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## THE STATE'S POSITIVE AND NEGATIVE OBLIGATIONS IN ENSURING THE RIGHT TO LIFE

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### Abstract

This article analyzes the state's positive and negative obligations in ensuring the right to life from a constitutional law perspective. The essence of the right to life as a natural and inalienable right is examined, emphasizing that it is not limited to mere biological existence but is closely connected with human dignity and the concept of a life worthy of human beings. The study explores doctrinal debates surrounding the "narrow" and "broad" interpretations of the right to life and demonstrates that treating these approaches as mutually exclusive is both scientifically and practically ineffective. The author proposes a three-layered model of the right to life, comprising the prohibition of unlawful deprivation of life, the state's active duty to protect life, and social conditions that, while not constituting the core of the right, may be necessary for its effective realization in certain cases. Based on an analysis of international legal instruments and leading scholarly views, the article concludes that the right to life is a complex right that requires the state not only to refrain from interference but also to take active and effective measures to protect human life in practice.

**Keywords:** Right to life, human rights, positive and negative obligations of the state, constitutional law, human dignity, protection of life, natural rights, international legal standards, decent life.



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## **Introduction**

The right to life occupies a central place within the system of human rights and is regarded as one of its fundamental rights. While this right is directly linked to a person's biological existence, it simultaneously manifests itself as a supreme constitutional value that ensures an individual's free participation in society, the preservation of human dignity, and protection by the state. For this reason, the right to life is enshrined as a primary right in many democratic constitutions and serves as a necessary precondition for the effective realization of all other rights and freedoms.

## **Discussion and Results**

In constitutional law doctrine, the right to life is interpreted not merely as the individual's opportunity to preserve life, but as a legal category expressing the highest degree of state responsibility toward human life. The distinctive feature of this right lies in its intrinsic connection with human existence, while its content is not limited solely to the notion of "living."

While revealing the constitutional nature of the right to life, N.A. Belobragina notes that the very terminology of this right requires doctrinal clarification. In particular, the author states as follows: "The term 'right to life' is not entirely successful, since the state cannot guarantee eternal life to anyone" [1].

This observation implies that the state is not a subject that "grants" life, but rather an institution that provides its legal protection and safeguarding. Therefore, some scholars consider it more appropriate to use the terms "the right to the protection of life" or "the right to safeguarding life" instead of the "right to life."

The right to life is also distinguished by its belonging to the system of natural rights. It exists from the moment of birth, is not granted by anyone, and cannot be renounced. In this regard, N.A. Belobragina writes: "The right to life is traditionally regarded as a natural right. Its main characteristics include existence from birth, inalienability, and equality for all" [2].

Thus, the right to life is inherently inalienable and serves as the fundamental foundation of an individual's legal status and constitutional protection.



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Moreover, in contemporary legal approaches, the issue of the right to life is increasingly analyzed in close connection with the “dignity” and “value” of life. In particular, in the scholarly collection edited by J. Yorke, the value of life is explained not merely as biological existence, but as a phenomenon intrinsically linked to human honor and dignity. Specifically, the work emphasizes that: “Today, the question of the value of life is increasingly framed through the concept of human dignity” [3].

This approach further expands the contemporary constitutional meaning of the right to life, since human life is not merely biological existence but is intrinsically linked to the enjoyment of a dignified life, honor, and freedom.

Thus, by its constitutional and legal nature, the right to life constitutes a natural and inalienable human right and represents a supreme value that must be protected by the state. The effective realization of this right serves as a fundamental prerequisite for the real enjoyment of all other rights and freedoms. At the same time, there is no uniform approach within legal doctrine regarding the constitutional content and scope of the right to life. The core polemical issue in defining the essence of this right lies in whether the right to life should be understood solely as the right to preserve human biological existence, or whether it should be interpreted as a complex right that also encompasses the conditions necessary for living a dignified life.

In international legal approaches, this right is often interpreted in a broader sense. In particular, the 2002 resolution of the UN Commission on Human Rights notes that the right to life also includes the right to a dignified life ensured by the satisfaction of minimum human needs. Namely: “the right to life also encompasses the right to a dignified existence ensured by the fulfillment of minimum vital needs” [4].

However, such an extensive interpretation is not unequivocally accepted in legal doctrine. Some scholars argue that equating the content of the right to life with socio-economic rights is legally incorrect. In particular, according to the positions of F.M. Rudinskiy, Yu.V. Gavrilova [5], A.A. Krikunova [6], and T.A. Soshnikova [7], the right to life, by its nature, remains a civil and political right and does not automatically include social guarantees. In their view: “such an



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interpretation does not imply that social rights constitute an integral element of the right to life.”

