

## Establishment History and Concept of Surrogate Motherhood

Yuldashev Sherali Nuralievich

Public Security University of the Republic of Uzbekistan, Senior lecturer of the Department of Public Safety

\*\*\*\*\*

**Annotation:** The article covers the concept of surrogate motherhood, the history of its emergence, formation and development, as well as the general principles and legal nature of the use of surrogate motherhood, the legislation of some countries of the world, and issues related to the topic of some researches carried out in this direction.

**Keywords:** Surrogate motherhood; Plutarch; Embryo; Genetic material; Infertility; Child; Laws of Hammurabi.

Since the creation of the world, with the development of human development, various innovations, new needs, new discoveries are needed to satisfy these needs, social relations are organized through these actions. In this sense, the issue of legal regulation of the process of using surrogate motherhood services in order to preserve family legal relations is considered urgent today in many countries of the world.

Surrogate motherhood is understood as a woman giving birth to another person, that is, to the persons who will be the parents of the child in the future. Genetic material (sperms and oocytes) for the formation of an embryo is provided by persons who want a child. In some cases, a surrogate mother can be a genetic mother at the same time. Surrogacy is used when an infertile couple wants to have a child, when childbearing is not desired or medically impossible, or when a single man wants to have a child. The World Health Organization lists surrogacy as an assisted reproductive technology. In some countries, the use of surrogacy is considered outright illegal, and this situation is defined as a form of human trafficking. Today, in some countries, the practice of raising children in specially equipped vacuums (artificial wombs) is being studied in depth.

It is worth noting that the legal regulation of surrogate motherhood is also important for the development of the concept of public safety issues according to the legal basis.

In the history of the world development process, surrogate motherhood existed in the middle of the XVIII century BC, during the Sumerian civilization, according to historical sources. In 1780 BC, in the ancient laws of King Hammurabi, a process similar to the concept of modern surrogate motherhood was legally created for the first time, and it was established that if a man married an infertile woman, in order to have a child, he would be given another slave and there should be no more concubines. Also, if he knew that his spouse could not have children, he had the right to choose a concubine and bring him home according to his wishes. But the important aspect of the law is that the status of the concubine's wife cannot be equated.

It is worth noting that according to clauses 144-146 of the laws of Hammurabi, it is established that after giving birth to a child, it cannot be sold on the basis of determining the rank among other slaves.

The emergence of surrogacy The ancient Greek philosopher Plutarch (40-120 BC) described a situation reminiscent of modern surrogacy as follows: "Stratonica, realizing that her husband must have a legitimate child in order to inherit the royal power, and since he cannot bear children himself, persuades him to have a child by another woman. He chose a beautiful girl named Elektra from among his concubines, married her to Deyotar, and lovingly raised the children born of this union as his legitimate children. This situation is unique in ancient Greece regarding the emergence of surrogate motherhood relations.

In addition, N. Rulan explains that "Western civilization has long been familiar with the concept of renting a woman for the purpose of having children, and this term is actually surrogate motherhood." In ancient Rome, it is recorded that women who were unable to bear children had children using this service. In this period, the infertility of the spouse was not considered as a medical phenomenon, in their opinion there were opinions that only a woman can be infertile.

If the problem is not in the woman's reproductive health, but in blood incompatibility, they resort to sperm donation. The woman left her husband for a certain period of time and entered into a relationship with another man. After giving birth to a child, she returned to her legal spouse. In this case, the woman's husband is legally considered the father of the child.

Among the ancient Jews, the husbands of childless wives used incantations to conceive children, forcing them to conceive and bear children (for example, the story of the birth of Ishmael in the book of Genesis). The fact that the woman who was born was the first to hold the child in her arms meant the child's right to belong to the family and to this woman.

The first experience of artificial insemination in Italy in the 18th century contributed to the development of surrogacy as an assisted reproductive technology procedure. It is known that the first attempt at artificial insemination was made by the naturalist Spallanzani Lazzaro.

It should be noted that artificial insemination is technically the simplest method of fertilization, which has been used for more than two centuries. Scottish surgeon and venereologist John Hunter performed artificial insemination for the first time in history in order to overcome infertility in 1790.

It can be noted that in the middle of the 20th century, with the development of science and technology, more thorough and deeper scientific research and experiments were started based on the rise in the field of assisted reproductive technology. Two English scientists - biologist Robert Edwards and gynecologist Patrick Stepta - began to study this problem in detail. It is noteworthy that in 1967 R. Edwards, along with experts, successfully fertilized a human egg outside a woman's body. Scientists of the field who developed their research R. Edwards and P. After about 10 years, that is, in 1976, after many experiments and researches, Steptas were able to achieve an incredible result by creating a child that appeared as a fetus for the first time with the help of donor germ cells.

