

**MURDER AS A CRIMINAL ACT IN THE LEGAL BASES
OF THE DIFFERENT COUNTRIES**

Actuality of this given is that the term murder exists in the criminal codes of many countries. It is appropriate to consider the difference between the punishment for this crime.

Murder is the intentional taking of the life of another person. Killing an individual may not be considered for various reasons, such as self-defense

Not all cases of illegal killing constitute murder. For example, unintentionally caused deaths due to recklessness or negligence are treated in most countries as the lesser crime of involuntary manslaughter or criminally negligent homicide.

Most countries allow conditions that «affect the balance of the mind» to be regarded as mitigating circumstances against murder. For example, in Ukraine a person may be found guilty of «manslaughter on the basis of diminished responsibility».

Homicide, the killing of one human being by another. Homicide is a general term and may refer to a non criminal act as well as the criminal act of murder. All legal systems make important distinctions between different types of homicide, and punishments vary greatly according to the intent of the killer, the dangerousness of his conduct, and the circumstances in which he acted.

American codes classify homicides into two or more separate crimes, each crime carrying its own penalty, which can be varied within limits by the sentencing authority. Penalties for murder may include capital punishment or life imprisonment, whereas the penalty for manslaughter is usually a maximum number of years in confinement.

Japan codes and their derivatives group all unjustified killings under the single crime of homicide but specify different penalties depending on the circumstances of the act. Some countries provide special penalties in unique situations in accordance with special social needs. For example, Japan reserves its harshest penalties for the murder

of one's own lineal descendents, and Italy allows for mitigated punishment if the killer acted from a sudden intense passion to avenge his honour. European codes, like Anglo-American codes, distinguish between intentional and other felony murders on the one hand and reckless, negligent, and provoked murders on the other. In all systems the most important distinction relevant to sentencing is that between conduct that is socially dangerous and conduct that is merely reckless (i.e., between acts of intent and acts of passion).

Indian law requires that an offender know of the danger he might cause and thus rules out reckless acts that are the result of ignorance, but other jurisdictions are less clear on this point. Many U.S. states distinguish between murder of the first and of the second degree, with capital punishment limited to crimes of clear intent.

Whereas in England death resulting from a felony is defined as murder only in the case of a few serious crimes, such as robbery or rape, European codes often punish any killer as a murderer if he has employed a deadly weapon.

Unlike the provisions of most law codes in the Western world, murder under Islamic law is generally treated as a civil infraction - although Muslim jurisprudence does not clearly distinguish between civil and criminal law. Under traditional Islamic law, the family of a murdered Muslim is given the choice of taking retribution (Arabic: *qiSaS*), which allows them or their proxy to take the murderer's life, or accepting *wergild* (Arabic: *diyah*), or compensation, from the killer or his family. The Islamic tradition extols the latter, and, in the case of an accidental death, financial compensation by the offending party (in addition to an act of contrition) is the sole remedy.

During the 1990s the legal definitions of homicide in the West changed somewhat as a result of new attitudes toward the elderly and the terminally ill. Traditionally, European codes acquitted a person for a «mercy killing,» whereas Anglo-American codes did not, but in the 1990s a widespread «right to die» movement in North America and Europe sought the legalization of certain forms of euthanasia and physician-assisted suicide. In 1997 physician-assisted suicide was legalized in the U.S. state of Oregon, and in 2000 the Netherlands became the first country to enact a national law providing physicians with immunity from prosecution for mercy killings.