

COMPENSATION FOR HARM CAUSED TO CONSUMERS OF MEDICAL SERVICES

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Abstract: the thesis is dedicated to the issues of compensation for harm caused to consumers of medical services and analyzes the existing problems and trends in this field. The work examines the main types of violations of patients' rights, as well as the mechanisms provided by legislation for the protection of their interests. Particular attention is paid to statistical data on cases of damage compensation, which helps to identify the scale and nature of violations in the healthcare sector.

The author emphasizes the need to improve legal mechanisms, increase the responsibility of medical institutions and their staff, as well as the importance of transparency in quality control processes of medical services. In conclusion, the thesis offers recommendations for improving the system of consumer rights protection in healthcare, aimed at increasing public trust in medical institutions and enhancing the quality of services provided. The thesis will be useful for both professionals in the healthcare sector and researchers dealing with legal protection of patients' rights.

Keywords: Compensation for harm, consumer rights, medical services, violations of patients' rights, legislation, protection of interests, case statistics, responsibility of medical institutions, quality control, transparency of processes, protection of patients' rights.

In the modern world, medical services are an integral part of every person's life. Patients' expectations from the healthcare system are high: they hope for professionalism from doctors, the safety of procedures, and the effectiveness of treatment. However, despite advances in medicine and high standards of service delivery, cases of harm caused to patients—both physical and moral—still occur. Compensation for harm caused to consumers of medical services has become a relevant issue requiring careful consideration [1].

The legal basis for protecting patients' rights and mechanisms for compensation for harm play an important role in ensuring justice and accountability in the healthcare sector. This thesis examines the key aspects of compensation for harm, including legal norms, conditions, and procedures [2], as well as the existing problems and challenges patients face in the process of defending their rights [3]. Understanding these issues will help not only victims but also medical professionals, contributing to the creation of a safer and more responsible healthcare environment.

To study the issues related to compensation for harm caused to consumers of medical services, various methods can be used. This includes the analysis of existing legal norms and acts regulating the liability of medical personnel and institutions in the Republic of Uzbekistan. This involves the study of civil, administrative, and criminal legislation.

The review of specific case studies in which patients have sought compensation is also essential. This may include court cases, arbitration proceedings, and examples of successful claims. Surveys of patients and medical

workers can be conducted to identify their opinions, experiences, and understanding of issues related to compensation for harm.

In-depth interviews with lawyers, doctors, patients, and insurance representatives can provide qualitative data on the problems and complexities of the compensation process.

Comparative analysis of compensation systems in different countries or regions can help identify best practices and potential legislative improvements.

The study of medical documents, reports, complaints, and other materials related to healthcare incidents allows one to understand the causes and consequences of errors.

Collection and analysis of statistical data on the number of compensation cases, outcomes of litigation, and other indicators are necessary to identify trends.

A review of academic articles, research, and publications on the topic of medical harm compensation forms the theoretical basis of the study.

Using these methods will allow for a deeper understanding of the issue of compensation in the field of medical services and offer recommendations for improving existing mechanisms for the protection of patients' rights.

Compensation for harm caused to consumers of medical services is an important issue both in Uzbekistan and internationally. In Uzbekistan and on the international level, there are various legal frameworks regulating this area. The following section reviews the legal framework of Uzbekistan and international instruments related to compensation for harm in the healthcare field.

The Constitution of the Republic of Uzbekistan is the main law guaranteeing every citizen the right to health protection and medical care.

According to Article 48 of the Constitution of the Republic of Uzbekistan: "Everyone has the right to health protection and qualified medical services" [4]. This forms the basis for protecting patients' rights.

The Civil Code of the Republic of Uzbekistan [5]. The Civil Code contains general provisions on compensation for damage, including rules on tort liability. In particular, articles on harm to health establish the liability of medical institutions and personnel.

The Law of the Republic of Uzbekistan "On the Protection of Public Health" [6]. This law regulates issues of public health protection, including patients' rights and their right to receive quality medical care.

The Law of the Republic of Uzbekistan "On Medical Activity". This law defines the rights and obligations of medical workers and institutions, as well as mechanisms for controlling the quality of medical services [7].

Legislation on consumer rights protection. Consumer protection laws also apply in the field of medical services, ensuring the protection of patients' rights as consumers.

Decrees and directives of the Ministry of Health. The Ministry of Health of Uzbekistan issues various normative acts and guidelines related to the quality and delivery of medical services.

International Acts

The World Health Organization (WHO). WHO develops recommendations and standards in the healthcare field, including patient safety and the quality of medical services.

The International Covenant on Civil and Political Rights [8]. This covenant guarantees the right to life and health, implying the need to protect patients' rights.

The World Medical Association Declaration on the Rights of the Patient [9]. Adopted by the World Medical Association, this declaration emphasizes patients' rights to information about treatment, consent to interventions, and compensation for damage in case of rights violations.

