



LEGAL NATURE OF THE INSTITUTION OF EXTRADITION IN THE REPUBLIC OF UZBEKISTAN AND DIRECTIONS FOR ITS IMPROVEMENT

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Abstract: This article analyzes the legal nature of the institution of extradition in the Republic of Uzbekistan and directions for its improvement. It critically assesses the insufficiency of existing norms in the Criminal Procedure Code and the excessive burden placed on bilateral agreements. The significance of international treaties, including the Minsk and Chisinau conventions, is highlighted. The author emphasizes the need to adopt a special law "On Extradition," strengthen judicial oversight, and reinforce guarantees of human rights.

Keywords: extradition, criminal procedure code, international law, treaties, human rights.

In the modern legal system, the institution of extradition is considered one of the important and effective means of combating transnational crime. The development of the international legal mechanism for transferring persons who have committed crimes is an integral part of legal cooperation between states and ensures the inevitability of criminal liability. The significance of the institution of extradition in the Republic of Uzbekistan serves to strengthen national security and legal order, as well as ensures the fulfillment of obligations to the international community[1].

Extradition, which involves the transfer of a person for criminal prosecution and execution of sentences, is one of the forms of international cooperation between states in the field of combating crime[2].

In accordance with Article 17 of the Constitution of the Republic of Uzbekistan[3], "The Republic of Uzbekistan is a full-fledged subject of international relations," as a full member of the international community, in order to ensure public safety and civil peace, effective cooperation in the fight against crime and its prevention, and the protection of human rights, the institution of extradition has been established through national legislation, as well as bilateral and multilateral treaties and conventions. At the same time, one of the urgent tasks today is the improvement of existing procedures, strengthening judicial control, strengthening the principles of humanism, and introducing international experience into legislation.

The theoretical foundations of the institution of extradition are explained by its legal nature, content, and place in the system of criminal procedure and international law. First of all, it is an institution formed on the basis of the harmony of state sovereignty and international cooperation. In this regard, the legal nature of extradition is multifaceted and complex.

First of all, extradition manifests itself as an integral part of criminal procedure law. Because the process of transferring a person is carried out on the basis of certain procedural rules, decisions of the court, prosecutor's office, and other law enforcement agencies. In this case, the rights and freedoms of the accused or convicted person must be ensured. Secondly, extradition is considered one of the important institutions of international law. The reason is

that it is carried out not only on the basis of national legislation, but also through treaties and international conventions concluded between states. In particular, the 1957 European Convention, the 1993 Minsk Convention, and the 2002 Chisinau Convention.

Thirdly, the theoretical essence of the institution of extradition manifests itself in a dual purpose:

- national interests of the state (effective fight against crime and ensuring law and order in the territory);
- the interests of the international community (fighting transnational crime and ensuring legal justice).

Also, scholars interpret the institution of extradition differently. For example, the Russian scholar A.V. Klemin notes that in current legislation, the term "extradition" is often expressed by the phrase "extradition of a person," however, in terms of content and legal essence, it should be considered as a different expression of the same legal institution[4]. According to A.I. Sashenko, in international treaties, the term "extradition" is used on par with the term "extradition of a person." Therefore, there are sufficient scientific and practical grounds for interpreting extradition in a broad legal context[5]. According to A.I. Djigir, from a doctrinal point of view, the terms "extradition" and "extradition of a person" are semantically compatible, therefore it is advisable to use them in the scientific literature as equivalent and interchangeable concepts[6]. Also, A.S. Grishin[7], supporting scientific views in this direction, expressed a position consistent with the views of the above-mentioned scientists.

In our opinion, the existing norms of the Criminal Procedure Code of the Republic of Uzbekistan do not cover all stages of extradition, and bilateral agreements create an overload. In this case, the lack of a single and clear definition in national legislation necessitates the study of extradition as a separate legal institution.



Theoretically, extradition is determined by the following principles:



Thus, the institution of extradition theoretically manifests itself as a multifaceted and universal legal mechanism based on the criteria of national and international law.

