



Regulatory and legal aspects of first aid in international legislation and in the republic of Uzbekistan

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Abstract: The article analyzes the reasons that reduce the frequency of first aid to victims. In accordance with the current legislation of the Republic of Uzbekistan, the issues of determining the rights, duties and responsibilities in the provision of first aid are considered. Particular attention is paid to foreign experience of legal regulation in the field of first aid.

Keywords: First aid, legislation of the Republic of Uzbekistan, right, duty, legal responsibility, international law.

Introduction: Global changes taking place in the modern world are accompanied by an increase in natural, man-made and social hazards, an increase in the number of accidents and sudden illnesses, and the number of deaths is also increasing. As a result, the role of first aid is increasing, which is of particular importance in acute respiratory and circulatory disorders, clinical death, when death can occur within 3-6 minutes, and the arrival of an ambulance, even in countries with a developed emergency medicine system, requires about 10-20 minutes of minimum time. Thus, the provision of first aid to the victim is extremely important and relevant in conditions of extreme time shortage, when the victim may die before the arrival of medical workers.

The solution to this problem could be timely and proper

first aid by eyewitnesses of the incident, which would significantly increase the victim's chances of survival. However, as practice shows in Uzbekistan, at present, first aid to victims at the scene of an accident in critical situations, such as respiratory arrest and cardiac activity, is practically not provided. Once again, please note that we are not talking about a banal injury when I scratched the skin and smeared the wound site with green paint, but about a serious injury or illness accompanied by respiratory and circulatory arrest. As a rule, in such situations, eyewitnesses of the incident are limited to calling an ambulance or independently deliver the victim (patient) to the nearest medical institution, without observing the rules of transportation, which further aggravates his situation.

The object of the study is first aid.

The subject of the study is the regulatory and legal aspects of first aid in international legislation and in the Republic of Uzbekistan.

The purpose of the study was to identify the causes leading to a low rate of first aid and to analyze the regulatory aspects of first aid in international legislation and in the Republic of Uzbekistan

To do this, the following tasks were set:

1. Conduct a sociological survey on this issue among cadets of the University of Public Security.
2. To analyze the regulatory framework of the Republic of Uzbekistan on the definition of rights, duties and responsibilities in the provision of first aid.
3. Consider the regulatory and legal aspects of first aid in international legislation.

METHODS

One of the important conditions for first aid in Uzbekistan is adequate regulatory and legal regulation. To this end, more than 100 regulatory documents of the Republic of Uzbekistan that are possibly related to the problems of first aid, as well as materials on Internet sites containing information on first aid in international legislation, were studied.

Both general scientific methods (analysis, synthesis, system approach) and private legal methods (comparative legal and formal legal) were used for the study.

RESULTS AND DISCUSSIONS

According to the conducted sociological survey, among the cadets of the University of Public Safety, the total number of interviewed cadets was 214 people, the main reasons why citizens are not ready to provide first aid are (it was possible to name 2 or more reasons, the answers are similar in meaning, we combined into groups):

1. Lack of confidence in their knowledge and practical skills or their complete lack of 206 cadets (96.3%).
2. Fear of legal responsibility and loss of time (fear of harming the victim, fear that the victim may die due to the fault of the person providing assistance, the need to justify that mistakes were made when providing assistance, relatives the victim and the victim himself may well demand compensation for the harm to health caused during the provision of assistance) 184 cadets (86%).
3. Psychological barrier (panic, fear of the sight of a "dead" person, severe trauma and blood, it is difficult to force yourself to perform artificial ventilation to a stranger, especially if he had vomiting, to touch his body) 179 cadets (83.6%).
4. Irresponsibility, indifference to fellow citizens 115 cadets (53.7%).
5. Fear of contracting any disease in contact with the victim 88 cadets (41.1%).
6. I am not obliged to help the victim should be provided by specialists 32 cadets (15%).
7. Lack of first aid 24 cadets (11.2%).
8. Fear of critical remarks from relatives or eyewitnesses of 18 cadets (8.4%).

