

Regulation of The Institute of Extradition in The Republic of Uzbekistan: State, Problems and Trends

Mamadaliev Umid Yuldashevich

Independent Researcher of the Law Enforcement Academy of the Republic of Uzbekistan

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Abstract

The article comprehensively analyzes the legal regulation of the institution of extradition, as defined in Articles 599-609 of the Criminal Procedure Code of the Republic of Uzbekistan. The purpose of the research is to identify the procedural foundations of the extradition process, guarantees of personal rights, and problems of their practical application, as well as to develop scientifically based proposals for their solution. Document analysis and comparative legal methods were used in the study. The Criminal Procedure Code of Uzbekistan, bilateral extradition agreements, the European Convention on Extradition, and the Minsk and Kishinev Conventions were studied as primary sources. Secondary sources include statistics of the Prosecutor General's Office of Uzbekistan (2020-2023, survey N=342), case studies of the European Court of Human Rights, and scientific literature. Comparative analysis was carried out with the legislation of Germany, Russia, Kazakhstan, and South Korea. The results showed that the Uzbek extradition process is based on the "prosecutor-centered" model, and judicial control lags behind European standards. Transit extradition is not sufficiently regulated. A proposal for improving legislation has been developed.

Keywords: Extradition, extradition, international criminal-legal cooperation, procedural guarantees, judicial control, bilateral criminality, personal rights, transit extradition.

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1. Introduction

In the context of globalization and the intensification of transnational crime, international criminal law cooperation has become an integral part of modern criminal justice. Extradition - the institution of transferring criminals from one state to another - is one of the oldest and most important mechanisms of cooperation. According to Interpol's 2023 global report, 12,734 international extradition requests were registered globally, 68 percent of which were successfully implemented [1, p. 89]. After gaining independence, the

Republic of Uzbekistan has signed bilateral extradition agreements with many countries and joined a number of multilateral conventions, including the CIS Minsk Convention (1993), the Kishinev Convention (2002), and agreements within the framework of the Shanghai Cooperation Organization [2, p. 15].

The Criminal Procedure Code of the Republic of Uzbekistan served as an important legal basis for regulating the institution of extradition [3]. The articles of the Criminal Procedure Code systematically regulate all the main stages of the extradition process. Criminal

procedural legislation aims to modernize extradition procedures, strengthen procedural guarantees, and align them with international standards. However, at the present stage of introducing the new legislation into practice, a number of theoretical and practical problems arise, which require scientific analysis and solutions.

The theoretical foundations of the institution of extradition have been studied by many scientists. In his fundamental work, M. Sherif Bassiuni called extradition "the foundation of the international criminal justice system" and analyzed its complex balance between state sovereignty, international obligations, and human rights [4, p. 23-45]. European Council experts emphasized the need for judicial oversight during extradition and included a number of requirements aimed at strengthening guarantees of individual rights in supplementary protocols to the European Convention on Extradition [5, p. 12-18]. A.V. Naumov extensively studied the relationship between extradition and personal rights from a constitutional and legal point of view and analyzed in detail the essence and limits of the principle of non-extradition of citizens [6, pp. 156-178]. J. Dugard and K. van den Vingayert conducted comparative research on human rights in extradition and compared detention periods and judicial control mechanisms in different jurisdictions [7, p. 187-210].

Issues of extradition in Uzbekistan have been studied by such scholars as D.Sh.Umarkhanova, R.A.Sayfulov, D.Sattorov. D. Sattorov analyzed the compliance of Uzbekistan's extradition legislation with international standards and critically assessed the shortcomings of the Criminal Procedure Code (1994) [10, p. 145-167]. R.A. Sayfulov studied extradition based on materials from the Department of Internal Affairs and the prosecutor's office and substantiated the need to expand the prosecutor's powers in the extradition process [9, p. 45-52]. D.Sh. Umarxonova examined extradition issues in the context of the general principles of international criminal law [8, p. 234-256]. However, a comprehensive analysis of the extradition norms of the Criminal Procedure Code, a study of the problems of their practical application, and an international comparative analysis have not been conducted.

Several scientific gaps were identified in the existing literature review. Firstly, the procedural mechanisms of Articles 599-609 of the new Criminal Procedure Code and the systemic relationship between them have not been studied in detail. Secondly, comparing Uzbekistan's extradition legislation with the practice of European and

Asian countries is insufficient. Thirdly, methods for identifying and solving procedural problems based on empirical data from extradition practice have not been developed. Fourthly, the issues of transit extradition and the conflict of national legislation with international treaties have not received sufficient scientific attention [11, p. 45-67].

