10) legislative gaps and normative ambiguities existing in the regulation of the offence provided for in Article 150 CC RM, which give rise to difficulties in judicial practice regarding the legal classification of acts, were identified; 11) a coherent conceptual framework was elaborated for the legal classification of acts provided for in Article 150 CC RM, intended to contribute to the standardisation of judicial practice in this field; 12) conclusions and *de lege ferenda* proposals were formulated, directed towards optimising the current legal framework governing the offence of induc-

ing or facilitating suicide provided for in Article 150 CC RM.

The important scientific problem resolved in the present work consists in the elaboration of a rigorous conceptual framework for the legal classification of acts of inducing or facilitating suicide under Article 150 CC RM, this framework contributing to the clarification of the conditions of application of the incriminating provision, to the identification and remedying of existing legislative gaps, and to the grounding of effective measures for the criminal law prevention of and response to the act of inducing or facilitating suicide, thereby ensuring a uniform and predictable application of Article 150 CC RM and a more effective criminal law protection of the right to life.

I. Conclusions:

As a result of the investigation, based on the research hypothesis and aimed at resolving the formulated scientific problem, the following conclusions were reached:

1. *The absence of the criminalisation of suicide itself in criminal law does not amount to an absence of any legislative reaction to this phenomenon, any intervention by a third party inducing or facilitating the suicide of a person being liable to criminal sanction under Article 150 CC RM.* From a theoretical standpoint, suicide represents an act of self harm, the impunity of which derives from the principle that criminal law does not sanction conduct directed exclusively against oneself. This impunity cannot, however, extend to third parties who, exploiting the victim's psychological vulnerabilities, influence the victim's decision to take their own life or facilitate the suicidal act. (see, in this regard, Chapter 1, subchapter 1.3).

2. *The methods of inducing or facilitating suicide are non exhaustive in nature, the criminal act being capable of being committed through any action or omission liable to influence the victim's suicidal decision, irrespective of the specific form it takes.* Compared with the previous regulation of Article 150 CC RM (CC RM No. 985/2002, in force until 14.09.2018), which exhaustively provided for four normative modalities of commission, namely persecution, slander, and the systematic insulting or humiliation of the victim's dignity, the currently applicable incriminating provision adopts a non exhaustive approach, allowing for the sanctioning of any conduct through which a third party induces or facilitates the victim's suicide. This normative flexibility is fully justified in the context of contemporary technological developments (social networks, digital platforms, artificial intelligence systems, etc.) which have generated new modalities of

committing the offence, thereby constituting, in its current wording, an additional and necessary safeguard for the effective protection of the right to life as a supreme social value. The material element of the offence of inducing or facilitating suicide may be realised through either action or omission, subject to the essential condition that, in the case of the omissive form, the perpetrator must have been under a legal obligation to act to prevent the victim's suicide, the deliberate failure to fulfil this obligation being capable of giving rise to criminal liability under Article 150 CC RM. At the same time, it is considered that, *de lege ferenda*, express legal definitions of the terms inducing suicide and facilitating suicide should be introduced within Chapter XIII of the Criminal Code of the Republic of Moldova, with a view to clarifying their content and ensuring a uniform and predictable application of the incriminating provision under Article 150 CC RM (see, in this regard, Chapter 2, subchapter 2.3).

3. *The subject of the offence provided for in Article 150 CC RM may be either a natural person or a legal person.* The current normative framework of Article 150 CC RM limits the status of active subject of the offence of inducing or facilitating suicide to a responsible natural person who has reached the age of 16, thereby excluding from the scope of criminal liability both minors between the ages of 14 and 16 and legal persons. This regulation is insufficient in relation to contemporary social and technological realities, calling for two essential amendments *de lege ferenda*. First, the inclusion of the offence provided for in Article 150 CC RM among the offences for which the criminal liability of minors is established from the age of 14, similarly to the other offences against the life and health of the person regulated in the same chapter of the CC RM, namely Chapter II Offences against the Life and Health of the Person (Article 145 Intentional Murder; Article 147 Infanticide; Article 151 Intentional Grievous Bodily Harm or Harm to Health; Article 152(2) Intentional Moderate Bodily Harm or Harm to Health). Second, the express recognition of the status of active subject in respect of legal persons, with a view to covering the existing legislative gap concerning their criminal liability for inducing or facilitating suicide (see, in this regard, Chapter 3, subchapter 3.1).