As the sociological survey shows, one of the important factors that reduce the frequency of first aid to victims is the fear of legal responsibility and the subsequent loss of time for «disassembly» in the event of the death of the victim or the occurrence of complications in the process of first aid. When it comes to first aid, many eyewitnesses of an accident face a number of questions: «Do I have the right to provide first aid if I am not a medic?», «Will I be responsible if I harm the victim?», etc.

Let's consider these and other frequently asked questions of citizens about first aid and try to answer them in accordance with the current legislation of the Republic of Uzbekistan defining the rights, duties and responsibilities in providing first aid or everything that an ordinary citizen needs to know about first aid in questions and answers.

1. Question: who has the right and who is obliged to provide first aid to victims?

To answer this question, we will give a legal concept of what is a right and what is a duty.

Legal law is a measure defined by law of the possible behavior of a participant in this (specific) legal relationship of the bearer of this right. A synonym for subjective law [24].

A legal obligation is a measure of the proper behavior of the subject of a legal relationship provided for by law or

by agreement of the parties. The legal obligation is characterized by categoricity. It is the imperiously prescribed (necessary) behavior of the subject of the legal relationship [25].

To put it in simple words, the right is what is possible, allowed, but not necessarily. And duty is what you need to do, regardless of your desire.

Let's return to our question, namely to its first part: who has the right to provide first aid? There is no definite answer to this question. No document of the Republic of Uzbekistan defines the rights and responsibilities of a person who does not have a medical education for providing or not providing first aid. It follows from this that any citizen, with appropriate training, has the right to voluntarily provide first aid. As well, it may not provide it. No

responsibility for failure to provide first aid can be applied to him, unless, of course, he is charged with the duty of providing first aid or if he himself has not put the victim in a critical position.

Consider the second part of the question: who is required by law to provide first aid? The law establishes the obligation to provide first aid to persons who, due to the peculiarities of their profession, may be the first to be at the scene of an accident with the injured. Among ordinary witnesses of the incident, the duty to provide first aid is assigned to drivers involved in an accident (paragraph 13 of the Traffic Rules). The categories of persons who, in accordance with regulatory documents, are required to provide first aid are shown in table 1.

Table 1.

Categories of persons who, in accordance with regulatory documents, are required to provide first aid

Categories of persons	First aid conditions	Legal basis
Medical and pharmaceutical workers	In all cases, citizens who are in a helpless state.	- Article 30 of the Law of the Republic of Uzbekistan No. 265-I of August 29, 1996 «On the protection of citizens' health».
Employees of enterprises and organizations, including managers	- Conducting instruction and training of workers on labor protection, part of which is training in first aid methods. - In case of sudden illness at the place of work or in case of an accident.	- Article 215 of the Labor Code of the Republic of Uzbekistan; - Article 221 of the Labor Code of the Republic of Uzbekistan; - Article 25 of the Law of the Republic of Uzbekistan No. 410 dated September 22, 2016 «On Labor Protection»; - Article 6 of the Law of the Republic of Uzbekistan dated September 10, 2008, No. 174 «On compulsory State social insurance against industrial accidents and occupational diseases»; - Resolution No. 263 of the Cabinet of Ministers of the Republic of Uzbekistan dated September 15, 2014 «On further improvement of measures for the protection of workers' labor»; - item 8, item 28 of the Standard Regulation of the Ministry of Labor of the Republic of Uzbekistan «On the organization

