

Criminal Prosecution of the Crime of Inciting Suicide Via Social Media Criminal Confrontation for the Crime of Incitement to Suicide Via Social Media

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Abstract

The crime of incitement to suicide through social media is one of the most dangerous new crimes created by technology, as perpetrators exploit the virtual space to spread suicidal thoughts or provide means for them, as digital platforms and electronic games are exploited to psychologically influence children and adolescents and push them to end their lives. This phenomenon requires legal and technical cooperation to tighten penalties, deter perpetrators, and protect users from "killer games" and electronic bullying that facilitate the spread of this behavior. Which at the same time requires a new legal adaptation that differs from the traditional one, and focuses on the criminal liability of the electronic instigator and proving it with digital evidence. With the need to confront it with strict legislation. In light of the rapid technological development, social media has become a double-edged sword, as some of its platforms have turned into fertile arenas for the spread of cybercrimes, including the most serious crime: "incitement to suicide." Incitement is no longer limited to reality, but has moved to a wide virtual space targeting vulnerable groups. This crime represents a major challenge to penal legislation that seeks to confront this anti-social behavior. Especially with the technological development and the rapid spread of inflammatory content through social media, especially among teenagers and young people. What is considered a real problem, especially in the adequacy of traditional legal texts in confronting crimes of electronic incitement to suicide, and the difficulties of proving criminal responsibility via the Internet. This requires analyzing the elements of the crime (physical and moral) in the electronic context. Shedding light on the criminal liability of the instigator, adopting a descriptive and analytical approach to compare legal texts and apply them to real-life cases.

Keywords: Crime, Incitement, Suicide, Instigator, Instigator.

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FIRST TOPIC

What is incitement to suicide via social media?

Incitement in general is a dangerous phenomenon, especially if it is linked to the motive of murder or self-harm. This act is exploited by weak and opportunistic people in order to achieve certain goals. The perpetrator here, who is the instigator, exploits certain circumstances that the victim is going through, in order to push him to commit an act that is punishable by law. This is what is achieved within the scope of social media. Therefore, in this section, we will address the definition of incitement to suicide through social media in the first subsection, and we will address the manifestations of incitement to suicide in the second subsection.

First Requirement

Defining incitement to suicide via social media

The concept of incitement to suicide is among the important concepts in various fields, as it has varying connotations between its linguistic and technical definitions. In light of this, we will divide this requirement into two sections. In the first section, we will address the linguistic definition of incitement to suicide, and in the second section, we will address the technical definition of incitement to suicide.

First branch

Definition of incitement to suicide in language

The word "suicide" in Arabic comes from the root "nahr," meaning "to slaughter." From this root, "nahr" can also refer to the chest, specifically the area where a necklace rests. It is also called "manhar," meaning the place where sacrificial animals are slaughtered. A man described as "minhar" is one who

frequently slaughters animals for guests, indicating excessive generosity. To "nahart" a man means to strike his neck.[1]The man committed suicide, that is, he slit his own throat.[2]It is the source of the verb "to commit suicide," meaning to intentionally kill oneself.[3] The word "nahur" means the chests; slaughtering a camel means stabbing it in its throat, where the windpipe appears from the top of the chest; and the day of slaughter is the day of Eid al-Adha.[4]Views on suicide have been influenced by general existential themes such as its connection to religion, honor, and the meaning of life. The Abrahamic religions consider suicide a sin against God Almighty, stemming from the belief in the sanctity of life and the impermissibility of wasting it in any way. [5] Suicide is considered a serious crime that Islam forbids and is classified as a major sin, which God Almighty and His Messenger prohibit. [6].

Incitement, linguistically, is the act of instigating or encouraging. To encourage and prepare for fighting [7] And from it is the Almighty's saying: "O Prophet, urge the believers to fight. If there are among you twenty [who are] steadfast, they will overcome two hundred. And if there are among you one hundred, they will overcome a thousand of those who have disbelieved because they are a people who do not understand." [8]Islamic law forbids killing oneself or inciting others to kill themselves, as stated in the Almighty's words: "Do not kill the soul which God has forbidden except by right." [9].