4. *The offence provided for in Article 150 CC RM may be committed exclusively with direct or indirect intent.* The offence of inducing or facilitating suicide, provided for in Article 150 CC RM, may be committed exclusively with direct or indirect intent, any form of

negligence being incompatible with the structure of its subjective side. Direct intent presupposes that the perpetrator foresees and deliberately pursues the occurrence of the prejudicial consequence consisting in the victim's suicide or attempted suicide, whereas indirect intent implies foreseeing the possibility of its occurrence and consciously accepting it, without deliberately pursuing it. The distinction between the two forms of intent is of practical relevance to the judicial individualisation of the sentence, direct intent reflecting a higher degree of social danger of the criminal conduct compared with indirect intent (*see, in this regard, Chapter 3, subchapter 3.2*).

5. Article 150(4) CC RM, which regulates the prejudicial consequence manifested in the victim's attempted suicide, in reality establishes the attempted form of the offence of inducing or facilitating suicide, and not a self standing mitigated variant thereof. The variant provided for under Article 150(4) CC RM Inducing or Facilitating Suicide Resulting in the Victim's Attempted Suicide does not represent an autonomous mitigated variant of the offence, but rather its unconsummated form, that is, its attempt. The distinct regulation of the attempt within the incriminating provision runs counter to the principles and fundamental rules governing the classification of offences established in domestic criminal law, artificially fragmenting the stages of realisation of the same offence and according them an unjustified autonomous legal regime, incompatible with the unitary system of regulating attempt enshrined in the general provisions of Article 27 CC RM Attempted Offence (*see, in this regard, Chapter 4, subchapter 4.2*).

6. Coercing the victim to take their own life, such that the victim does not act on the basis of a free decision, precludes the offence of inducing or facilitating suicide, provided for in Article 150 CC RM, from being retained. The coercion of the victim to take their own life constitutes an essential criterion for distinguishing the offence of inducing or facilitating suicide from the offence of intentional murder. Where the coercion is of an intensity sufficient to completely annihilate the victim's free will, the act must be classified as intentional murder under Article 145 CC RM, since the victim no longer acts on the basis of their own decision, but is used as an instrument by the perpetrator to bring about their own death. Conversely, where the coercion significantly influences but does not completely annihilate the victim's will, the act must be classified under Article 150 CC RM, the perpetrator's conduct constituting the inducement or facilitation

of suicide within the meaning of the incriminating provision (see, in this regard, Chapter 2, subchapter 2.3; Chapter 4, subchapter 4.3).

7. *The existing normative framework regulating, under Article 150 CC RM, the offence of inducing or facilitating suicide can and should be subjected to substantial optimisation with a view to enhancing the effectiveness of the criminal law response to and prevention of the offence that formed the subject of the research, and to strengthening the criminal law protection of the person's right to life.* Article 150 CC RM should be supplemented with several aggravating circumstances: subparagraph (c) of paragraph (2), committed by two or more persons, in view of the heightened degree of social danger arising from the plurality of perpetrators; subparagraph (d) of paragraph (2), occurring as a result of bullying, in view of the systematic and progressive nature of this form of harassment and its devastating impact on the victim's psyche; subparagraph (e) of paragraph (2), committed by or against a person serving a custodial sentence or another sanction of the same nature, in view of the particular vulnerability of persons in detention; and subparagraph (c) of paragraph (3), knowingly against a pregnant woman, in view of the particular vulnerability of pregnant women and the indirect impact of the act on the unborn child, all of these circumstances reflecting a heightened degree of social danger of the offence that justifies the application of a more severe sanctioning regime (see, in this regard, Chapter 4, subchapter 4.1).