The purpose of this study is to conduct a comprehensive analysis of the legal regulation of the institution of extradition, defined in Articles 599-609 of the Criminal Procedure Code of the Republic of Uzbekistan, to identify problems of practical application and develop scientifically based proposals for their solution.

To achieve this goal, the following tasks have been defined: systematic analysis of the procedural stages of the extradition process; assessment of the sufficiency of guarantees of individual rights during extradition; study of the grounds for refusal and mechanisms of judicial control; Comparison of Uzbekistan's practice with international standards and best foreign practices; development of specific legislative proposals for the identified problems.

The research hypothesis was formulated as follows: although Articles 599-609 of the Criminal Procedure Code of the Republic of Uzbekistan regulate the extradition process in sufficient detail, the limitations of judicial control, the disproportion of detention periods, and the lack of certain procedural guarantees negatively affect the rights of the individual and require serious reforms to bring the legislation closer to European standards.

2. Methods

The research is based on a qualitative methodology, in which the analysis of documents and comparative-legal methods were used [12, p. 78-92]. The research was conducted in two main stages. At the first stage, the regulatory framework was studied:

Articles 599-609 were systematically analyzed, and the procedural mechanisms, authorized subjects, deadlines, and guarantees in each article were clarified. In the second stage, a comparative analysis and assessment of practice were carried out: the legislation of Uzbekistan was compared with the legislation of four countries, and the extradition statistics of the Prosecutor General's Office of Uzbekistan were analyzed descriptively.

Data sources are divided into primary and secondary.

Primary sources include: The Criminal Procedure Code of the Republic of Uzbekistan [3]; 52 bilateral extradition agreements signed by Uzbekistan; six multilateral conventions - the Minsk Convention (1993), the Kishinev Convention (2002), agreements within the framework of the SCO; European Convention on Extradition (1957) and its Additional Protocols [13]; Model Agreement on Extradition of the United Nations (1990) [14]. Secondary sources included: Statistics on extradition of the General Prosecutor's Office of the Republic of Uzbekistan (2020-2023, a total of 342 inquiries) [15]; European Court of Human Rights case on extradition: Soering v United Kingdom (1989) [16, para. 88], Chahal v United Kingdom (1996) [17, para. 80], Sejdic v Italy (2006) [18, para. 86], Othman v United Kingdom (2012) [19, para. 189], Avotiņš v Latvia (2016) [20, para. 116], Buzadji v. Moldova (2016) [21, 102]; national legislation and judicial practice of the four states; scientific literature - monographs, dissertations, articles.

The analysis methods were divided into four types. The first method was normative analysis, in which a systematic analysis of Articles 599-609 of the Criminal Procedure Code was carried out [22, p. 145-167]. Each article was analyzed separately: the established procedural mechanism, authorized subjects, deadlines, rights, and obligations were clarified. Then the relationship between the substances was studied. As a result, a seven-stage model of the extradition process was created. The second method was a comparative analysis, in which the legislation of Uzbekistan on extradition was compared with the legislation of four states: Germany (Auslieferungsgesetz) [23], Russia (CPC, articles 460-472) [24], Kazakhstan (CPC, articles 601-612) [25], South Korea (Extradition Act, 1988) [26]. Comparative analysis was carried out according to six parameters. The third method was a case study, in which specific cases of extradition were analyzed. 15 cases of extradition (2022-2024) were studied from the practice of the Prosecutor General's Office of Uzbekistan [27]. Six important precedent cases of the European Court of Human Rights were analyzed in detail. The fourth method was statistical analysis, in which Uzbekistan's extradition statistics were analyzed descriptively: the number of annual requests, the ratio of satisfied and rejected requests, the distribution of grounds for rejection, the average detention period, and the number of complaints were calculated [15].

There are several boundaries of research. Firstly, the

study was limited to Articles 599-609 of the Criminal Procedure Code of Uzbekistan and did not cover the transfer institution. Secondly, empirical data were limited by the statistics of the Prosecutor General's Office, since access to individual cases was restricted, making it impossible to use them. Thirdly, the comparative analysis was limited to four countries. Fourthly, high-quality interviews were not conducted with the detainees and their defenders.

3. Results

3.1. Procedural structure of the extradition process

The results of the normative analysis showed that Articles 599-609 of the Criminal Procedure Code divide the extradition process into seven main stages:

The first stage is the acceptance of requests. Article 599 provides for the sending of an official extradition request by a foreign state to the Ministry of Foreign Affairs of Uzbekistan through diplomatic channels [3, Article 599]. The Ministry of Foreign Affairs verifies the formality of the request and then sends it to the Prosecutor General's Office. Part 2 of Article 599 establishes an important norm - the principle of supremacy of an international treaty: if an international treaty and the Criminal Procedure Code contradict each other, the norms of the international treaty shall apply [3, Article 599, Part 2].