Branch Two

Incitement to suicide (in legal terminology)

Suicide, technically speaking, can be defined as a person killing themselves by any means.[10]It is as the World Health Organization described it: "the act of intentionally killing oneself." [11] And by various means such as killing himself with sharp instruments or weapons, or taking poison, or throwing himself from a high place, or burning himself, with the intention of his own death.[12] Or through neglect leading to exhaustion, such as abstaining from food and drink, or failing to use means of escape, as if he fell into water and refused to move in the water or escape from the fire.[13] According to legal jurisprudence, suicide is a crime, a form of deviance from the behavioral norms established by society to regulate individual life. Society defines what constitutes normal and deviant criminal behavior, based on values and standards it has adopted to control and protect its members. [14].

Incitement, by definition, is enticing the victim to commit a crime.[15] Incitement to suicide can be defined as (influencing the perpetrator and pushing him to commit the crime).[16] It is influencing others and pushing them towards committing a crime, whether through promises, threats, enticement, or anything else that is considered wrong and falls under the category of sin.[17].

The instigator may use their influence on the victim through electronic communication, such as social media platforms like Facebook, Messenger, Telegram, WhatsApp, and others. These are the sites where criticism and the exchange of ideas take place, giving rise

¹Abu Nasr Ismail bin Hammad Al-Jawhari, Al-Sahah Taj Al-Lugha wa Sahah Al-Arabiyya, 4th edition, Dar Al-Ilm Lil-Malayin, Beirut, 1987, p. 824.

²Abu al-Fadl Jamal al-Din Muhammad ibn Makki ibn Manzur, Lisan al-Arab, Dar al-Hadith, Cairo, 2003, p. 75.

³Muhammad ibn Ahmad ibn al-Azhari, Tahdhib al-Lughah, 1st ed., Dar Ihya al-Turath al-Arabi, Beirut, 2001, p. 9.

⁴Abu Nasr Ismail bin Hammad Al-Jawhari, previous source, p. 824.

⁵Dr. Suhaib Khalid Jassim Al-Tai, The Effectiveness of the International Community in Reducing the Phenomenon of Suicide, a research paper published in the Kufa Journal of Legal and Political Sciences, Issue 59, Volume 16, Year 2024, p. 5.

⁶Abdullah Muhammad Shams Al-Dimashqi, The Major Sins, Dar Al-Wa'i Al-Arabi, Aleppo, 1972, p. 9.

⁷Zayn al-Din Abu Abdullah Muhammad ibn Abi Bakr ibn Abd al-Qadir al-Razi, Mukhtar al-Sahah, Al-Maktabah al-Asriyyah, Beirut, 1999, p. 55. Abu al-Fadl Jamal al-Din Muhammad ibn Makki ibn Manzur, previous source, p. 133.

⁸Surah Al-Anfal, verse 65.

⁹Surah Al-An'am, verse 151.

¹⁰The Kuwaiti Encyclopedia of Islamic Jurisprudence, issued by the Ministry of Endowments and Islamic Affairs, Kuwait, ed. (1404-1427), p. 281.

¹¹Suicide prevention is a global necessity, issued by the World Health Organization, Regional Office for the Eastern Mediterranean, Cairo, 2014, p. 10, cited by Dr. Suhaib Khalid Jassim Al-Tai, previous source, p. 5.

¹²Dr. Safwan Ahmed Murshid, Suicide: A Doctrinal Study of Causes and Treatment, Research published in the Iraqi University Journal, Volume 53, Issue 3, p. 4.

¹³The Kuwaiti Encyclopedia of Islamic Jurisprudence, issued by the Ministry of Endowments and Islamic Affairs, Kuwait, ed. (1404-1427), p. 282.

¹⁴Samia Hassan Al-Saati, Crime and Society, Dar Al-Nahda Al-Arabiya, Cairo, 1983, p. 32.

¹⁵Abdul Qadir Awda, Criminal Legislation in Islam Compared to Positive Law, Arab Book House, Beirut, 367.

¹⁶Abdul Aziz Amer, Explanation of the General Provisions of Crime in Libyan Criminal Law, A Comparative Study with Islamic Law, Beirut, University of Benghazi, p. 261.

¹⁷Dr. Ghaith Al-Fakhri, Criminal Participation in Islamic Jurisprudence, 1st ed., Benghazi, Gar Younis University, 1993, p. 219.

to important methods and modern ways of cooperation and organization among individuals. [18] Social media has become an important tool used by people to spread and instill ideas in others and incite them to perform certain actions. [19] This includes inciting a specific individual or group to commit suicide. Incitement, therefore, is a deviant behavior perpetrated by the instigator against the victim, pushing them to take their own life. The instigator employs specific methods and means to convince the victim of the necessity of this act, often through social media. In most cases, the instigator remains anonymous and is motivated by specific individuals or entities with vested interests.

