



Legal Regulation of Private Medical Services in Uzbekistan: Prospects and Comparative Analysis with Developed Countries

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Abstract

This article discusses the provision of medical services in Uzbekistan, legal documents for its regulation, scientific and public relationships. The article describes the regulation of the medical services in the national legal system as public and private legal relationships, the attention given to medicine in the early years of Independence and the hierarchical adoption of legislation and the adoption of a number of documents on the regulation of private legal relationship. Especially in the last 3 years, there has been an increase in the volume of use of medical services as well as the number of non-governmental medical organizations, entrepreneurs use several types of activities. The effective means of regulating medical services in foreign practice is also mentioned in the example of a number of countries. The article summarizes a number of opinions and offers the implementation of a large number of works for the regulation of private medical services activities.

Keywords: Private medical system; Medical services and entrepreneurship in medicine; Healthcare authorities; Medical legislation

Introduction

Each sphere certainly needs necessity for regulation in the rapidly developing stage of social relationships. Especially the fact that private legal relationships include the most part of social relations is characterized by constant fundamental and practical changes in this area. Today's medicine and the development of science around it also demonstrate this.

The healthcare industry, however, always works on the basis of public healthcare and private healthcare system in terms of regulation. In the Republic of Uzbekistan, which is one of the former Soviet countries, the health sector is also established on the basis of the public healthcare system. This does not mean that the healthcare industry itself establishes public legal relationships, but almost 90% of the share in medical services is meant to be compensated by the state health system. This can also be understood from a number of legislative acts and the form of the government. In accordance with the law on health care of citizens, which is considered one of the main laws, it is noted that there is a single health care system in the Republic of Uzbekistan consisting of the combination of public, private and other systems of health care [1].

The fact that the activities of Public Administration in the form of each ministry and related structures are also in administrative legal relationships is also cited in the textbooks [2].

For an independent country in 1991 it is natural that the health care system was fully managed by the government. The main reasons for this were, in my opinion, insufficient formation of the legislative base. The second one was the transition to private ownership and the temporary holding of important areas at the disposal of the government while determining the direction of economic development. However, the healthcare industry did not stop in one place, more precisely at the same time both private medical services and public healthcare system began to work.

Discussion

According to the Constitution of the Republic of Uzbekistan, the fact that each person has the right to use qualified medical services makes deep sense when the phrase "medical care" is used instead of "medical treatment" [3]. "Medical service" has a wide range of meaning

and is widely used not only for treatment, but also for prevention of diseases and formation of a healthy lifestyle. With only the norms of the Constitution, often public healthcare system development was accelerated, while the growth of medical services in the private sector required the development of other areas as well. Especially business entities, their organizational and legal form and the creation of legislative bases were the first important fundamental tasks.

The development of legislation related to the provision of medical services was analyzed by scientists in various sources. In particular, H.T. Azizov analyzed the development of entrepreneurship legislation in the three stages. Through this, the general involvement in the sphere of medical services are connected with the regulation of aspects such as state registration of business entities providing medical services, obtaining licenses, obtaining permits in the relevant directions and liability in cases arising from contractual relations [4]. The division of the stages of development of entrepreneurial legislation by H. T. Azizov into 3 stages includes every 10-year period. In each period, a specific source of legislation was formed. In our opinion, this kind of division was also carried out due to the legislation adopted at that time and the need for it. Therefore, this is of great importance as a scientific, scientific and practical program in improving legislation, which clearly reflects the formation and development of entrepreneurship legislation and currently regulates entrepreneurial activity. According to this situation, it is possible to divide the legislative acts aimed at regulating the legal status of entrepreneurship entities providing medical services into 3 groups, which are:

The first stage includes the period from 1990, the period of gaining independence, to 1999. During this period, the general foundations of entrepreneurship were created, the foundation of the legislative sphere was formed, and the legislative bases related to the provision of primary

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medical services were created in Table 1.

