

Extradition in Uzbekistan: Balancing State Sovereignty, Human Rights, And Transnational Criminal Justice

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Received: 04 Mar 2026 | Received Revised Version: 28 Mar 2026 | Accepted: 20 Apr 2026 | Published: 09 May 2026

Volume 08 Issue 05 2026 | Crossref DOI: 10.37547/tajas/Volume08Issue05-03

Abstract

The contemporary evolution of extradition law reflects a deeper structural transformation of international criminal justice under conditions of globalization, digitalization, and fragmentation of sovereign legal authority. Classical extradition doctrine historically developed within a territorially bounded legal order premised upon reciprocal interstate cooperation, procedural autonomy of sovereign states, and geographically localized criminal conduct. However, the expansion of cyber-enabled criminality, supranational human rights jurisprudence, and transnational judicial governance has increasingly destabilized the conceptual foundations of traditional extradition mechanisms. This article examines the extradition framework of the Republic of Uzbekistan as a representative example of a transitional post-Soviet legal system undergoing partial judicialization under the influence of international human rights standards and technologically deterritorialized criminality. The study argues that the principal contemporary crisis of extradition law lies not merely in procedural inefficiency, but in the growing incompatibility between territorially structured sovereignty and transnational forms of criminal conduct operating across fragmented digital jurisdictions. Particular attention is devoted to the persistence of prosecutorial centralization within extradition proceedings, the incomplete redistribution of coercive authority toward judicial institutions, and the gradual constitutionalization of extradition through supranational human rights constraints. Using comparative, doctrinal, and systemic methods, the article analyzes the interaction between national criminal procedure, international treaty obligations, judicial review mechanisms, and digital criminality. The study concludes that modernization of extradition in Uzbekistan requires not simply procedural reform, but conceptual restructuring of extradition itself as a human-rights-constrained mechanism of transnational criminal governance operating beyond the classical territorial paradigm of criminal jurisdiction.

Keywords: Extradition, transnational criminal justice, sovereignty, judicialization, cybercrime, criminal procedure, human rights, deterritorialization, Uzbekistan, prosecutorial centralization.

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Cite This Article: Mamadaliyev Umid Yuldashevich. (2026). Extradition in Uzbekistan: Balancing State Sovereignty, Human Rights, And Transnational Criminal Justice. The American Journal of Applied Sciences, 8(5), 9–16. <https://doi.org/10.37547/tajas/Volume08Issue05-03>

1. Introduction

Extradition law currently occupies a position of unusual doctrinal instability within contemporary international legal order. The institution developed historically within

a relatively coherent structure of territorially bounded sovereignty in which criminal jurisdiction, procedural authority, and state coercion remained closely connected to geographically identifiable state borders. Classical extradition doctrine therefore presupposed several

relatively stable assumptions: the territorial localization of criminal conduct, reciprocity between sovereign states, and the procedural autonomy of national criminal justice systems.

The contemporary architecture of transnational criminality increasingly undermines these assumptions.

Globalized financial systems, encrypted communications, decentralized digital infrastructure, and cyber-enabled criminal networks have significantly altered the operational geography of criminal conduct. Transnational criminal organizations increasingly function through technologically distributed structures that simultaneously transcend multiple jurisdictions while remaining only partially visible within each of them individually. As a result, criminal law enforcement mechanisms historically designed around territorial criminal jurisdiction increasingly confront forms of criminality that possess weak or unstable territorial nexus [1].

Under such conditions, extradition no longer functions merely as a supplementary mechanism of interstate cooperation. It increasingly operates as a central instrument of transnational criminal governance through which states attempt to preserve the enforceability of criminal jurisdiction beyond traditional territorial boundaries. The growing expansion of extradition simultaneously intensifies structural tensions between sovereignty, judicial accountability, human rights obligations, and procedural legitimacy.