Second requirement

Signs of incitement to suicide

The instigator exploits the victim's weaknesses to achieve his goal by directing the instigator's will to commit an act that is legally criminal, using various means and methods to influence the victim's thoughts and orientations. Therefore, we will discuss the instigator's methods of inciting suicide in the first section, and we will discuss the reasons that contribute to suicide in the second section.

First branch

Methods of inciting suicide

The instigator is the person who directs another to commit a crime. The instigator's activity here is of a moral nature, meaning it aims to influence the psyche of the instigated perpetrator in a way that compels them to commit the crime. Instigation belongs to the realm of thoughts and intentions, not actions. That is, the instigator does not perform any direct act in the commission of the crime. By its nature, it addresses the perpetrator before the physical element of the crime is committed. As such, it is what legal scholars call a preparatory, not an executive, act. [20].

Therefore, incitement here means driving the perpetrator to commit the crime by influencing and directing their will in the direction desired by the instigator. Incitement can be achieved by any means that leads to the perpetrator committing the crime, including promises, threats, gifts, deception, guidance, intrigue, the instigator's use of their authority, or other things that induce a person to commit the crime. It can also be achieved through advice accompanied by insistence or

that employs a convincing and influential method that affects the thinking of the person to whom it is directed, thus arousing their feelings. However, mere advice, suggestion, insinuation, embellishment, or encouragement falls outside the scope of incitement because it does not compel, drive, or persuade a person to commit the crime. [21] The instigator has certain motives for inciting someone to commit suicide, such as a material motive, like another party promising the instigator money or threatening him to make someone else commit suicide, or the incitement is based on religious beliefs.

With advancements in electronics, particularly the internet and its accompanying social media platforms, communication has become easier and simpler. This has opened up vast opportunities for influence and being influenced through the news, data, conversations, and other information shared or published online. Individuals now have the right to publish whatever information or news they wish on their personal pages, as this right is guaranteed by law. However, this right should not be abused by harming others, as the page owner is responsible for all information and content on their online profile and must be aware of the information and news they publish or share with others. [22] Because such news or conversation could negatively affect people, leading them to behave in an unusual way, such as committing a crime against themselves.

The act of incitement involves a direct influence on the instigated person, driving them to commit a crime or persuading them to do so. Incitement can target either an individual or a specific group. It may be public, which is called overt incitement, or it may occur secretly, which is known as private incitement and is more common. [23] The instigator may be known to the person being incited or unknown, which makes it difficult to know the identity of the instigator and the reasons for the incitement, if the instigator is unknown.

Branch Two

Factors that contribute to suicide

One of the most common causes of suicide is drug abuse. Addiction causes anxiety and personality disturbances, leading to despair and hopelessness, and ultimately suicide. Drugs are a deadly poison that harms

¹⁸Dr. Ahmed Shehata, The content of crime via social media and its psychological and social repercussions on young people, a research paper published in the Arab Journal of Media and Communication Research, Issue 32, 2020, p. 15.

¹⁹Dr. Reda Abdel Wahed Amin, Electronic Journalism, 1st Edition, Dar Al-Fajr, Cairo, 2007, p. 95.

²⁰Mustafa Harja, Commentary on the Penal Code, 2nd ed., 1991, p. 214.

²¹Ali Hussein Al-Khalaf and Sultan Abdul Qader Al-Shawi, General Principles in Penal Law, Al-Sanhouri Library, Baghdad, pp. 211-212.

²²Dr. Adel Sarikhani, Munir Awda Saadi, Criminal Liability for Incitement to Suicide in Criminal Legislation, Research published in the Bulbul Center for Human Studies Journal, Issue 3, Volume 13, 2023, p. 27.

²³Abdullah Saeed, Incitement to Suicide in the Iraqi Penal Code, a research paper published in the Journal of Cihan Erbil University for Humanities and Social Sciences, Issue 7, Volume 2, p. 4.

the body, impairs the mind, causes poverty and delirium, and drives addicts to commit evil and sin. [24] There is a link between suicide and mental disorders, particularly depression and alcohol-related disorders in high-income countries. This is not limited to high-income countries; it may also have a strong presence in low- and middle-income countries. Furthermore, mental disorders and depression are not limited to alcohol use; drug use and addiction also play a role. [25] He may lose patience and his willpower may weaken if he fails to achieve a set goal, leading to despair and hopelessness regarding God's mercy, and then he may find no other option but to think about suicide. [26].

