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Issues Of Responsibility For The Use Of Violence Against Medical Personnel In Connection With The Performance Of Their Official Duties

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ABSTRACT

The article analyzes the relevance of protecting the rights of medical workers in the Republic of Uzbekistan, as well as certain elements of threats and violence in connection with the performance of their duties as medical workers, increasing the criminal liability of those guilty of violence against medical workers. The article analyzes the components of responsibility for threats and violence against medical personnel in the legislation of some foreign countries, aggravating circumstances.

KEYWORDS

Offense, crime, criminal structure, criminal responsibility, punishment, sanction, use of force in connection with the performance of official duties by medical personnel, resistance.

INTRODUCTION

Today, the criminal law aspects of protecting the rights of medical workers are increasingly expanding. The epidemiological situation associated with COVID-19 shows the need to study the criminal-legal component of protecting the rights of medical workers. For

example, the famous Russian shooter of Simferopol shot an ambulance crew in October 2015. The death of thousands of medical workers, the growth of aggression or violence in connection with the performance of their duties requires the improvement of the

criminal codes of the world, revision of legislation to protect the rights of medical workers [1-3].

THE MAIN PART

Aggression or violence is prohibited by law not only against certain professionals, but also against any citizen. To date, in the past two years alone, there have been 266 incidents of violence against health workers, with 340 health workers affected. In particular, in 2019, 79 cases of attacks on ambulance personnel were registered, in 2020 - 42 cases, and for 5 months of 2021 - 11 cases of attacks on ambulance personnel. Today, there is a situation not only with bodily harm to medical personnel, but also cases of aggression, even extortion [4,5]. In 2019, law enforcement agencies received 17 complaints related to an attack on doctors. For example, on August 21, 2021 in Andijan, citizen F. Azimov entered the ward of the head of the orthopedic department of the Andijan regional multidisciplinary medical center B. Shavkatov, accusing him of improper treatment of his mother, strangled the doctor, tied his hands and tried to burn him with 1.5 liters, brought with him gasoline. Due to this circumstance, on August 22, a criminal case was opened by the investigation department of the Andijan City Department of Internal Affairs, part 1 of Art. 112, item "b", part 2 of article 173, article 25. The investigation has been completed, the criminal case has been sent to the court for consideration on the merits. In addition, citizen J. Kuvondikov arrived at the surgical department of the Jizzakh regional multidisciplinary children's medical center on June 29, 2019 at 10:30 am and, in revenge for his brother, who died as a result of an

operation with a diagnosis of echinococcosis, repeatedly stabbed Khazratkulov in the chest and abdomen. , for the purpose of causing death. Due to the intervention of other medical staff, J. Kuvondikov was unable to fulfill his criminal goal. In this connection, a criminal case was initiated against him under Part 1. Art. 25-97 of the Criminal Code (attempted murder). The above examples show that there is a need to strengthen accountability for aggression and threats of violence against medical personnel. The state must create a system of comprehensive material, social, psychological, legal protection of medical workers and, of course, criminal protection. The current Criminal Code of the Republic of Uzbekistan contains provisions on the protection of medical personnel from criminal aggression [6,7]. In particular, the following norms are enshrined in the Criminal Code: clause "g" part 2 of Article 97 of the Criminal Code, i.e. willful murder of a person or his close relatives in connection with the performance of his official or civic duty, item "b", part 2, art. 104 of the Criminal Code, i.e. infliction of grievous bodily harm (deliberate infliction of grievous bodily harm) Part two "b" the infliction of grievous bodily harm by a person or his close relatives in connection with the performance of his official or civic duty, paragraph "c", part 2, art. 105 of the Criminal Code, i.e. infliction of medium-gravity bodily harm by a person or his close relatives in connection with the performance of his official or civic duty, Art. 112 of the Criminal Code, i.e. threat of murder or violence. In addition, article 140 of the Criminal Code criminalizes insulting medical personnel in connection with the performance of their official or civil duties. In our opinion, such standards are not enough for medical personnel or their close relatives in connection

with the performance of their official duties [9-10]. attacks on medical personnel, violence endangers the lives of medical personnel, leads to disability and can lead to dissatisfaction of medical personnel with their profession, which will lead to dismissal. In this case, the lack of qualified medical personnel directly affects the quality of medical services and the health of the population. In addition, item “g”, part 3, article 277 of the Criminal Code provides for criminal liability for hooliganism against a state official, public figure or other citizen who has taken measures to prevent hooliganism [6]. If he actively resists the state official or public figure responsible for the arrest or other citizens who have taken measures to prevent (suppress) hooligan acts, including the use of violence against them at the level of moderate injuries, such an act is punishable under clause “d”, Part 3, article 277 of the Criminal Code. Additional qualifications are not provided for in other articles of the Criminal Code by paragraph 10 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated June 14, 2002 No. 9 “On judicial practice in cases of hooliganism”. In this case, in the event of harassment of medical personnel in the performance of their official duties, subparagraph “g” of Part 3 of Article 277 shall not apply. Responsibility for resistance in relation to medical workers performing official duties as a general rule is provided for in article 219 of the Criminal Code of the Republic of Uzbekistan. However, although Article 219 of the Criminal Code provides for liability for resisting a government official or a person performing a civic duty, Chapter 8 entitled “Legal Meaning of Terms” does not cover health workers with the term “government officials”. The concept of civic duty is defined in the Resolution of the Plenum

of the Supreme Court of the Republic of Uzbekistan dated September 24, 2004 No. 13 “On judicial practice in the case of premeditated murder,” according to which the fulfillment of civic duty is understood as the exercise by a citizen of both the duties specially assigned to him by law, and other socially useful actions (suppression of offenses, reporting to the authorities about a committed or impending crime or about the whereabouts of the wanted person, giving by a witness or victim testimony incriminating a person of committing a crime, etc.) [11]. In this case, too, the duty of the medical staff cannot be considered a civic duty. In this regard, special criminal liability should be established for resistance to the performance of official duties by medical personnel.

CONCLUSION

In order to protect the rights and legitimate interests of medical workers, the Code of Administrative Responsibility of the Republic of Uzbekistan should include article 197-7 “Unlawful interference in the legal activities of medical workers or obstructing the performance of their duties.” In addition, taking into account the experience of foreign countries, it is necessary to introduce article 219-1 “Counteraction to the legal activities of medical personnel” and establish separate criminal liability. Violence against medical personnel or their close relatives in connection with the performance of their official duties, prevention of aggression, ensured the inevitability of responsibility.

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