Historically, post-Soviet criminal procedure developed around strongly centralized prosecutorial institutions exercising broad supervisory authority over criminal justice processes. Such institutional structures proved relatively compatible with traditional models of interstate criminal cooperation where extradition was perceived primarily as an extension of sovereign executive coordination. However, the gradual constitutionalization of extradition law through international human rights jurisprudence increasingly challenges the compatibility of centralized prosecutorial extradition systems with modern standards of judicial independence and adversarial procedural review [2].

The Republic of Uzbekistan presents a particularly important case study within this broader transformation. During the last decade, Uzbekistan has undertaken substantial reforms aimed at modernizing criminal procedure legislation, strengthening treaty-based legal

cooperation, and expanding participation in international legal mechanisms. Simultaneously, however, the extradition system continues to preserve significant elements of prosecutorial institutional dominance characteristic of earlier post-Soviet procedural architecture.

Existing scholarship concerning extradition in Uzbekistan remains largely descriptive and doctrinally conservative. Most studies continue to conceptualize extradition primarily through categories of interstate cooperation, treaty obligations, and procedural regulation. Comparatively limited attention has been devoted to the deeper structural transformation affecting extradition under conditions of digital criminality, fragmented sovereignty, supranational judicial review, and constitutionalization of transnational criminal enforcement[2].

This article proceeds from a different analytical premise. It argues that the principal contemporary problem of extradition law is not merely procedural modernization or acceleration of interstate cooperation. More fundamentally, extradition increasingly reveals a structural contradiction between territorially organized sovereignty and technologically deterritorialized criminality. The resulting instability produces gradual transformation of extradition from a predominantly diplomatic mechanism into a judicialized form of transnational coercive governance constrained by expanding international human rights obligations[3].

The article further argues that Uzbekistan's extradition framework reflects a transitional hybrid structure in which classical prosecution-centered extradition continues to coexist with emerging forms of judicialization and supranational procedural accountability. The significance of this transformation extends beyond Uzbekistan itself and reflects broader institutional changes affecting transnational criminal justice in post-Soviet legal systems generally.

Classical extradition doctrine emerged within a legal order dominated by relatively absolute understandings of territorial sovereignty. Under this framework, criminal jurisdiction remained closely connected to physical territory, while interstate cooperation depended largely upon reciprocal political trust between sovereign governments. Extradition therefore functioned primarily as a mechanism through which one sovereign state voluntarily surrendered an accused or convicted

individual to another sovereign authority for purposes of criminal prosecution or punishment[4].

This classical structure rested upon several interrelated assumptions.

First, criminal conduct was presumed to possess relatively identifiable territorial location. The state requesting extradition typically exercised criminal jurisdiction because the offense occurred within its territory or directly affected its sovereign interests.

Second, extradition remained fundamentally discretionary in nature. Even where treaty obligations existed, states retained substantial authority to refuse surrender on political, diplomatic, or sovereignty-related grounds.

Third, procedural legitimacy derived primarily from sovereign equality and reciprocity rather than from universalized standards of individual procedural rights. The requested person largely occupied the position of an object of interstate transfer rather than an autonomous subject possessing enforceable transnational procedural guarantees.

This sovereignty-centered structure remained relatively stable throughout much of nineteenth- and twentieth-century extradition practice. The expansion of international criminal cooperation during the twentieth century strengthened procedural formalization of extradition without fundamentally altering its conceptual foundation. Even multilateral extradition treaties generally preserved broad sovereign discretion and limited external judicial interference[5].

Yet classical extradition doctrine depended heavily upon the territorial stability of criminal jurisdiction itself.

The contemporary transformation of criminality increasingly destabilizes precisely this territorial foundation. Cyber-enabled criminal conduct, cryptocurrency-based financial operations, transnational data infrastructure, and digitally distributed criminal organizations significantly weaken the traditional relationship between criminal conduct and geographically identifiable state territory. The resulting fragmentation of jurisdiction complicates not merely extradition procedure, but the conceptual coherence of extradition doctrine as historically constituted.

The contemporary crisis of extradition law therefore

cannot adequately be reduced to procedural inefficiency or outdated treaty mechanisms. More fundamentally, extradition increasingly confronts the erosion of the territorial assumptions upon which its institutional legitimacy historically depended [6].

