

Crimes in Medical: A Criminological Perspective on Causes, Conditions and Prevention

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Abstract

The study aims to identify the problem of medical criminality from a criminological point of view and to provide conclusions and recommendations for further prevention and reduction of this phenomenon. Theoretical methods such as analysis, comparison, systematisation, formalisation, and generalisation were used. In the course of the study, the main causes causing medical crime were identified and analysed, which include financial incentives, ethical violations, and lack of professional training. Social factors that have a direct impact such as the economic status of patients and health workers, level of education, and society's attitude towards medical crime were also identified. A study on medical criminality can help identify and analyse the factors that contribute to such cases, which will enable the development of effective measures to prevent and investigate them.

Keywords: Ethical Violations; Professionalism; Social Status; Financial Gain; Medical Standards; Deontology.

Introduction

The issue of medical offences involves many problems related to the protection of patients, the improvement of the legal system, and the development of medical professions. Therefore, today, the topic is considered relevant as, with the development of technology in the medical field, offences have changed their form and structure. The study of this topic is important for understanding the causes, conditions and prevention of medical offences, as well as for improving the quality of medical care and ensuring patient safety. This emphasises the need for further research and implementation of appropriate measures in this area. To prevent medical crime, several measures can be introduced. Firstly, it is necessary to improve the system of control and supervision of healthcare facilities and personnel. It is necessary to provide proper ethics training to medical professionals

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and to monitor their activities regularly. In addition, it is necessary to strengthen sanctions and penalties for medical offences and to ensure that the public is properly informed of their rights and the possibility of taking protective measures.

The methodology of pre-trial investigations of criminal offences in the medical field was analysed by A.B. Seidanov et al. (2022). The authors pointed out that the process of investigating a violation of the law of a medical nature should begin with pre-trial investigation, which has one of the main roles in the consideration of any case. The determination of all the main aspects of the offence, alibi of suspects, available information documentation and testimony of witnesses of the violation of the law should be investigated in detail, and the main motives of the offence should be considered. The scientists followed the provisions of the new edition of the Criminal and Criminal Procedure Codes of the Republic of Kazakhstan. The issues of document forgery by medical workers were studied by D.V. Voevodkin and A.A. Mukanbetkaliev (2022). Scientists noted that the discrepancy between the real condition of the patient and the document confirming certain diagnostic data can affect the consideration of court cases and the presence of alibis in these processes.

Y.V. Yespergenova (2017) studied the issue of social conditioning in criminal law and medical criminality. The author noted that the responsibility for the improper performance of these duties by medical workers should be formed and proved in the legislation. The right to quality medical care of citizens should be properly fulfilled by all healthcare institutions. The analysis of improper fulfilment of professional duties was studied by O. Knyzhenko et al. (2022). The authors analysed normative legal acts, research literature, court verdicts, criminal proceedings that were considered by the court, as well as statistical information. Scientists noted that the tactics of preparation for the appointment of forensic medical examination in the investigation of criminal offences have certain peculiarities, in particular checking medical records for the presence/absence of signs of forgery.

Criminal liability of medical personnel was studied by V. Kononenko and M. Demura (2022). The scientists noted that inaction in the place of needy persons with medical education is also considered a violation of the law. A physician must provide medical care within the limits of knowledge and specialisation, as well as know the protocols of emergency conditions of different natures. In the case of a situation where the deterioration of a person's physiological condition occurred even outside of the medical structure, the medic who witnessed and did not provide assistance is considered to be a person who violated the law.

It is necessary to improve the awareness of the causes, consequences and liability for medical errors that may have a criminal aspect. Therefore, the study

aims to identify the main problems of medical malpractice and aspects of the causes that influence the social aspects of medical personnel. It is also necessary to develop recommendations and strategies to reduce and overcome medical malpractice through the implementation of effective systems of control, education and consciousness among medical professionals and society at large.

