

Conceptual and Methodological Foundations for the Development of Medical Law: A View from Uzbekistan

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ABSTRACT

The article examines the conceptual and methodological foundations of the development of medical law in Uzbekistan in the context of modern reforms and the improvement of the healthcare system. Attention is also paid to the significance of medical law as an independent legal branch aimed at ensuring the quality and fair provision of medical services. The article analyzes legislative measures aimed at improving the healthcare system and strengthening medical law in the republic.

Keywords: medical law, right to health, healthcare reform, Uzbekistan, medical responsibility, legal regulation, patients, medical workers, international acts, Healthcare Development Concept.

INTRODUCTION

Medical law is one of the rapidly developing branches of law that regulates the rights and obligations of medical workers and patients. In today's world, where medical technologies play an increasingly important role, issues of medical law are becoming an integral part of the legal system of every country.

The term "medical law" combines two key concepts: "medicine" and "law." The first reflects the field of medical activity related to health protection and the provision of medical care, while the second refers to the set of legal norms regulating this activity. Thus, medical law is an interdisciplinary field aimed at regulating relationships that arise in the process of providing medical services, protecting the rights of patients and medical workers, and ensuring compliance with legal and ethical standards in healthcare.

Medical law is an independent branch of law that regulates the activities of doctors, their professional functions, and the relationships between doctors and patients and their legal consequences. This is a unique legal field aimed at protecting human rights in the field of medical practice and treatment, as well as establishing the basic principles of the right to health protection. In addition, medical law includes norms that regulate the organizational, structural, and legal aspects of activities related to sanitary and anti-epidemic measures, as well as the provision of preventive and therapeutic care. The main object of medical law is the legal relationships that arise during the implementation of preventive, therapeutic, and sanitary measures that determine the legal status of the participants in these relationships.

RESULTS

In legal literature, alongside the term "medical law," a broader concept, "healthcare law," is used. It covers not only the regulation of medical activities but also the procedures that are mandatory for implementation, their necessity, and the requirements for the specialists who perform them. Healthcare law includes a wide range of norms concerning health protection, procedural aspects, and the organization of public health systems.

Thus, medical law regulates the rights of medical workers, providers, and recipients of medical services, including patients and doctors. In contrast to medical law, healthcare law covers a broader range of norms related to ensuring human health. It regulates procedures concerning human rights and legal claims. Although

medical law and healthcare law have their differences, they are often considered together, as both disciplines contribute to the humanization of legal norms.

Medical law is an important tool for ensuring the protection of human rights in healthcare, as well as for regulating relationships between patients, medical institutions, and the state. In the context of the rapid development of medical technologies and treatment methods, legislation must adapt to new challenges, including bioethical issues, rights to information and confidentiality, as well as the regulation of new medical procedures such as organ transplantation and genetic research.

International acts play a special role in regulating these relationships. Among the significant international legal documents, the International Covenant on Economic, Social and Cultural Rights can be highlighted. In the first paragraph of Article 12 of this Covenant, the states parties recognize "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." This right could not be realized if it depended solely on random or unpredictable processes occurring in the human body. The right to health, enshrined in the International Covenant, provides every individual with the opportunity to make decisions regarding their body and health independently, including the right to consent to medical procedures.

In accordance with Article 25 of the Universal Declaration of Human Rights (1948), everyone has the right to an adequate standard of living to maintain their health and well-being, including access to food, housing, medical care, and social services, as well as provision in cases of loss of livelihood for reasons beyond their control. The right to health is enshrined in a number of international agreements and is regulated at two levels: universal (within the framework of the United Nations) and regional (for example, in the Council of Europe or the CIS). The universal level includes documents such as the Universal Declaration of Human Rights and the 1966 International Covenants, which oblige participating states to take measures to realize rights, guaranteeing minimum socio-economic standards regardless of their level of development.