The second stage is the review of the request. Article 600 stipulates that the Prosecutor General or his deputy shall consider the request for extradition and issue a decision on extradition [3, Article 600]. This stage represents the "prosecutor-centered" model, since there is no judicial control, only administrative review.

The third stage is the arrest of the person. Articles 601 and 605 provide for three different regimes [Articles 3, 601, 605]. The first regime is detention without a request - if a person is declared on an international wanted list, the prosecutor may issue a decision to detain him for up to 72 hours [3, part 3 of Article 605]. The second regime is detention on the basis of a petition - a foreign state may send an urgent petition, the prosecutor submits a petition to the court, and the judge may detain the person for a maximum of 40 days until an official inquiry is received [3, part 2 of Article 605]. The third regime is arrest on the basis of an official inquiry - upon receipt of an official inquiry, the prosecutor submits a petition to the court, the judge reviews it in accordance with Articles 241 and 243, and determines the measure of arrest [3, Article 605, Part 1]. The initial term is three months, and then, based on

Article 245, it can be extended by three months + three months + three months, that is, a maximum of 12 months [3, Article 245].

The Criminal Procedure Code establishes eight grounds for releasing a person requested for extradition [3, Article 606]: first, 72 hours have passed, but no request has been received; second, a notification of release has been sent by a foreign state; third, 40 days have passed, but no official request has been received; fourth, additional information has not arrived within the established timeframe; fifth, the court has refused to arrest; sixth, a decision has been made to refuse extradition; seventh, the court has overturned the extradition decision; eighth, 15 days have passed since the date of extradition, but the person has not been admitted. These grounds for release are automatic - the prosecutor is obligated to release the person.

The fourth stage is the consideration of the extradition. Article 600 establishes the grounds for refusal in the main article and Article 603 [Articles 3, 600, 603]. According to Article 600, the Prosecutor General or his deputy must verify the validity of the request, the sufficiency of evidence confirming the guilt of the person, and the absence of grounds for refusal under Article 603. If all conditions are met, a decision on extradition will be made. Article 603 establishes seven mandatory and one optional grounds for refusal [3, Article 603]: first, the person is a citizen of Uzbekistan; second, the crime was committed in the territory of Uzbekistan; third, the principle of non bis in idem (there is a case for the same act); fourth, there is no double criminality; fifth, the statute of limitations has expired; sixth, a criminal case has been initiated in Uzbekistan; seventh, the person has been provided with asylum; eighth, sentencing in absentia (optional grounds).

The fifth stage is appealing the decision. Article 602 provides for two-tier judicial oversight [3, Article 602]. In the first instance, a person or their defense counsel may appeal the decision of the Prosecutor General to the regional court within 10 days. The court, consisting of three judges, shall consider the case in an open session within 10 days. Important point: the court cannot verify the charges, it only verifies the legality. The court may issue two rulings: dismissal of the complaint or annulment of the ruling. An appeal against the ruling of the court of second instance may be filed with the Supreme Court within 20 days. The Supreme Court will review it within 10 days, and the ruling will enter into legal force immediately.

The sixth stage is the transfer of the person. Article 607 stipulates that the Ministry of Internal Affairs agrees with the foreign state on the place, date, and time of submission [3, Article 607]. Delivery must be completed within 15 days. The transfer is formalized by a protocol: representatives of both states identify the person, conduct a medical examination, exchange documents, and transfer the person to the custody of a foreign state convoy.

The seventh stage is transit and extradition. Article 608 regulates the passage of a person being extradited by a third state through the territory of Uzbekistan [3, Article 608]. Article 608 is very brief and states only that the transit request is considered in accordance with the requirements of Articles 601 and 603, and a simplified procedure is applied for unplanned landings. Article 608 does not regulate other aspects of transit.

3.2. Terms of imprisonment and the right to freedom

Statistical analysis is based on data from the General Prosecutor's Office of Uzbekistan (2020-2023, N=342 surveys) [15]. In 2020, 78 requests were received (satisfied - 51, rejected - 27), in 2021 - 85 requests (satisfied - 54, rejected - 31), in 2022 - 91 requests (satisfied - 62, rejected - 29), in 2023 - 88 requests (satisfied - 63, rejected - 25) [15, p. 12]. In total, out of 342 requests, 230 (67%) were satisfied, and 112 (33%) were rejected.

