

Features of the Criminal Legislation of Some Foreign Countries in the Protection of Persons from Sexually Transmitted Diseases and HIV Infection

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Annotation: The article presents the concepts of crimes related to the spread of sexually transmitted diseases or HIV infection (AIDS), their social danger as a global problem of the international level, legal characteristics, information about the norms established in the legislation of foreign countries to combat these crimes and their uniqueness.

Key words: venereal disease, HIV infection, AIDS, social risk, crime against health, crime against morality, reflection in the legal norm.

Transmission of venereal disease to a person is a separate crime against health. HIV disease (AIDS) was considered one of the biggest and tragic problems facing humanity at the end of the 20th century, and it remains one of the urgent problems of today, despite the great achievements of the medical field in recent times. According to statistics, the epidemic of HIV infection is spreading rapidly in the world. During the last 20 years, more than 20 million people died from AIDS, about 50 million. a person is sick. Globalization and the increasing migration process lead to an even greater risk of spreading the disease □1□.

AIDS is a complex scientific problem. So far, theoretical approaches to solving the problem of cleaning the genetic apparatus of cells from foreign (viral) information are also unknown. Without a solution to this problem, there will be no complete victory over HIV infection. This problem is not only in Uzbekistan, but also in the whole world, the epidemic situation of HIV infection continues to deteriorate rapidly. In recent years, the process of social freedom in our Republic, along with its positive character, has led to the decline of moral principles and their legal nihilism in some categories of young people. In this process, researcher G.A. The following points expressed by Mirsalikhova are noteworthy, that is: "... in every society there are young people who have a defect in upbringing or as a result of external influences with other negative characteristics, who struggle to find their place in life, and for this reason, knowingly or unknowingly, they fall into the world of crime. shows that there are a number of other tasks that must be performed before the representatives of the field" □2□.

In this regard, in order to further increase the efficiency of the work carried out in our Republic, on January 20, 2023, in the Presidential Decree "On measures to further strengthen the system of combating the disease caused by the human immunodeficiency virus" [3], to increase the effectiveness of the fight against the spread of HIV infection among the population approval of the comprehensive program of measures for 2023-2027 and, accordingly, the "95-95-95" strategy was put forward by the United Nations General Assembly to end the HIV epidemic by 2030, and within its framework, 95 percent of people infected with HIV infection to know their status, to be covered by special treatment courses, to receive information that the viral load in the blood of 95 percent will be undetectable, and to allocate funds in the amount of 120 billion soums and 54 million US dollars for organizational activities.

It is clear from the content of the decision that the work carried out in the system is in many respects in accordance with the norms established by international organizations, and as one of the main ways to protect a person from venereal diseases and HIV infection, the actions related to his infection as a criminal offense and the measures to combat it with the criminal law can be seen in the implementation through regulation.

Today, in many countries of the world, criminal liability is established for sexually transmitted diseases and HIV infection, which endanger the life and health of individuals. These actions are recognized

as criminal offenses of a "dangerous nature" and are included in the group of crimes against public safety, including public health. For example, in the criminal code of Denmark, such offenses are "crimes that pose a danger to society", in the criminal code of the DPRK - "crimes against public health", in the criminal code of Sweden - "crimes dangerous to society", in the criminal code of Switzerland - "crimes and offenses against public health", in the criminal code of Argentina - "crimes against security, public health and environment", in the criminal code of Moldova - "crimes against public health and life"□4□.

In many foreign countries, not only specified types of diseases (skin-genital disease, HIV infection), but also all infectious diseases that pose a danger to others are criminally responsible. Examples of this are "infectious diseases with a risk of spreading in the community" in the Danish criminal code, any "serious disease" in the Swedish criminal code, "infectious disease dangerous to people" in the Argentine criminal code, etc.

The socio-legal nature of the crimes considered in the Polish Criminal Code is similar to the legislation of modern Uzbekistan. In the Polish Criminal Code, HIV infection and transmission of skin-genital diseases are included in the category of crimes against life and health of a person (Article 161. Chapter XIX "Crimes against life and health"). Also included in the legislation of Uzbekistan (Chapter III) in the chapter called "Crimes dangerous to life or health" (Article 113.) related to the spread of sexually transmitted diseases or HIV/AIDS □5□ it is established that the crime is a crime.

Polish criminal law separates the responsibility for spreading HIV/AIDS and the transmission of other dangerous infectious diseases. Also, according to the Polish Criminal Code, the state of completion of the crimes analyzed above does not depend on whether the disease is "infected or not." That is, in accordance with part 1 of Article 161 of the Criminal Code, "a person who endangers another person knowing that he is infected with HIV shall be punished by imprisonment for up to 3 years." According to part 2 of Article 161, "a person who endangers another person, knowing that he is infected with a skin-genital disease or other severe infectious disease that cannot be cured, or a life-threatening disease, shall be punished by restriction of liberty or deprivation of liberty for up to 1 year□6□ .