		of training and testing of knowledge on labor protection», registered by the Ministry of Justice on 14.08.1996, registration No. 272
Military personnel (employees) of the National Guard.	<ul style="list-style-type: none"> - Victims at the scene of a crime, an administrative offense or the scene of an incident, as well as citizens who are in a helpless state. - Citizens who have received bodily injuries as a result of the use of physical force, special means or firearms. 	- Article 27, article 28 of the Law of the Republic of Uzbekistan dated November 18, 2020 No. 647 «On the National Guard of the Republic of Uzbekistan»
Employees of the internal affairs bodies	<ul style="list-style-type: none"> - Victims at the scene of a crime, an administrative offense or the scene of an incident, as well as citizens who are in a helpless state. - Citizens who have received bodily injuries as a result of the use of physical force, special means or firearms. 	- Article 16, Article 21 of the Law of the Republic of Uzbekistan No. 407 dated September 16, 2016 «On Internal Affairs Bodies»
Rescuers	In emergency situations.	- Article 23 of the Law of the Republic of Uzbekistan No. 195 dated December 26, 2008 «On the rescue service and the status of a lifeguard»
Military personnel of the State Security Service of the President of the Republic of Uzbekistan	To a person to whom physical force, special means, cold steel or firearms were used.	- Article 23 of the Law of the Republic of Uzbekistan dated July 6, 2021, No. 700 «On the State Security Service of the President of the Republic of Uzbekistan»
Military personnel of the State Security Service	Citizens who have received bodily injuries as a result of the use of physical force, special means or firearms.	- Article 25 of the Law of the Republic of Uzbekistan dated April 5, 2018, No. 471 «On the State Security Service of the Republic of Uzbekistan»
Customs officials	Citizens who have received bodily injuries as a result of the use of physical force, special means or firearms.	- Article 9, paragraph 6 of the Law of the Republic of Uzbekistan dated October 18, 2018, No. 502 «On the State Customs Service»
Employees of fire protection, emergency	When extinguishing fires, during emergency rescue operations.	- Article 30 of the Law of the Republic of Uzbekistan No. 265-

services, transport organizations		I of August 29, 1996 «On the protection of citizens' health»;
Drivers of vehicles	In case of a traffic accident.	<ul style="list-style-type: none"> - Article 23 of the Law of the Republic of Uzbekistan of August 19, 1999, No. 818-I «On Road safety»; - Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated April 12, 2022, No. 172 «On approval of traffic rules»
Citizenry	In emergency situations and during military operations.	<ul style="list-style-type: none"> - Article 16 of the Law of the Republic of Uzbekistan No. 824-I of August 20, 1999 «On the protection of the population and territories from natural and man-made emergencies»; - Article 14 of the Law of the Republic of Uzbekistan No. 80-II of May 26, 2000 «About civil protection»; - Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated September 9, 2019, No. 754 «On improving the procedure for preparing the population for actions in emergency situations and in the field of civil protection» - Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 08/26/2020 No. 515 «On further improvement of the state system of prevention and action in emergency situations of the Republic of Uzbekistan»

As can be seen from the above regulatory documents, the duty to provide first aid is assigned to special services employees who are in the performance of their official duties and only in specific situations. For example: when an accident occurs at work, at the place of duty; when extinguishing a fire; during emergency rescue operations, when using physical force, weapons by law enforcement officers. These employees, who witnessed the incident and are not in the performance of their official duties, based on the fact that they have the appropriate training, have the right to provide first

aid.

In addition, according to the law "On the protection of the population and territories from natural and man-made emergencies" and the law "On Civil Protection", citizens of Uzbekistan, that is, all of us, are obliged to study first aid techniques [8, 21, 22] and be able to provide first and other assistance to victims [9].

Therefore, the study of first aid techniques and the ability to provide this assistance is currently relevant for each of us.

The next question is what will happen to an eyewitness of the incident who did not provide first aid to the victim, i.e. is there responsibility for persons who do not provide first aid?

As already mentioned, there are no legal consequences for ordinary eyewitnesses and witnesses of the incident, who are not required to provide first aid. If the person obliged to provide first aid did not provide this assistance (but had the opportunity to do so), then there is a significant risk of bringing such a person to criminal responsibility under article 116 (Improper performance of their professional duties) or under article 117 (Leaving in danger) of the Criminal Code of the Republic of Uzbekistan. As can be seen from Articles 116 and 117 of the Criminal Code of the Republic of Uzbekistan, the subject in these crimes is not any person, but first of all the one who is obliged to provide first aid.