Materials and Methods

Theoretical research methods such as survey, analysis, synthesis, systematisation and comparison were used during the research. In conducting the study, the main method of obtaining reliable information was an expert survey, which was conducted among 160 people aged 25 to 60 years old, who have a direct influence on the main aspects of medical criminality. The interviewees included 35 lawyers, 76 medical professionals of different economic and scientific status, 24 law enforcement investigators and 25 prosecutors. The method was based on anonymity and intended to collect information by answering each question of the interviewed people. The survey included 7 questions of a descriptive nature:

1. Do you have personal experience or knowledge of medical criminality cases? If yes, please provide a brief description?
2. From your perspective, what are the most common reasons for health workers to commit offences?
3. What factors or conditions contribute to medical offending?
4. Do you think that proper training and ethical standards can prevent medical offences? What measures do you consider effective in preventing such cases?
5. How do you perceive the role of legislation and the justice system in the fight against medical offences? Do you think the current system is effective?
6. Do you have any ideas or recommendations for improving the medical crime situation?
7. What steps do you see to increase public awareness of the topic of medical crime and its consequences?

The main method chosen was a survey, as it can be used to collect direct data directly from the general audience. The survey method was used to gather, analyse and systematise data. Furthermore, the percentage among the most common and least common information facts were determined, which include the causes of medical crime, conditions and ways of prevention. Surveys are a good method for research for several reasons. Firstly, they can provide a wide range of

data from different participants to help identify common trends and perceptions. Secondly, surveys can be done anonymously, which elicits truthful and candid responses from participants. In addition, survey results can be analysed and used for decision-making in a variety of areas, from marketing to research.

Analysis methods were used to identify the main causes of medical crime, such as low levels of ethics among health professionals, inadequate training and supervision, and financial motives. The conditions under which criminal acts occur, such as insufficient patient safety, and poor organisation of medical institutions, were also analysed. Based on the analysis of statistics and causes of medical criminality, generalisations were made that will help to anticipate and prevent such cases in the future. The analysis was used to summarise the data, which included the creation of recommendations to improve medical ethics and training programmes, the introduction of stricter security measures in medical institutions and other effective measures that are efficient ways to prevent medical crime.

Results

Conditions of medical criminality

The study identified a lack of professional etiquette and moral principles (34%), medical corruption (25%), violation of medical standards (16%), inadequate supervision and regulation (14%), and lack of patient awareness (11%) as the main conditions of medical criminality (Figure 1).

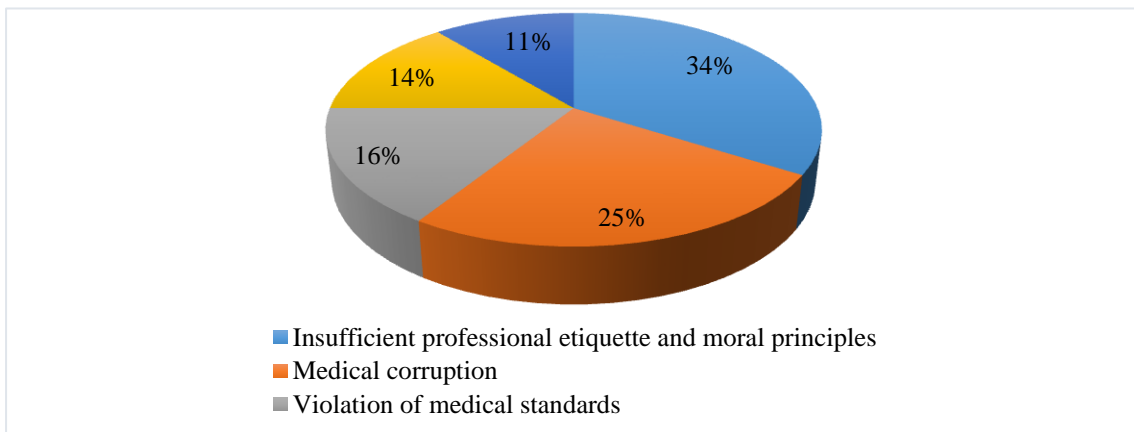


Figure 1. Conditions of medical criminality

Source: compiled by the authors.

Lack of professional etiquette and morals may be an indication that a health care provider is not performing their duties with the appropriate level of

professionalism and integrity. The environment, in which physicians operate, requires high standards of medical care and patient trust. However, when professional ethics and moral values are compromised, medical malpractice can occur. Lack of professional etiquette can contribute to misconduct by medical professionals such as unprofessional behaviour, indiscretion, unwarranted behaviour or illegal practices such as illegal surgeries or unnecessary medical care. This can cause serious harm, leading to bodily harm or death. Moral principles also play an important role in the medical profession (Masese, Suleiman, Marera & Masese, 2023). Physicians should have clear moral values of responsibility, fairness, consent and desire to help people. When medical professionals violate these principles, they may commit criminal acts such as theft, falsification of medical records, providing illegal drug therapy or abuse of power. This violates the trust of patients and can harm the image of the medical profession.

