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Donation Problems in Modern Times

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***Abstract:** The purpose of the article. The development of transplantology is one of the strategic priorities of the country's medical field. Today, there is growth and activity in the field of transplantation all over the world. In the legal aspect of medicine, Spain has achieved the greatest success in this field. Also, according to the volume of donations, Belgium, Austria and Portugal show high results. In these countries, great attention is paid to the preparation and training of transplant coordinators. In the study, the importance of such effects and the analysis of the factors of their formation are presented and analyzed, all of which determine new positive directions in that field.*

This article clarifies such issues. It is known that in the modern world, donation activity is relevant as an important tool in the human right to life. In addition to the legal aspects of the issue, analyzing it on a mutual basis with many issues that require human health and protection makes the solution of various problems of the issues relevant. The purpose of the research for the initial stage is to bring scientific innovation to the development of the institutional foundations of the donation institution, which will create opportunities for the human right to life in this context by examining the legal and social problems affecting the development of the donation institution in the modern era. The nature and principles of the Donor Institute are considered to be analyzed and comparative approaches will be carried out around the issues of the formation of the Donor Institute on the international ground and in Azerbaijan. On this basis, the right to live of a person, issues of donor provision, object-subject relations in the donation activity will be analyzed. The right to live, as an important factor of human life, has been legally regulated and improved to the present day. Analysis of the legal aspects of the problem, investigation of existing problems in this direction is envisaged. In this sub-chapter, the role of donation in the content of the human right to life and the features of the legislative guarantee system are improved. Donation relations affecting the right to live, which are very relevant in modern times, should be systematically reviewed, and there are sufficient requirements of the legislation of the Republic of Azerbaijan in this direction. Human rights in bioethics as a research field.

***Key words:** donation, human, global, national, development, law.*

Introduction

Organ transplantation saves patients' lives. Transplantation is a tool of medicine because the donor organ saves lives, regardless of whether it is taken from a living or deceased person. Society's moral duty is to ensure fair access to this treatment method. The lack of organs for transplantation is also a moral problem. Therefore, refusing to search for donor organs to help a person is an unethical act. Along with the shortage of organs and funding, there is another challenge – balancing the individual's right to affordable healthcare with society's right to protection.

The main part

In 1990, at one of the congresses on transplantology.

Such issues and their solutions are included in the "Istanbul Resolution on Transplant Tourism and Organ Trafficking" (2008) and the "World Health Organization Convention on Human Cells, Tissues and Organs" adopted at the 63rd session of the World Health Assembly (2010) . on transplantation" are reflected in the guiding principles.

Among the former post-Soviet countries, Belarus and Estonia lead in terms of the number of transplants. In these countries, 52.9 and 43.8 transplants per 1 million population are performed each year, respectively. Such indicators were made possible as a result of the organization of a two-level system of transplant coordination in Belarus - the creation of a single transplant registry and the adoption of a donation model based on the presumption of consent (probability of consent). The main problem that slows down the development of transplantology in all countries is the lack of donor organs. Therefore, different countries are taking different measures aimed at increasing the level of donation: adopting the presumption of consent as a more effective model, as well as taking measures aimed at changing society's thoughts in favor of organ donation. Transplantation is closely related to issues of ensuring the legal rights and interests of the potential donor. Therefore, the debate about the choice of the optimal model of donation after death (presumption of consent or non-consent) is still ongoing. In addition, the practice of live donation is not a solution to this problem due to a number of reasons - the frequent lack of histocompatibility between the potential donor and the recipient, the donor's contraindications to surgical intervention, the donor's defenselessness when his life is in danger, the lack of individual organs (heart, lungs, "lung-heart complex") injury of this type of transplantation for transplantation. In such situations, the use of a dead donor becomes mandatory, which explains the policy adopted by the state regarding this situation. Currently, the level of transplantology services in countries where transplantology is developing is closely related to the level of development of the healthcare system. The social importance of donation is to save human life and restore their health.

1.1 Donation as a norm of human activity and life thesis.

Donation is carried out in accordance with humanitarian principles adopted by international organizations and in accordance with human rights legislation. Donation occupies an important place in the system of realization of constitutional rights and freedoms of both donors and other persons. First, donation is aimed at ensuring the realization of the recipient's constitutional right to life[6.p.59]. Currently, the level of transplantology services in countries where transplantology is developing is closely related to the level of development of the healthcare system. The social importance of donation is to save human life and restore their health.

1.2 Donation as a norm of human activity and life thesis.

Donor relationships in legal science have been studied so far only from the standpoint of criminal and civil law regulation. The constitutional-legal aspects of these relations are practically untouched.

- Donation is the only possible form of realization of the right to life of a person condemned to death, its non-realization leads to the natural cessation of the activity of this right, as well as the last chance for the birth of a new human life in the treatment of infertility.

In order to clarify the role of donation in the content of the right to life, the legislation can be analyzed from the point of view of the opinions of lawyers, medical scientists-lawyers, philosophers and religious figures.

Donation includes the following elements in the content of the right to life:

- the donor's right to use his body and its parts for medical purposes (this right is significantly limited by the current legislation);
- the right of the recipient to refuse the transplantation of donor organs and tissues (even if there is a threat of ending his life);
- The right to be protected from any illegal intent on the donor's life, from being involved in forced donation.

In addition to the donor and the recipient, who are the main subjects, the donor and the recipient's legal representatives, medical workers, medical institutions and the state, whose social policy should be aimed at protecting the health of its citizens, spreading the donation, and ensuring the realization of the right to donation, participate in the donation activity.

The law allows the transplantation of organs and tissues from both living and deceased. The Law on Transplantation strictly regulates the procurement of organs and tissues from a living person.

Conclusion

It is clear from the research that in the modern world, institutions in this field are committed to not identifying the identity of the donor, and at the same time, the donor is not to identify the identity of both the recipient and the child. The involvement of the donor in the role of surrogate mother is considered by the special rule of granting parental rights.

The permissible limits of any treatment method should be determined based on the principles of proportionality of goals and minimal risk. When dealing with the question of the permissible limits of transplantation, the difference between the transplantation of organs obtained from a cadaver and the transplantation of organs taken from a living donor becomes clear. If in the first case it is enough that the operation is justified, in the second case it is necessary to find an acceptable ratio between its importance for the realization of the recipient's right to life and the possible threat to the life and health of the donor.

References

1. Pospelova S.I. Nekotoryye pravovyye i eticheskiye problemy donorstva pri primenenii vspomogatel'nykh reproductivnykh tekhnologiy // Materialy Vserossiyskoy nauchno-prakticheskoy konferentsii. - Novosibirsk, 2006. - S.190—195. - 0,4 p.l.
2. Pospelova S.I. Printsipy pravovogo regulirovaniya dareniya // Nauchnyy trud Moskovskogo gumanitarnogo universiteta. - M., 2006. - № 73. - S.135–144. - 0,9 p.l.

3. The future of Azerbaijan is in safe hands. Baku. "Azerbaijan" publishing house, 1999, p.6. (152 pages)