The second stage includes 2000-2010, in which the legal basis of entrepreneurial activity was developed and improved, based on the requirements of the market economy.

On this basis, the provision of medical services, obtaining licenses for medical activities were also radically reformed and new requirements and conditions were determined. At this stage, the legislation “on Licensing certain types of activity”, “on Guarantees of freedom of entrepreneurial activity”, “on Private enterprise”, “on Regulation of currency”, “on Foreign economic activity”, “on Limited liability and additional responsible societies”, List of the types of activities not requiring licenses for the implementation by the Oliy Majlis of the Republic of Uzbekistan on May 12, 2001, decrees of the president of the Republic of Uzbekistan “on The main directions of implementation of the state program for further improvement and development of the health care system”, decrees of the president of the Republic of Uzbekistan “on Measures for further reform of the health care system”, resolutions of the Cabinet of Ministers of the Republic of Uzbekistan “on Measures to complete the experiment in the health care system and deepen the reforms” were adopted.

The third stage-this new stage began in 2010 and was connected with the adoption of the Decrees of the president of the Republic of Uzbekistan on November 12, 2010 “On the further deepening of democratic reforms in the country and the development of civil society”.

Today, according to the decree of the president of the Republic of Uzbekistan “On the strategy of actions for the further development of the Republic of Uzbekistan” on February 7, 2017, a number of laws, conceptions and legislative documents in the field of private medical services are being created. This stage has started a new era in the development of entrepreneurship. One of the main reasons for this is that in the activities related to the provision of private medical services, various benefits have been created and the spheres of their activities have been developed. In our opinion, it can be said that the above-mentioned legal status of entrepreneurial subjects in the field of Medicine, legislative acts regulating their functioning at every stage created the legal basis for the development of the industry. In addition, it is desirable to study the system of normative legal acts related to the activities of entrepreneurship engaged in private medical activities and

the development of legislation in this field into two groups according to the PhD in medical sciences [5].

The first of these stages of development is the development in the system of International Law on health, while the second is the development in the system of national legislation. The development of the health sector in the national legislative system takes place in harmony with the national traditions, national values and traditions of each state.

Lack of legal framework to private medicine

There are aspects related to some regulation according to the existing legislation. First of all, it is an aspect related to the organizational and legal form of business enterprises. U. Kholmiraev who is one of the professors of Tashkent state university of law noted that, partnership is not a legal subject of business because developed countries as Germany, France and England do not recognized this structure. Besides that, the activities of individual entrepreneurship, private enterprise, family-shaped entrepreneurship form a hybrid structure that repeats one another, and in some of them hiring employees is limited, while in others only the participation of family members is necessary. These structures impede private medical services activities and all other small business sectors.

Secondly, proposals for the systematization of business legislation and the collection of legislation in one place in the form of a single code are being put forward. At the same time, a number of conceptions, government programs, and projects are being made on public healthcare system related Healthcare code development [6]. Systematization of legislation in the form of a code is a means of effective and hassle-free. However, before the codification of the sphere of medical services, it is necessary to distinguish between private legal relations itself and specific boundaries and directions. The reason is that in the current conditions, the Entrepreneurial Code, the process of adopting the Investment Code, has also begun [7]. For the adoption of this legislation, it is necessary to set specific limits [8]. Because private legal relationships, including private healthcare, have a direct impact on the service.

Thirdly, the initial code of Health adoption project has also been worked out, but this project will serve to put the public healthcare system in order [9]. In our opinion, the market of medical services of Uzbekistan has been developing with a high pace in relation to public