Medical corruption can cause inaccessibility or inappropriate provision of health services as decisions may be made based on self-interest instead of the needs of the patient. This may include accepting bribes or misusing resources, charging excessive fees for services, soliciting bribes to provide necessary treatments or even making false prescriptions for narcotic drugs (Shevchuk et al., 2022). Medical corruption has a direct impact on medical crime. Unfair practices such as violating medical protocols, providing unprofessional services or even negligent treatment of patients can result from this phenomenon. Medical corruption reduces trust in the healthcare system and deteriorates the quality of health services (Dyomin, 2023). One of the consequences of medical corruption is the spread of medical offences. For example, this could be the illegal sale of prescription drugs or the use of medical knowledge for criminal purposes, such as the production of false medical documents or illegal interference in medical procedures (Shevchuk et al., 2018).

Violations of medical standards may result in inappropriate treatment, diagnosis or procedures that may cause harm to the patient. This may be due to lack of experience, irrelevant knowledge or incapacity to perform their duties by norms and standards. Breach of medical standards can lead to negligence and unprofessional behaviour on the part of health professionals (Kim, 2023). This may include unsuitable medical practices, inappropriate diagnosis, negligence in surgical procedures, improper prescription of medication and the like. Such actions can cause serious injuries, complications and even death. Furthermore, unlawful use of medical information that may be obtained due to a breach of medical standards can lead to crimes of an insurance claim, fraud or identity theft. For example, medical professionals may sell confidential patient information to

third parties, which can lead to financial crimes. Violation of medical standards creates distrust in the healthcare system among the public. This can cause a loss of patient trust in healthcare providers and the system. Feelings of safety and trust are important to the functioning of an effective healthcare system, and breaches of medical standards can undermine this trust.

Inadequate oversight and regulation can create an environment in which health professionals feel impunity for their actions. This can result in abuse of power, ineffective quality control and poor response to violations. If no effective licensing system for medical professionals exists, this can create an avenue for unqualified individuals to perform medical procedures without proper education and skills. This leads to the proliferation of unprofessional medicine and can potentially harm patients. If the control and regulation of health care facilities, such as hospitals and clinics, is inadequate, this can open the door to abuse and corruption among medical personnel (Tong, 2016). This can lead to shortages of necessary supplies or misuse of resources, as well as facilitate the proliferation of forged medical documents or illegal agreements between doctors and patients. If the system of legal sanctions and protection against medical criminality is weak or inadequate, it may contribute to impunity for health professionals who violate ethical standards or harm patients. Without adequate protection of patients from unscrupulous medical practices, medical criminality has a high chance of spreading. Given these factors, a lack of oversight and regulation can contribute to increased medical crime, breach of ethical standards, and harm patients and healthcare systems as a whole. It is important to improve control and regulation systems, develop strict legal provisions and provide an effective oversight mechanism to prevent medical crime.

