

THE HEALTHCARE SYSTEM OF THE REPUBLIC OF UZBEKISTAN AND BIOETHICS: PROBLEMS AND PERSPECTIVE

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Abstract

The article is devoted to the legal regulation of bioethics as an institution of medical law. The article considers the subject of the branch of medical law; health care regulations; aspects of modern bioethic, bioethical relations.

Keywords: bioethics, medical law, healthcare.

To date, the question of the existence of such an industry as medical law has been practically resolved. Like any other branch of law, medical law meets the main indisputable signs that any branch of Uzbek law must comply with - this is the subject of the industry, the method of the industry, the presence of a codification act, the establishment of relations with other branches of law.

The need to legalize relations in the field of medicine is due to its very development and the need for legal regulation of relations regarding very different aspects of the right to health and medical care (the emergence of new medical technologies, such as assisted reproductive technologies, transplantation, genetic methods and human studies) and that not less important is the management and control in this area.

Moreover, the recognition of medical law as "default" is called the first group of arguments in substantiating the existence of this industry, indicating that if in fact a certain group of relations is regulated, functioning and functioning, then its "viability" proves its very existence [6].

PURPOSE OF THE WORK

Consideration of the problems of healthcare systems of the Republic of Uzbekistan and bioethics as well as studying their prospects

MATERIAL AND METHODS

The authors applied the comparative legal methods, the formal legal method, the method of observation included.

RESULTS AND DISCUSSIONS

As a subject of the branch of medical law, such relations as:

- 1) public relations regarding the establishment of a health system and structure;
- 2) social relations about the medical and the types of activities that support it;
- 3) public relations regarding the establishment of the status of participants in the medical and the types of activities that support it;
- 4) public relations in related fields of scientific knowledge related to health protection.

The legal basis of the fixing framework for the legal regulation of these relations include:

- The Constitution of the Republic of Uzbekistan, December 8, 1992;
- The European Agreement on the provision of medical

services to persons temporarily residing in the territory of another country (Geneva, October 17, 1980);

- Agreement on cooperation in the field of public health (entered into force for the Republic of Uzbekistan on June 26, 1992);

- Agreement on cooperation in the field of sanitary protection of territories of the member states of the Commonwealth of Independent States (Minsk, May 31, 2001);

- Law of the Republic of Uzbekistan No. PZ-376 "On transplantation of organs, tissues and (or) human cells," June 11, 2018.

- "Law of the republic of Uzbekistan on sanitary and epidemiological wellbeing of the population". Adopted by the Legislative Chamber on July 15, 2015;

- No. LRU-353 09/23/2013 Law of the republic of Uzbekistan "On counteracting the spread of the disease caused by the human immunodeficiency virus (HIV infection)"

- No. 13/16 of March 22, 2016, "On Approving the Amount of Narcotic Drugs and Psychotropic Substances in Illicit Trafficking";

- June 20, 1994 N 308 "On measures to improve the system of state social assistance to families with children";

- N 422-XII November 18, 1991 "On the social protection of disabled people in the republic of Uzbekistan"

- June 27, 2011 the Law of the Republic of Uzbekistan "On the restriction of the distribution and use of alcohol and tobacco products"

- N 265-I, 08/29/1996 "About the health of citizens".

Decrees of the President of Uzbekistan:

PO-4513 11/08/2019 On improving the quality and further expanding the coverage of medical care provided to women of reproductive age, pregnant women and children

PO-4295 04/19/2019 On the approval of the national program for improving endocrinological assistance to the population of the republic for 2019 - 2021

PO-4290 04/16/2019 About measures for the development of state-private partnership in the field of health

PO-4190 02/13/2019 On approval of the Concept of development of the mental health service of the population of the Republic of Uzbekistan for 2019 - 2025

PO-4191 02/13/2019 On measures to improve the system for the provision of specialized TB and pulmonary care

12/18/2018 Decree of the President On measures to prevent non-communicable diseases, support a healthy lifestyle and increase the level of physical activity of

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the population

PO-5590 12/07/2018 On comprehensive measures to radically improve the healthcare system of the Republic of Uzbekistan