The scientific foundation of the doctoral thesis consists in the specialised legal literature devoted to the theoretical and scientific study of the offence of inducing or facilitating suicide, produced by legal scholars from the Republic of Moldova and from other states, which, through the diversity of methodological and theoretical perspectives presented, contributed to the rigorous grounding of the analysis of criminal liability for the offence provided for in Article 150 CC RM and to the elaboration of the de lege ferenda proposals formulated in the present work.

Data on the approval of results. The conclusions of the doctoral thesis were embodied in 12 scientific publications and were presented and debated at national and international scientific conferences held between 2021 and 2026, contributing to the doctrinal debate on the offence of inducing or facilitating suicide under Article 150 CC RM.

II. Recommendations:

The investigation undertaken in the course of elaborating the present doctoral thesis substantiated the evident need for the further

refinement of the existing normative framework set out in Article 150 CC RM, giving rise to the following concrete *de lege ferenda* proposals, directed towards optimising the current legislative regulations:

1. Supplementing the CC RM with the following articles:

“Article 132⁶. Inducing or Facilitating Suicide

Paragraph (1) Inducing suicide consists in the act whereby the perpetrator, through persuasive means of a psychological or physical nature, whether direct or indirect, influences the victim’s volitional process, leading the victim to reach the decision to commit suicide. This modality presupposes the exercise of decisive influence over the victim, whether through instilling the suicidal idea or through reinforcing a pre existing intention and removing the victim’s hesitation.

Paragraph (2) Facilitating suicide consists in any act or omission of support or assistance whereby the perpetrator facilitates the carrying out of the victim’s pre existing decision to commit suicide, without directly participating in the material execution of the suicidal act.”

“Article 132⁷. Electronic Communications Network. Electronic communications network means transmission systems, whether or not based on a permanent infrastructure or centralised administrative capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, by radio, by optical or by other electromagnetic means, including satellite networks, fixed (circuit and packet switched, including the internet) and mobile terrestrial networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed.”

2. Supplementing the provisions of Article 21(2) CC RM Subject of the Offence, by adding the number “150” after the number “147”.

3. Replacing, in the provisions of Article 150(2) to (4) CC RM, the term “the actions” with the term “the act”.

4. Supplementing the provisions of Article 150 CC RM as follows:

The sanction provided for in Article 150(1) CC RM, after the words “from 2 to 5 years”, is to be supplemented with the phrase: “and the legal person shall be punished by a fine ranging from 1,500 to 20,000 conventional units, together with deprivation of the right to carry out a certain activity for a period of 1 to 5 years.”

The sanction provided for in Article 150(2) CC RM, after the words

“from 5 to 9 years”, is to be supplemented with the phrase: “and the legal person shall be punished by a fine ranging from 20,000 to 40,000 conventional units, together with deprivation of the right to carry out a certain activity for a period of 3 to 5 years, or with its dissolution.”

The sanction provided for in Article 150(3) CC RM, after the words “from 9 to 12 years”, is to be supplemented with the phrase: “and the legal person shall be punished by a fine ranging from 40,000 to 60,000 conventional units, together with its dissolution.”

5. Supplementing Article 150(2) CC RM with the following subparagraphs:

“(c) committed by two or more persons;

(d) occurring as a result of bullying;

(e) committed by or against a person serving a custodial sentence or another sanction of the same nature.”

6. Supplementing Article 150(3) CC RM with a new subparagraph, worded as follows:

“(c) knowingly against a pregnant woman.”

7. The full repeal of Article 150(4) CC RM, namely:

“Article 150(4) CC RM is repealed”.

