

Research Article

The Concept of Tanosil (Sexually Transmitted Infections) or HIV / AIDS Transmission and Criminal Liability Issues

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ABSTRACT

This article provides a brief overview about the concept of Tanosil (sexual transmission) or HIV / AIDS transmission and issues of criminal liability. The article also analyzes the views and opinions of scholars on the concept of sexually transmitted or HIV / AIDS transmission and criminal liability.

Keywords: Tanosil (Sexually Transmitted Infections), HIV, AIDS, Dissemination, Crime, Liability, Punishment, Illness, Syndrome, Health.

INTRODUCTION

Currently, AIDS (Acquired Immunodeficiency Syndrome), one of the global problems, forces all of humanity to live under threat due to ignorance of nationality and borders, gender and age. This is due to the fact that the advanced medicine of the world also cannot find a cure for the disease of patients with this disease. People with Tanosil (Sexually Transmitted Infections) or HIV / AIDS are forced to live the rest of their lives.

In fact, one of the acts that can cause a person's health to deteriorate is the transmission of the disease to another person by a person who knows that he or she has a sexually transmitted disease. Tanosil (Sexually Transmitted Infections) diseases include infectious processes with various factors, their own signs and characteristics. If the nature of this disease is carefully studied, we see that it has one thing in common, that is, that these diseases are multiplied mainly by infection. In other words, the fact that a healthy person has had sexual intercourse with an infected person at least once will inevitably lead to the spread of the disease.

The name "venereal diseases" comes from the Latin Venus - Venus, the god of love, and now in the science of "venereology" ("Venus" means the crown of love), which studies venereal diseases, there are more than 20 different diseases belonging to this group. infected. Venereology includes syphilis, gonorrhea, trichomoniasis, mild chancre, venous lymphagranulomatosis, donovanosis, chlamydia, lycomlasmas, gardnerellosis, genital herpes, acute condyloma, candidiasis, candidiasis, hepatitis, hepatitis

amerdiaz, amebiasis, infectious (cantagiosis) mollusk, sitemelegaliya are included.

In the literature today, when scientists describe venereal diseases, almost all of them give a single, the following definition: "Tanosil (Sexually Transmitted Infections) diseases are usually sexually transmitted diseases, which include syphilis, gonorrhea, tripper, mild chancre, testicular (sexual) lymphogranulomatosis, etc." [1. 153].

I.Ya. Kozachenko and G.P. Novoselov are of the opinion that Tanosil (Sexually Transmitted Infections) are included in sexually transmitted diseases.

Tanosil diseases also include blood lymphogranulomatosis. This disease does not occur in our country.

The concept of skin and tanosil diseases has been known since ancient times. For example, scientists from China, India, Greece, Egypt, and Central Asia described the symptoms of skin and genital diseases in their works thousands of years ago.

THE MAIN FINDINGS AND RESULTS

The Central Asian scholar and physician Abu Ali ibn Sina, in his book *Al-Qanun fit-Tib*, described the symptoms of a number of skin diseases and their treatment methods [2]. The study of skin-tanosil diseases began in the second half of the eighteenth century. In the XVIII-XIX centuries, German, English, Russian, French schools on skin and venereal diseases appeared, and as a result, the period of scientific research on skin and venereal diseases, the study of their causes and development began.

AG Poloteblov (1838-1907) and AI Pospelov (1846-1912), the founders of skin and tanosil diseases in Russia, in their book "Dermatological research" presented their conclusions about the causes, medical features and consequences of skin diseases.

The norm in criminal law, which provides for criminal liability for infection with a venereal disease and refusal to treat the disease, was first enshrined in the 1959 Criminal Code of the USSR.

The social danger of this disease is that if the disease is detected at an early stage, people are free from their complications, and treatment is of high quality. But if the disease is detected late or passed on to the offspring, of course, in these cases, the complete and uncomplicated treatment of the patient is questionable. The entry of this virus into the human body impairs vision, destroys human tissues leading to infertility, and causes a number of similar complications.

This situation causes great damage to the country's economy and the psyche of people. For example, a child born to a person with such a disease is born with a congenital trauma, which in the future can only harm, not benefit society. A lot of money will be spent in the country to treat him and monitor his health in the future.