It often happens in practice that, despite the first aid provided, the victim dies or the case ends with harm to the victim. And this gives rise to new questions, first of all, the question of legal liability and the conditions for exemption from it. For example, what threatens the person providing first aid in case of an unfavorable outcome (injury, death of the victim)?

The question is certainly serious. In Uzbekistan, there are no legal norms on exemption from liability in case of harm to life and health in the process of first aid. As a result, many people who find themselves at the scene of an accident often do not provide it precisely because of fear of legal responsibility and other punishments for its unfavorable outcome.

Let's try to answer this question as follows. It is well known that the most important of human rights is the right to life. Attention to human life, health and dignity is one of the main criteria for the level of development of any society. The ancient Greek thinker and philosopher Protagoras, who still lived in the V century BC, said that: «Man is the measure of all things».

Article 3 of the Universal Declaration of Human Rights adopted by the United Nations on December 10, 1948 states: «Everyone has the right to life, liberty and security of person» [1].

Article 24 of the Constitution of the Republic of Uzbekistan is consonant with article 3 of the aforementioned Declaration, which states: «The right to life is an inalienable right of every person. Encroachment on it is the gravest crime» [2]. Thus, the State is responsible for the life and health of its citizens and is the guarantor of its protection and security. And if so, then any actions aimed at preserving human life should be fully encouraged. In this case, first aid is those necessary actions that are aimed at preserving a

person's life and health before providing him with emergency medical care.

Let us now consider this issue from the point of view of criminal and administrative legislation.

According to article 38 (Extreme necessity) of the Criminal Code of the Republic of Uzbekistan:

«An act that has caused harm to the rights and interests protected by laws, committed in a state of extreme necessity, that is, to eliminate the danger that threatened the person or the rights of this person or other citizens, the interests of society or the state, is not a crime, if the danger under these circumstances could not be eliminated by other means and if the harm caused is less significant than prevented» [3].

Unintentional infliction of harm during first aid to a victim who has fallen into a critical condition falls under the signs of an act committed in a state of extreme necessity.

Similarly, the extreme necessity is interpreted by the Code of the Republic of Uzbekistan on Administrative Responsibility (Article 19) [4].

A similar norm exists in the Civil Code of the Republic of Uzbekistan, article 988 (Causing harm in a state of extreme necessity):

«The harm caused in a state of extreme necessity, that is, to eliminate the danger threatening the harmer himself or other persons, if this danger could not be eliminated by other means under the circumstances, must be compensated by the person who caused the harm, except in cases provided for by law.

Taking into account the circumstances under which such harm was caused, the court may impose the obligation of its compensation on the third person in whose interests the harm caused acted, or exempt both this third person and the harmer from compensation in whole or in part» [5].

Thus, according to the Criminal Code, the Code of the Republic of Uzbekistan on Administrative Responsibility and the Civil Code, the critical condition of a person should be considered as directly threatening his personality and as a basis for releasing the person who provided first aid from responsibility for any harm caused to the victim.

The next question is: can I be held accountable for improper first aid?

This question can be answered in the same way as the previous question. A person's life is priceless and any attempt to preserve this value is put above a possible mistake in the course of first aid, as it gives a chance for survival. And yet, according to Article 9 (The Principle of culpable responsibility) of the Criminal Code of the

Republic of Uzbekistan: «A person is liable only for those socially dangerous acts in which his guilt will be proved, in accordance with the procedure established by law» [3]. Article 24 of the Criminal Code of the Republic of Uzbekistan indicates that «An act is recognized as innocent if the person who committed it did not realize, should not have and could not have realized the socially dangerous nature of his act or did not foresee its socially dangerous consequences and, according to the circumstances of the case, should not and could not foresee them» [3]. It follows from these articles, in case of an unfavorable result of first aid, such actions will relate to an "incident", that is, an accidental action that has external signs of an offense, but devoid of an element of guilt, and therefore not punishable [26]. One more important circumstance should be noted. Currently, in Uzbekistan there has not been a single case of bringing to legal responsibility for unintentional harm during first aid.