These international documents impose obligations on states to adopt legislative and administrative measures to implement the right to health and other socio-economic rights. At the regional level, the obligations are more stringent, and states that are part of regional organizations, such as the Council of Europe or the CIS, must adhere to established standards and ensure their implementation. Thus, global regulation of the right to health implies the interaction of universal and regional mechanisms aimed at protecting and realizing human rights in different countries, taking into account their economic capabilities and legal obligations.

The regulation of the human right to health by international legal norms is a natural continuation of its enshrinement in the constitutions of states, providing important guarantees of its implementation at the global level, international oversight of its compliance, and the establishment of uniform standards for medical care. Such international legal norms contribute to strengthening the legal framework for the protection of the right to health, allowing the unification of approaches to the provision of medical services and improving their quality. This ensures more effective coordination between states on health issues and creates mechanisms of responsibility for non-compliance with international obligations.

In the past, attempts to conceptualize medical responsibility have led to the formation of theories of "absolute irresponsibility," "limited responsibility," and "full responsibility of the doctor." These theories reflect different approaches to understanding the degree of responsibility of medical workers for treatment outcomes. The theory of "absolute irresponsibility" assumed the absence of legal responsibility for the treatment outcome, regardless of the doctor's actions. "Limited responsibility" implied partial responsibility, especially in cases where not all factors of the outcome were under the doctor's control. The theory of "full responsibility" claimed that the doctor is fully responsible for the treatment outcome, regardless of circumstances or external factors.

Currently, doctors' actions are under strict control, and they are subject to certain norms of legal responsibility. At different historical periods, there were various approaches to the issue of doctors' responsibility. One such approach supported the idea of their irresponsibility. According to this view, doctors should not be subjected to control by authorities and courts, as this could interfere with the fulfillment of their duties, slow down the development of medicine, and reduce the effectiveness of treatment and patient care. However, this position was criticized because it contradicts fundamental legal principles. It is practically impossible to justify complete exemption from responsibility for any professional activity. Another approach holds that doctors should be held accountable for their actions or inactions while performing their duties and be subject to the norms of common law. The third approach assumes that doctors are responsible only in cases of gross negligence.

Medical responsibility arises when an unfavorable treatment outcome is associated with a violation of established rules of medical practice, as well as actions or inactions that contradict the duty of care. A doctor's responsibility arises when "he did not exercise the care and caution that any reasonable and conscientious person would have exercised under similar circumstances, guided by legal norms, established practice, and common sense." Moreover, there must be a causal link between the doctor's actions or inaction and the unfavorable result. The legal responsibility of doctors for their actions or inactions while performing their duties is divided into civil, criminal, and disciplinary categories. This traditional classification is based on the area of law that regulates the consequences of their responsibility. Civil liability involves the doctor's obligation to compensate for harm caused to the patient in the course of fulfilling professional duties. Criminal liability arises for actions

or inactions that result in criminal sanctions. Disciplinary liability is related to the consequences of disciplinary violations for which the doctor may be held accountable by the relevant bodies, excluding criminal sanctions.

The comprehensive development of the healthcare system has always been and continues to be one of the key priorities in the state policy of the Republic of Uzbekistan. Today, under the leadership of President ShavkatMirziyoyev, systematic efforts are being made to fundamentally improve the healthcare system. As part of these reforms, modern technologies are being introduced, the material and technical base of medical institutions is being improved, and the qualifications of medical personnel are being raised. Special attention is being paid to the accessibility and quality of medical services for all segments of the population, which is a priority of state policy in the field of healthcare.

In Uzbekistan, special attention is being paid to the development of the medical sector, which directly affects the quality of life of the population. Over the past seven years, healthcare funding has increased from 5.9 trillion to 33.5 trillion soums, increasing sixfold. Medical institutions are actively being equipped with modern equipment, and the construction of new hospitals continues. In order to bring medical services closer to the population, screening examinations are being conducted locally. These measures are aimed at improving the accessibility and quality of medical care for all citizens of the country. The introduction of new technologies and treatment methods, as well as the improvement of healthcare infrastructure, contribute to more effective diagnosis and treatment of various diseases. Screenings conducted in the regions help detect diseases at early stages, allowing for timely treatment and better outcomes for patients.

