

**INFERTILITY IN THE FAMILY AS A SOCIAL PROBLEM AND BIOETHICAL
ISSUES IN THE APPLICATION OF NEW REPRODUCTIVE TECHNOLOGIES**

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Annotation: Unfortunately, the number of infertile families has been increasing in Uzbekistan in recent years. Infertility is a social problem that impacts the future of families and, of course, society, as it leads to family breakdown. A family is considered infertile if the husband and wife have a full sex life without using contraception, but there has been no pregnancy for a year or more. Currently, one of the options available in modern medicine is the use of assisted reproductive technologies, which allow one to achieve the long-awaited joy of parenthood. At the same time, the use of new reproductive technologies raises questions among the population of an ethical, legal, and religious nature.

Key words: Infertility, reproductive technologies, health, assisted reproductive technologies, surrogacy, health, bioethical issues, in vitro fertilization.

Аннотация: К сожалению, в Узбекистане за последние годы увеличивается количество бесплодных семей. Бесплодие является социальной проблемой, влияющей на будущее семей и конечно же на жизнь общества, поскольку становится причиной распада семей. Семью называют бесплодной если в ней не используя контрацепцию, муж и жена ведут полноценную половую жизнь, и при этом не было беременности год и более. В настоящее время одной из возможностей современной медицины является применение вспомогательных репродуктивных технологий, позволяющих обрести долгожданное счастье родительства. В то же время применение новых репродуктивных технологий порождает у населения вопросы, этического, правового характера, а так же связанных с религиозными ценностями.

Ключевые слова: бесплодие, репродуктивные технологии, здоровье, вспомогательные репродуктивные технологии, суррогатное материнство, здоровье, биоэтические проблемы, экстракорпоральное оплодотворение.

INTRODUCTION

In independent Uzbekistan, issues of motherhood and childhood, women's reproductive health have always been at the center of attention of our state policy. Today, due to the rapid development of medical fields, the dreams of infertile women, who are deprived of the happiness of motherhood, are becoming a reality thanks to the possibilities of new assisted reproductive technologies. On February 15, 2019, the Oliy Majlis of the Republic of Uzbekistan adopted the Law "On the Protection of Reproductive Health of Citizens" [1] and signed it on March 11 by

the President of the Republic of Uzbekistan Sh.M. Mirziyoyev. The purpose of this Law is to regulate relations in the field of protecting the reproductive health of citizens, and it establishes the rights of women to protect their reproductive health and become mothers [1].

The law recognizes that a woman has the right to motherhood, to have access to modern methods of treatment of her reproductive health before pregnancy, during pregnancy, childbirth and the postpartum period, and to be socially supported by the state, and that medical intervention during pregnancy can be carried out with the written consent of both partners (husband and wife), or, in the absence of a partner (husband), with the woman's own written consent [1].

LITERATURE REVIEW.

In preparing this article, some articles of the Law of the Republic of Uzbekistan “On Protection of Reproductive Health of Citizens” were used. This law stipulates that citizens have the right to reproductive rights, including the right to treatment of infertility using new medical, including assisted reproductive technologies, as well as minimally invasive (less traumatic) interventions. Also, some verses of the Holy Quran were used in this article. The Muslim Board of Uzbekistan, on February 6, 2018, studied how the issue of infertility is being resolved in Uzbekistan with the help of the fatwa “On Artificial Insemination” [2]. The research on this topic was based on the scientific ideas of scientists such as I.R. Potter, T.L. Beauchamp and J.F. Childress, who developed the principles of bioethics. The scientific experience of scientists such as T.V. Mishatkina, I.V. Siluyanova, B.G. Yudin, A.V. Mikhnevich, V.V. Samoylova, and D.R. Khudoyarova, Z.A. Shopulotova and U.B. Vafakulova, who conducted fundamental research on bioethics issues in the post-Soviet space, was used.

