

GUARANTEES OF EXERCISING THE RIGHT TO USE QUALIFIED MEDICAL SERVICES IN THE REPUBLIC OF UZBEKISTAN

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Abstract:

In this article, the fact that the protection of citizens' health is becoming an important issue in the Republic of Uzbekistan, the analysis of state bodies and organizations regulating the sphere of human health care, and legislative norms is considered. At the same time, the opinions of several foreign scientists were cited.

Keywords: health care, social protection, rights, prosecution, court.

Introduction

Ensuring the guarantees of the implementation of constitutional rights and freedoms of citizens is an important element that ensures the foundations of the constitutional system of Uzbekistan and the effective functioning of the entire state. Among them, the constitutional and legal guarantees of ensuring the right of the studied citizens to use qualified medical services have a dominant position. In general, the problem of guarantees of human rights and freedoms is sufficiently widespread by specialists who offer different options for the content and classification of guarantees according to different criteria. At the same time, the issue of guarantees is traditionally related to the need to protect human rights and freedoms in society, to form such protection mechanisms, and to ensure legality in the activities of state bodies.

In jurisprudence, guarantees are defined as a system of socio-economic, political, moral, legal, organizational terms, conditions, tools and methods that create equal opportunities for a person to exercise his rights, freedoms and interests.

In the provision of human rights and freedoms, the most important role is played by the legal guarantees enshrined in the law and the process of implementation of the law. Legal guarantees include all the legal means of exercising and protecting the rights and freedoms of a person and a citizen, as they only mean the legal responsibility of the state and its bodies at all levels for violations of rights and legal interests. It is appropriate to agree with the opinion noted in the literature: "Legal guarantees are not an imaginary operation of the principles of the rule of law, but one of the conditions for the reality of human rights", "legal guarantees are expressed legal instruments, the implementation of which fulfills other regulatory and legal requirements are normative and legal documents that provide or can provide the possibility of implementation"

The problem of systematization of legal guarantees of the right to health care and medical assistance is being actively studied and analyzed. Depending on the method of consolidation



and the entity creating the mechanism for the implementation of the right to health care and medical assistance, the legal guarantees of this right can be divided into:

- Guarantees enshrined in the Constitution of the Republic of Uzbekistan;
- guarantees established in laws and other normative documents;
- judicial protection guarantees;
- guarantees provided in the activities of prosecutor's offices;
- Activities of the human rights representative;
- health care system as a guarantee of the right to health care and medical care.

Constitutional guarantees are the main type of legal guarantees of the welfare state, because the provision of other types of legal guarantees largely depends on their compliance. Constitutional guarantees have the most general, basic nature, therefore, constitutional guarantees should be defined in the current legislation.

As rightly stated by M.V.Baglay: "Guarantees are legal instruments that ensure the realization of one or another rights of a person and a citizen. Every right can be exercised only if it is compatible with someone's obligation to ensure it. Guarantees are essentially an obligation, it is a duty of the state in relation to constitutional rights and freedoms.

The Constitution defines the general principles of legal guarantees. In order to unconditionally guarantee the realization of rights, "Human and Citizen Rights and Freedoms" defines a comprehensive system of legal guarantees.

Article 57 of the Constitution of the Republic of Uzbekistan defines the principles of state protection and does not exclude the right of every person to protect his rights and freedoms by all available means. In particular, this applies to the self-defense of civil rights provided for in the civil legislation of the Republic of Uzbekistan. Also, these principles are directly related to the principle of direct influence on the rights and freedoms of people and citizens, which is enshrined in Article 19 of the Constitution of the Republic of Uzbekistan.

Particular attention is paid to the right of citizens to regularly receive reliable information about factors that promote or harm their health, which are provided by the mass media at the request of local authorities or citizens. should be announced through The current legislation provides for various types of liability, up to criminal liability for hiding such information, and the obligation to compensate for damage caused by the state, legal entities who are guilty or found guilty in the event of damage to health.

In the protection of rights and freedoms, the Human Rights Representative (Ombudsman) plays a major role in the Republic of Uzbekistan. He considers complaints and appeals of citizens and has the right to appeal to state authorities and local authorities.

One of the main state mechanisms for the protection of human rights and freedoms is the Prosecutor's Office of the Republic of Uzbekistan. According to Article 2 of the newly revised Law of August 29, 2001 "On the Prosecutor's Office" - the main tasks of the prosecutor's office of the Republic of Uzbekistan (hereinafter referred to as the prosecutor's office) are to ensure the rule of law, strengthen legality, It consists of protection of rights and freedoms, interests of society and the state protected by law, constitutional system of the Republic of Uzbekistan, prevention and prevention of violations.



In order to strengthen a person's constitutional right to health protection and medical services, appropriate laws are being developed and adopted by legislative bodies.

In order to ensure the constitutional rights of the citizens of the Russian Federation to receive free medical care, the Government of Uzbekistan approves and guarantees the program of state guarantees for the provision of free medical care to its citizens. The state authorities of Uzbekistan develop and approve regional programs of state guarantees of free medical care to citizens, including regional programs of compulsory medical insurance, in accordance with the Program.

State and city health care institutions are supported by the respective budgets and citizens

The analysis of justice issues as mechanisms of protection of the right to health and medical care also guarantees judicial protection of the right to health and medical care.