In the Republic of Uzbekistan, the institution of extradition is legally implemented based on the harmonization of international treaties and national legislation. Legislative sources in this area are being gradually developed, aimed at ensuring effective combating crime and interstate legal cooperation.

In Uzbekistan, the Prosecutor General's Office of the Republic of Uzbekistan is designated as the authorized central body on extradition issues[8]. is responsible for receiving, reviewing extradition requests and making appropriate decisions. The Prosecutor General's Office of the Republic of Uzbekistan also plays an important role in cooperation with foreign states in the field of providing legal assistance, criminal prosecution, and the transfer of convicts.

The Republic of Uzbekistan has joined many bilateral and multilateral treaties in the field of extradition of criminals.

Minsk in 1993[9];

Chisinau in 2002[10];

The Republic of Uzbekistan has signed bilateral agreements on extradition issues with a number of countries, including the CIS countries, Hungary, China, South Korea, Turkey, India, Iran, Pakistan, and others.

In national legislation, there are some norms regulating extradition in the Criminal Procedure Code of the Republic of Uzbekistan (Section 14 - International Cooperation in the

Field of Criminal Proceedings, Chapter 65 - Extradition of a Person for Criminal Liability or Execution of a Sentence[11]), but they do not fully cover these relations. Therefore, in practice, bilateral agreements often serve as the main regulatory document.

There are a number of problems in the practical application of the institution of extradition, and to solve these problems, it is recommended to adopt a special law "On Extradition" in the Republic of Uzbekistan. It should clearly and thoroughly regulate the following.

System of state bodies carrying out extradition and their powers.

The procedure for extradition, including the time and place of temporary detention of a person, protection of their rights, and extradition.

Interrelation between international and national norms, regulation of relations with non-contractual states.

Basic concepts and principles of the institution of extradition.

In the Republic of Uzbekistan, it is necessary for the courts to strengthen judicial control over the extradition process, since court decisions should be of decisive importance. This corresponds to the practice of many foreign countries.

In particular, in Great Britain and European countries, when exercising judicial control over the extradition process, the courts exercise control through the institution of "judicial review." This mechanism serves to protect the rights and freedoms of the individual, strengthen them from a procedural point of view, and ensure a fair trial.

The practice of the European Court of Human Rights is also an important guarantee of the protection of human rights in the process of extradition. For example, *Soering v. In the case of the United Kingdom* (1989), the court argued that extradition of a person in a similar situation could be contrary to the principles of humanism[12].

In general, one of the directions for the development of the institution of extradition is the need to strengthen the principle of humanism and improve legislation ensuring the protection of the rights and freedoms of the individual.

Currently, the trend of concluding bilateral agreements does not fully correspond to modern trends in the harmonization of legal norms in the field of transfer of crimes. Therefore, it is recommended to adopt multilateral conventions on the extradition of criminals and their ratification by states.

It is necessary to conduct a deep scientific analysis of the mechanism for implementing the norms of international law into national legislation. In particular, the issues of requesting persons through a third country (extradition through transit) and the distribution of powers between government bodies should be studied separately.

The scientific novelty of this study is that for the first time, the current extradition procedure in the Republic of Uzbekistan was systematically analyzed in harmony with the guarantees of human rights of international law. The article, for the first time, scientifically substantiates the need to adopt a separate law "On Extradition" in national legislation and develops theoretical and practical proposals for strengthening judicial control in an institutional form. Also, the legal nature of extradition is explained on the basis of a two-faceted approach - as a criminal procedural and international legal institution.

In conclusion, the main directions for improving the institution of extradition in Uzbekistan are the adoption of a special law, strengthening judicial control, strengthening

human rights protection mechanisms, expanding the international contractual framework, developing and improving institutional cooperation, and implementing foreign experience. It serves to increase the effectiveness of mutual legal cooperation between states. This not only ensures national security, but also strengthens the authority of the Republic of Uzbekistan in the international arena.

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