Life's difficulties can also cause psychological distress, depression, despair, and hopelessness. There is a correlation and overlap between these psychological states experienced by those who commit suicide. Feelings of depression and constant distress may be a precursor to feelings of despair and hopelessness, perhaps even reaching a state of complete frustration and hopelessness. These are key factors that often lead to suicide. [27] They may believe that an individual's life is their private property, and that they can therefore voluntarily end it by dying when they feel it has become a burden. [28]

A person who commits suicide may experience feelings of despair, depression, sadness, and anxiety due to emotional and psychological disturbances. This can lead to an inability to love, self-hatred to the point of contemplating death and suicide, a constant feeling of failure and disappointment, a love of isolation, decreased interest in the outside world, and aggressive self-blame that can culminate in a desire to punish themselves through suicide. [29] He is overcome by a state of despair that leads to depression, characterized by negative expectations of life and the future, disappointment or unhappiness, and a generalization of failure in every attempt. The despairing person embodies, through his despair, a negative view of himself, the world, and the future. [30].

There are family and social reasons that can lead to suicide or its precursors, such as racial discrimination

or unequal treatment of children, unfair bias from parents, cases of excessive domestic violence that may be accompanied by verbal abuse and humiliation, divorce between parents where children are the victims, forcing girls into marriage against their will, harassment and incest where the victim cannot disclose what happened to her due to social considerations, rape or engaging in consensual adultery and the resulting moral scandal and illegitimate pregnancy. These are all situations in which these individuals may resort to suicide in a search for escape from a bad reality, a sin, or the injustice, repression, and violence they have suffered. [31].

There may be economic or financial reasons, as need and hardship can lead a person to a state of collapse and suicidal thoughts, stemming from a lack of patience and weak willpower. [32] Reasons such as business losses and bankruptcy, or poverty, destitution, and unemployment. [33].

Among the personal reasons that lead to suicide is the absence or weakness of religious faith, as this may lead to a lack of awareness of any oversight of an individual's actions and behavior, whether in word or deed, thus causing them to commit sins. [34] A person may lack religious guidance and fear of God, especially in non-Islamic societies that do not believe in God, leading to a lack of sound judgment and an inability to grasp the worldly and spiritual consequences of suicide. In religious societies, particularly Islamic ones, sound faith becomes the primary foundation for psychological treatment and resolving spiritual crises. However, this does not mean that the individual is immune to suicide or its occurrence. [35].

Second topic Rulings on the crime of inciting suicide via social media

Incitement is among the acts that ultimately lead to harm to the person being incited. Incitement here may push a person to commit an illegal or punishable act, causing him harm that may lead to his death if the incitement is to urge him to commit suicide, exploiting some of the factors and circumstances surrounding the

²⁴Ali bin Nayef Al-Shahoud, *The Three Afflictions*, 1st ed., 2011, p. 112.

²⁵Dr. Safwan Ahmed Murshid, previous source, p. 4.

²⁶Dr. Al-Miqdad Khalil Saleh, *Suicide in Heavenly Laws, Islam, Judaism, Christianity*, research published in the *Journal of Islamic Sciences*, Issue 42, Section 1, Year 9, p. 8.

²⁷Dr. Safwan Ahmed Murshid, previous source, p. 4.

²⁸Mamdouh Al-Zoubi, *Suicide Between Pleasure, Philosophy and Beliefs*, Dar Al-Rashid and Al-Iman Foundation, Beirut, p. 45.

²⁹Dr. Bashir Maamaria, *Psychological Studies in Emotional Intelligence, Depression, Despair, Death Anxiety, Aggressive Behavior, Suicide*, 1st Edition,

Modern Library for Publishing and Distribution, Egypt, 2009, p. 60.

³⁰Bashir Maamaria, previous source, p. 62.

³¹Dr. Safwan Ahmed Murshid, previous source, p. 5.

³²Abdul Malik bin Hamad Al-Faris, *The Crime of Suicide and Attempted Suicide between Sharia and Law*, Master's Thesis, Naif Arab University, Riyadh, 2004, p. 163.

³³Dr. Safwan Ahmed Murshid, previous source, p. 5.

³⁴Abdul Malik bin Hamad Al-Faris, *The Crime of Suicide and Attempted Suicide between Sharia and Law*, Master's Thesis, Naif Arab University, Riyadh, 2004, pp. 156-157.

