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### CONSTITUTIONAL ENSHRINEMENT OF THE RIGHT TO LIFE IN THE REPUBLIC OF BELARUS AND OTHER COUNTRIES

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Keywords: somatic rights, right to life, right to birth.

One of the most important debatable problems of modern jurisprudence is to define the concept and essence of somatic rights and their classification. Recently, their list has been constantly replenished with new rights, which are reflected at the highest legal – constitutional level. However, the fundamental personal right, first enshrined in the first constitutional acts, is the right to life.

The aim of this research is to reveal the peculiarities of the constitutional regulation of the right to life in the Republic of Belarus and foreign countries.

**Material and methods.** National and foreign constitutional laws served as the working material. The main used methods are comparative-legal and concrete legal analysis.

**Findings and their discussion.** Nowadays scientific-conceptual approaches to the definition of somatic rights are a bit different than a few years ago. Civil society is becoming more tolerant to physiological needs of an individual, to manifestations of freedom in choosing a way of life, their appearance, is not a subject of condemnation in most countries voluntary consent to withdrawal from life, refusal of their natural sexual identity, to continue pregnancy, etc. The state is increasingly interested in the legal resolution of these issues.

The right to life is one of the basic personal human rights protected by international law and the constitutions of most democratic countries. Despite the lack of consolidation of the status of many somatic rights universally recognized, international cooperation in the sphere of social relations, in which the bodily claims of a person are realized, takes place [9]. The content of the right to life is multifaceted and varies from state to state. One of the provisions of the Hungarian Constitution is Part 1 § 54: «In the Republic of Hungary everyone has the inalienable right to life and human dignity, which no one shall be deprived of arbitrarily» [1]. Similar provisions are contained in Article 24 of the

Constitution of the Republic of Belarus: «Everyone has the right to life. The state protects life...» as well as Article 20 of the Russian Constitution, Article 16 of the Kazakh Constitution and many others [2; 3].

In a number of countries there are separate provisions protecting life even before birth. For example, Art. 40(3) of the Constitution of Ireland states. 3 art. 40 of the Constitution of Ireland states: "the state recognizes the right to life of the unborn and, having in mind the equal right to life of the mother, guarantees in its laws to respect this right and shall protect and support it by its laws as far as possible» [4]. There is another view, spelled out, for example, in the Constitution of Serbia, which, while establishing in Part 1 of Article 14 «human life is inviolable», in Article 27 enshrines «the right of the individual – to freely decide on the birth of a child» [5]. Article 55 of the Slovenian Constitution also contains a constitutional formulation, according to which "the decision to have a child shall be freely made» [6].

Such constitutional provisions as the prohibition of torture, humiliating and degrading treatment, etc. are directly related to the right to life, physical and mental safety and inviolability of the person. The Belarusian Constitution literally says: "no one must be subjected to torture, cruel, inhuman or degrading treatment. The Constitution of Turkey contains rather capacious and summarizing categories regarding the security of the human body. Thus, Article 17 states that "the physical integrity of the person shall not be violated except with medical necessity and in cases established by law» [7]. "No one may be subjected to medical, scientific or other experiments without voluntary consent," as enshrined in Article 21 of the Constitution of the Russian Federation [3]. «Eugenic practices aimed at selecting individuals, making the human body and its parts a source of profit...", states Article III (3) of the Hungarian Constitution [1]. Genetic engineering and reproductive planning, "interference with the hereditary material of human gametes and embryos" is expressly prohibited in Article 119 of the Swiss Constitution [8].

The most detailed principles of transplantation of human organs and tissues are also enshrined in the Swiss Constitution. According to part 3 of article 119-a of the Constitution "the donation of human organs, tissues and cells is free of charge. Trade in human organs is prohibited."

One of the most debated aspects of somatic rights is the legislative abolition of the death penalty. Contradictory approaches to this issue persist in humanity to this day. Each year more and more countries exclude such punishment for criminals. Nevertheless, as of 2022, 53 states still impose the death penalty using various methods of execution, including: beheading, electrocution, hanging, lethal injection, firing squad, etc. In 2020, there are 483 executions worldwide in 18 countries, a 26 percent decrease from last year (657 executions in 2019). Executions are most frequent in China, but also in Iran, Egypt, and Iraq. Algeria, Cameroon, and Eritrea have had moratoriums in place for over a decade, making countries in practice abolish the death penalty but keep the death penalty in law. The death penalty has been completely abolished in all European countries except Belarus and Russia, the latter of which has imposed a moratorium and not carried out executions since 1996.

**Conclusion.** The issue remains controversial and multifaceted. Despite the fact that somatic rights by their nature are inalienable human rights, not all of them belong to the category of absolute rights, due to which they are partially limited in the modern

constitutional practice of a number of states. The legal mechanism for ensuring the right to life contains the constitutional enshrinement of this right as a fundamental right and derivative rights and freedoms, the basic principles and obligations of society as a whole and of the state authorities for its implementation, and is detailed in the sectoral legislation. We would like to note that, in our opinion, somatic rights do not always have a positive impact on society. For example, legal permission of same-sex marriages becomes an obstacle to the resolution of demographic problems, propaganda of non-traditional family values, when, in our opinion, personal freedom and public interests come into a certain contradiction.

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### **LEGAL NATURE OF ACTIONS OF DEBITING FROM THE ACCOUNT WITHOUT A PAYMENT ORDER OF THE ACCOUNT HOLDER**

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Keywords: indisputability, recovery, money, enforcement of obligations, debiting, public financial obligations, private monetary obligations.

Along with jurisdictional forms of protection of rights, available legal instruments of non-jurisdictional procedure for enforcement of monetary obligations is widely used in the Republic of Belarus. Non-judicial debt recovery on a monetary obligation is an effective alternative to judicial protection.