Proposals for the use of the results obtained in the socio cultural and economic fields. The results of the present research hold potential for application in the socio cultural and economic fields through their contribution to public education and awareness raising concerning the protection of the right to life, and to the development of effective programmes for preventing the phenomenon of inducing or facilitating suicide, with an emphasis on the online environment and on vulnerable categories of persons. The results of the present research may likewise prove useful in the legislative process, through the clarification of normative ambiguities and the improvement of the legal framework governing the offence provided for in Article 150 CC RM, thereby contributing to the elaboration of criminal norms that are clearer, more coherent and more effective in the criminal law protection of the right to life.

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1. Articles in Scientific Journals

1.1. In journals from other databases accepted by ANACEC

1. JITARIUC, Vitalie, APĂRECE, Oleg. The Minor as Victim of the Offence of Inducing or Facilitating Suicide. In: *Romanian Journal of Forensic Science*, 2024, Vol. XXV, No. 2 (138), pp. 155-164. ISSN 1454-3117. [online]. Available at: https://ibn.idsi.md/sites/default/files/imag_file/155-164_10.pdf

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1.2. In journals from the National Register of Specialised Journals

1. GRECU, Raisa, APĂRECE, Oleg. Can Artificial Intelligence Be

a Subject of the Offence of Inducing or Facilitating Suicide Provided for in Article 150 of the Criminal Code of the Republic of Moldova? In: *Journal of the National Institute of Justice*, 2026, No. 1 (76), pp. 18-24. ISSN 1857-2405. [online], category B. Available at: https://ibn.idsi.md/sites/default/files/imag_file/18-24_53.pdf

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2. Articles in Conference Proceedings and Other Scientific Events

2.1. In the proceedings of scientific events included in other databases accepted by ANACEC (abroad)

1. JITARIUC, Vitalie, APĂRECE, Oleg. The Offence of Inducing or Facilitating Suicide under Article 150 CC RM Committed by or against Persons Serving a Custodial Sentence. In: *Legal Dialogues*. Iași: Al. I. Cuza University Press, 2023, pp. 135-141. ISBN 978-606-714-816-9. [online]. Available at: https://ibn.idsi.md/sites/default/files/imag_file/135-141_24.pdf

2.2. In the proceedings of scientific events included in the Register of Materials Published on the Basis of Scientific Events Organised in the Republic of Moldova

1 APĂRECE, Oleg. The Plurality of Perpetrators in Committing the Offence of Inducing or Facilitating Suicide. In: *The Plurality of Perpetrators: Between Doctrine and Case Law: Round Table*, Chișinău, 20 May 2022. Chișinău: CEP USM, 2023, pp. 91-97. ISBN 978-9975-62-573-9. [online]. Available at: https://ibn.idsi.md/sites/default/files/imag_file/91-97_19.pdf

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ADNOTARE

APĂRECE Oleg „Analiza juridico-penală a infracțiunii de determinare sau înlesnire a sinuciderii – art. 150 CP RM”. Teză de doctor în drept la specialitatea științifică: 554.01 – Drept penal și execuțional penal, Chișinău, 2026

Structura tezei: introducere, patru capitole, concluzii și recomandări, bibliografie din 240 de titluri. Rezultatele obținute sunt publicate în 12 lucrări științifice.

Cuvintele-cheie: sinucidere; determinarea la sinucidere; înlesnirea sinuciderii; încercarea de a se sinucide; tentativa de sinucidere; omucidere; viața persoanei.

Scopul lucrării constă în realizarea unei analize juridico-penale complexe a infracțiunii de determinare sau înlesnire a sinuciderii prevăzute la art. 150 CP RM, prin examinarea exhaustivă a elementelor sale constitutive, identificarea lacunelor legislative și a ambiguităților normative ce generează dificultăți în practica judiciară, precum și formularea unor recomandări practice și *de lege ferenda*, menite să contribuie la perfecționarea cadrului legal aplicabil și la asigurarea unei practici judiciare unitare și coerente în materie, sporind astfel eficiența protecției penale a dreptului la viață, ca valoare socială supremă.