³⁵Dr. Safwan Ahmed Murshid, previous source, p. 6.

person being incited. This necessitates considering this act a crime punishable by law, and determining the appropriate punishment for it. Legislations have stipulated the criminalization of this act and imposed the necessary punishment for it, as it is a crime that affects the person's existence and life. In light of this, we will divide this topic into two sections: we will address the elements of the crime of incitement to suicide in the first section, and we will address the position of the laws on the crime of incitement to suicide in the second section.

First requirement

Elements of the crime of inciting suicide via social media

For the crime of incitement to suicide to be established, its elements must be present: a material element, represented by the perpetrator's (inciter's) conduct in committing a criminal act punishable by law, and a moral element, represented by the criminal intent, which is the will directed towards urging the victim (the incited) to commit suicide. Therefore, we will address the material element in the first section and the moral element in the second section.

First branch

The material element of the crime

Every crime has a material element through which the criminal intent of its perpetrators is embodied. This element must be present for the crime to be established; a crime cannot be conceived without a material element, and therefore, it is impossible to impose punishment. The existence of the material element transforms the crime from a mere idea in the human mind into a tangible reality.^[36] Therefore, when analyzing criminal behavior related to inciting or facilitating suicide, it becomes clear that the penalties stipulated in Iraqi law are limited to two forms: incitement and facilitation.^[37] This is what Article (408) of the Iraqi Penal Code No. 111 of 1969 indicates. Here, the material element of the crime is established by the existence of criminal conduct by the perpetrator, a harmful criminal result, and the existence of a causal link between the criminal act and the harmful result. ^[38].

The crime of incitement to suicide must be linked to a positive act, whether or not a means is

stipulated. The incitement here must occur through a positive activity that results in a voluntary physical movement emanating from the perpetrator's will, leaving a trace that can be easily perceived or felt by the senses, thus giving the acts of incitement the character of a positive crime.^[39] The criminal act may be positive, represented by an action taken by the perpetrator, or it may be the absence of action but rather an omission or inaction, which constitutes a negative act. This omission may be preceded by a positive action through which the perpetrator seeks to achieve the criminal result, such as death, or it may be a complete omission without any prior positive action. ^[40] Therefore, the act here can only be committed through an action by the perpetrator, and the action in question is incitement to suicide. This is a positive action by the instigator to harm the person being incited by pushing them to commit suicide. This is the perpetrator's method in the crime of incitement to suicide. ^[41] Article (28) of the Iraqi Penal Code defines the material element of a crime as "criminal conduct by committing an act prohibited by law or refraining from an act mandated by law." Therefore, the material element of a crime requires the presence of criminal conduct by the perpetrator, by any means whatsoever. In the case of murder, the use of a specific means is not required; any means capable of causing death can be used. ^[42].

The occurrence of the criminal result is essential here, as it is the criterion for distinguishing between completed murder and attempted murder. If the elements of the crime are present, including the result (death), then we are dealing with completed murder. However, if all the elements of the crime are present without the result (death), then we are dealing with attempted murder, which does not rise to the level of completed murder. The result plays a role in determining the intent to kill, that is, in distinguishing between intentional and unintentional killing. Murder is considered intentional if the result (death) represents the purpose the perpetrator sought to achieve. Unintentional killing occurs if the perpetrator did not intend to cause death, even if it resulted from their negligence or recklessness. ^[43] In the crime of incitement to suicide, the criminal conduct is practiced by the perpetrator (the instigator), and the realization of the criminal result depends on the activity of the instigated person (the suicide victim). The criminal result

³⁶ Dr. Ali Hussein Al-Khalaf, Dr. Sultan Al-Shawi, General Principles in Penal Law, Ministry of Higher Education and Scientific Research Press, Baghdad, 1982, p. 138.

³⁷ Abdullah Saeed, previous source, p. 4,

³⁸ Dr. Mahmoud Najib Hosni, Explanation of the Penal Code, 5th Edition, Dar Al Nahda Al Arabiya, Cairo, 1982, p. 264.

³⁹ Dr. Hamid Al-Saadi, Explanation of the New Penal Code, Part 1, Al-Maaref Press, Baghdad, 1965, p. 46.

⁴⁰ Dr. Mahmoud Mustafa explained the Egyptian Penal Code, 8th edition, Cairo University Press, Cairo, 1984, p. 203.

⁴¹ Article (19), Paragraph Four of the Iraqi Penal Code No. (111) of 1969 states that (an act is any action criminalized by law, whether positive or negative, such as omission and abstention, unless the law stipulates otherwise).

