



CRIMINAL-LEGAL CHARACTERISTICS AND FEATURES OF THE SPREAD OF SEXUALLY TRANSMITTED DISEASES OR HIV / AIDS

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Abstract

The article reveals the concept, legal characteristics, public danger, elements of a crime related to the spread of sexually transmitted diseases or HIV (AIDS). The legal framework for counteracting the detection of crimes, the subjects intended for counteraction and some aspects that should be implemented by them were also considered.

Keywords: Venereal disease, HIV infection, AIDS, social risk, crime against health, crime against the psyche, emergency prevention measures.

Introduction

HIV infection, which claims the lives of millions of people around the world, disrupts the peace of many families, and at the same time causes great damage to the economies of many countries around the world, remains one of the most pressing problems of humanity with its consequences.

The HIV epidemic is spreading rapidly around the world. Over the past 20 years, more than 20 million people have died from AIDS, and nearly 50 million people have become infected. Globalization and the increasing pace of migration are increasing the risk of the disease spreading further[1]. Currently, according to the UN International Organization for Migration, there are 281 million migrants worldwide, which is 3.5 percent more than last year. Of these, 135 million are women and 146 million are men. For comparison, in 1970 there were about 84 million migrants in the world, which reached 153 million in 1990, and over the past 50 years the number of migrants has tripled. The number of migrants moving from



one country to another in the world has exceeded 280 million, which corresponds to 3.6 percent of the world's population[2].

According to UN data on the spread of HIV/AIDS in Central Asian countries, more than 42,000 citizens are infected with HIV in Uzbekistan, 24,000 in Kazakhstan, more than 8.5 thousand in Tajikistan, and 9,000 in Kyrgyzstan. Turkmenistan HIV infection in the Republic ring with related information exists not .

The development of the epidemic in Uzbekistan has been similar to that in the rest of the world. The rate of HIV infection initial circumstances in the republic Foreign citizens in 1987 between HIV infection in Uzbekistan epidemic in 1989 started 01.01.2019 status according to Uzbekistan 40,375 HIV infections in the Republic with resident people from the list conducted (100 thousand to the population speed indicator-122.0). Pregnant women HIV infection among spread general population between of the virus spread determination for applicable the indicator is 0.02% in 2018 did . 2017 with compared to HIV infection again detected the number of cases in 2018 is 0.9%, according to way , increase emphasis It is permissible . In Uzbekistan epidemic the situation to stabilize in the eye aspirations about evidence gives of this time HIV infection in oneself danger high happened of the population one how many groups separation can their in line injection addict substances consumption doer encourage 5.1 % among individuals in return sexual communication services present doer among individuals - 3.2%, men with sexual in relation was persons 3.7 % does . This concentration in phase was like HIV infection in Uzbekistan epidemic describing gives [3].

Countries around the world pay special attention to combating the spread of this infection, and every year “December 1 - World AIDS Day” is widely celebrated. Also, on September 23, 2013, the Law of the Republic of Uzbekistan “On combating the spread of the disease caused by the human immunodeficiency virus (HIV infection)” No. ZURQ-353 was adopted in our country. Article 3 of this law defines the following basic concepts: human immunodeficiency virus (HIV) - the causative agent of chronic infectious immunodeficiency disease in humans; HIV infection - a chronic infectious immunodeficiency disease caused by the human immunodeficiency virus; HIV-infected - persons infected with the



human immunodeficiency virus; Acquired Immune Deficiency Syndrome (AIDS) is the final stage of HIV infection in which the human immunodeficiency virus damages a person's immune system and causes symptoms[4].