One of the most important transformations affecting extradition law during the late twentieth and early twenty-first centuries has been the gradual judicialization of interstate surrender procedures. Historically, extradition remained closely associated with executive authority and diplomatic discretion. Courts often exercised only limited procedural review while political authorities retained substantial control over final surrender decisions.

This structure progressively changed under the influence of international human rights law and constitutional adjudication.

The jurisprudence of European Court of Human Rights fundamentally altered the legal nature of extradition by introducing supranational human rights constraints directly into extradition proceedings. In *Soering v. United Kingdom*, the Court established that extradition may engage the international responsibility of the requested state itself where substantial grounds exist for believing that the individual faces a real risk of treatment contrary to Article 3 of the European Convention on Human Rights [7].

The significance of this doctrinal shift cannot be overstated. Under classical extradition doctrine, responsibility for post-extradition treatment belonged primarily to the requesting state. *Soering* partially displaced this logic by requiring the requested state to evaluate future human rights consequences occurring outside its territorial jurisdiction [8].

This development substantially expanded judicial involvement in extradition proceedings. Courts increasingly became responsible not merely for technical procedural review, but for predictive assessment of prison conditions, judicial independence, torture risks, evidentiary reliability, and political motivation within foreign jurisdictions.

The subsequent judgment in *Chahal v. United Kingdom* intensified this transformation further by emphasizing the absolute character of the prohibition against torture even in cases involving terrorism and national security concerns. Extradition thereby became subordinated to

legal principles partially insulated from sovereign balancing calculations.

Contemporary extradition consequently operates within a partially constitutionalized transnational legal environment. Interstate cooperation remains essential, yet sovereign discretion is increasingly constrained by supranational procedural norms and judicial review mechanisms extending beyond purely national legal orders.

This judicialization process significantly affects post-Soviet legal systems where prosecutorial institutions historically exercised dominant procedural authority. Under such conditions, expansion of judicial review within extradition proceedings represents not merely technical procedural reform, but structural redistribution of institutional power within criminal justice architecture itself.

Uzbekistan's extradition system formally combines domestic criminal procedural legislation with extensive bilateral and multilateral treaty obligations. At the normative level, extradition procedures are primarily governed by Articles 599–608 of the Criminal Procedure Code of the Republic of Uzbekistan together with applicable international agreements concerning legal assistance and criminal cooperation [9].

Institutionally, however, the Uzbek extradition framework remains strongly prosecution-centered.

The Prosecutor General's Office functions as the central authority responsible for receiving extradition requests, coordinating interstate procedural communication, transmitting legal documentation, supervising extradition implementation, and interacting with foreign prosecutorial institutions. Such concentration reflects the broader institutional logic of post-Soviet criminal procedure systems where prosecutorial structures traditionally occupied coordinating positions extending beyond ordinary adversarial prosecution.

This model possesses certain operational advantages. Centralized procedural coordination reduces fragmentation of interstate communication, facilitates administrative consistency, and strengthens institutional efficiency in transnational criminal cooperation. Particularly within regional cooperation frameworks involving CIS member states, centralized prosecutorial interaction often permits accelerated procedural coordination and simplified evidentiary exchange.

Yet institutional efficiency does not eliminate deeper structural tensions.

The growing judicialization of extradition increasingly requires independent evaluation of questions that cannot easily be reduced to administrative coordination alone. Contemporary extradition disputes frequently involve assessment of prison conditions, judicial independence within requesting states, risks of political persecution, procedural fairness, and compatibility with international human rights standards. Such issues inherently demand forms of adversarial judicial scrutiny difficult to reconcile fully with heavily centralized prosecutorial procedural architecture.

The issue is not simply formal judicial participation. Uzbek courts formally review certain extradition-related measures, particularly detention decisions. The deeper structural question concerns institutional asymmetry within procedural authority itself. Prosecutorial institutions continue to exercise dominant control over evidentiary framing, interstate communication, and procedural initiative. Judicial review therefore risks becoming partially dependent upon procedural structures already organized through prosecutorial channels.