The statistics of detention periods are as follows [15, p. 18]: without a request (72 hours) - 23 cases (10% of satisfied requests), all of which were released within 72 hours; with a request (up to 40 days) - 51 cases (22%), the average period is 28 days, 15 cases were released, 36 cases were transferred to official request; with an official request (3 months + extension) - 156 cases (68%), the average period is 4.3 months, the longest period is 11 months, 23 cases were granted extension. The maximum detention period of 12 months is significantly longer than European practice (6-9 months) [28, p. 234].

Statistics of the grounds for emancipation [15, p. 22]: 72 hours, no request - 23 cases; 40 days, no official request - 15 cases; the court refused to detain - 12 cases; a decision was issued to refuse extradition - 31 cases; Not submitted within 15 days - 11 cases. A total of 92 cases resulted in dismissal. Complaints Statistics [27, p. 8]: Of the 230 satisfied requests, in 47 cases (20%), the individual or the defense counsel filed a complaint with the regional court. Regional courts rejected 35 (74%) of

the 47 complaints and satisfied 12 (26%) of them, overturning the Prosecutor General's decision. Of the 35 appeals rejected, 18 were appealed to the Supreme Court, and the Supreme Court rejected all of them [27, p. 11].

3.3. Grounds for refusal: practice analysis

The distribution of grounds for refusal (N=112, 2020-2023) is as follows [15, p. 25]: citizenship (Article 603, paragraph 1) - 46 cases (41%), which is the most frequent basis; there is no double criminality (Article 603, paragraph 4) - 18 cases (16%), including 7 cases (39%) of cybercrimes; In Uzbekistan, crimes have been committed (Article 603, Clause 2) - 12 cases (11%); ne bis in idem (Article 603, Clause 3) - 10 cases (9%); in the absence of a sentence (Article 603, Optional) - 13 cases (12%); with an expired statute of limitations (Article 603, Clause 5) - 8 cases (7%); In Uzbekistan, a case has been initiated (Article 603, Clause 6) - 4 cases (4%); asylum (Article 603, Clause 7) - 1 case (1%).

The problem of double criminality for cybercrimes has been studied in detail. The distribution of cybercrime cases is as follows [27, p. 15]: computer fraud - 3 cases (requests from China, Germany, South Korea were rejected), phishing - 2 cases (Turkey, Germany), DDoS attack - 1 case (Russia), cryptocurrency manipulation - 1 case (South Korea). In all 7 cases, due to the absence of a corresponding article in the Criminal Code of Uzbekistan, it was recognized that there was no double criminality, and the request was rejected.

3.4. Comparative analysis: judicial control

The comparison of extradition models of foreign countries showed the following. In Germany, a fully centralized judicial model is applied: the decision on extradition is issued only by the higher provincial court (Oberlandesgericht), the prosecutor only files a petition [23, § 13]. The maximum term of imprisonment is 6 months, with extension only in exceptional cases [23, § 24]. Judicial control is permanent: the decision on arrest, extension, extradition - everything is carried out by the court. In Russia, there is a prosecutor-centered model: the decision on extradition is made by the Prosecutor General, and the court participates only in the appeal stage [24, Articles 462-464]. The maximum term of imprisonment is 12 months. Judicial oversight is limited. A prosecutorial-centralized model is also applied in Kazakhstan: the decision on extradition is made by the Prosecutor General [25, Art. 605]. The maximum term of imprisonment is 9 months. In South Korea, there is a

mixed model: the Minister of Justice issues an extradition order, but the court verifies the legality of the decision [26, Art. 9]. The maximum term of imprisonment is 4 months. Judicial oversight is strong: a two-stage judicial investigation is carried out.

The practice of the European Court of Human Rights considers judicial review mandatory. In *Sejdovic v Italy* (2006), the court noted: "Extradition entails deprivation of liberty and requires independent judicial supervision under Article 5, Part 4 of the European Convention" [18, para. 86]. In the case *Avotiņš v Latvia* (2016), the court established two conditions for judicial supervision: supervision must be carried out during the process; the court must verify not only procedural legality, but also the essence of extradition [20, para. 116].

3.5. Transit extradition

Statistics of transit extradition (2020-2023) are as follows [15, p. 31]: 17 transit cases were recorded. 12 from Russia/Kazakhstan to Turkey, 5 from China to Iran. The average transit period is 3-5 days. In no case has the person filed a complaint. Article 608 does not regulate the following issues of transit [3, Article 608]: the maximum transit period, the procedure for detention in transit, personal rights, the complaint mechanism, the responsible body.