RESEARCH METHODOLOGY

In the second half of the 20th century, many scientific discoveries and inventions were made in the fields of biology and medicine. Among these new scientific achievements, assisted reproductive technologies related to human reproduction were also developed, and new questions arose in society. These questions began with medical questions, and most of them were questions related to moral, legal and social life that arose as a result of the use of new reproductive technologies. In order to find answers to these, bioethics entered the scientific field in the second half of the 20th century as a new science and a new worldview [3]. The article uses general scientific and general philosophical methods of scientific knowledge, such as comparative analysis, systematic analysis, analysis, synthesis, and the research was conducted using the principles of historicity, logic, and objectivity.

ANALYSIS AND RESULTS

The use of new biomedical methods, on the one hand, provides great opportunities, but on the other hand, poses a real threat not only to the physical health of a person, but also to his spirituality, to the spiritual foundation of society. In particular, reproductive technologies, which involve interference in the reproduction of a person, remain the source of the most important problems of bioethics at the moment. Among such technologies, artificial insemination, in vitro fertilization, and surrogacy technologies stand out [4].

In a specially adopted Declaration on Artificial Insemination and Embryo Transfer (Madrid Declaration, 1987), WHO put forward the following recommendations and ethical principles: in

cases of infertility that cannot be treated by medical or surgical means, medical care is appropriate. In this case, the doctor must act only on the basis of the patient's informed, voluntary consent, and comply with all legal and ethical rules[5]. Patients, as in other types of treatment, have the right to confidentiality and privacy. The problem of choosing a sperm donor, keeping him/her confidential, and his/her rights and obligations is of particular importance. The following conditions must be met: only men who have children can be donors; artificial insemination is performed only according to medical indications and only for heterosexual couples; all donors are screened for sexually transmitted diseases. [6]. Approaches that will allow sooner or later to resolve the ethical and legal problems of reproductive technologies include: providing broad information about these problems to medical representatives, lawyers and the whole society; developing relevant sub-legal and legal documents; creating a rational system of regulating work in the field of reproductive technologies through ethics committees with independent experts in various specialties, etc. For example, medicine and law focus on the ethical aspects of the problem of keeping donors and recipients anonymous. Since family relationships are a matter of responsibility and property, artificial insemination procedures are regulated by law. In all countries, laws and bylaws prohibit parents from discriminating against their “artificial” children compared to their “natural” children, protecting them from inequality. At the same time, the law also protects children from claims of paternity by the donor. To make such claims more difficult, the donor is supposed to be anonymous, and parents are allowed to choose the donor based on phenotype. The laws of different countries generally prohibit artificial insemination of unmarried women and women in homosexual marriages [7]. Artificial insemination can be homologous (using the husband's sperm) or heterologous (using donor sperm). There are views that the right of adopted children to receive information about their biological parents should also apply to children born from donor sperm. In any case, the doctor should appropriately warn parents who want to have a child from donor sperm that they may have to resolve the conflicts inherent in the concept of anonymity of sperm donors in the future. For example, in Austria, Belgium, and even Russia, both single and married men can be sperm donors. Unfortunately, in the latter case, the opinion of the donor's wife is completely ignored. In some other countries, the consent of the donor's wife is required [7].

In vitro fertilization and embryo transfer are recommended for women who are completely infertile, that is, without fallopian tubes or eggs (in the latter case, donor eggs are used).

It is known that the population living in Central Asia, including Uzbekistan, is predominantly Muslim. Even this Muslim population has various unanswered questions regarding the application of the achievements of modern medicine in life. For example, does solving the problem of infertility in a family with the help of IVF violate faith, is having a child in this way not considered adultery? If a woman has had her uterus removed, can she use the services of a surrogate mother?

Allah Almighty considers the blessing of children to be one of the greatest blessings. At the same time, Allah Almighty grants children to whom He wills, and He makes barren whom He wills. This is stated in the Holy Quran:

لِلّٰهِ مُلْكُ السَّمٰوٰتِ وَالْاَرْضِ يَخْلُقُ مَا يَشَاءُ يَهَبُ لِمَنْ يَشَاءُ اِنَاثًا وَيَهَبُ لِمَنْ يَشَاءُ الذُّكُوْرَ

اَوْ يُرْوِجُهُمْ ذُكْرًا اِنَاثًا وَيَجْعَلُ مَنْ يَشَاءُ عَقِيْمًا اِنَّهٗ عَلِيْمٌ قَدِيْرٌ

(الآية 49-50 /سورة الشورى)

That is: “To Allah belongs the dominion of the heavens and the earth. He creates whatever He wills. He bestows daughters upon whom He wills, and He bestows sons upon whom He wills, or He adds sons and daughters to them, and He makes whom He wills barren. Indeed, He is Knowing and Able.” (Surah Ash-Shura, 49-50) [8].