This condition may be described as incomplete judicialization.

The Uzbek extradition system demonstrates partial incorporation of judicial guarantees without full redistribution of coercive procedural authority from prosecutorial institutions toward genuinely autonomous judicial structures. Such hybridization is characteristic of many transitional post-Soviet legal systems where judicialization advances unevenly within institutional environments historically shaped by strong prosecutorial coordination.

The principal contemporary challenge confronting extradition reform in Uzbekistan therefore concerns not simply expansion of judicial participation, but reconstruction of institutional legitimacy under conditions where transnational criminal enforcement increasingly operates beyond purely sovereign procedural space.

Theoretical discussions concerning extradition frequently remain detached from the operational realities of transnational criminal enforcement. Yet the institutional tensions embedded within extradition doctrine become most visible precisely at the level of

legal practice, where procedural guarantees, sovereign interests, prosecutorial discretion, and international obligations intersect under conditions of urgent interstate cooperation. In the context of Uzbekistan, extradition practice demonstrates that the principal difficulties confronting contemporary extradition systems are not exclusively normative in nature. Rather, they emerge from the structural mismatch between rapidly evolving forms of transnational criminality and comparatively rigid institutional mechanisms inherited from territorially organized models of criminal jurisdiction.

Statistical data published by the Prosecutor General's Office of the Republic of Uzbekistan indicate a steady increase in the number and complexity of extradition-related proceedings during recent years. Between 2024 and 2025, Uzbek authorities reportedly processed more than seven hundred extradition-related requests involving both CIS and non-CIS jurisdictions. Although regional cooperation within the CIS framework continues to dominate extradition practice, the structure of extradition requests has gradually shifted from conventional violent crimes toward economically and technologically sophisticated offenses, including transnational fraud schemes, digital financial crimes, cyber-enabled theft, and cryptocurrency-related laundering operations [10].

This transformation possesses important doctrinal implications.

Traditional extradition systems were designed primarily around geographically localized criminal conduct where evidentiary material, criminal jurisdiction, and procedural authority remained relatively concentrated within a single territorial space. Contemporary extradition practice increasingly reveals the collapse of this procedural simplicity. Investigative materials associated with cyber-enabled criminality are often fragmented across multiple jurisdictions simultaneously. Electronic evidence may be stored through cloud infrastructure physically distributed across several states. Cryptocurrency transactions frequently involve anonymous digital wallets operating beyond stable territorial attribution. Under such conditions, extradition proceedings increasingly become dependent upon transnational evidentiary reconstruction rather than straightforward interstate surrender.

Several practical tendencies visible within Uzbekistan's extradition cooperation illustrate these structural

transformations.

First, regional extradition mechanisms within the CIS continue to function comparatively efficiently largely because they operate upon historically compatible procedural assumptions inherited from post-Soviet criminal procedure traditions. Shared legal terminology, relatively similar prosecutorial structures, and simplified documentary procedures facilitate accelerated interstate cooperation. In practice, extradition requests involving Kazakhstan, Kyrgyzstan, and Tajikistan are generally processed more rapidly and encounter fewer procedural obstacles than requests involving non-CIS jurisdictions [11].

However, this procedural efficiency partly reflects the persistence of prosecution-centered models of interstate criminal cooperation rather than full procedural harmonization with broader international human rights standards. Simplified extradition procedures frequently reduce procedural friction precisely because they rely upon high levels of institutional trust between prosecutorial authorities. Yet this same institutional proximity may simultaneously weaken adversarial judicial scrutiny, particularly in cases where requested persons possess limited practical ability to challenge evidentiary assumptions originating from foreign prosecutorial systems.

