



PREVALENCE OF VENEREAL OR HIV DISEASE/AIDSPUBLIC DANGER OF A CRIME

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Annotation: This article fully reveals the social danger of the crime of spreading venereal diseases or HIV/AIDS. The extent to which the crime of spreading venereal diseases or HIV/AIDS poses a great danger to the countries of the world is highlighted, the social danger of this disease is described. It is also deeply analyzed that this disease causes great social and economic damage not only to victims who have contracted the disease, but also to the state.

Keywords: Social danger, venereal disease, HIV/AIDS disease, crime, punishment, injury, responsibility.

Throughout history and among all civilized peoples, human health has been the highest value, forming the basis of human life. UN "Universal Declaration of Human Rights" Article 25 guarantees the right of every person to a standard of living necessary to ensure the health and well-being of himself and his family. .

The WHO Charter states that "Governments are responsible for the health of their peoples, and this responsibility requires the adoption of appropriate social and health measures." .

In addition, the Constitution of the Republic of Uzbekistan Article 48 establishes that everyone has the right to healthcare and qualified medical care, citizens of the Republic of Uzbekistan have the right to receive a guaranteed volume of medical care at the expense of the state in the manner prescribed by law, and take measures to ensure the sanitary and epidemiological well-being of the population. .

Despite the fact that scientific and technological achievements have improved the standard of living of people, some diseases are not decreasing, one of which is HIV.

The HIV epidemic is spreading rapidly in the world. Over the past 20 years, more than 22 million people have died from HIV, and about 50 million have been infected. The process of globalization and the expansion of international migration processes are increasing the risk of the spread of the disease. .

According to the World Health Organization, there are currently 40 million people living with HIV in the world. The number of people infected with this disease increases by an average of 1.3 million people per year, and worst of all, the disease annually kills more than 630,000 people. Since the beginning of the AIDS epidemic on Earth, 88.4 million people have been infected with this disease, and more than 42.3 million have died. .

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Throughout history and among all civilized peoples, human health has been the highest value, forming the basis of human life.

The main task of democratic states is to care for citizens, to observe their rights and freedoms, as well as to ensure legally established guarantees for the preservation, strengthening, and restoration of health.

In the process of building the state of New Uzbekistan in our country, legal norms regulating social relations in various spheres of our country's life play an important role. At the same time, special attention is also required to protect the health of the population, especially the younger generation, including through criminal-legal measures.

Criminal liability is provided for in Chapter III of the Special Part of the Criminal Code of the Republic of Uzbekistan for acts aimed at infecting another person with a venereal disease or HIV in order to protect the life and health of a person. .

Putting another person at risk of contracting a venereal disease or HIV is considered a socially dangerous act, and the commission of this act entails criminal liability established by Article 113 of the Criminal Code of the Republic of Uzbekistan.

The answer to the question of why the threat or transmission of venereal or HIV infection is defined as an independent crime in criminal law can be found by analyzing the social danger of this act. The main factor determining the criminality of an act is its social danger.

Indeed, most scholars who have commented on the issue of criminalization of an act indicate its social danger as an integral characteristic of any crime. From this point of view, one of the main factors in the criminalization of leaving at risk or contracting a venereal disease or HIV infection is its social danger; in the theory of criminal law, social danger is a necessary feature of the act, but this feature is not sufficient for the criminalization of the act.

The category of social danger remains one of the pressing problems in the theory of criminal law that has been the subject of debate for several decades, due to the fact that there is no consensus among scientists on the category of social danger.

In legal literature, there are different views on the structure of social danger. Many scholars believe that social danger is the sum of all the characteristics that characterize aggression. .

According to N.F. Kuznetsova, the social danger of a crime is a historically changing category, the change of which is objectively determined by the socio-economic processes occurring in society. .

According to K.R. Abdurasulova, the social danger of a crime is determined by the action or inaction of the person, its consequences, and the degree of danger to society of the perpetrator. .

M.X. Rustambaev put forward the idea that the social danger of a crime is determined by its prevalence. .

In our opinion, the social danger of a person (except in cases of especially dangerous or dangerous recidivism) or the emergence of a desire to commit a criminal act does not entail any criminal-legal consequences. Therefore, the commission of a socially dangerous act, that is, social danger from an objective point of view, is the basis of liability under the current criminal legislation.

Understanding social danger is a simple concept, without any complications. Any sane individual who has reached the age of criminal responsibility must be able to understand the social danger of crimes and, accordingly, refrain from committing a socially dangerous act.