Considering the issues of legal responsibility in the provision of first aid, it should also be noted the question of encouragement: does the legislation provide for «incentives» for the provision of first aid?

In case of a court decision on bringing a person to responsibility for causing harm to life or health, first aid to the victim may be taken into account as a circumstance mitigating punishment (article 55 of the Criminal Code of the Republic of Uzbekistan; article 31 of the Code of the Republic of Uzbekistan on Administrative Responsibility). In addition, first aid can help to reduce the consequences of injury and even save lives, respectively, the victim will be qualified for a lesser severity of harm.

Let's now consider how this problem has been solved in international legislation. Let's pay attention to two important aspects of the legislation of different countries in the field of first aid:

I. The presence of the obligation to provide first aid.

II. Protection of first aid providers.

I. The presence of the obligation to provide first aid.

The obligation to provide first aid is absent in most English-speaking countries (USA, Canada, Australia, Great Britain, New Zealand, etc.) and a number of other countries (Argentina, UAE, Albania, Austria, Tajikistan, Estonia, Ukraine, etc.). However, exceptions are separately stipulated in which a person is obliged to provide first aid, for example:

- Employees of special services (for example, police officers, firefighters, medical workers are required to provide first aid to victims).

- If there is guilt in creating a life-threatening condition (for example, the driver of a car that ran over a

pedestrian, a law enforcement officer who used a weapon, etc.).

- If there are legal relations with respect to the victim (most often – with respect to children and the incapacitated, the employer with respect to his employees, if an accident occurred at work, the hotel owner in front of his guests, the spouses with respect to each other).

- The obligation to continue to provide first aid after the start of rendering.

- The obligation of the owner of the territory, if the victim is within its limits.

Duty to provide first aid. This implies the obligation to provide first aid to any victim (including an unfamiliar one) to the extent of the available capabilities (at least – calling the special services), provided there is no threat to the assistant himself.

This obligation exists in the legislation of many European countries, such as: Andorra, Belgium, Bulgaria, Hungary, Germany, Greece, Denmark, Iceland, Spain, Italy, Czech Republic, Finland, France, Netherlands, Norway, Poland, Portugal, Serbia, Finland, France, Switzerland, as well as: Israel, USA: Minnesota and Vermont, Tunisia, Brazil, Canada: Quebec, Australia: Northern Territory, etc.

In Germany, there is a legal obligation to provide first aid. «Unterlassene Hilfeleistung» (failure to provide assistance) is a crime; citizens are obliged to provide first aid, and are not subject to jurisdiction if it, being provided with good intentions, has caused harm.

Canada, Quebec. In the Canadian province of Quebec, there is a statutory obligation to provide first aid, but criminal law is under federal jurisdiction, so violation of this rule cannot be qualified as a crime.

Australia, Northern Territory: the penalty for failure to provide assistance is 7 years in prison, which is the most severe punishment for such a crime worldwide. Also, a prison sentence of 5-7 years is threatened for interfering with a person providing first aid.

Iceland: in addition to the direct obligation to provide first aid, the refusal to provide shelter to travelers or incorrect indication of the direction in the conditions is separately mentioned, if it was known that such an action poses a threat to the traveler.

It is important to note that in no country, no law requires an ordinary citizen (except professionals working in emergency services for a fee) to provide assistance in unsafe conditions! The ability to provide first aid in many countries is mandatory for obtaining a driver's license.

II. Protection of first aid providers.

In some countries: UAE, Australia: Queensland, Tasmania, Canada: Yukon, Nunavut, etc. – there are no laws protecting those who provide first aid. However, most countries have adopted the «Good Samaritan Law» or «Extreme Necessity».

The «Good Samaritan Law» has been adopted in many countries (as well as in all or most states/provinces/territories): Great Britain, USA, Canada (not everywhere), Australia (not everywhere), New Zealand, China, Ireland, Israel, India, etc.

The main point of the law: «Any person who provides first aid free of charge (and without expectation of remuneration) at the scene of an accident or emergency situation is not liable for damage caused as a result of an action or inaction. The exception is cases of damage caused as a result of gross negligence or senseless actions/inaction» [23]. Without this clause, outsiders would be wary of helping the victims, fearing a subsequent lawsuit.