Obiectivele cercetării: cercetarea și valorificarea materialelor științifice relevante publicate atât în doctrina autohtonă, cât și în literatura juridică internațională, consacrate infracțiunii de determinare sau înlesnire a sinuciderii; realizarea unei analize juridico-penale riguroase a infracțiunii de determinare sau înlesnire a sinuciderii, prin examinarea detaliată a elementelor constitutive ale acesteia și evaluarea compatibilității reglementării cu cerințele normative în materie; examinarea conținutului juridic al circumstanțelor agravante reglementate la alin. (2) și (3) art. 150 CP RM, respectiv al circumstanței atenuante prevăzute la alin. (4) art. 150 CP RM, în vederea identificării criteriilor de aplicare și a implicațiilor acestora asupra individualizării pedepsei; examinarea criteriilor de delimitare a componenței infracțiunii de determinare sau înlesnire a sinuciderii de componențele infracțiunilor similare (omor, puncucidere, lipsirea de viață la dorința persoanei etc.); elaborarea concluziilor și a propunerilor de lege ferenda fundamentate științific, orientate spre perfecționarea cadrului normativ de reglementare a infracțiunii de determinare sau înlesnire a sinuciderii prevăzute la art. 150 CP RM.

Noutatea și originalitatea științifică a tezei. Prezenta lucrare poartă caracter novator și original, constituind prima contribuție științifică realizată la nivel de teză de doctorat, dedicată analizei sistematice și exhaustive a infracțiunii prevăzute la art. 150 CP RM. Totodată, sunt identificate și examinate critic lacunele legislative și ambiguitățile normative existente în reglementarea normei de incriminare, constatările astfel obținute constituind premisa formulării unor propuneri de lege ferenda concrete și fundamentate științific.

Rezultatele obținute care contribuie la soluționarea unei probleme științifice importante constau în identificarea și sistematizarea criteriilor de calificare a faptelor prevăzute la art. 150 CP RM, demers ce va facilita o aplicare unitară și coerentă a normei de incriminare și va spori gradul de protecție a dreptului la viață ca valoare socială supremă ocrotită de legea penală.

Semnificația teoretică a tezei. Lucrarea prezintă o încercare de conceptualizare complexă a problemelor teoretico-practice ce țin de analiza juridico-penală a infracțiunii de determinare sau înlesnire a sinuciderii cu formularea unor soluții argumentate științific, direcționate spre optimizarea cadrului normativ existent de reglementare a infracțiunii în scopul interpretării sistemice corecte și aplicării uniforme a prevederilor art. 150 CP RM.

Valoarea aplicativă a tezei este conferită în mod substanțial de recomandările *de lege ferenda* formulate, acestea reprezentând propuneri concrete și fundamentate științific adresate legiuitorului Republicii Moldova în vederea perfecționării art. 150 CP RM, uniformizării practicii judiciare și sporirii eficienței normei de incriminare în apărarea juridico-penală a dreptului persoanei la viață.

Implementarea rezultatelor științifice. Rezultatele științifice ale prezentei lucrări pot fi implementate în mai multe domenii: criteriile de calificare juridică elaborate pot ghida practicienii în aplicarea art. 150 CP RM; concluziile cercetării pot fi valorificate în procesul didactic și pot constitui punct de plecare pentru cercetări ulterioare; propunerile *de lege ferenda* formulate pot contribui la perfecționarea cadrului normativ incident.

ANNOTATION

APĂRECE Oleg „The Criminal-Legal Analysis of the Offence of Inducing or Aiding Suicide – Article 150 of the Criminal Code of the Republic of Moldova”. Doctoral thesis in law, scientific specialty: 554.01 – Criminal Law and Penal Enforcement Law, Chişinău, 2026

Structure of the thesis: introduction, four chapters, conclusions and recommendations, bibliography of 240 titles. The results obtained are published in 12 scientific works.