PO-4055 12/07/2018 On measures to organize the activities of the Ministry of Health of the Republic of Uzbekistan

07/12/2018 Resolution On measures to improve the effectiveness of the provision of nephrological and hemodialysis care to the population of the Republic of Uzbekistan

PO-3729 05/18/2018 On measures to further improve the system of counteracting the spread of influenza and other acute respiratory infections in the Republic of Uzbekistan

PO-3715 05/11/2018 On measures to radically improve the prevention, diagnosis and treatment of allergic diseases

PO-3494 01/25/2018 On measures to accelerate the improvement of the emergency medical care system

PO-3493 01/25/2018 On measures to further improve the system of counteracting the spread of the disease caused by the human immunodeficiency virus in the Republic of Uzbekistan

PO-3489 01/23/2018 On measures to further streamline the production and import of medicines and medical devices.

This is only the state level of legal regulation. As of September 1, 2019, according to the state register of regulatory legal acts of Uzbekistan, more than 7000 regulatory legal acts are in force in the sphere of relations under consideration.

In general, the legal regulation in the field of healthcare carried out by the subjects of the Republic of Uzbekistan is sufficient and complete. At the same time, in a number of subjects of the Republic of Uzbekistan there are gaps in the legal regulation of certain issues in this sphere of legal relations. So, the state authorities have not adopted normative legal acts aimed at:

- development and implementation of regional programs for providing the population with medicines;
- approval of regional research programs in the field of health;

The presence of a sufficiently voluminous legal framework in the regulation of the considered social relations allows us to talk about their existence "by default". It must be recognized that as a codifying act, which is a sign of any industry, the law of Uzbekistan of 08.29.1996 N 265-I "On the protection of health of citizens can be recognized".

Part of any type of relationship we have indicated is the bioethical aspect, in particular of such groups as: social relations about the medical and the types of activities that support it; public relations regarding the establishment of the status of medical participants and the types of activities that support it; public relations in related fields of scientific knowledge related to health protection.

One can speak with full confidence about the formation of a new institute of medical law - the institute of legal regulation of bioethics as a sphere of interdisciplinary research.

A legal institution is usually defined as "a set of rules governing a particular area of homogeneous social relations" [11, 12], or "a set of rules governing isolated social relations within the group of social relations that make up the subject of an industry" [9, 11], or as "a set of norms outlining a certain typed legal relationship". Other definitions can be given, however, in essence they are similar to those indicated [2, 9].

Based on the data of the theory of state and law, the

institution of legal regulation of bioethics can be defined as a set of legal norms regulating social relations in the field of protection and legal regulation of health issues as a public good and conditions for the survival of society, including in the implementation of medical activities, including the choice of treatment method, the application of scientific knowledge in practice, the relationship between medical workers and the patient, ensuring his safety and interests, other issues related to interference with the physical and mental health of a person.

Moreover, given the multifaceted nature of bioethics, one should insist specifically on designating this legal institution as the institution of legal regulation of bioethics, since bioethics is a rather complex and multifaceted phenomenon, as we have already indicated, not limited to only legal characteristics.

Considering the institution of legal regulation of bioethics, it can be noted that this institution, being an integral part of the bioethics system, itself is a complex interdisciplinary (mixed) institution like all medical law, since it regulates social relations that are related to several branches of law. There is no doubt that in most of the institute it is connected with medical law, since bioethics affects the relationship between the doctor and the patient, the relationship about the medical experiment, and the relationship in the field of transplantology.

However, relations in the field of the doctor's professional activities, the acquisition and loss of this status are related to labor law, relations regarding compensation for harm caused to the patient, relations regarding the recognition of the fact of death are regulated by civil and criminal law. Moreover, the norms of the Constitution of the Republic of Uzbekistan on the protection of human dignity, human life, and the right to medical care [2,8,9] are undoubtedly part of the legal institute under study.