Fair trial guarantees are also the norms that determine the status of courts and judges in the Republic of Uzbekistan. They ensure the independence of the judiciary, the bindingness of the decisions made by the courts.

According to Article 1 of the Law No. O'RQ-705 dated July 28, 2021 "On Courts", the judiciary in the Republic of Uzbekistan operates independently of the legislative and executive authorities, political parties, and other public associations. Judicial power in the Republic of Uzbekistan is exercised only by courts. It is established that no other bodies and individuals have the right to usurp the powers of the judiciary. According to Article 4 of the Law, the main tasks of the Court are to protect the rights and freedoms of citizens guaranteed by the Constitution and other laws of the Republic of Uzbekistan, international treaties, as well as international documents on human rights, state and public interests, the rights of legal entities and individual entrepreneurs and is to protect interests protected by law. The activity of the court is aimed at ensuring the rule of law, social justice, civil peace and harmony.

According to Article 11 of the Law No. ORQ-730 dated November 23, 2021 "On Insurance Activities", it was adopted to strengthen guarantees of the rights of insured persons to free medical care and aimed at regulating legal relations arising in the field. The law defines the mechanisms and guarantees for the realization of the rights of citizens to receive free medical care, and also defines the principles of the implementation of mandatory health insurance: the universal nature and independence of the financial system are state guarantees of the protection of insured persons.

In order to exercise the constitutional rights of citizens to health care and medical assistance, the law provided the patient with the right to choose an insurance medical organization, as well as a doctor. According to the law, a single type of insurance policy was introduced throughout Uzbekistan, which gives the citizen the right to medical care regardless of his place of residence. The law provides guarantees of obtaining reliable information about the types, quality and conditions of medical care.

It is desirable to introduce additional payments for providing medical care and medicine in proportion to the income of the population, as well as to set a certain limit of payments, in which the reimbursement of costs is carried out from budget funds. Ushnu regulation methods are now used in Scandinavian countries. The reform of the social security system implies



specific obligations of the state in relation to the types of support specified in the State Guarantee Program.

State control within the framework of license control is carried out by authorized bodies, compulsory medical insurance funds and medical insurance organizations in accordance with the legislation on compulsory medical insurance.

Local government bodies have the right to ensure the organization of medical care within the framework of the city health care system.

The main principles of insurance are defined as guarantees of compensation for damage to the life or health of victims. Universality and mandatory insurance of civil liability by medical organizations; it was not allowed to carry out medical activities in the territory of Uzbekistan by persons who did not fulfill the obligation of civil liability insurance.

Based on the "Concept for the development of the health care system of the Republic of Uzbekistan in 2019-2025", the following directions were defined for the improvement of the health care organization and management system:

1. Improving the structure of the central apparatus and regional bodies of the Ministry of Health of the Republic of Uzbekistan by introducing modern forms of state management based on the wide use of innovative ideas, developments and technologies.
2. System of organization of health care in the regions based on the "cluster" approach, which implies the integration of medical organizations of different levels and narrow specialties, which complement and strengthen each other, into a single system of management, to ensure the necessary gradualness and consistency of medical care improvement.
3. Classification of categories of medical organizations by levels, sizes and types of medical care, as well as their construction, material-technical and per capita, taking into account the population density and the development of transport infrastructure, providing personnel development of regulations.
4. Development and gradual implementation of mechanisms for accreditation of medical and pharmaceutical organizations and organizations whose activities are related to the circulation of narcotic drugs, psychotropic substances and precursors, as well as licensing of medical and pharmaceutical activities, taking into account advanced foreign experience.
5. Introduction of modern systems of management and quality control of medical services based on international standards, as well as mechanisms for assessing the population's satisfaction with the quality of health care.
6. Introduction of modern mechanisms of remuneration for the work of medical workers and their social protection, classified according to their qualifications, volume, complexity and quality of the medical service provided, including the results of the medical worker's activity instead of the current network tariff set. introduction of base salaries and a variable (reward) rate of remuneration paid according to the relevant criteria of clinical cost groups and per capita funding.
7. Development of financial incentives and social support programs for medical workers of primary medical and sanitary care institutions, especially in rural areas.



8. Improving the state sanitary-epidemiological control system, increasing their role and responsibility in monitoring compliance with sanitary rules, norms and hygiene regulations, ensuring citizens' health safety, laboratory and express diagnosis of disease-causing factors introduction of new technologies of food.

9. To introduce uniform mechanisms and standards for determining the need of medical organizations for equipment, consumables and spare parts, to create an information system for their accounting.

10. Organization of regional services that provide technical service and metrological inspection of medical equipment based on the conditions of public-private partnership.

It can be seen from these that the health of our citizens has reached higher places than ever before.

REFERENCES

1. Constitution of the Republic of Uzbekistan.
2. Law of the Republic of Uzbekistan "On Courts" dated July 28, 2021 No. O'RQ-705.
3. Law of the Republic of Uzbekistan dated November 23, 2021 No. O'RQ-730 "On Insurance Activities".
4. Law of the Republic of Uzbekistan No. 265-I "On Protection of Citizens' Health" adopted on August 29, 1996.
5. Decision No. PQ-2863 "On measures to further develop the private sector in the health sector" adopted on April 1, 2017.