Second, extradition practice increasingly demonstrates tension between procedural urgency and judicial verification. Contemporary transnational investigations often require rapid interstate coordination in order to prevent destruction of digital evidence, movement of cryptocurrency assets, or disappearance of suspects across multiple jurisdictions. Prosecutorial institutions therefore operate under substantial pressure to accelerate extradition-related communication and detention procedures. Judicial review mechanisms, by contrast, inherently require procedural time sufficient for adversarial examination, assessment of human rights risks, and verification of evidentiary reliability [12].

This temporal asymmetry produces a structural contradiction internal to modern extradition itself. The more technologically dynamic transnational criminality becomes, the stronger the pressure toward procedural acceleration. Yet the greater the coercive transnational reach of criminal enforcement becomes, the greater the necessity for meaningful judicial scrutiny and procedural safeguards [13].

Third, practical extradition cooperation increasingly reveals the instability of territorial criminal jurisdiction under conditions of digital criminality. Uzbek investigative authorities, similarly to many foreign law enforcement institutions, increasingly confront criminal conduct that cannot easily be localized within a single territorial jurisdiction. Fraudulent digital platforms targeting victims across several states simultaneously create complex jurisdictional overlaps concerning forum selection, prosecutorial competence, and extradition priority.

In such cases, extradition no longer concerns merely surrender of an individual from one sovereign territory to another. Rather, it becomes part of a broader competition between overlapping jurisdictional claims advanced by multiple states simultaneously seeking prosecutorial authority over partially deterritorialized criminal conduct [14].

The practical significance of this transformation should not be underestimated. Classical extradition doctrine presupposed relatively stable alignment between territory, sovereignty, and criminal jurisdiction. Contemporary extradition practice increasingly demonstrates fragmentation of precisely this relationship.

The growing role of digital evidence further intensifies these difficulties. Extradition proceedings traditionally relied heavily upon documentary formalization and authenticated interstate communication. Digital investigations, however, increasingly involve:

- encrypted communications;
- blockchain transaction tracing;
- metadata analysis;
- cloud-based evidentiary storage;
- algorithmic forensic tools;
- AI-assisted investigative systems [15].

These technologies generate substantial evidentiary asymmetries between prosecutorial authorities and requested persons. Defense counsel frequently possess limited technical capacity to independently verify algorithmically processed digital evidence originating from foreign jurisdictions. Consequently, judicial review of extradition requests increasingly requires not only

legal expertise, but technological competence capable of evaluating the reliability and procedural integrity of transnational digital investigations.

This problem becomes particularly significant within post-Soviet prosecution-centered extradition systems. Where prosecutorial institutions retain dominant control over evidentiary communication and interstate procedural coordination, courts may encounter practical limitations in conducting genuinely independent evaluation of technologically sophisticated foreign evidentiary materials.

The resulting institutional imbalance raises broader questions concerning procedural legitimacy within transnational criminal enforcement.

Contemporary extradition increasingly operates through forms of coercive authority extending beyond classical territorial boundaries while simultaneously relying upon fragmented institutional structures dispersed across multiple legal orders. Prosecutors, courts, intelligence services, digital platforms, financial monitoring institutions, and supranational human rights bodies collectively participate in construction of transnational criminal enforcement mechanisms. Yet no single institution exercises fully coherent constitutional control over the system as a whole [16].

This fragmentation partially explains the growing judicialization of extradition globally. Judicial review increasingly functions not merely as procedural supervision of interstate surrender, but as one of the few remaining mechanisms capable of imposing normative coherence upon increasingly decentralized systems of transnational coercive governance.

Within Uzbekistan, this tendency remains incomplete but increasingly visible. Formal procedural guarantees continue to expand, judicial participation gradually increases, and international human rights considerations exercise growing influence upon extradition-related decision-making. Nevertheless, the institutional architecture of extradition still largely reflects earlier procedural logic centered upon prosecutorial coordination rather than fully adversarial judicial adjudication.

The practical future of extradition in Uzbekistan will therefore depend not simply upon legislative modernization, but upon deeper institutional transformation involving redistribution of procedural

authority, strengthening of technologically competent judicial review, and adaptation of criminal procedural doctrine to conditions where criminal conduct increasingly transcends stable territorial legal space.