It is a much more serious social problem for patients to harm others than to get sick themselves. Studying the psychology of patients, they often engage in irregular sex, not caring about their own health and the health of others, which in turn undermines the development of society. Some individuals can get 2 or more sexually transmitted diseases, carry them with them for a lifetime, and infect others as well.

From this we can draw a practical conclusion: those infected with sexually transmitted diseases risk, first of all, the state and society, and secondly, their family, the people around them and, worst of all, leave behind healthy offspring.

Currently, it is right to unite all efforts to prevent Tanosil diseases, all of which are closely related to each other. These include the following areas: the promotion of the prevalence of diseases, the search for economic factors and the analysis of social conditions, etc., together increase the effectiveness of the fight against sexually transmitted diseases.

Below we will focus on the criminal aspect of the spread of these diseases. We believe that the study of this aspect of the issue serves to prevent and prevent crimes that threaten human life and health, in a word, to fulfill the functions of the Criminal Code.

Article 113 of the Criminal Code of the Republic of Uzbekistan, "Crimes endangering life and

health," criminalizes the spread of sexually transmitted diseases or HIV / AIDS.

According to him, the spread of tanosil or HIV / AIDS, i.e. knowingly leaving another person at risk of contracting tanosil disease; knowingly infecting another person with a sexually transmitted disease and the actions provided for in the first or second part of this article:

- a. in relation to two or more persons;
- b. in relation to a minor; deliberately leaving another person at risk of contracting HIV / AIDS or infecting him / her with HIV / AIDS; liability for transmission of HIV / AIDS to another person as a result of a person's failure to perform or inadequately perform his or her professional duties.

The fact that Tanosil or HIV / AIDS is covered in one article in one article of the Criminal Code is based on the objective aspect of these crimes, ie the fact that both methods of transmission of the disease are similar and identical.

Tanosil (Sexually transmitted) diseases can be transmitted through kissing, sharing common dishes, and sexual intercourse. The act referred to in this article is committed with intent or self-confidence. If the offender has correct intent in his actions, his act is qualified as intentional infliction of bodily harm. If a person infects without knowing that he has such a disease, he will not be held liable.

In our opinion, the object of the above-mentioned crime is the health of the person, and the person will not lose his life as a result of infection. Thus, it is impossible to agree with the opinion of the above scientists, who also included human life in the object of the crime.

However, if the focus is on an object protected by criminal law, only the health of the victim is endangered due to the crime of infecting another person with sexually transmitted diseases, and the direct object of the crime is the health of the person.

Leaving or infecting another person with Tanosil or HIV / AIDS endangers the health of the victim as well as his or her life. Some scientists point to human life as the object of crime [3. 106].

The reason is that to date, from a medical point of view, it is not possible to completely cure patients with HIV / AIDS, to treat them, the ability of the diseased patient to fight against various diseases and external influences - a short period of human life due to a decrease in immunity and, consequently, complete loss.

Therefore, depending on the level of social risk, leaving HIV / AIDS at risk of infecting another person or infecting another person with sexually transmitted disease differs from high crime at high risk of infection.

The main reason for differentiating between putting a person at risk of contracting a disease and infecting him or her is that although the disease has not yet been transmitted to another person, there is a high social risk for members of the community to be at risk of contracting the disease. increases the effectiveness of protection of a person, his life and health from criminal encroachment, which is one of the duties of the criminal law provided for in Article 2 of the Criminal Code.

In our opinion, proceeding from the general principles of criminal law, it would be advisable to divide the norm of criminal liability for the infection of the two diseases listed above according to the degree of social danger, given that the articles of the Special Part of the Criminal Code are arranged according to the severity. Studying the experience of foreign countries (Azerbaijan, Belarus, Georgia, Armenia, Russia and other CIS countries), we also see that the criminal legislation for the spread of sexually transmitted diseases or HIV / AIDS is defined in separate articles.

In our opinion, the spread of sexually transmitted diseases or HIV / AIDS under Article 113 of the Criminal Code of the Republic of Uzbekistan represents both *formal* and *material* components of the crime.

"In formal crimes, the objective aspect of the act is that the crime is over from the moment it is committed," he said. No criminal consequences are required to declare these crimes completed" [4. 30]. The period of criminal liability in a crime of a formal nature is calculated from the time of the commission of the act that constitutes the objective aspect of the crime.