As in all parts of the world, surrogacy issues have been actively explored in the former Soviet Union. In the late 1960s in Moscow, B.V. Leonov and AI Nikitin successfully fertilized human eggs in Leningrad. After research, experts named these children "test tube babies".

The first successful surrogacy took place in 1980. The first surrogate mother is from Illinois, USA

37-year-old Elizabeth Kane was. A woman who was unable to have children due to a blocked fallopian tube entered into a contract with Kane, according to which the infertile woman was artificially inseminated with her husband's sperm.

The first case of a mother carrying a child instead of her unborn daughter was recorded in 1987 in South Africa.

In the text adopted by the World Health Organization in 2001, "Gestational courier: a woman who becomes pregnant as a result of fertilization of oocytes belonging to a third party with sperm belonging to a third party. She becomes pregnant with the condition or agreement that the parents of the child born are one or both of the people whose germ cells were used for fertilization.

The need for state regulation of the Surrogate Motherhood Program became important when the pregnancy was very difficult for the surrogate mother, her health problems appeared, and there was a threat to her life. It is also appropriate to define unexpected circumstances such as the death of the genetic father within the Program.

The world's first surrogacy program was created in the USA in the 1980s. In this program, a healthy child was born after the first attempt at embryo implantation. On legal grounds, within the framework of the same Program, a legal procedure was carried out on the renunciation of the surrogate mother's right to her child. At the end of the program, the child's biological father was able to obtain legal parental rights by a court decision.

From a human rights perspective, surrogacy is condemned as a form of human trafficking. It turns children into a commodity and can cause moral damage by equating women to living incubators. Many feminists (who fight for the equality of women and men) consider this practice to be an exploitation of women's bodies and equated to cohabitation.

In addition to the serious health risks associated with pregnancy and childbirth, surrogate mothers may suffer psychological trauma from having to give up the child after pregnancy and birth, as well as rejection by clients when the child is born prematurely or has health problems.

Laws regulating surrogacy, the rights and obligations of a surrogate mother differ in the legislation of different countries. For example: in France, Germany, Austria, Norway, Sweden, in some states of the USA (Arizona, Michigan, New Jersey) surrogacy is completely prohibited, while in some countries (Ecuador, Peru, Colombia, Finland, Romania) surrogacy is used with official restrictions [25]. Surrogate motherhood is not regulated by law in Belgium, Bulgaria, Czech Republic, Chile, Mexico, Korea, Ireland.

Also, the use of surrogacy for non-commercial purposes in Australia (state of Victoria), Great Britain (allowed only to pay the operating costs of the surrogate mother), Denmark (with severe restrictions), Canada, Israel, the Netherlands (surrogacy advertising offering the services of surrogate mothers and their selection services is prohibited), some US states (New Hampshire, Virginia), India (only for married couples or widows or divorced women aged 35-45) are allowed.

In the countries of South Africa, Georgia, Kazakhstan, Russia, Ukraine, in some states of the USA, the use of surrogate motherhood for commercial purposes is legally allowed. One of the requirements for a surrogate mother in Russia is to have at least one child.

Surrogate motherhood service in Belarus can be used only by a woman who is physiologically unable to bear a child due to medical reasons.

The most famous legal dispute involving surrogacy is the Baby M case in the United States. A surrogate mother refuses to hand over her child to the biological father. In 1988, a New Jersey court ruled that the father had the right to adopt the child, and that the surrogate mother should have access to the child and participate in its upbringing.

When analyzing the foreign experience of this type of crime, use of a woman as a surrogate mother is found in Azerbaijan (Criminal Code, Article 1441), Republic of Moldova (Criminal Code, Article 165, Part 1), forced insemination - in the legislation of North Macedonia (Criminal Code, Article 418a, Part 1) part), forcing to become pregnant — it is noted that it is impossible in the criminal laws of Ukraine (Criminal Code Article 149).

In the Bulgarian criminal legislation (Part 3 of Article 159a of the Criminal Code), the commission of human trafficking against a pregnant woman and for the purpose of selling her child is defined as a particularly aggravating circumstance of the responsibility of this crime.

According to the above, forcing a woman to conceive and give birth through artificial insemination or natural (sexual intercourse), forcing a baby or other people's children to breastfeed - adoption of the definition of forced surrogate motherhood in the legal norms and the procedure defining illegal surrogate motherhood into the legal norms of the Republic of Uzbekistan we consider it necessary to include.

In conclusion, it should be said that the demand for surrogate motherhood has become a phenomenon that exists as a need in a certain scope today. and the number of people applying for this practice is increasing every year. This, in turn, creates the need to develop and improve the legal norms regulating surrogacy relations in the state, as well as adapt them to today's requirements. The intense "charkpalagi" of the times requires the improvement of the current legislation.