⁴² Dr. Abdul-Muhaymin Bakr, Crimes of Assault on Persons and Property, Dar Al-Nahda Al-Arabiya, Cairo, 1968, p. 19.

⁴³ Hassan Al-Fakahani, Encyclopedia of Jurisprudence and Law, Vol. 11, Arab House Encyclopedias, Cairo, 1980, p. 557.

that the instigator seeks to achieve is a fundamental condition for imposing punishment. [44].

The criminal outcome may not occur after incitement, for reasons independent of the incited person's will. In this case, the act may be carried out without being completed, resulting in the incited person attempting suicide. The inciter is then held accountable, even though the incited person suffered no harm, as if they had shot themselves but sustained no injury. [45]The Iraqi legislator addressed attempted suicide by holding the instigator or accomplice accountable under Article (408), Paragraph 2 of the Iraqi Penal Code. The Iraqi legislator was correct in punishing the instigator or accomplice merely for the instigated person's attempt to commit suicide, even if the person suffered no harm. The attempt itself is considered evidence of the instigator's effectiveness and influence on the psyche of the instigated person. [46].

For criminal liability to be established for a crime with a materially harmful result, the act committed by the perpetrator must be the cause of that result. It is not sufficient for the accused to have committed an act that caused harm to the victim; rather, there must also be a link or attribution of the result to that act. If it is not possible to prove the existence of this link or attribution, which is expressed as the presence of a causal relationship between the act and the result, then the accused is not held responsible for a completed crime, but rather his liability is limited to the attempt to commit the crime. [47] In the crime of incitement to suicide, a causal link must be established between the act committed and the resulting outcome. For the perpetrator to be held accountable, it must be proven that the perpetrator's act of incitement is connected to the resulting suicide or attempted suicide. Therefore, a causal relationship must be established between the incitement and the occurrence of the suicide. [48].

Therefore, the crime of incitement to suicide must prove that its elements are fulfilled, namely the act of killing, the criminal result, and the causal relationship between the act and the result. We cannot be faced with a complete crime unless this is achieved. The crime of incitement to suicide is like all other crimes in terms of fulfilling its material element, with a kind of particularity

represented in that this crime is through social media, and in most cases, its perpetrator is anonymous, because the communication here is electronic, which allows the instigator to communicate with the victim without knowing him.

Branch Two

The moral element of the crime

The mental element must be present for a crime to be legally established, as a crime is not a purely physical entity, but rather a mental entity comprised of its constituent psychological elements, which is what is termed the mental element, and it refers to the psychological foundations of the material aspects of the crime. [49]Therefore, criminal intent must exist for the second element of the crime to be established. This element consists of two components: will and knowledge. Will means directing the perpetrator's mental activity to perform an act that will lead to a specific result, with the perpetrator knowing that their conduct is criminal. Criminal intent is not based on knowledge alone; rather, the will must be directed toward both the act and the result. [50].

The Iraqi legislator expressed this meaning in the Penal Code by saying: "Criminal intent is the directing of the perpetrator's will to commit the act constituting the crime, aiming for the result of the crime that occurred or any other criminal result." [51]Therefore, punishment would not be imposed on the instigator if the act of incitement was committed unintentionally, without criminal intent being established. [52].

Second requirement

Legislative stance on the crime of inciting suicide via social media

Legislations have criminalized the crime of inciting suicide, specifying the penalties for this act as a crime that leads to the death of the person being incited, or exposes him to danger, with the inciter using certain methods and means, as this may be achieved through social media pages. Among these legislations are Iraqi, Lebanese, and Qatari legislations. Therefore, we will divide this requirement into two sections. In the first section, we will address the position of Iraqi law, and in the second section, we will address the position of comparative laws.

⁴⁴Dr. Muhammad Fadil, *General Principles in Penal Law*, 4th ed., Damascus, 1965, p. 454.

⁴⁵Dr. Muhammad Fadil, previous source, p. 456.

⁴⁶Dr. Hussein Abdul Sahib Abdul Karim, *The Crime of Incitement to Suicide in the Iraqi Penal Code*, a research paper published in the *Al-Mustansiriya University Journal*, Issue 19, 2012, p. 15.

⁴⁷Dr. Hamid Al-Saadi, *Explanation of the New Penal Code*, Vol. 1, Al-Maaref Press, Baghdad, 1976, p. 160.

⁴⁸Fakhri Abdul Razzaq Al-Hadithi, *Explanation of the Penal Code*, Baghdad, Al-Zaman Offset Press, 1992, p. 193.