Australia. In most territories, the law does not apply to those who have worsened the condition of the victim while trying to provide first aid while under the influence of alcohol or drugs.

USA. Laws vary in different states. In some states, the law protects only those who have completed certified first aid courses, in other states – all volunteer rescuers, provided that they act reasonably. Assistance is provided only with the consent of the victim, and if the victim is a minor (under 18 years old), his parent or guardian must give consent (if they are present, conscious and not drugged or intoxicated). If child abuse is suspected, parental consent is not required.

China. For the first time, the law was adopted in the city of Shenzhen in 2013 after a number of incidents that stirred up the public: the videos show injured people, whom no one approaches, because everyone is afraid of prosecution. Since October 1, 2017, the Good Samaritan Law has been adopted for the whole country [27].

India. It is the world leader in deaths in road accidents. The Supreme Court in 2016 adopted the Good Samaritan Law as the main recommendation [27].

«Extreme necessity» is used in the legislation of Azerbaijan, Armenia, Germany, Spain, the Russian Federation, Tajikistan, Turkmenistan, Ukraine, France, Switzerland, etc.

The protection of the interests of persons who have unintentionally caused harm during the provision of first aid is carried out by applying the norms of extreme necessity. Unlike the «Law of the Good Samaritan», the article «Extreme Necessity» does not directly describe the situation of assistance and in practice is more often

used in other cases.

The provisions of the laws of different states are generally similar to each other, but there are differences.

According to the Criminal Code of the Federal Republic of Germany (Strafgesetzbuch (StGB) der Bundesrepublik Deutschland) Chapter 4 § 34 «It is not a crime to take actions aimed at eliminating a danger directly threatening the life, health, honor, property and other legally protected interests of this person or other persons, if the harm caused is less than prevented». This rule applies only if the act is a proportionate means of preventing danger.

Switzerland. Actions within the framework of extreme necessity are not punishable if the danger was not intentionally created by the person whose actions are being considered, as well as if it was impossible to demand from him the sacrifice of the endangered good.

France. Prosecution for actions within the framework of extreme necessity is not carried out, except in cases of a clear discrepancy between the means of protection used and the severity of the threat.

Spain. The harm caused by actions in conditions of extreme necessity should be small than the threatening one, that is, it can be equal. In most countries, it is believed that the harm caused should be strictly less than the prevented one [27].

Many countries with a federal system leave these issues in the jurisdiction of the subjects of the federation. Accordingly, within one country, laws may differ from subject (state/province/territory, etc.) to subject.

CONCLUSION

Thus, based on the data of the sociological survey, one of the important reasons for reducing the frequency of first aid to victims is the fear of responsibility in the event of the death of the victim or the occurrence of complications in the process of first aid.

The analysis of regulatory documents shows that the prevailing opinions that cause citizens to fear, preventing them from providing first aid, are unfounded, and are associated with insufficient knowledge of the current legislation. First aid is legally safe if they were provided reasonably, and is able to save the life of the victim. The legislation protects volunteer rescuers who are ready to provide first aid to victims. Life is proclaimed the highest value, and the attempt to protect it is usually put above a possible mistake.

The legal obligation to provide first aid exists in many States, but the relevant norms contain a number of conditions necessary for the application and are very limited.

To improve the motivation to provide first aid, it is necessary to develop and introduce a separate article on first aid into the Law of the Republic of Uzbekistan "On the Protection of citizens' health". This article should define the terminology, approve the scope of first aid, establish the order and sequence of actions for its provision, determine the rights and responsibilities of citizens to provide or not provide first aid.

Legislate a provision on exemption from liability in case of harm to life or health during first aid (analogous to the Law of the Good Samaritan).

The law should become the basis for the development and approval of training programs and a list of medical supplies as part of first aid kits. In addition, new effective legal mechanisms should be developed to encourage citizens to provide first aid.

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