Keywords: suicide; incitement to suicide; facilitation of suicide; attempted self-harm; attempted suicide; homicide; the right to life of a person.

The purpose of the thesis consists in carrying out a comprehensive criminal-legal analysis of the offence of incitement to or facilitation of suicide under Article 150 of the Criminal Code of the Republic of Moldova, through an exhaustive examination of its constituent elements, the identification of legislative gaps and normative ambiguities that generate difficulties in judicial practice, as well as the formulation of practical recommendations and *de lege ferenda* proposals aimed at improving the applicable legal framework and ensuring a uniform and coherent judicial practice in the field, thereby enhancing the effectiveness of the criminal protection of the right to life as a supreme social value.

Research objectives: To research scientific materials from both domestic and international legal doctrine on the offence of inducing or aiding suicide; to conduct a rigorous criminal-legal analysis of its constituent elements and assess the compatibility of existing regulation with normative requirements; to examine the legal substance of the aggravating circumstances under Article 150 (2) and (3) of the Criminal Code of the Republic of Moldova, and the mitigating circumstance under Article 150 (4), identifying the criteria for their application and implications for sentencing; to examine the criteria for distinguishing this offence from related criminal offences (murder, manslaughter, mercy killing, etc.); to elaborate scientifically substantiated conclusions and *de lege ferenda* proposals aimed at improving the normative framework under Article 150 of the Criminal Code of the Republic of Moldova.

The novelty and scientific originality of the thesis. The present work is innovative and original, constituting the first doctoral thesis dedicated to the systematic and exhaustive analysis of the offence under Article 150 of the Criminal Code of the Republic of Moldova. The legislative gaps and normative ambiguities in the regulation of the incriminating provision are identified and critically examined, constituting the premise for the formulation of concrete and scientifically substantiated *de lege ferenda* proposals.

The results obtained that contribute to the resolution of an important scientific problem consist in the identification and systematisation of the criteria for the legal classification of the acts provided under Article 150 of the Criminal Code of the Republic of Moldova, an approach that will facilitate a uniform and coherent application of the incriminating provision and will enhance the degree of protection of the right to life as a supreme social value safeguarded by criminal law.

The theoretical significance of the thesis. The work represents an attempt at a comprehensive conceptualisation of the theoretical and practical issues pertaining to the criminal-legal analysis of the offence of incitement to or facilitation of suicide, with the formulation of scientifically argued solutions directed towards the optimisation of the existing normative framework governing the offence, for the purpose of the correct systematic interpretation and uniform practical application of the provisions of Article 150 of the Criminal Code of the Republic of Moldova.

The applicative value of the thesis is substantially conferred by the *de lege ferenda* recommendations formulated herein, these representing concrete and scientifically substantiated proposals addressed to the legislature of the Republic of Moldova with a view to improving Article 150 of the Criminal Code of the Republic of Moldova, standardising judicial practice and enhancing the effectiveness of the incriminating provision in the criminal-legal protection of the right of the person to life.

Implementation of Scientific Results. The scientific results of the present work may be implemented across several fields of activity: the legal qualification criteria developed are capable of guiding legal practitioners in the application of Article 150 of the Criminal Code of the Republic of Moldova; the research conclusions may be utilised in the teaching process and may serve as a point of departure for further scholarly inquiry; while the *de lege ferenda* proposals formulated may contribute to the improvement of the applicable normative framework.

АННОТАЦИЯ

АПЭРЕЧЕ Олег «Уголовно-правовой анализ преступления доведения до самоубийства или содействие совершению самоубийства – ст. 150 УК РМ». Диссертация на соискание учёной степени доктора права по научной специальности: 554.01 – Уголовное право и уголовно-исполнительное право, Кишинёв, 2026

Структура диссертации: введение, четыре главы, выводы и рекомендации, библиография, включающая 240 наименований. Полученные результаты опубликованы в 12 научных работах.

