

ANALYSIS OF ETHICAL AND LEGAL ASPECTS OF THE USE OF NEW REPRODUCTIVE TECHNOLOGIES AND PRENATAL DIAGNOSIS (BASED ON RELIGIOUS AND SECULAR VIEWS)

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Annotation

We are currently living in the 21st century, when science and technology are progressing. At the moment, answers are being found to the unsolved problems of many fields, and to the questions that have no solutions or answers. Various solutions are being found for the issues of ensuring healthy birth, as well as preventing the birth of unhealthy, disabled children. But not all of these solutions can be applied to medicine. Because some of the discoveries that are considered as solutions are contrary to human rights and face many ethical and legal problems. In this article, the use of new reproductive technologies and prenatal diagnosis, abortion, Ethical and legal aspects of issues such as surrogate motherhood and fetal litigation, as well as religious and secular views on these issues are explained in detail.

Key words: artificial insemination, surrogate motherhood, prenatal diagnosis, abortion, fetal treatment, embryo.

New reproductive technologies currently in use:

- Artificial insemination (fertilization),
- In vitro fertilization,
- Surrogate motherhood.

Artificial insemination is artificial fertilization of the female organism. In general, if we take a brief look at the history of artificial insemination, artificial insemination is actually the first time, in order to increase the productivity of cows on the farm, several cows were artificially inseminated with breeding cattle. Later, it was used as a solution to the problem of infertility in humans.

This process can be carried out in 2 different ways.

1. Homologous.
2. Heterological.

Homologous - in this case, the sperm of the woman's spouse is used. In heterological method, donor sperm is used. Homologous artificial insemination is

used in cases of low sperm quality or in cases where the female organism has an increased acidic environment in the reproductive organs and has a negative effect on the sperm. In the heterological method, it is used when a woman is single and in other similar cases. Then a question may arise: Is it possible to inseminate unmarried women? Different countries approached this issue in different ways. In particular, this practice is prohibited in Islamic countries. And Sweden can easily be called the center of reproductive tourism, even women from countries with restrictions visit to carry out this practice.

As for the donor issue, in many countries, men donate sperm. There are also some norms in this, the donor must be a healthy and adult person, married, and in some cases, the consent of the spouse. For example, in the Russian Federation, the consent of the donor's spouse is required. Donors are kept secret. Although they are biologically considered to be the child's father, in most cases they renounce paternity rights and do not take the child into their custody. In this matter, different countries have adopted different norms. In the United States, which has a high level of human rights, a gene bank has been established, and unmarried women can also benefit from this practice. Men can also be sperm donors.

This practice (heterological) has been emphasized by Islamic scholars as equal to adultery. This is considered a sin in Islam. Moreover, even if the donor renounces paternity rights, the problem will not be solved. Because it creates complicated situations in matters such as the child's growth and, of course, marriage. Children of the same father can marry without their knowledge. This is prohibited and condemned in both religious and secular views. It is also natural that it will cause some problems in the matter of inheritance.

The use of heterologous methods of artificial insemination is prohibited in most of the Central Asian countries. This discovery may be a solution to infertility, but it is causing many ethical and legal problems.

In vitro fertilization is one of the assisted reproductive technologies and is considered as a solution to infertility problems. In vitro fertilization is a modern method of reproduction, ideas about this practice began to emerge in the 19th

century and were first put into practice by American scientists in the 40s of the 20th century. In this method, special drugs that inhibit the maturation of egg cells are introduced into the woman's body. This ensures the maturation of many egg cells in the female body. Then the egg cells are artificially removed from the woman's body and artificial insemination is carried out. Later, embryos are formed from the fertilized egg cells. The best developing embryos are selected and transferred to the woman's body. In this case, an ethical and legal problem arises in connection with the status of the embryo. The ethical problem in in vitro fertilization arises in the selection of embryos. Representatives of different religions have different religious views on this issue. For example, according to the teachings of Islam, 120 days after the start of cell division, God sends His angels and gives life to the developing baby. Based on this, the majority of Islamic religious scholars believe that it is possible to sort embryos before this period, to destroy the weak ones that have not developed, and to abort the fetus only in cases of extreme necessity. It should be noted that Muslim persons should consult religious scholars in these matters. Because in such situations, religious scholars and sheikhs study the situation, then come to a decision and issue a fatwa as a solution to this issue. In the Christian religion, there is a doctrine that an embryo is given life immediately after it is born, and killing an embryo is not possible in the mother's body or outside of the mother's body, and it is said to be equal to killing a person. In Judaism, the soul is given to the fetus on the 40th day, and until then the fetus is treated as just a cell. For this reason, there is no mention of murder and violation of the integrity of human life during this period.