In this process, special attention is also paid to the dynamic development of the pharmaceutical sector, which is closely connected with medicine. The production of pharmaceutical products by domestic manufacturers is showing significant growth rates. Since 2016, the volume of products in physical terms has increased more than fourfold, reaching about 900 million conventional units of finished medicines and medical devices.

Today, women make up about 50% of the republic's population, 27% of whom are of childbearing age, while children under 18 account for 12 million people. In recent years, the issues of strengthening reproductive health, protecting motherhood and childhood, and raising a physically and spiritually healthy generation have become key areas of reform in the healthcare system. These reforms include a wide range of measures aimed at improving the quality of medical care for women and children, improving access to necessary medical services, and introducing modern methods of treatment and prevention. Particular attention is paid to disease prevention, supporting healthy lifestyles, and creating conditions for safe motherhood and full development of children. As a result of these measures, the health level of mothers and children in the country is gradually improving, contributing to the formation of a healthy and prosperous society.

The progress achieved in recent years in the field of medicine is also largely due to the strong regulatory framework created in the healthcare sector in recent years. Presidential decrees and government resolutions regulate all stages of the development of the medical system. Among the key documents is the Presidential Decree on Comprehensive Measures for the Radical Improvement of the Healthcare System of the Republic of Uzbekistan dated December 7, 2018, which approved the Concept for the Development of the Healthcare System for 2019-2025. Additionally, on April 25, 2022, the head of state signed a resolution on "Additional Measures to Bring Primary Healthcare Services Closer to the Population and Improve the Efficiency of Medical Services." This document highlights the state's attention to the quality of medical services provided to citizens of Uzbekistan. Presidential Resolution No. PP-197 dated June 20, 2023, on "Measures for the Effective Organization of Public Administration in Healthcare as Part of Administrative Reforms" is another step toward modernizing the healthcare system in Uzbekistan.

The reform and development of the legal framework of the healthcare system play an important role in strengthening medical law in the country. As is well known, medical law is a relatively new but extremely important branch of law that regulates relations in healthcare. In the context of the development of medical technologies, the strengthening of ethical norms in medicine, as well as the growth of rights and obligations of both medical workers and patients, the need to form medical law in Uzbekistan is becoming increasingly apparent.

The formation of medical law in Uzbekistan is an urgent necessity in light of the growing number of private medical institutions, the introduction of new technologies and treatment methods, and the rising legal awareness of the population. Without clear legal regulation, many issues related to the rights and obligations of patients and medical workers remain unresolved, which can lead to conflicts and a decline in the quality of medical care. Medical law is an important tool for ensuring the quality and fairness of medical services. The formation of this branch of law in Uzbekistan is necessary for the further development of the healthcare system, the protection of the rights of all participants in medical relations, and ensuring a high level of medical care in the country. The introduction of modern legal norms and standards into medical practice will be an important step toward creating an effective and humane healthcare system that meets the needs of modern society.

Thus, the analysis conducted indicates significant efforts being made in Uzbekistan to fundamentally improve the healthcare system. The introduction of modern technologies, increased funding, improved medical infrastructure, and the development of the pharmaceutical sector are important components of these reforms.

Particularly important is the formation and development of medical law, which ensures the legal regulation of relations in healthcare and protects the rights of all participants in medical processes. Medical law, as a new but important branch, plays a key role in creating a legal framework that ensures the quality and fairness of medical services.

CONCLUSION

In conclusion, the development of medical law in Uzbekistan is an important component of healthcare system reforms. The modernization of medical infrastructure, the introduction of new technologies, and increased funding contribute to improving the quality of medical services. The formation of medical law ensures the protection of the rights of patients and medical workers and promotes compliance with international standards and ethical norms in the field of medicine. Medical law, as a new branch of law, plays a key role in creating a legal framework aimed at improving the accessibility and quality of medical services in the country.

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