⁴⁹Dr. Mahmoud Najib Hosni, *The General Theory of Criminal Intent*, 3rd ed., Dar Al-Nahda Al-Arabiya, Cairo 1988, p. 243; Dr. Fakhri Al-Hadithi, *Penal Code*, 2nd ed., Baghdad University Press, Baghdad, 1992, p. 275

⁵⁰Dr. Hussein Abdul Saheb, previous source, p. 17.

⁵¹The text of Article (1/23) of the Iraqi Penal Code No. 111 of 1969 is referred to.

⁵²The text of Article (408) of the Iraqi Penal Code is referred to.

First branch

The position of Iraqi law

The Iraqi legislator has punished the act of incitement, as stated in the second paragraph of Article (50) of the Iraqi Penal Code, which states: "Whoever contributes as a principal or accomplice to the commission of a crime shall be punished with the penalty prescribed for it, unless the law stipulates otherwise." The second paragraph of it states: "The accomplice shall be punished with the penalty prescribed by law, even if the perpetrator of the crime is not punished due to the absence of criminal intent on his part or other circumstances specific to him." Thus, it is clear that the Iraqi legislator has criminalized the instigator and imposed the penalty on him as a principal. [53].

The Iraqi legislator has indicated the responsibility of the one who incites suicide, according to the text of Article (408) of the Iraqi Penal Code No. (111) of 1969, as amended, which stipulated that

(1- Whoever incites or assists a person in any way to commit suicide shall be punished by imprisonment for a term not exceeding seven years if the suicide is carried out as a result. The punishment shall be imprisonment if the suicide is not carried out but is attempted. 2- If the person who committed suicide was under eighteen years of age or lacked understanding or free will, this shall be considered an aggravating circumstance. The perpetrator shall be punished with the penalty for intentional homicide or attempted homicide, as the case may be, if the person who committed suicide lacked understanding or free will. 3- There is no punishment for someone who attempts suicide.)

The legal text indicates that there must be incitement to suicide by any means. The crucial point is that this incitement must lead the perpetrator to conceive the idea of suicide, or provide assistance in any way to the victim to prepare for and carry out the suicide, and that the suicide or attempted suicide must actually occur. Furthermore, the suicide or attempted suicide must have resulted from this incitement or assistance, as complicity in this case is not punishable unless it is accompanied by suicide or attempted suicide. [54] It is noteworthy that the Iraqi legislator has included a clear provision regarding the act of inciting suicide. The perpetrator is punished according to the penalty stipulated in this provision if the crime is proven, thus establishing that the instigator has been identified and is known to all. Furthermore, this provision is broad enough to encompass crimes committed through social media, including the crime of inciting suicide. This incitement is carried out electronically via the internet, which significantly facilitates rapid communication and provides the

instigator with ample space and freedom to communicate with the person being incited and push them towards suicide.

But if the perpetrator is unknown, and this happens through communication between the instigator and the person incited to commit suicide, through social communication, as if the instigator communicated through a fake page with the person incited, to push him in his own way to commit suicide, then we are faced here with the crime of incitement to suicide without the perpetrator or instigator revealing his identity for fear of legal accountability, to hide under a cover through which he cannot be known, so that electronic internet pages become his refuge to carry out that crime, thus exploiting certain circumstances specific to the victim (the incited). It is noteworthy that the Iraqi legislator, as we mentioned earlier, addressed the criminal act of incitement, without providing legal recourse if the act is carried out by an unknown person through social media pages. The intended recourse here is the principle of monitoring subscribers or owners of social media pages, as they may be exploited to achieve illegal goals and objectives, and the emphasis on the conditions of participation in social media pages. These conditions would make the owner of the page or the exploiter of the advantages or the beneficiary of social media operations known in order to prevent him from daring to incite suicide because his identity is known to everyone, and it is even possible to identify him if the incitement was carried out by him, so that he may be held legally accountable.

Branch Two

The position of comparative laws

Lebanese law has referred to the crime of incitement, according to the Lebanese Penal Code No. (340) of 1943. It criminalized incitement, through the text of Article (217), which states that (whoever incites or attempts to incite another person by any means whatsoever to commit a crime is considered an instigator), which shows that the legislator has criminalized the act of incitement, and considered it a crime punishable according to the law. This is what was stated in Article (218) of the same law, which states that (the instigator shall be subject to the punishment for the crime that he wanted to be committed, whether the crime was completed, attempted, or incomplete).