Spreading of HIV/AIDS and transmission of other types of infectious diseases are qualified by separate articles in the criminal legislation of Georgia. If HIV infection is manifested in actions that endanger the life and health of another person, such offenses are punishable by imprisonment for up to five years according to part 1 of Article 131 of the Criminal Code. According to paragraph 2 of this article, imprisonment for up to eight years is provided for intentionally infecting another person with HIV infection. According to part 3 of Article 131 of the Criminal Code of Georgia, the punishment for infecting another person with HIV due to negligence in the performance of professional duties is imprisonment for up to 5 years and deprivation of the right to practice one's profession for up to 3 years. Committing crimes of parts 1, 2 and 3 against two or more persons, pregnant women or minors is a more serious type of crime (Part 4 of Article 131 of the Criminal Code of Georgia). Crimes of this type are punishable by imprisonment for up to 10 years and deprivation of the right to engage in activities related to this field for up to 3 years.

Part 1 of Article 132 of the Criminal Code of Georgia deals with intentionally putting another person at risk of contracting an infectious disease. This type of crime is punishable by a fine, correctional work for up to six months, or imprisonment for up to 1 year. Intentionally infecting another person with an infectious disease is punishable by a fine, correctional labor for up to 1 year, or imprisonment for up to 2 years (Part 2 of Article 132). In cases of infecting 2 or more people, pregnant women, or minors, a fine or imprisonment for up to 5 years is applied (Part 3 of Article 132) □7□.

Moldovan law has a unique approach to the crimes in question. According to the Criminal Code of Moldova, responsibility for the transmission of infectious diseases is located in Chapter VIII entitled "Crimes against the health and life of citizens". This chapter covers Article 211 of the Criminal Code of Moldova "transmission of skin-genital diseases" and is divided into two parts. The first part specifies the liability of a person who knowingly infects another person with a skin-genital disease. Such a crime is punishable by imprisonment for up to 3 years. The second part provides for the punishment of deprivation of liberty from 3 to 5 years for re-committing the same crime, or for committing it against 2 or more persons, or against minors.

As for the subject, this question is solved in different ways in foreign law. For example, in the legislation of the former CIS states, there is a special subject - a person who knows that he has a disease

(Criminal Codes of Armenia, Georgia, Kazakhstan, Republic of Belarus, etc.). Crimes listed in the criminal legislation of other foreign countries have a common subject.

According to the criminal legislation of other foreign countries, the transmission of infectious diseases, which endangers others, is considered a negligent (Criminal Codes of Switzerland, Ukraine, Denmark, Bulgaria, Argentina, etc.) and knowingly (Criminal Codes of Latvia, Norway) organized types of guilt.

According to the criminal legislation of foreign countries, the basic structure of "epidemiological" crimes has the following structure: "risk of crime" (Criminal Codes of Sweden, Kazakhstan, Republic of Belarus, etc.) and material structure (Criminal Code of Denmark, Switzerland, Latvia, etc.).

Also, in foreign countries, sanctions for committing crimes related to sexually transmitted diseases and HIV infection are expressed in the form of fines, imprisonment, deprivation of liberty, and they differ from each other in terms of amount and duration.

Of course, it is observed that the activity of combating crime differs in each country based on its capacity, opportunity, the protection system of the state and many other similar factors. Therefore, the experience of each country studying, analyzing its specific aspects and applying it to the national system is a positive aspect in this field, that is, in the fight against crime. This conclusion was made by the researcher, A.A. Tashtemirov: "... to ensure the effectiveness of the measures implemented in the prevention of crimes, to study the advanced foreign experience in the improvement of prevention measures, to use them effectively in the creation of an effective system in the fight against crime, and to ensure the continuity and continuity of these researches is contrary to the law that is being carried out in today's criminal world it is one of the main means of ensuring timely prevention and elimination of actions", - can also be seen in his opinions [8].

Today, the reforms implemented in the system of combating crime are primarily defined by the proper organization and implementation of its prevention. Because it is impossible to compensate for the damage caused to human dignity and health as a result of the committed crime, it is considered impossible to restore the violated rights in this direction. These aspects of this process are explained by the researcher E.A. Turaev: "It should be noted that the effectiveness of combating crime depends on early detection, study and analysis of possible crimes, and thereby stopping and eliminating them in time" [9].

In conclusion, it should be noted that the criminal-legal description of offenses related to the spread of genital or HIV disease (AIDS), defined in the criminal law, legal relationships related to the concepts and its specific aspects, along with the legal justification of the fight against this type of crime, fight against regulation of the actions of its subjects, their implementation in mutual cooperation, development and implementation of the specified activity mechanisms, documenting the results of activities in an appropriate manner, is considered to be important as it allows to achieve the effectiveness of fighting against this type of crime. In particular, crimes related to the spread of HIV disease, which endangers the life and health of others in society, exist in the legislation of most countries with a continental legal system, and questions related to responsibility for these types of crimes have different approaches.

As a final conclusion, it is recommended to apply the experiences of foreign countries in the national legislation, which provide for criminal responsibility for the transmission of all infectious diseases that pose a threat to others, except for venereal diseases or HIV infection.

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