No.	Name of legal document	Accepted date	Number
Laws of the Republic of Uzbekistan			
1	On Property in the Republic of Uzbekistan	31.10.1990	No.152-XII
2	On Civil code	29.08.1996	No.257- I
3	On Health care of citizens	29.08.1996	No.265-I
4	On Drugs and Psychotropic Substances	19.08.1999	No.813-I
5	On The mandatory treatment of patients suffering from chronic alcoholism, drug addiction or intoxication	31.09.2000	No. 123-II
6	On The exclusion from State ownership and privatization	19.11.1991	No.425-XII
Decrees of The President of Uzbekistan			
1	Decree of the president of the Republic of Uzbekistan “on the state program on the reform of the health system of the Republic of Uzbekistan”	10.11.1998	No.2107
2	Decree of the President of the Republic of Uzbekistan "on the initiative and encouragement of private entrepreneurship."	05.01.1995	No.1030
Resolutions of the Cabinet of Ministers of the Republic of Uzbekistan			
3	Resolution of the Cabinet of Ministers of the Republic of Uzbekistan “on Improvement of Management in the health care system of the Republic of Uzbekistan”	14.01.1999	No.18

Table 1: The legislative bases related to the provision of primary medical services were created.

private partnership and business. Therefore, it is worthwhile to make another analysis of the advantages and disadvantages of codification of public healthcare system. It is necessary to take into account that decentralization of the management system and local public healthcare system will also be more effective to assist the business [10].

Some basic information in data's and tables

It is significant to note that only one public healthcare system has several numbers listed in Figure 1.

It can be seen that the treatment in most out-patient medical institutions has increased in the last 3 years. This is certainly a very good indicator, because on the one hand, if the population has its own attitude towards a healthy lifestyle, on the other hand, the significance of private medical services` is also increasing.

Nowadays, number of private healthcare organizations is increased in Table 2. In addition, the total number of patients in the cross-section of the regions for 3 years is also listed in Table 3.

In world practice, the development of legislation in the field of health care can be divided into three systems from the organizational and economic point of view. The first is the state (budget based) system of health care, the second is the system of private (business based, voluntary health insurance) and the third is the system of social

(compulsory insurance based) [11]. The study of the management of the sphere of medical services on the basis of the above system requires an approach to the normative-legal acts in the national legislation from the point of view of entrepreneurial activity. In the state system of health care, the government provides assistance to them in the medical protection of various layers of the population from the state funds in order to restore the health of the population and prevent various diseases. With this, the state does not intend to receive any material benefits from the provision of medical services. In the legislation to be adopted, this principle is also applied, and the state carries out this social protection without interruption. It remains to be noted that in this system, health institutions belonging to the state are of great importance, medical services are provided to the population on the basis of the administrative management system of the state. Salaries of specialists working in medical institutions are determined by the State [12]. This system has its own advantages and disadvantages. The advantages of the state system in the field of health care can be seen in the following:

- The first is that since the health care system is managed by the state, the provision of medical services will be under its control, the administrative impact measures provided in the institutions will be applied.
- The second is that in emergency situations, there will be an

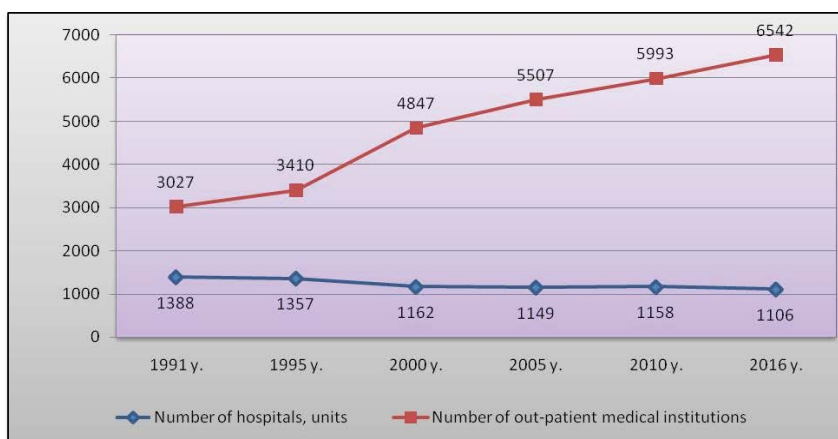


Figure 1: Only one public healthcare system has several numbers.