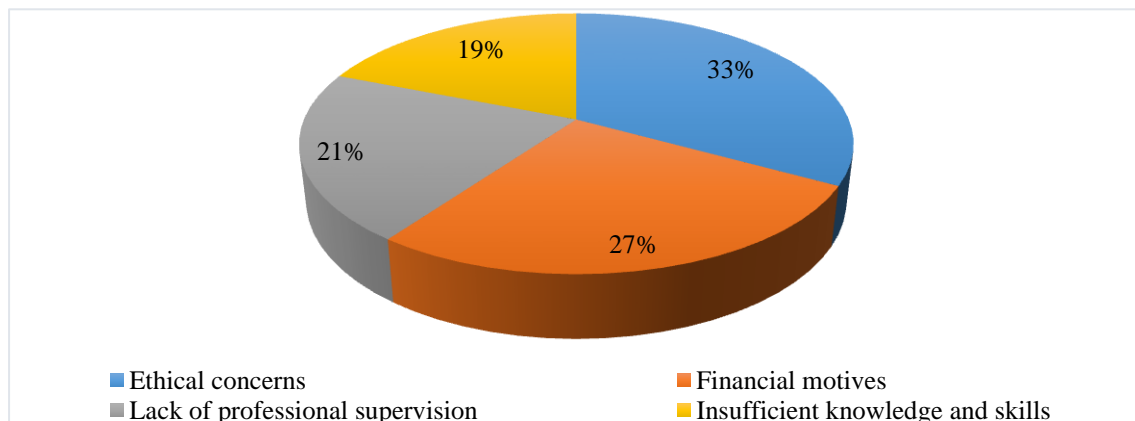
Lack of patient awareness can create situations where patients do not understand their rights, cannot influence decisions or cannot advocate for themselves (Khaydarov, 2023). This can contribute to unfair practices or the provision of poor-quality services without compliance. Incompetent patients may fall victim to fraudsters who provide health services without proper qualifications. They may offer unnecessary procedures, and medications, or even steal patient identities. Lack of patient awareness can lead to inappropriate self-medication, use of inaccurate information or incorrect dosage of medication. This can cause health damage and further complications. It can also lead to patients being unaware of the potential risks of certain medical procedures or medications. They may be exposed to unfair offers and inadequate treatments, which may jeopardise their health (Kusumawati, Nurdin & Santiago, 2023). Lack of patient awareness can lead to inefficient use of healthcare resources, such as unwarranted doctor visits or treatments that are not necessary. This can lead to system overload and reduced

accessibility for patients who need it. All of this emphasises the importance of patient education and awareness of medical procedures, treatments and self-protection rules. To prevent medical crime, patients must have access to reliable and accessible information.

Causes of medical offences

The next step was to analyse the reasons, which included ethical concerns (33%), financial motives (27%), lack of professional supervision (21%) and insufficient knowledge and skills (19%) (Figure 2).

Figure 2. Analysis of causes of medical offences



Source: compiled by the authors.

The cause of an ethical problem may relate to moral business principles that health care providers violate. For example, mistreating patients, breaching confidentiality or covering up errors. This can create serious problems that affect the quality of healthcare delivery. Monetary incentives can encourage medical staff to abuse or commit fraud. For example, illegally obtaining financial benefits from contracting firms or inflating insurance payments (Vuletić, 2019). Financial pressures may induce misconduct. The cause of inadequate professional supervision may originate from a weak system of registration, certification and supervision of health professionals. If there are no effective tracking and monitoring mechanisms in place, it can create a favourable environment for medical offences. As medicine is a complex field, a lack of knowledge or skills can lead to serious errors that can be classified as criminal. For example, misdiagnosis, negligence during procedures or incorrect treatment.

Prevention of medical offences

Prevention methods were identified to help prevent the development and spread of medical malpractice. Protecting patients' rights and preventing fraud in the medical field is a crucial task (Mensah, Addy & Akakpo, 2023). One method of preventing medical offences is the establishment of effective systems of control and supervision. Regular audits of medical institutions and professionals can detect violations of legislation and medical ethics. Such audits should be carried out by independent bodies and be guided by certain regulations and standards of work (Retnaningrum, Wahyudi, Budiyo & Nugroho, 2023). The second effective method is the introduction of an electronic health insurance medical documentation system. One of the biggest risks of medical offences is the forgery of illnesses, treatments and medical data. An electronic medical record system can greatly reduce this risk by putting documentation into electronic format and providing the ability to verify and control data. The third method is to raise the level of medical education and consciousness of professionals. Educating medical professionals on ethical standards, as well as conducting information campaigns for patients about their rights, can help detect and prevent fraud in medicine. Finally, cooperation between healthcare providers and law enforcement agencies is another important method of preventing medical offences (Samad & Ghani, 2023). Sharing information about suspicious activities of professionals or health care providers can help detect and prevent crimes in time. These methods, when used together, can contribute to preventing medical offences and ensuring safer and more ethical medical practice. Certainly, the continuous development and improvement of these methods is a necessity to ensure the effective protection of patients and the moral values of medicine.