M.H.Rustamboev also described this crime as a formal crime, "In some crimes, the crime is considered to be over, not with the occurrence of consequences, but with the threat of such consequences. For example, in the case of a sexually transmitted disease or the spread of HIV / AIDS, the crime is considered to have been committed from the time when another person was deliberately placed at risk of contracting a sexually transmitted disease [5. 426]."

G.N Borzenkov also considers "endangerment" to be a formal crime [6. 232].

We agree with this opinion, based on the disposition of Part 1 of Article 113 of the Criminal Code of the Republic of Uzbekistan, ie "Deliberately endangering another person with the disease Tanosil", and Section 4, "Deliberately putting another person at risk of contracting HIV / AIDS or infecting him or her with HIV / AIDS" is a formal crime. The reason is that the culprit's attitude to the possible consequences (voluntary

sign) is irrelevant in qualifying a socially dangerous act, because in crimes with a formal content, the consequence is excluded from the necessary sign of qualifying the crime. An act (action or omission) aimed at endangering this infection shall be deemed to have been completed from the time of its commission and shall be sufficient to qualify the act under this article.

At the same time, based on the disposition of parts 2, 3, 4, 5 of Article 113 of the Criminal Code of the Republic of Uzbekistan, that is, "Infecting another person knowing that he has a venereal disease. The actions provided for in the first or second part of this article are:

- a. in relation to two or more persons;
- b. in relation to a minor; Deliberately endangering another person with HIV / AIDS or infecting him / her with HIV / AIDS and infecting another person with HIV / AIDS as a result of a person's failure to perform or inadequately perform his / her professional duties [7]", in order to qualify the act with these parts of the article, the above-mentioned acts must be committed, the consequence provided for in the disposition must be the disease, and, importantly, there must be a causal link between the act and the consequence.

"The crime is considered completed from the moment the victim is actually infected with Tanosil disease and there is a causal link between the actions of the subject of the crime" [6. 323]. I.Ya. Kozachenko also puts forward the same idea [3. 106].

In the case of Tanosil or the spread of HIV / AIDS, the person's health as well as his or her life is the object of the crime.

"If the disease is detected at an early stage, people will be free from their complications, and treatment will be of high quality. However, if the disease is diagnosed late or passed on to the next generation, it is doubtful that the patient will be treated completely and without complications"[8. 214].

I.Ya. Kozachenko considers the life of a person as the object of the crime of HIV infection. He explains his opinion by saying that the cause of this disease has not yet been claimed by advanced medicine and therefore those who suffer from it are sentenced to death after [3. 108] a certain period of time.

This situation causes great damage to the country's economy and people's psyche.

The importance of combating the above diseases from the point of view of criminal law is that "a serious assessment of this crime is not only in the traditional approach to disorderly sex, criminal prosecution also seeks to prevent the consequences of infertility, pathological changes

in the body of a child born to a sick mother, and similar serious consequences"[6. 232].

In addition, Article 58 of the Code of Administrative Offenses stipulates that "persons who have sufficient information about STIs or HIV / AIDS shall refuse to be examined even after being warned by the health authorities"; Article 59 of the Code of Administrative Responsibility stipulates that "inadequate safety in medical examinations for HIV / AIDS, as well as in medical and cosmetic procedures leading to the transmission of HIV / AIDS" is subject to appropriate liability.

CONCLUSION

In short, it is necessary to fully provide the population with information about sexually transmitted diseases. At the same time, it is necessary to provide literature suitable for different age and gender. To acquaint them with the work on explaining the symptoms of diseases, ways of their transmission and measures to prevent them, as well as the need to take care of themselves and others;

the success of the fight against crime depends on the strict and systematic interaction and communication of its subjects at all stages of prevention activities based on the scientifically developed, programmatic policy of the state. This should be a global, comprehensive policy of the state, including a wide range of measures of social, economic, international, legal, ideological, etc.;

Taking into account national characteristics and existing opportunities, it is worth noting the implementation of activities aimed at revitalizing the work, for example, psychotherapeutic assistance centers;

It is necessary to establish contacts with religious institutions;

In addition to forensic psychiatric and psychological psychiatric examination, it is necessary to conduct mandatory sexological examinations of persons convicted of a criminal offense. This is one of the ways to improve the prophylactic effect on such individuals. In doing so, we come to the view that prostitution, like any crime of a sexual nature, can sometimes be explained by mental illnesses that affect a person's (including criminal) behavior.

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