Similarly, Article (219-2) indicates that the legislator considers a person an accomplice in a crime if they assist in the crime by encouraging the perpetrator. The second paragraph of Article (219) states that anyone who encourages the perpetrator by any means is considered an accomplice in a felony or misdemeanor.

⁵³Dr. Zuhair Khuraibat Khalaf, The Crime of Inciting Suicide Using SocialMedia, Research published in the Journal of Scientific Research, Issue 7, Volume 1, 2024, p. 55.

⁵⁴Wathba Daoud Al-Saadi, Penal Code, Special Section, Al-Atik Book Manufacturing Company, Cairo, p. 121.

Article 553 of the Lebanese Penal Code explicitly addresses the act of incitement to suicide, criminalizing it and stipulating a penalty. It specifies a ten-year prison sentence for anyone inciting suicide if the act is carried out. However, it makes no distinction regarding the legal capacity of the person who commits suicide, whether they are fully competent or not. [55] The penalty is imprisonment for a period of three months to two years, if the incitement ceases, provided that no harm or disability is suffered by the incited person. [56].

In Qatari law, Article (305) of Law No. 11 of 2004 of the Qatari Penal Code stipulates that (whoever incites a person or assists him by any means to commit suicide shall be punished by imprisonment for a period not exceeding seven years, if the suicide is carried out as a result. If the person who committed suicide was under sixteen years of age, or was deficient in will or understanding, the perpetrator shall be punished by imprisonment for a period not exceeding ten years. If the person who committed suicide was deficient in choice or understanding, the perpetrator shall be punished with the penalty for premeditated murder, and the penalty shall be imprisonment for a period not exceeding seven years, if the victim's family pardons him or accepts blood money).

Article 304 of the same Qatari law stipulates that anyone who attempts suicide by committing an act that usually leads to death shall be punished by imprisonment for a period not exceeding six months and a fine not exceeding three thousand riyals, or by one of these two penalties. It is noteworthy that the Qatari legislator has criminalized incitement to suicide and established penalties for it, specifying them according to certain criteria. The perpetrator is punished with imprisonment under normal circumstances, but the penalty is more severe if the person attempting suicide is legally incompetent, to the point of considering the act intentional. This applies if the criminal result, suicide, is achieved. However, if the result is not achieved, it becomes attempted murder, for which the penalty is less

severe, potentially not exceeding six months imprisonment and a fine, or one of these penalties.

CONCLUSION

Results:

- 1- It is clear that online incitement to suicide is not just a passing behavior, but a serious criminal phenomenon that requires immediate action, as some traditional laws have failed to curb its spread.
- 2- Protecting lives in the digital age requires strengthening parental supervision, technological awareness, and international cooperation to pursue perpetrators behind screens, in order to preserve the security and psychological and physical well-being of young people from bullying and inciting motives through social media.
- 3- There is a need for strict laws that keep pace with the rapid spread of these crimes, as traditional laws may not cover all forms of online incitement.
- 4- Incitement does not require that suicide actually occur; it is sufficient to have criminal intent and to engage in inciting activity through social media.
- 5- The legislative vacuum in some countries exacerbates the seriousness of this crime, and the psychological impact of cybercrimes is equal to or greater than physical violence, which necessitates an integrated legal and technical response.

Recommendations:

- 1- The need to enact special legislation to combat cybercrimes and to apply severe penalties to instigators.
- 2- The need to update penal legislation to assess the criminal liability of online instigators.
- 3- Strengthening the role of social media platforms in monitoring harmful content, while spreading psychological awareness for prevention.
- 4- The need to form monitoring teams within the platforms, and to increase legal and psychological awareness to deal with this type of crime.

⁵⁵ Rana Sadiq Mahmoud Al-Ani, The Crime of Participation in Suicide in Both the Iraqi Penal Code and the Lebanese Penal Code: A Comparative Study, Research published in the Journal of the College of Knowledge University, Volume 30, Issue 1, 2020, p. 18.

⁵⁶ Article (553) of the Lebanese Penal Code states: "Whoever incites a person to commit suicide by any means, or assists him, in any of the ways mentioned in Article 213 - paragraphs one, two and four - to kill

himself, shall be punished by imprisonment for a maximum of ten years if the suicide is completed, and by imprisonment from three months to two years in the case of attempted suicide resulting in injury or permanent disability. If the person incited or assisted to commit suicide is a minor under fifteen years of age or mentally incapacitated, the penalties for incitement to murder or complicity in it shall be applied."