Causes of medical crime may include financial stress on healthcare providers, lack of ethics or professional deontology, psychological instability or deficiencies in the control and record-keeping system (Spytska, 2023; Spytska, 2024). Conditions that stimulate the phenomenon may include inadequate supervision, corruption, lack of ethical education, deficiencies in the justice system and others. Nevertheless, certain measures can help prevent medical criminality. It is important to develop ethical standards and professional deontology among medical professionals, to observe standards of supervision, to conduct regular checks on the qualifications of medical professionals, and to ensure proper medical supervision and control. It is also necessary to improve the justice system to ensure that medical offences do not go unpunished. The introduction of education programmes for patients about their rights and the possible risks of medical care can also play a positive role in preventing medical crime. Measures should be coupled with public awareness of the problem,

proactive action in medical organisations and public policy. Adopting a comprehensive approach to the prevention of medical crime can help to reduce it and improve the health care system. Studying the criminological view of the causes, conditions and prevention of medical crime is necessary to improve the health care system and ensure patient safety. Studying the criminological view of medical crime can increase knowledge about this type of crime and understanding of its impact on society. It will help create a conscious and responsible attitude towards the problems associated with medical crime.

Discussion

The study analysed the main aspects of the impact of preventive measures, conditions and causes of medical crime. By analysing the data obtained from the survey, the main conditions that directly affect the spread of medical crime were identified. These include insufficient professional etiquette and moral principles, medical corruption, violation of medical standards, insufficient supervision and regulation, and lack of patient awareness.

Medical record offences were studied by S. Hamid and T. Rusmawan (2023). Researchers pointed out that this problem also affects other criminal offences during investigation. The authors noted that the spread of offences in the medical industry is facilitated by the transfer of documentation into electronic form and consultations on online platforms. In this way, the researchers point out that medical criminal offences can interfere with lawful measures and other cases because an alibi is a valid reason that reduces the responsibility of the suspect. Medical record violations can occur for a variety of reasons and can have serious consequences for patients and medical professionals. For example, incorrectly recording medical information can lead to misdiagnosis, the provision of ineffective treatment, or even endanger a patient's life. While the statement is valid, it is worth adding that it is necessary to follow all rules and standards for medical record keeping and to scrutinise them for accuracy and correctness. The main aspects of investigation on the topic of medical malpractice were analysed by M.J. Fathi (2016). The author defined the difference between the concepts of crime, misdemeanour, civil offence and disciplinary misconduct through a list of related issues, as well as examples of medical disciplinary crimes and misdemeanours. The main aspects of research on medical criminality include examining the motives and factors that lead health professionals to commit criminal acts in the medical field, as well as examining the consequences of such acts on patients and the health care system (Karpushyna & Veresha, 2023). The researcher also analysed the ethical and legal aspects of medical criminality and developed preventive strategies to prevent such cases.

Medical forensics as a model offence was studied by B.B. Meshram et al. (2024). Researchers noted and studied medical forensic principles and their proposed use in computer forensics. Both medical (traditional) forensic science principles of law such as individuality, exchange, progressive change, and comparative analysis were studied (Shevchuk, 2020). Abuse of position and rights in the medical field was studied by Z.S. Meirosa (2021). The scientist studied the causes of medical malpractice, starting from improper professional skills acquisition and honing to the allocation of certain rights to people who are not able to theoretically and practically fulfil their duties. Medical error in the spread of medical negligence is more prevalent, but most investigations rely on the accidental and physiological aspects of the offence rather than on the incompetence of the doctor and the failure to perform their duties. The medical field needs constant training and honing of skills, as well as learning new treatments, so a non-practising doctor is more likely to make a medical error, even an accidental one. Medical malpractice also has factors of influence on the material side, which may include small salaries and inadequate working conditions, which reduce the desire to work and develop in the chosen field. Encouragement of medical staff as well as additional incentives can be considered as a prevention of medical malpractice. Modern medical errors in the era of computer networks were studied by L.G. Payasan et al. (2022). The authors noted that the development of the Internet of Things in medicine affects the basic concept of medical practice. It impacts those responsible for medical errors. The inclusion of technical elements that have dominance tends to coincide with the position of physicians in determining the success of the action. However, it should be added that the transition to digital medical records is gradual and therefore there are many challenges and issues.

