

THE HUMAN RIGHT TO ORGAN TRANSPLANTATION

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The article examines the human right to organ transplantation.

Introduction. The relevance of this study is due to the fact that in the Republic of Belarus a large number of people die from the loss and damage of various organs and tissues: the heart, kidneys, liver, and lungs. All questions about organ and tissue transplants are dealt with by such a science as transplantology. The development of transplantology as a science contributes to the development of medicine and healthcare. The development of transplantology indicates the level of medicine in the country, organ and tissue transplantation is the only way to cure the most dangerous and deadly diseases. For many people, organ transplantation is the only chance to regain lost health.

Task formulation. Research and clarification of problems and prospects of organ and tissue transplantation in the Republic of Belarus.

Methods of research. Analysis, synthesis, induction, systemic method, method of interpretation of law, method of formal legal analysis, comparative legal method.

The purpose of the study is to study all aspects of organ transplantation

At the moment, it has become very popular to talk about a new concept of human rights – somatic rights. They are also called by some scientists the fourth generation of human rights. Somatic rights are understood as a category of such rights, which is based on the freedom of a person to perform any actions and manipulations with his body, to freely dispose of his body. Their appearance is due to a number of factors, the main one of which is: the increasing attention and attitude of people to health-related rights. That is why the right to organ transplantation is also a somatic right, a person decides for himself how to dispose of his organs[1].

When considering the right to organ and tissue transplantation from the point of view of legislation, it is necessary to refer to the normative acts that regulate this area. The Constitution of our country stipulates that the rights and freedoms of citizens are the highest value.

But the development of transplantology in our country is fraught with difficulties. For a long time, transplantology was regulated only by the relevant orders of the Ministry of Health of the Republic of Belarus and instructions. And only on March 4, 1997, the Law "On transplantation of human organs and tissues" was adopted [2]. In addition to this law, there are also a number of other acts that regulate the field of transplantology. Here we can highlight the resolution of the Ministry of Health of the Republic of Belarus of May 31, 2007 No. 53 "On determining the list of human organs and tissues to be transplanted and approving the instructions on the procedure for issuing a medical report on the need for transplantation", Order of the Ministry of Health of June 7, 2005 No. 311 "On certain issues of the organization of human organs for transplantation".

If we consider organ and tissue transplantation from the point of view of theory, then any organ can be transplanted. But if we consider this question in practice, then everything is really very difficult. Since there are a lot of problems with organ transplants. Organ and tissue transplants are resorted to when the organ itself cannot perform its functions or has completely failed.

Taking into account the development of information technologies, it is reasonable to suggest the following ways of developing legislation. For example, you can add electronic consent or disagreement to the collection of organs or tissues. We consider it necessary to make amendments and additions to Part 3 of Article 11 of the Law on Organ and Tissue Transplantology and to set out the norm in the following wording: "Organ harvesting from a deceased donor is also not allowed if the state health organization, the body of the State Committee of Forensic Examinations were informed of the person's disagreement on organ harvesting for transplantation before his death by an oral, written or electronic statement in the presence of a specialist doctor(doctors), other officials of the state health organization, the body of the State Committee of Forensic Examinations, other persons who can witness such refusal."

The rapid development of medicine and medical technologies complicates the relationship between religion and medicine. Today, a greater number of religions around the world are positive about organ and tissue transplants, but this has not always been the case. Now the attitude is changing, this is due to the large number of rescued people. Medicine and the development of transplantology has forced many theologians to change their

opinion about what can be better than helping a person. After all, the main thing is to help, and it does not matter which way. But all the same, this issue does not give rest and causes a lot of discussion.