The criminal legislation of the Republic of Uzbekistan establishes liability not only for circumstances that deprive a person of his life or health, but also for socially dangerous acts that pose a real threat to his life or health. Therefore, protection from encroachments that pose a threat to human life or health as a result of the commission of a socially dangerous act is considered one of the urgent tasks of criminal law. Caring for human life, health and its inviolability, creating the necessary conditions for the realization of all its capabilities and creative potential is the focus of attention of state authorities and forms the basis of the legislation of the Republic of Uzbekistan. In order to correctly understand the essence of crimes that pose a real threat to the life or health of citizens, it is important to determine their object, the committed socially dangerous act, and all the information indicating the specific characteristics of the victim. This information allows for the correct classification of crimes that are dangerous to life or health, distinguishing them from similar crimes, and determining the correct punishment.

Crimes dangerous to life or health are understood as socially dangerous acts, as defined in the Criminal Code of the Republic of Uzbekistan, that pose a real threat to social relations that ensure the life and health of citizens. The category of crimes dangerous to life or health includes sexual intercourse or the spread of HIV/AIDS

in Article 113 of the Criminal Code of the Republic of Uzbekistan, which establishes liability.

The direct object of the crime provided for in parts one, two and three of Article 113 of the Criminal Code is social relations that ensure the health of another person. Article 113 of the Criminal Code establishes liability for the following independent acts, namely: a) knowingly exposing another person to the risk of contracting a sexually transmitted disease (clause 1); b) knowingly infecting another person with a sexually transmitted disease (clause 2); c) knowingly exposing another person to the risk of contracting HIV/AIDS or infecting



him/her with HIV/AIDS (clause 4); d) infecting another person with HIV/AIDS as a result of a person's failure to perform or improperly performing their professional duties (clause 5). The objective aspect of the crime provided for in the first part of Article 113 of the Criminal Code is knowingly putting another person at risk of contracting a venereal disease.

Placing a person at risk of contracting a sexually transmitted disease is understood as creating conditions in which the causative agents of this infectious disease can be transmitted to another person by having sexual intercourse with another person or by other means. This act consists in knowing for sure that the person himself is infected with a sexually transmitted disease and creating a real risk for the victim to contract this disease. Sexually transmitted diseases are one of the infectious diseases that are usually transmitted sexually, and include syphilis, gonorrhea, pereloy, gonorrhea, soft chancre, testicular (genital) lymphogranulomatosis, etc. Sexually transmitted diseases can be transmitted through sexual intercourse, household contact, contaminated syringes, needles and medical instruments, etc.

The objective aspect of the crime provided for in Part 2 of Article 113 of the Criminal Code is the transmission of this disease to another person, knowing that he has a sexually transmitted disease.

Transmission of a sexually transmitted disease is understood to mean the transmission of the causative agents of this infectious disease to another person through sexual intercourse or other means. The crime provided for in Part 2 of Article 113 of the Criminal Code is considered to be completed from the moment the victim is infected with a sexually transmitted disease. The subjective aspect of the crime can be expressed in direct or indirect intent. Part 3 of Article 113 of the Criminal Code provides for liability for cases where the actions provided for in Part 1 or Part 2 of this Article are committed by two or more individuals (paragraph "a") or against a minor (paragraph "b").

The subject of the crime referred to in the first, second and third parts of Article 113 of the Criminal Code is a person who has reached the age of 16 and knows that he has a venereal disease. of the crime provided for in the fourth part of Article 113 of the Criminal Code The objective aspect is to knowingly expose another person to the risk of contracting HIV/AIDS or to infect them with



HIV/AIDS. AIDS (acquired immune deficiency syndrome) is a disease caused by a virus belonging to the retrovirus group, which is divided into two periods: HIV infection and the AIDS period itself. HIV (human immunodeficiency virus) infection period there is a virus in the human body, but disease symptoms still expression not era is considered Acquired immune deficiency syndrome (AIDS) is a human immunodeficiency virus man's immune system damage as a result disease signs come of emerging HIV infection last stage as It is evaluated.