As the verse states, the fact that some people do not have children is also a test from Allah. According to the Islamic view, not having children is one of the thousand and one afflictions that Allah has revealed. Therefore, there is no disagreement about the permissibility of seeking a cure for the affliction of not having children. Infertility is also considered a disease and treatment is permitted in the Sharia.

“In recent years, even among the Muslim believers of our country, in order to preserve a family suffering from childlessness or achieve the happiness of having children, they have expressed their desire to resort to the practice of artificial insemination. It is even known that some have even managed to have children through this method” [2], explains the Chairman of the Muslim Board of Uzbekistan, Mufti U. Alimov (deceased). In order to prevent Muslims from acting contrary to Sharia and help maintain the strength of families, the Muslim Board of Uzbekistan adopted a fatwa “On Artificial Insemination” [2] on February 6, 2018, and in line with this fatwa, the Law of the Republic of Uzbekistan “On Preservation of Reproductive Health of Citizens” [1] was adopted on March 11, 2019, increasing the chances of families suffering from infertility to have children using new reproductive technologies. At the same time, it is important to know that "The practice of artificial insemination, its use without knowing or caring about its Sharia ruling, and the birth of children creates a number of moral, social, and religious problems. First, it opens up a wide path for women who want to have children without getting married. Second, the birth of children out of wedlock increases. Third, there is a mix of lineages, and cases of unknowingly fertilizing mahrams with each other. Fourth, there is a trade in fertilized fetuses or unfertilized eggs and sperm cells, turning them into a source of income." Therefore, bioethical knowledge also includes rules related to medicine that are important for representatives of all religions.

Given that the majority of the population of our country is Muslim, the question of how to solve this problem in Islam is considered a bioethical issue, and it was clarified that in Islam the problem of childlessness in a family should be solved within it, that is, without using donor sperm or eggs. Otherwise, the family tree and genetic code of a particular family will be violated [9]. Islamic theologians and jurists compare this problem to the issue of adoption. The Holy Quran prohibits adopted children from passing on to the lineage of their adoptive fathers. “Call them by their fathers (names)! That is more just in the sight of Allah. But if you do not know their fathers, then (they) are your brothers in religion and friends” (Holy Quran, 33:5)[8]. In the case of pregnancy, donation (the use of donor sperm and eggs) is considered an unusual form of

adultery, since in both cases it is unknown who the real father or mother of the future child is. In vitro fertilization and embryo transfer, it is necessary to create not one, but several embryos to increase the likelihood of success. For this purpose, in the program of in vitro fertilization and embryo transfer, superovulation is stimulated with the help of drugs. [6] This ensures the growth of a large number of follicles. "Stimulating" the biological processes in the ovaries of a woman and hormonal interference in the female body makes it possible to obtain from several to ten or even more eggs in one cycle, but as a result, it causes various diseases in the female body [10].

CONCLUSION

Assisted reproductive technologies are related to human life and dignity, and embody religious, legal, psycho-emotional and ethical issues. We believe that it is appropriate to take into account the following proposals in solving this problem:

1. Raising the biomedical awareness of citizens as consumers of new biomedical technologies emerging in the medical field;
2. Widely covering the content and essence of new biomedical technologies in the media and communicating them to the population;
3. Optimizing the field of medical education in Uzbekistan through humanization, that is, for this purpose, including bioethics (in accordance with international standards) in the curricula of all higher medical education systems at the bachelor's and master's levels [11];
4. Improving the legal framework for the introduction of new biomedical technologies;
5. Submit relevant draft laws for public discussion and prevent religious, legal, psycho-emotional, and ethical problems that may arise from the use of these assistive biomedical technologies [12].
6. Socialization of bioethics [13] serves to prevent ethical and legal problems in medicine.

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