As has been noted more than once, bio-ethics has been addressed by representatives of various sciences. In particular, from the perspective of the formation of medical law, the following aspects of bioethics are distinguished:

- 1) the relationship between the doctor and the patient;
- 2) relationships within a professional group of medical workers ("vertically": administration, doctors, paramedical staff, junior medical staff);
- 3) the relationship between the subgroups of medical specialists ("horizontally": surgeons - therapists - oncologists - gynecologists - dentists - pediatricians - pharmacists and pharmacists - employees of insurance campaigns, etc.);
- 4) the relationship of ownership and profit in medical practice;
- 5) attitude to new scientific achievements and criteria for their use in medical practice;
- 6) relations in the drug market;
- 7) aesthetic standards of medical care;
- 8) the attitude of medical workers to social and natural factors affecting the health status of their patients;
- 9) principles of isolation of a given professional group in society;
- 10) attitude to the authorities and laws in force in a given society;
- 11) the patient's moral status in relation to their health and doctor's recommendations [7, 12].

However, this is not the only possible approach to establish doctrinally the boundaries of the legal regulation of bioethics, so the framework of modern bioethics is also

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outlined by such components as:

- 1) the emergence of effective life-supporting technologies and issues of euthanasia;
- 2) transplantology (transplantation of organs such as the heart, liver, lungs);
- 3) the development of technologies for artificial human reproduction;
- 4) the use of stem cells for research and therapeutic purposes, especially embryonic stem cells;
- 5) a lot of bioethical issues are related to the progress of genetic engineering: genetic diagnostics, which allows to establish the presence of defects in genes, the harmful effects of which can only appear over time; gene therapy aimed at curing genetically determined pathologies of the body; the possibilities of applying genetic engineering methods not for medical purposes, but for "improving" a person (the so-called liberal eugenics);
- 6) the risks associated with the creation and spread in the environment of genetically modified organisms - viruses, bacteria, plants and animals.
- 7) ethical and legal regulation of biomedical research conducted with the participation of humans or animals;
- 8) public health.

To date, the draft law on bioethics provides for the possible legal regulation of the following bioethical relations: establishing the legal framework for bioethics in the field of health as a public good and the conditions for the survival of society, including in the implementation of medical activities, including the choice of treatment method, application of scientific knowledge in practice, relations between medical workers and the patient, ensuring his safety and interests, other issues related to interfering in the physical and mental health of a person [1].

Such a wording clearly indicates the limits of legal regulation in matters of bioethics without setting strict boundaries, which will allow in the future to develop legal regulation of bioethics.

However, in our opinion, this law, since it involves the regulation of issues related to interference with the physical and mental health of a person, should include and possibly establish the legal status of persons who, as it were, are not entirely related to medicine, but at the same time strongly affect this is the most mental health of people - these are psychologists. If a person with the status of a doctor or medical worker, even with great difficulty, can be brought to justice, if his actions contain a crime or other misconduct, then the psychologist is not connected with a code of psychologists. And on this fertile ground, people with a fairly low degree of responsibility, with special knowledge, can cause quite serious harm, including to the mental health of a person. And there are many examples. In particular, we can cite one of them:

In one of the training centers in our city, where work is underway on psychological assistance and psychological development, trainers "nice" discussed the processes that take place with one of the participants in this training with the name, surname of this person, so carried away (as they say in Russian fairy tales) that they began to transmit these details to their friends, and those to their own, and this good news came, and our city is small, to the very participant. This is one of the most harmless examples of violation of the norm of an article of the Constitution of Uzbekistan: "Collection, storage, use and dissemination of information about a person's private life without his consent is not allowed." The question is how to correctly prove this

and how to bring "professionals" to justice.

There are more serious cases when "psychologists" try new techniques of influence without warning people about the consequences or without suggesting them, because they can use it for the first time.

In our opinion, at the very least, psychologists should be designated as subjects with legal status in the framework of the draft law on the legal regulation of bioethics.

CONCLUSION

So, in our opinion, the institution of legal regulation of bioethics includes the following types of social relations regulated or requiring regulation by the rule of law:

- public relations regarding the establishment of the legal framework of bioethics in the field of health as a public good;
- bioethics of public relations in the implementation of medical activities;
- bioethics of public relations when choosing a treatment method;
- bioethics of public relations when applying scientific knowledge in practice;
- bioethics of public relations between medical workers and the patient, ensuring its safety and interests;
- bioethics of public relations in resolving issues related to interference in the physical and mental health of a person.

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