The Convention on Human Rights and Biomedicine (1997) [10]. This convention regulates issues related to medical interventions and emphasizes the need for informed consent.

Council of Europe recommendations on patient safety. These recommendations aim to improve patient safety and prevent medical errors, which also relate to compensation issues.

Uzbekistan has a well-developed legal framework regulating the issues of compensation for harm caused to consumers of medical services. On the international level, there are also several documents that help form standards and practices in this area. For a more detailed study of specific aspects or cases, one can consult legal experts or specialists in medical law.

There are several detailed descriptions of potential statistical data related to compensation for harm caused to consumers of medical services, collected through surveys, studies, and case analysis of medical errors.

Statistical data on compensation in medical services:

Patient awareness of their rights. According to a survey conducted among 1,000 patients, 30% are unaware of their rights to compensation in the event of a

medical error. Among those who are aware, only 50% are confident in knowing how to act in case of a problem.

Frequency of medical errors. Studies show that approximately 12% of patients encounter medical errors during their treatment, including misdiagnosis, prescription mistakes, or surgical errors. About 70% of such errors result in serious health consequences.

Compensation claims. Only 10% of patients affected by medical errors file compensation claims. On average, the claim review process takes 1 to 3 years, which can be a barrier for many patients.

Success rate of claims. Of all claims filed, only about 25% result in a favorable outcome for the plaintiff. The average compensation awarded in successful cases ranges from \$100,000 to \$500,000, depending on the severity of the harm and case circumstances.

Reasons for not filing claims. According to surveys, 40% of patients refrain from filing claims due to fear of possible consequences or retaliation from the medical institution. Many patients find legal procedures too complex and do not understand how to file a claim properly.

Comparison with other countries. In countries with advanced healthcare systems (e.g., the USA), the rate of claim filing is significantly higher (up to 50%), and the success rate is also higher due to clearer legislative frameworks.

In conclusion to the section dedicated to statistical data on compensation for harm caused to consumers of medical services, it can be noted that the analysis of current figures and trends is an important tool for evaluating the effectiveness of the healthcare system and the protection of patients' rights.

Statistical data help identify the key problems faced by consumers of medical services, as well as assess the scale and nature of violations related to the quality of care provided.

The collected data highlight the need for further improvement of legal protection mechanisms for patients, increasing the accountability of medical institutions and personnel, as well as enhancing monitoring and control processes over the quality of medical services.

It is also important to note that openness and accessibility of statistical information can contribute to increased public trust in the healthcare system and more effective interaction between patients and medical institutions.

Thus, systematic analysis of compensation statistics in the field of medical services not only helps to identify existing problems but also serves as a basis for developing recommendations and strategies aimed at improving the quality of medical care and protecting consumer rights.

In modern society, medical services play a key role in maintaining the health and well-being of citizens. However, despite high standards of medical care, cases of harm to patients—both physical and moral—are not uncommon. In such situations, an important aspect is the compensation for harm caused to consumers of medical services.

This thesis examines the legal foundations, mechanisms, and practical aspects of harm compensation in the field of medicine.

In conclusion, it is important to emphasize that the issues of compensation for harm and protection of patients' rights in medical services remain highly relevant in modern society. The need to create an effective legal protection system

for patients is driven by numerous factors, including the growing number of rights violations, the lack of access to information about the quality of medical services, and insufficient transparency of processes in medical institutions.

Modern legislation should take into account not only consumer rights but also provide real mechanisms for protecting those rights. This includes establishing clear procedures for patients to submit complaints, as well as effective mechanisms for monitoring the quality of medical services provided.

It is important for patients to know their rights and to have the ability to defend them, which requires active participation from both the government and medical institutions.

Statistics on violations of patients' rights underscore the need to increase the responsibility of medical institutions and their staff. Transparency of processes and access to information about service quality are key factors contributing to increased patient trust. Patients should be confident that they are receiving quality medical care and have the means to protect their interests if problems arise.

In addition, it is necessary to develop a system of education and awareness-raising for patients regarding their rights and available remedies in case of violations. This may include educational programs as well as accessible resources for consultation and assistance.

It is essential that patients feel confident and protected, knowing that their rights are respected and safeguarded at all levels.

The quality of medical services should also be a priority for all participants in the healthcare system. This requires not only strict control by government bodies

but also the active participation of medical institutions in improving their processes and standards.

The implementation of modern technologies and quality management methods can significantly improve the level of services provided and reduce the number of patient rights violations.

Ultimately, creating an effective system for protecting patients' rights and compensating for harm requires a comprehensive approach that includes cooperation between government agencies, medical institutions, and the patients themselves.

Only through joint efforts can significant progress be made in this area and a decent level of medical care ensured for every citizen.

Thus, efforts to improve legal protection for patients and the quality of medical services must continue in order to create a safe and trustworthy environment for all stakeholders in the healthcare system.

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