The importance of the medical board in court cases was studied by D.K. Ningsih et al. (2023). The authors noted that various kinds of medical disputes arise, where aspects and features of treatment differ by type of specificity of specialisation. Furthermore, the scholars determined that the medical committee is responsible for monitoring and evaluating the quality of medical services through medical audits. Medical boards are responsible for assessing the quality of medical services provided and ensuring compliance with medical standards and regulations. By conducting thorough examinations and investigations, medical boards can identify any deviations from accepted practices or unethical behaviour of health care providers. Medical audits also play an important role in detecting medical offences by reviewing medical records, financial transactions and treatment procedures. Overall, both medical boards and medical audits are valuable means of ensuring the integrity of the health care system and protecting

patients from potential harm caused by medical offences (Horislavska, 2021). Their efforts contribute to maintaining transparency, accountability and quality of medical practice, ensuring the well-being of individuals and public health. This statement is valid, although it is worth adding that through systematic analysis and comparison, medical audits can accurately identify discrepancies or inconsistencies that may be indicative of fraud or abuse.

To combat medical errors, it is necessary to improve the medical education system and ensure that the skills and knowledge of medical professionals are constantly tested. In addition, developing strict protocols and implementing technological solutions can help prevent medical errors. It is also important to establish an effective mechanism of liability for the unfair activities of medical professionals to protect the rights of patients and punish those responsible. Research and analysis of medical errors is an important part of improving the health care system. Medical offences include unethical or negligent practice by medical professionals, violation of patients' rights, improper treatment, and failure of medical services to meet standards. Offences can have a direct impact on legislation. As a result of medical scandals or inadequate regulation in this area, states may take steps to change or improve legal acts. New laws may be designed to increase oversight, regulate medical practice and ensure patient safety. Medical malpractice necessarily affects people's health. Faulty diagnosis, improper treatment or insufficiently competent medical decisions can lead to the deterioration of a patient's health, even causing death. Such events cause significant public health consequences and can lead to a loss of confidence in the medical system. People may become more careless about visiting doctors, and this will affect the overall health of society. Hence, medical malpractice has a serious impact on both legislation and public health. Regulating the medical field and ensuring ethical practice is an important task to ensure safety and trust in the health care system.

Medical offences can have a major impact on law enforcement and investigative agencies for several reasons. Offences can trigger the initiation of criminal cases or investigations. They may be cases of medical error, illegal drug trafficking or illegal use of medical data. Furthermore, medical offences can affect the formation of evidence in criminal cases. Experts in medicine may be called witnesses or consultants to provide their expert opinions and information to assist in the investigation. They can conduct independent research, analyse medical records and gather evidence on medical malpractice.

Conclusions

The survey interviewed 160 people between the ages of 25 and 60 who have a direct influence on major aspects of medical crime. The interviewees included 35 lawyers, 76 medical professionals of different economic and scientific status, 24 law enforcement investigators and 25 prosecutors. In analysing the data, the underlying conditions of medical criminality were identified through several key factors. These include insufficient professional etiquette and moral principles, accounting for 34% of the reported cases. Medical corruption (25%), violation of medical standards (16%), inadequate supervision and regulation (14%), and lack of patient awareness (11%) are also important causes. Analysing this data can help improve the healthcare system and prevent incidents of medical criminality. The causes of criminal offences in medicine fall into several main categories. Ethical problems rank first, accounting for 33% of the total number of reasons. Financial motives rank second with a share of 27%, indicating that monetary motivations may encourage medical professionals to break the law. Lack of professional supervision accounts for 21% and lack of knowledge and skills accounts for 19%. Information on these reasons may be useful in developing strategies to prevent the occurrence of criminal offences in medicine.

The study identified that some health professionals may violate their ethics by not adhering to standards of professional behaviour, which may lead to crimes in the medical field. The presence of systemic problems in the medical system such as corruption, lack of supervision or inadequate funding may contribute to medical offences. Some medical professionals may be affected by psychological problems such as stress, burnout or low morale, which can lead to inappropriate behaviour. Inadequate training and support for healthcare professionals can lead to them reacting inappropriately to difficult situations and committing offences. It is important to implement measures to prevent medical offences, improve the medical education system, and ensure that the skills and knowledge of health workers are constantly tested.

Further studies should address the methods of professional development of medical professionals and analyse the awareness of medical staff of the penalties and restrictions that may be imposed in case of violation of the law of medical ethics and deontology, which also includes medical errors.

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