

CRIMINAL-LEGAL ASPECTS TRANSPLANTATION OF HUMAN ORGANS AND TISSUES (CELLS)

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ABSTRACT: In this article, the introduction of a new “mandatory donor” into the Criminal Code on its mandatory implementation, the adoption of Article 133 of the Criminal Code in the new edition, the calculation of important objects of a person’s life and health, as well as responsibility for illegal implementation of the plantation and improvement of criminal legislation .

KEYWORDS: Translantlantation, human organs and tissues (cells), donor, recipient, Medical Law, Criminal Law, Criminal Code, responsibility, sanction

INTRODUCTION

In the current difficult situation, the healthcare sector is developing as rapidly as other sectors. At the same time, in the conditions of the pandemic COVID – 19, which reigns on a global scale, how important this industry is, the dependence of the life and health of mankind on the whole-headed Health System is manifested once again.

In these processes, the preservation of human life is of great importance, and the right to live and to have a comfortable lifestyle is guaranteed by international and national documents. The technology of human organ transplantation has been shown in the scientific direction as a gift of life to individuals suffering from organ failure, through which it is achieved to preserve the life of many people in the world.

President of The Republic Of Uzbekistan It is not surprising that Mirziyoyev in his appeal to the Oliy Majlis of 2019 said that "Strengthening the health of our people, finding a healthy lifestyle is a vital issue for us".

Even in Article 24 of the Constitution of the Republic of Uzbekistan "residence permit is an integral right of every person. The assassination of a person's life is the most serious crime," it is noted.

Of course, the right to health begins exactly from the right of every person to life.

Also, the issue of implantation of human organs and tissues (cells) is considered one of the main, debatable and pending problems of today, and implantation is being studied as a field of science, Bioethics and law of Medicine.

THE MAIN FINDINGS AND RESULTS

In connection with the recent achievements in the field of Medicine, human organs and tissues have "begun to live" their own lives, which differ from their owners, because human organs and tissues are characterized as anatomical formations that do not define personality features.

In addition, at present, a number of works are being carried out in our country on improvement and development of the normative-documentation base regulating the Institute of plantations in the field of Medicine. According to the current order, the Cabinet of Ministers of the Republic of Uzbekistan, which regulates the cultivation of human organs and tissues, has a decision №1035 "on approval of the temporary regulation on the procedure for the cultivation of kidney and (or) liver fragments among relatives", which includes general rules, instructions and contraindications to transplantation, the procedure for the execution of Transplantation But since the process, standards and interrelationships of the implementation of transplantation are not reflected in it, it requires the adoption and implementation of the law "on the transplantation of human organs, tissues and (or) cells", which is developed and commercialized in accordance with international standards, taking documents into account the procedure for transplantations of organs and tissues regulated by the World Medical Association and the official it is required to adopt and implement into practice the law "On the transplantation of human organs, tissues and (or) cells", which is developed in accordance with international

standards and completely excludes commercialization, taking into account the procedure for the cultivation of organs and tissues regulated by official documents for their intended purpose.

In Uzbekistan, legal communication is not prohibited, but when its special legal basis is not established, the circumstances of its illegal implementation can lead to an increase in the latency of the crime.

The Criminal Code of the Republic of Uzbekistan for crimes committed for the purpose of Article 133 (separation of human organs or tissues); Part 2 of Article 97 of the Criminal Code (intentional killing of a person for the purpose of cutting off the members of a person and moving them to another person or using parts of a corpse); part 104 paragraph "i" (intentional infliction of severe injury on the body with the aim of cutting off the members; Article 135, paragraph 2 "k" (trafficking in persons for the purpose of resettlement (transplantation) by cutting off the members of a person) is defined in articles criminal responsibility, and these substances should have a blanket disposition. So should be airlifted to another special law for bringing criminal to responsibility for these actions, its component should be covered. In its place, it is desirable to describe Article 133 of the CC in the following edition:

Article 133. Illegally distinguish or take-sell human organs and (or) tissues (cells)

For scientific work or educational work without the permission of the head physician in places outside the state health institutions without the consent of one of the close relatives after his death or without his consent, without the consent of the person when he is alive, or for the purpose of maintaining (conservation) the corpse's members and (or) tissues (cells) illegally —

shall be punished by a fine in the amount of twenty-five to fifty times the amount of the base calculation, or by deprivation of a certain right for a term of up to five years, or by compulsory public works up to three hundred and sixty hours, or by correctional labor up to three years.

We also consider that the second and third parts of this article should be stated in the following edition:

Those actions:

- In case of strangeness or other low intentions;

- Using the service position;
- Repeated or dangerous residivist committed by, —

shall be punished by restraint of liberty for a term of three to five years, or by imprisonment for a term of three to five years.

Those actions:

- in relation to a person who is clearly guilty of not reaching the age of eighteen;
- by an extremely dangerous resident;
- if committed by an organized group or in the interests of it, —

shall be punished by imprisonment for a term of five to eight years.

Along with this, it is also worthwhile to introduce a new "mandatory donation" into the Criminal Code on the mandatory implementation of the donation, taking into account the voluntary implementation of the donation. The reason is that according to the Criminal Code, the life and health of an individual are important objects. The guilty person can force him to compulsory donor care through mental or physical exertion against the victim.

CONCLUSION

It should be noted that medical legislation is not a sphere of law that must be hardened in one place, the relationship with the maintenance of Health is one of the areas of law that must be changed over time, and when new social relations arise, they must be renewed.

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