Some religions prohibit organ and tissue transplants. These religions include: Islam and Judaism. This is due to the fact that religions claim that the integrity of a person should not be violated. According to the teachings, the integrity should not be violated so that on the Day of Judgment (Yom Kippur in Judaism and Kiyamat in Islam)[3]. But such a ban seems very strict. We can say that there is a confrontation between religion and transplantology, but recently the issues between religion and transplantology have been resolved in favor of transplantology. And already the communities in Islam and Judaism are reconsidering and changing their attitude about transplantology. Islam already allows transplants from a living donor, but when transplanting from a corpse, you need to meet a number of conditions. Judaism also allows organ transplants, but only from a living donor. But the Jewish religion forbids organ transplants from a corpse, because the body should not be mutilated and should be buried.

Some religions completely refuse to donate. Complete refusal of donation is typical only for those religious groups that prefer not to use medicine at all. Even some religious groups, such as the Amshi, allow believers to perform various medical actions with their bodies – blood transfusions, anesthesia, organ and tissue donation. Some religious groups, such as the Church of Jesus of Latter-Day Saints. This religious group allows each member of the community to decide for himself whether to be a donor or not. a member of a religious group should first think about this decision, then pray to God for inspiration on this issue, and only then do as his heart tells him [4].

An interesting fact is that Belarus is the leader among the CIS countries in organ and tissue transplantation [2]. Based on this, many may conclude that we have a lot of patients, but this is not the case. Even foreigners go to Belarus to conduct operations. This is due to the fact that the cost of organ transplants is very attractive. The quality of Belarusian medicine is not inferior even to the European quality.

Thus, transplantation is a very important part of the treatment of people with damaged organs and tissues. As in any field, there are a lot of problems in transplantology. These problems need to be solved for a more effective action of transplantology. The main problem is the lack of donor organs. It is solved by creating artificial organs, including using bioprinting. But, while this method is in the development and improvement mode, donor organs are used not only from living donors, but also from corpses. Currently, post-mortem organ and tissue donation is the only way to provide donated organs to a large number of patients who need transplantation. The reaction aimed at rejecting the graft causes its death in a few weeks or even days. Therefore, in experimental and clinical transplants of donor tissue, appropriate measures should be taken to reduce the incompatibility reaction. An important legal problem is the need to raise the legal awareness of the population in the field of organ and tissue transplantation. This is due to the fact that the majority of the population of the state is not sufficiently aware of the presumption of consent to the transplantation of human organs and tissues. We need to constantly promote organ donation.

Conclusion. Transplantology is one of the most important achievements of modern medicine. You can even say that transplantology reflects the level of medicine in the country. The role of transplantology in medicine is very great, because thanks to organ and tissue transplantation, a large number of people are saved. The number of organ and tissue transplants is increasing every day. The attitude of religion to transplantology has changed markedly. If earlier some religions rejected transplantology, then in the modern world there is no such rejection. Religion supports and even promotes transplantology in some aspects. We believe that the Belarusian legislation should be improved in the field of transplantology. Attention should be paid to the professional training of doctors. This is necessary so that doctors can accurately state brain death and there are fewer mistakes during operations and organ transplants. I think that it is absolutely necessary to raise awareness about transplantation. Since practice shows that a large number of the population is not sufficiently aware of and does not know about such a concept as "presumption of consent". The attitude of religion to transplantology has changed markedly. If earlier some religions rejected transplantology, then in the modern world there is no such rejection. Religion supports and even promotes transplantology in some aspects. We believe that the Belarusian legislation should be further improved in the field of transplantology. Attention should be paid to the professional training of doctors. This is necessary so that doctors can accurately state brain death and there are fewer mistakes during operations and organ transplants. I believe that it is absolutely necessary to raise awareness about transplantation. Since practice shows that a large number of the population is not sufficiently aware and does not know about such a concept as "presumption of consent". The legal regulation of organ and tissue transplantation in the Republic of Belarus is represented by various normative legal acts, where the Constitution has the highest legal force, fixing the general provisions for the protection of life and honor and dignity of a person. At the same time, the legislation is on the path of development, which indicates both the development of the level of somatic rights and the development

of medicine. Transplantation is very important in the world. Because of transplantation, many lives can be saved. And life is the highest value that a person has.

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