If the person has not reached the age of responsibility or is insane, they are released from criminal liability. As A.A. Pintkovsky emphasized, the social danger of a criminal act arises from the fact that it directly causes harm to social relations or includes the possibility of causing corresponding harm.

The main elements predetermining the social danger of the act are the circumstances that constitute the amount and consequences of the damage, the act and its method (intensity of the act), as well as the social relationship and subject subject to protection.

Inflicting a venereal disease or HIV infection threatens the victim's health and life as a result of infection.

According to the Law of the Republic of Uzbekistan "On Combating the Spread of the Disease Caused by the Human Immunodeficiency Virus (HIV Infection)," it is mandatory for an HIV-infected person to inform their sexual partner, as well as medical workers and service sector employees who use piercing and cutting instruments in procedures that violate the integrity of the skin and mucous membranes, about their illness.

Although this obligation should serve to stop and prevent the transmission of HIV to other persons, in practice it is not effective.

Venereal diseases are a dangerous infectious disease belonging to the group of sexually transmitted diseases. This disease is caused by viruses, parasites, or fungi. This disease has a serious impact not only on the health of the individual, but also on the family, society, and the economy.

Based on the foregoing, it can be said that venereal diseases are socially dangerous, and their danger manifests itself in several forms, for example:

- Risk to public health;
- Risk to the health of offspring;
- Economic damage;
- Risk of moral and cultural crisis in society;
- Public policy and impact on the healthcare system.

Consequently, like any crime, the social danger of leaving someone at risk of contracting a venereal disease is manifested in the encroachment on a person's health and life.

HIV/AIDS is one of the most serious problems of any country. The development of means for saving the lives of patients and infected people, their treatment, diagnosis and treatment, and conducting fundamental scientific research require enormous funds. Some scientists estimate that if the HIV epidemic develops in a negative direction around the world, the costs associated with it may exceed the military budgets of the leaders.

HIV/AIDS, along with nuclear disasters and ecological catastrophes, threatens humanity and raises the question of the survival of Earth's civilization.

The social danger of HIV is that the number of deaths from HIV exceeds the number of deaths from two world wars.

The social danger of the crime of leaving or contracting HIV is considered high. HIV, with its severe consequences, represents not only a criminal-legal, but also a comprehensive threat to healthcare and society.

HIV poses a high social risk with its consequences. In particular, a person infected with this disease may lose their ability to work, become infertile in women, and cause premature death over time. The danger of HIV infection or AIDS manifests itself in the fact that the initial symptoms of the disease are not immediately apparent, sometimes disappear for 3-6 months. .

According to the results of medical analyses, it has been proven that 87% of HIV-infected patients die prematurely .

The sources of disease, for which liability is established in Article 113 of the Criminal Code, are characterized by the following features: posing a danger to others, rapid spread among the population, severe course of the disease, high rates of disability and mortality. HIV Disease The social danger of leaving or contracting AIDS at risk is that it harms not only the health of the victim but also the health of society as a whole.

AIDS is a dangerous disease that has a devastating impact on the health of the nation.

According to N.E. Moskaleva, HIV infection is practically equivalent to an invasion of human life. .

According to M.Y. Rustamboev, the social danger of leaving or contracting HIV is manifested in the fact that a person knowingly infects, endangers, or transmits the disease, putting the life of another person at risk. .

According to A.K. Teokharov, HIV poses a social danger to the life and health of citizens, since the incidence of this disease leads to a decrease in the working-age population, a decrease in its social activity, as well as an increase in social tension with a fatal outcome. .

The Human Immunodeficiency Virus (HIV) is one of the global problems that poses a large-scale threat not only from a medical point of view, but also from a social, economic, and legal point of view. Its social danger has serious consequences not only for the person infected with the virus, but also for society as a whole.

Including:

Public health risk:

HIV transmission can occur through sexual contact, blood, and from mother to child. Uncontrolled, HIV can spread rapidly among the population, putting serious pressure on the overall health system and creating an epidemiological risk.

Impact on demographic and generational potential:

HIV poses a threat to the demographic balance with its prevalence, especially among people of reproductive age. Also, the birth of children with HIV as a result of mother-to-child transmission negatively affects the health of future generations in society. This situation hinders the formation of a healthy generation.

Economic consequences:

HIV-infected individuals require constant medical supervision, expensive medications, and long-term treatment. This constitutes not only personal expenses, but also a large part of the state healthcare budget.