Ключевые слова: самоубийство; доведение до самоубийства; содействие совершению самоубийства; попытка совершить самоубийство; покушение на самоубийство; убийство; жизнь человека.

Цель диссертации заключается в проведении комплексного уголовно-правового анализа преступления доведения до самоубийства или содействие совершению самоубийства, предусмотренного ст. 150 УК РМ, посредством всестороннего исследования признаков его состава, выявления законодательных пробелов и нормативных неясностей, вызывающих трудности в судебной практике, а также формулирования рекомендаций и предложений *de lege ferenda*, направленных на совершенствование правовой базы и обеспечение единообразной и последовательной судебной практики в целях повышения эффективности уголовно-правовой охраны права на жизнь как высшей социальной ценности.

Задачи исследования: исследование и обобщение релевантных научных материалов, опубликованных как в отечественной доктрине, так и в международной юридической литературе и посвящённых преступлению доведения до самоубийства или содействию совершению самоубийства; проведение уголовно-правового анализа данного преступления посредством исследования признаков его состава и оценки соответствия нормативного регулирования требованиям законодательства; исследование правового содержания отягчающих обстоятельств по ч. (2) и (3) ст. 150 УК РМ и смягчающего обстоятельства по ч. (4) ст. 150 УК РМ в целях определения критериев их применения и последствий для индивидуализации наказания; исследование критериев разграничения данного состава со смежными преступлениями: убийством, причинением смерти по неосторожности, лишением жизни по желанию лица и др.; разработка научно обоснованных выводов и предложений *de lege ferenda*, направленных на совершенствование нормативно-правовой базы регулирования ст. 150 УК РМ.

Научная новизна и оригинальность диссертации. Настоящая работа носит новаторский и оригинальный характер, представляя собой первый научный вклад на уровне диссертационного исследования, посвящённого систематическому и всестороннему анализу преступления, предусмотренного ст. 150 УК РМ. Выявлены и критически исследованы законодательные пробелы и нормативные неясности, существующие в регулировании уголовно-правовой нормы, служащие основанием для формулирования конкретных и научно обоснованных предложений *de lege ferenda*.

Результаты, способствующие решению важной научной проблемы, состоят в выявлении и систематизации критериев квалификации деяний, предусмотренных ст. 150 УК РМ. Данный подход обеспечит единообразное и последовательное применение уголовно-правовой нормы и повысит степень охраны права на жизнь как высшей социальной ценности, защищаемой уголовным законом.

Теоретическая значимость диссертации. Работа представляет собой попытку комплексной концептуализации теоретико-практических проблем, связанных с уголовно-правовым анализом преступления доведения до самоубийства или содействия совершению самоубийства, с формулированием научно обоснованных решений, направленных на оптимизацию действующей нормативно-правовой базы регулирования данного преступления в целях его правильного системного толкования и единообразного практического применения положений ст. 150 УК РМ.

Прикладная ценность диссертации в значительной мере обусловлена сформулированными рекомендациями *de lege ferenda*, представляющими собой конкретные и научно обоснованные предложения, адресованные законодателю Республики Молдова в целях совершенствования ст. 150 УК РМ, унификации судебной практики и повышения эффективности уголовно-правовой нормы в сфере охраны права личности на жизнь.

Внедрение научных результатов. Научные результаты настоящей работы могут быть внедрены в нескольких сферах: разработанные критерии юридической квалификации могут служить ориентиром для практических работников при применении ст. 150 УК РМ; выводы исследования могут использоваться в учебном процессе и служить отправной точкой для дальнейших научных исследований; сформулированные предложения *de lege ferenda* могут способствовать совершенствованию соответствующей нормативной базы.

APĂRECE OLEG

**THE CRIMINAL-LEGAL ANALYSIS OF THE OFFENCE OF INDUCING
OR AIDING SUICIDE – ARTICLE 150 OF THE CRIMINAL CODE
OF THE REPUBLIC OF MOLDOVA**

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