



Volume: 03 Issue: 12 | 2022 ISSN: 2660-454X

<https://cajitmf.centralasianstudies.org>

The Constitution is Based on the Protection of Human Health and the Sustainability of the Institution of the Family

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Received 16th Oct 2022,

Accepted 19th Nov 2022,

Online 10th Dec 2022

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Annotation: This article is devoted to the issues of securing the rights to medical care in the Constitution of the Republic of Uzbekistan, gender equality in society and strengthening the institution of the family. The article provides a comparative analysis of the studied problems in the Constitutions of such countries as Germany and Russia. In conclusion, the author gives suggestions for improving the Constitution of the Republic of Uzbekistan.

Keywords: the right to medical care, gender equality, family, social justice, human rights.

According to the Constitution of the Republic of Uzbekistan, the State builds its activities on the principles of social justice and legality in the interests of human welfare and society (article 14 of the Constitution of the Republic of Uzbekistan).

Democracy in the Republic of Uzbekistan is based on universal principles, according to which the highest value is a person, his life, freedom, honor, dignity and other inalienable rights (article 13 of the Constitution of the Republic of Uzbekistan).

Issues of health protection and medical care are a priority both for Uzbekistan and for many other countries. So, for example, Article 41 of the Constitution of the Russian Federation stipulates that:¹

1. Everyone has the right to health protection and medical care. Medical care in state and municipal healthcare institutions is provided to citizens free of charge at the expense of the relevant budget, insurance premiums, and other income.
2. In the Russian Federation, federal programs for the protection and promotion of public health are funded, measures are taken to develop state, municipal, and private health systems, and activities that promote human health, the development of physical culture and sports, and environmental and sanitary-epidemiological well-being are encouraged.

¹ <https://www.zakonrf.info/konstitucia/41/>

3. Concealment by officials of facts and circumstances that pose a threat to the life and health of people entails liability in accordance with federal law.

In 1996, the Republic of Uzbekistan adopted the Law «On the Protection of Citizens' health». Article 3. of this Law defines the basic principles of public health protection:²

- ✓ observance of human rights in the field of health protection;
- ✓ accessibility of medical care for all segments of the population;
- ✓ priority of preventive measures;
- ✓ social protection of citizens in case of loss of health;
- ✓ the unity of medical science and practice.

However, the issues of health protection in the Constitution of the Republic of Uzbekistan are generally considered within the framework of social protection. In our opinion, it is necessary to make appropriate changes that will allow in a concrete form to consolidate the rights of citizens related to medical care of citizens.

Another urgent problem in modern society is the issues of gender equality.

Indeed, today the most discussed and topical issues around the world are the problems of gender inequality in society and the preservation of the institution of the family as the main and «healthy» unit in society.

In this regard, I would like to note that special attention is paid to the protection of women's rights in modern society. The consolidation of women's rights in the basic law - the Constitution of many countries can serve as a confirmation of the priority of the gender issue in the development of society. So, for example, article 37 of the Italian Constitution stipulates that “A working woman has the same rights and receives the same remuneration with the same work as a working man. Working conditions should allow her to perform the main family function for her and should ensure proper protection of the interests of the mother and child”. This article of the Italian Constitution covers not only issues of gender equality in work, but is also a powerful tool for protecting the family, as it covers issues of protecting the interests of mother and child. Article 117 of the Italian Constitution enshrines the electoral rights of citizens, but the equality of men and women is enshrined in specific requirements: “Regional laws eliminate any obstacles that hinder the full equality of men and women in social, cultural and economic life, and promote equal access of men and women to elected positions”.

The German Constitution also pays great attention to women's rights, article³ states that «All people are equal before the law,» but immediately after this statement, norms specifying the issues of equality of women and men are also fixed: «Men and women are equal. The State promotes the effective realization of equality between women and men and takes measures to eliminate existing shortcomings. “However, I would like to note that article 6 of this Constitution prescribes norms for the protection of the family: «Marriage and the family are under special protection. Taking care of children and their upbringing is the natural right of parents and their primary duty.

The state community monitors their implementation”. In our opinion, the generality of this article of the German Constitution, that is, the lack of clarification regarding the composition of the family, that is, “women” and «men» contributes to the development of same-sex marriages, marriages among transgender people, etc. Such a state of affairs can negatively affect not only the psychological and

² Закон Республики Узбекистан «Об охране здоровья граждан» от 29 августа 1996 г. под № 265-

³ <http://lawers-ssu.narod.ru/subjects/constzs/germany.htm>

physical condition of the population, but also become a powerful factor in reducing the reproductive process in the country.

In the issue of protecting the institution of the family, in our opinion, it is necessary to mention the Constitution of the Russian Federation, in article 72 of which it is clearly stated that «protection of the family, motherhood, fatherhood and childhood; protection of the institution of marriage as a union of a man and a woman; creation of conditions for decent upbringing of children in the family, as well as for the exercise of adult children's duty of care about parents».

Based on the above, we note that today one of the urgent issues of «preserving humanity as a species» is increasingly becoming the problem of the «gender identity» of the individual.

Modern youth are thinking more and more about changing their gender and sexual orientation (more than 25% of young people), and this in turn negatively affects the very concept of «family» and the entire «institution of the family». In this regard, Russia's experience in consolidating the fundamental concepts of «man» and «woman» on the way to strengthening the basic unit of society «family» is valuable.⁴

The analysis presented above has shown that the modern Constitution needs specifics, especially in matters of gender equality and the preservation and strengthening of the institution of the family as the basic unit of society.

Based on this, we propose to make the following amendments to Article 63 of the Constitution of the Republic of Uzbekistan (The current article is «Article 63. The family is the basic unit of society and has the right to the protection of society and the State. Marriage is based on free consent and equality») Article 63. The family is the basic unit of society and has the right to the protection of society and the State. Marriage is a union of a man and a woman, which is based on free consent and equality.

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⁴ <http://kremlin.ru/acts/constitution>

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