HIV disease / AIDS following in methods it is contagious :

- 1) sexual communication;
- 2) injection and instrumental (syringe , needle and medical tools);
- 3) hemotransfusion - infected blood or his/her components healthy to the person pouring ;
- 4) perinatal - infected from mother to the fetus ;
- 5) transplanted - infected organs , marrow bone copied transfer, artificial fertilization ;
- 6) chest milk – mother's infected milk through to the baby ;
- 7) professional - HIV infection with infected man's blood and secretions analysis doer people's on the skin wounds and slime curtains through ;
- 8) household - manicure , pedicure , tattoo , shaving to take through .

This disease when they ask , when they kiss , in general while eating does not infect Man's immunity shortage virus with contamination usually according to , the result death with ends.

This because Crime code Article 113 fourth and fifth in parts in view caught of the crime directly object another one person's life and your health provider social relationships is considered Of crime subjective side correct or crooked intentionally expression possible . Crime code Article 113 is fourth in part in view caught of the crime subject in itself human immunodeficiency virus existence 16 years old who knows full person is considered Crime Code of Article 113 fifth in part in view caught the objective side of the crime person's profession on the subject own tasks failure to comply or necessary to the extent failure to comply as a result another one HIV disease / AIDS to a person in the infection is expressed .



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Person's profession on the subject own tasks failure to perform means the person own profession obligations to the circle incoming movements to perform condition and possible was in cases failure to perform is understood . Of the person profession on the subject own tasks necessary to the extent failure to perform means the person own profession obligations within the scope their actions his/her work , professional activity demand as he did failure to comply is understood . This is it of the crime subject to 16 years of age full person's profession on the subject to the patient look or treatment or another one services to show on the subject some the movement to do increase task loaded medicine employees , health to keep and other of services employees to be can In practice such tasks often medicine employees and health to keep another one to employees will be loaded .

If medicine staff (doctor , nurse) HIV disease / AIDS with infected patients with mutual in contact (operation , blood casting and another one treatment processes application) and man's immunity shortage virus inspection and other movements to do increasing during caution to the measures action not to do as a result other to the person HIV disease / AIDS infection Crime Article 113 of the Code fifth part with responsibility bringing releases Crime Code of Article 113 fifth in part in view caught of the crime subjective side your fault carelessness in the form of expressed [5].

In accordance with the Resolution of the President of the Republic of Uzbekistan No. PP1023 dated December 26, 2008 “On additional measures to increase the effectiveness of the fight against the spread of HIV in the Republic of Uzbekistan”, a Republican Commission headed by the Prime Minister was established to coordinate measures to combat the spread of HIV infection in the Republic, and the “Regulations on the Republican Commission to Coordinate Measures to Combat the Spread of HIV Infection” were approved. This resolution also established the activities of the Republican Center for Combating AIDS.

Following the establishment of departments and units to combat the spread of HIV infections within the Ministry of Internal Affairs in 2019, in accordance with the relevant Resolution of the President of the Republic of Uzbekistan, a



number of urgent preventive and awareness-raising activities are being carried out jointly to prevent the spread of HIV infections.

The effectiveness of combating crimes of this type, as in other types of crimes, is determined by the correct organization and conduct of operational search activities based on working with the criminal and analyzing and studying information about his identity. A.A. Tashtemirov expresses his thoughts on this issue as follows: “In combating crimes of this type, the effective organization of operational investigation is also of great importance. Because crimes of this type are sharply distinguished from other crimes by their specificity. Therefore, clarifying the identity of the criminal here plays a key role in the commission of the crime. This requires the timely and effective use of operational search measures”[6]. From this it follows that the effectiveness of combating crime is largely related to the timely and high-quality conduct of operational search measures carried out by employees of the internal affairs bodies.

In conclusion, it should be noted that the legal relations established in criminal law, the criminal-legal description of offenses related to the spread of sexually transmitted diseases or HIV (AIDS), their concepts and specific features, are important in that they provide a legal basis for combating this type of crime, as well as for regulating the actions of the subjects of the fight, developing and implementing mechanisms for their mutual cooperation, documenting the results of the activity in the appropriate manner, and making it possible to achieve the effectiveness of combating this type of crime.

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