№	Territory	Overall number		
		31.12.2019	ambulatory	stationary
1	Andijan	541	361	180
2	Bukhara	422	343	79
3	Djizzak	122	93	29
4	Navoi	172	154	18
5	Namangan	352	214	138
6	Samarkand	464	366	98
7	Sirdarya	73	56	17
8	Surkhadarya	217	166	51
9	Tashkent	476	431	45
10	Tashkent (capital)	1208	1110	98
11	Fergana	481	364	117
12	Khoremz	254	222	32
13	Kashkadarya	411	343	68
14	Republic of Karakalpakistan	209	199	10
Overall		5402	4422	980

Table 2: Information on the total amount of non-profit medical organization (31.12.2019).

№	Territory	Overall number		
		2017	2018	2019
1	Andijan	608,5	550,0	283,4
2	Bukhara	338,5	328,7	166,5
3	Djizzak	215,6	208,2	166,6
4	Navoi	191,3	168,1	82,7
5	Namangan	503,7	489,9	233,4
6	Samarkand	563,2	546,1	212,1
7	Sirdarya	163,5	151,2	77,5
8	Surkhandarya	380,7	377,6	185,7
9	Tashkent	452,2	464,7	268,7
10	Tashkent (capital)	752,9	672,6	294,6
11	Fergana	639,6	639,6	639,6
12	Khoremz	321,4	321,4	321,4
13	Kashkadarya	489,2	461,4	151,5
14	The Republic of Karakalpakistan	310,4	310,4	310,4
Overall		5984,8	5655,1	2713,3

Table 3: Information on the number of patients who have used medical services in the last 3 years, the half year of 2019 year (in thousand).

opportunity to help residents quickly and comprehensively.

And the negative aspect is that the state does not have enough funds to allocate to the health care system; the salary paid to employees in medical institutions is not enough; the choice of medical specialists for patients is not fully coped; patients with rare medications spend a lot of time waiting in turn; in the provision of medical services there are few specialists in various severe social and geographic regions; there is a shortage of new methods of treatment and diagnosis, conditions for creative and scientific research of specialists; protection of consumers from poor-quality medical services is characterized by slowness.

Conclusion

During the analysis of the activities of private medical services and its regulation, several conclusions have been achieved.

- ✓ First of all, the health sphere in Uzbekistan is regulated within the framework of mass legal relations. Therefore, the admission of patients to state health institutions is based on the provision of free and paid services. Even the majority of patients come to the governmental health institutions.
- ✓ Secondly, currently in the regulation of private legal relations a lot work in the field of legislation is being done. In the near future, the adoption of the entrepreneurial code, the investment code, will provide another great opportunity for the activities of the private medical services market.
- ✓ Thirdly, in the private healthcare system, in the last three years a list of medical specialties has been enlarged and private medical institutions have been able to deal with more than 150 types of activities. In particular, an important document was adopted by the President of the Republic of Uzbekistan. This can be called a great opportunity and confidence in private medical services and entrepreneurs in this field.

Taking into account the above, we believe that it is also worthwhile to give a number of suggestions. In the near future, problems may arise in a number of practices related to the adoption of the business code, the investment code, or the regulation of private legal relations in medical services and the material, moral damage that lies behind them.

Taking into account these, it is necessary to develop an instruction on the calculation of damage to the life of a person and the obligations arising from it, providing him with the maximum and minimum means of protection in the contract. Because scientific and practical work on the account of this situation is also not enough. Besides that, it is purposeful to develop single legislation relating to private medical activities. According to the analysis of the legislation, along with the systematization of the framework of fundamental legal relations related to the sphere, new areas of medical care are emerging. It is certainly useful to sum them up in a single legislation. In the scientific sphere, such directions as medical law, insurance law, and medical ethics are rapidly entering the legal field of Uzbekistan. In order to create a Scientific School in this field and conduct fundamental research, it is necessary to establish the cooperation of medical personnel and lawyers, but still to work in this direction, first of all specialists in the field of medical law are needed.

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