Surrogate motherhood is one of the new ways that couples are claiming infertility and realizing their dream of having children. This method is mainly used for problems related to the female body. In this practice, the egg cell fertilized in a woman's body is transferred to another woman's body. The woman who received the embryo transplant carries the fetus in her body until the day of delivery. The practice of surrogacy has many legal and ethical drawbacks.

This practice is based on an agreement between the parents of the fetus and the surrogate mother, which causes many ethical conflicts. For example: someone's free decision to give birth to someone else's child is related to other people's rights to procreate and decide their destiny. On the other hand, assessing the ability of women to give birth to children with money is considered to be a violation of women's rights and dignity. According to some experts, the fact that surrogacy is based on a contract and agreement between the parties is contrary to the principles of valuing human rights. Because it creates the ground for the entry of commerce into the family relationship. But in many developed countries, this practice is allowed and norms on this issue have been adopted.

As for the views of the Islamic religion, this practice was accepted as haram by religious scholars at the 1982 meeting of the Academy of Islamic Fiqh. The reason for this is the lack of marriage between the man and the surrogate mother. As an explanation, they quote Surah Mu'minun, verses 5-7 of the Holy Qur'an. It is worth mentioning that it is also prohibited if the surrogate mother is the second wife of the man. There may be a marriage between them, which leads to confusion of genealogy. Therefore, it is not allowed in such a situation.

Prenatal diagnosis is one of the medical procedures carried out in order to determine the extent to which the fetus is developing in the mother's body. The goals and objectives of this practice are to ensure the healthy development and birth of the fetus. In addition, eliminating the factors that cause developmental defects in the fetus fulfills important tasks such as ensuring the principle of a healthy mother and a healthy child. The ethical aspects of prenatal diagnosis are almost the same as the moral aspects and religious views mentioned above because they are closer to the above issues. Because even in this case, some mothers abandon the developing fetus with a defect, that is, they choose the practice of aborting the fetus. This is somewhat similar to selection of embryos in in vitro fertilization.

As additional information, it can be said that in Islam, the birth of a fetus is allowed only if it seriously harms the mother's health and the fetus is less than 120

days old. Abortion is not allowed even if the fetus does not seriously harm the mother's health and is defective.

Abortion is one of the problems not only among doctors, but also among philosophers, lawyers, scientists and scholars. The history of abortion goes back to ancient times. Even in the era of matriarchy, mothers were physically unable to raise all their children. That's why they used this method. By the time of patriarchy, the arrival of men at the head of the family led to the limitation of some rights of women and their children, and the situation improved a lot. Christianity considers abortion to be equal to murder. Throughout history, philosophers have expressed different views on this issue. Greek philosophers Aristotle and Plato supported abortion. Because they believed that it would prevent the number of people in the society from increasing dramatically. Some philosophers considered abortion a dangerous operation for a woman's body. And Hippocrates put forward the idea that abortion should not be allowed. According to statistics, 1.5 million abortions were observed in the USA in 1 year. Abortion is against the principle of "Do no harm" which is one of the basic principles of bioethics. In many times of the world, until the 13th century, those who used the practice of abortion were sentenced to death, and even now this sentence is preserved in some countries. Fetal treatment is a treatment method used in the treatment of many diseases, and this method is used in the treatment of diseases such as impotence, diseases of the female reproductive system, and infertility in men. In fetal treatment, an overgrown fetus is aborted and the tissues of this fetus are used. The ethical and legal aspects and moral views of this issue are almost the same as the abortion issue mentioned above.

In conclusion, it should be noted that finding a solution to one of the biggest dreams of people, such as procreation, is considered a medical achievement, but the knowledge and skills needed to perform these practices are not enough. Nowadays, along with knowledge of the use of assisted reproductive technologies, it is necessary to know the ethical and legal norms and rules related to this issue. Because some of these methods contradict the principles of valuing human rights.

When faced with the current problem of infertility, it is necessary to pay attention to the ethical and legal aspects of the chosen practice, moral norms and, of course, to make the right decision.

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