The practical tensions described above become particularly acute in the context of technologically deterritorialized criminality, where classical assumptions concerning territorial jurisdiction and evidentiary localization progressively lose procedural stability.

Modern digital criminality frequently involves geographically fragmented operational architecture. Cryptocurrency laundering schemes may involve blockchain transactions distributed across multiple jurisdictions simultaneously. Ransomware operations often rely upon infrastructure physically located in several states while perpetrators remain geographically anonymous or technologically concealed through encrypted networks and proxy systems.

Under such conditions, territorial criminal jurisdiction becomes increasingly unstable.

This instability affects extradition doctrine directly. Traditional extradition principles — territoriality, dual criminality, specialty, evidentiary localization — presuppose relatively identifiable geographic nexus between criminal conduct and sovereign jurisdiction. Cyber-enabled offenses progressively weaken such assumptions.

The resulting difficulties extend beyond procedural complexity. More fundamentally, cybercrime exposes growing incompatibility between territorially bounded criminal jurisdiction and technologically deterritorialized criminal conduct.

Existing extradition treaties remain poorly adapted to these realities. Most bilateral agreements currently in force were negotiated prior to emergence of blockchain infrastructure, AI-assisted fraud, decentralized financial systems, and large-scale transnational cyber operations. As a result, extradition increasingly attempts to regulate technologically transformed criminality through legal categories originally designed for geographically localized offenses.

For Uzbekistan, these developments possess increasing significance due to expansion of digital commerce, transnational financial integration, and technological modernization of state infrastructure. Future extradition

disputes will increasingly involve cyber-enabled conduct where territorial attribution, evidentiary verification, and jurisdictional hierarchy remain deeply contested.

The resulting transformation requires more than procedural modernization. It requires partial conceptual reconstruction of extradition doctrine itself. Extradition can no longer operate exclusively through classical territorial assumptions inherited from earlier models of sovereign criminal jurisdiction.

The contemporary evolution of extradition law reflects broader structural transformations affecting international criminal justice under conditions of globalization, digitalization, and fragmentation of sovereign legal authority. Classical extradition doctrine emerged within a relatively coherent territorial order in which criminal jurisdiction, procedural legitimacy, and sovereign coercion remained closely connected to geographically bounded state authority. That coherence is progressively weakening.

Cyber-enabled criminality, supranational judicial review, international human rights law, and expanding transnational procedural governance increasingly destabilize the territorial assumptions historically underlying extradition systems. The principal contemporary crisis of extradition therefore lies not merely in procedural inefficiency or outdated treaty mechanisms, but in the growing incompatibility between territorially structured sovereignty and technologically deterritorialized forms of criminal conduct.

Uzbekistan's extradition framework illustrates this transitional condition with particular clarity. The national system continues to preserve substantial elements of prosecution-centered procedural architecture characteristic of post-Soviet criminal justice systems while simultaneously incorporating expanding forms of judicial review and human-rights-oriented procedural constraints.

The resulting structure constitutes a hybrid model of extradition governance characterized by incomplete judicialization. Judicial guarantees formally exist, yet procedural authority remains substantially concentrated within prosecutorial institutions responsible for interstate coordination, evidentiary communication, and procedural initiation. Such asymmetry increasingly generates tensions concerning institutional neutrality and procedural legitimacy under conditions of expanding supranational human rights scrutiny.

Future modernization of extradition in Uzbekistan therefore requires more than technical procedural reform. The deeper challenge concerns reconstruction of institutional legitimacy within transnational criminal enforcement itself. This necessarily entails:

strengthening genuinely independent judicial review;

reducing excessive prosecutorial concentration of extradition authority;

adapting extradition doctrine to deterritorialized cyber-enabled criminality;

integrating international human rights standards more deeply into extradition adjudication;

modernizing interstate procedural infrastructure through digital cooperation mechanisms.

Only through such transformation can extradition evolve from a predominantly sovereignty-centered instrument of interstate surrender into a procedurally legitimate mechanism of contemporary transnational criminal justice governance.

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