This polemic demonstrates that the constitutional nature of the right to life is complex and multi-layered. On the one hand, it establishes the state’s obligation to refrain from encroaching upon human life; on the other hand, contemporary legal approaches seek to view the right to life not merely as a right to “survival,” but as a right intrinsically linked to the protection of human dignity.

Furthermore, in the work edited by J. Yorke, debates surrounding the right to life are expressed through two fundamental concepts for evaluating life. The authors note that: “there are two standard approaches to assessing life: the sanctity of life and the quality of life.”

These approaches generate different legal consequences in understanding the content of the right to life. If life is interpreted as an absolutely sacred value, the state’s duty consists in preserving it under all circumstances. Conversely, if the quality of life and the notion of a dignified human existence are advanced as decisive criteria, the right to life emerges as a legal category encompassing complex issues such as bioethical dilemmas, euthanasia, and the individual’s autonomy over one’s own life.

Accordingly, the constitutional content of the right to life is subject to diverse doctrinal interpretations, and debates concerning its scope render the distinction between narrow and broad approaches to this right increasingly relevant.

The views outlined above indicate that there exists a pronounced theoretical contradiction within legal doctrine regarding the interpretation of the right to life. In our view, this polemic is not accidental, but rather constitutes a fundamental methodological problem in defining the constitutional nature of the right to life. For this reason, we consider it scientifically incorrect and practically ineffective to rigidly confine the right to life to either a “narrow” or a “broad” interpretation.

First, the terminological approach proposed by N.A. Belobragina—namely, that the notion of the “right to life” is conditional because the state cannot guarantee “eternal life” to anyone—constitutes, in our opinion, a highly significant signal in legal doctrine. We support this view, since from a constitutional law perspective the state does not create life but protects it. However, we firmly



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emphasize that the issue cannot be resolved solely through a change of terminology. The concept of the “right to life” is firmly entrenched in international law [8][9][10][11], and the primary task lies not in replacing the term, but in conceptually clarifying its substantive content.

In our view, limiting the right to life exclusively to the state’s negative obligations represents an outdated and insufficient approach. The state does not ensure the right to life merely by refraining from killing. We maintain a firm position that the right to life is a complex right that requires the state to establish and implement active mechanisms of protection.

Second, the linkage of the right to life with minimum needs and a dignified standard of living in the UN resolution is, in our opinion, an important factor in preventing the reduction of the right to life to a purely biological level. Nevertheless, we critically assess this interpretation as well, since fully equating the right to life with socio-economic rights is methodologically inappropriate. Such an approach risks eroding the subject matter and boundaries of the right to life, transforming it into an abstract and all-encompassing concept.

From this perspective, the objections raised by Rudinskiy and other scholars are well-founded. We support this position: the right to life must retain its core character as a civil and political right. At the same time, we firmly emphasize that the complete exclusion of social factors would likewise lead to the denial of the contemporary substance of the right to life.

Our proposal is to explain the right to life through a three-layered model:

1. **Core** – the prohibition of unlawful deprivation of life.
2. **Protective obligation** – the state’s duty to take active measures aimed at reducing real threats to life.
3. **Contextual factors** – social guarantees which do not constitute an integral element of the right to life, but which, in certain circumstances, represent a necessary condition for its effective realization.

In our view, this very model eliminates the artificial contradiction between narrow and broad interpretations of the right to life.

It should be emphasized that the approach edited by J. Yorke reflects the contemporary paradigm of the right to life: the value of life is increasingly assessed through the criterion of human dignity.



The concept of dignity should become the central interpretative criterion of the right to life. This is because it prevents the reduction of the right to life to biological minimalism, while simultaneously safeguarding it from being transformed into an unlimited system of social demands.

The concepts of the “sanctity of life” and the “quality of life” presented in Yorke’s work further clarify our position. In our view, the constitutional system must absolutely protect life as a supreme value; however, the protection of life must not be carried out by means that contradict human dignity.

### **Conclusion**

In conclusion, we argue that the only scientifically sound way to resolve the theoretical polemics surrounding the interpretation of the right to life is not to rigidly confine it to either a narrow or a broad interpretation, but rather to conceptually ground it as a multi-layered system of state obligations. It is precisely this approach that serves as a methodological foundation for analyzing both narrow and broad interpretations of the right to life.

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