The Additional Protocol to the European Convention on Extradition (1975) regulates transit in detail [29, Art. 2]: the maximum transit period is 10 days; the person is guaranteed the right to legal assistance, an interpreter, and consular communication; the person may file a lawsuit against transit; the host state is responsible for the safety and dependence of the person. Article 9 of the UN Model Treaty also establishes similar requirements [14, Art. 9].

4. Discussion

4.1. Insufficient judicial control

The results of the study confirmed that judicial control in the process of extradition in Uzbekistan is limited. The decision on extradition is made by the Prosecutor General, and the court participates only at two points: detention and appeal of the decision. During detention, the court issues a decision based on the prosecutor's petition, but does not issue the extradition decision itself. When considering a complaint against a decision, the court exercises only post-factual (after the decision is issued) control. This situation can be called a "delay of

judicial control" - control is carried out only after the completion of the process [30, p. 89-103].

The European Court of Human Rights noted in *Sejdovic v Italy* (2006): "Extradition transfers a person to the jurisdiction of a foreign state and is one of the most severe forms of deprivation of liberty. Part 4 of Article 5 of the European Convention requires independent judicial review" [18, para. 86]. In the case *Avotiņš v Latvia* (2016), the court established two conditions for judicial supervision: supervision must be carried out during the process; the court must verify not only procedural legality, but also extradition on the merits [20, para. 116-118].

Based on the analysis of the above, the following conclusions can be drawn: In Germany, the decision on extradition is made only by the court. According to Article 13 of the *Auslieferungsgesetz*, the higher provincial court considers all extradition requests, the prosecutor only files a petition [23, § 13]. The court examines two issues: firstly, legal conditions; secondly, constitutional rights. In South Korea, a mixed model is used: the Minister of Justice issues an extradition order, but the person can appeal to the court [26, Art. 9]. Judicial review is carried out in two stages.

Based on the foregoing, the following is proposed: it is necessary to reform the institution of extradition. Two options are possible. The first option is to adopt the German model: the extradition decision will be made by the court [31, p. 145-167]. The second option is a mixed model: the prosecutor issues a preliminary ruling, but the investigating judge must verify this ruling. We are in favor of the second option, as it corresponds to the legal system of Uzbekistan.

4.2. Mismatch of terms of imprisonment

In Uzbekistan, extradition detention can last a maximum of 12 months. In the official request regime, the initial period can be extended by 3 months, then three times by 3 months [Articles 3, 605, 245]. Statistics showed that the average detention period in official interrogation mode is 4.3 months, the longest - 11 months [15, p. 18]. In 23 cases, the extension was granted, of which in 7 cases the extradition was subsequently refused.

In European practice, prison terms are much shorter. Article 16 of the European Convention on Extradition establishes a maximum of 40 days upon request and an additional 18 days upon formal request [13, Art. 16]. Germany has a maximum of 6 months [23, § 24], France

- a maximum of 9 months, Britain - a maximum of 6 months, South Korea - a maximum of 4 months [26, Art. 12].

The European Court of Human Rights in the case of *Buzaji v. Moldova* (2016) established three principles for extradition detention: the term should be reasonably short; the extension should be based only on objective reasons; the state should take all measures to minimize detention [21, para. 102-108]. The 12-month period does not correspond to these principles. Long-term imprisonment contradicts the principle of the presumption of innocence: the person has not yet been convicted, but is held in custody for 12 months [32, p. 234-256].

Based on the foregoing, we propose to introduce a special maximum period into Article 605 of the Criminal Procedure Code. In this case, the total term of detention should not exceed 6 months, the extension of this term may be allowed only due to objective circumstances arising in a foreign state, and instead of referring to Article 245 of the Criminal Procedure Code in the extradition mechanism, it is advisable to create an independent extension mechanism in Article 605 [33, p. 89-112].

4.3. Bilateral criminality: the problem of cybercrime

Statistics showed that 18 refusals (16% of refusals) were committed due to the absence of double criminality, 7 of which were cybercrimes [15, p. 25]. The problem is that the classification of cybercrimes differs in different countries. "Unauthorized access to a computer system" is a separate crime in China, but in Uzbekistan it is narrowly interpreted only in Article 278 of the Criminal Code. "Fishing" is recognized as computer fraud in Germany (StGB, 263a), but in Uzbekistan it is qualified only as general fraud. "Cryptocurrency manipulation" is a special crime in South Korea and Japan, but is not regulated in Uzbekistan [34, p. 178-201].

The European Convention on Cybercrime (Budapest, 2001) recommends the "method of categories of crimes" to solve this problem. Article 24 of the Convention states that "Extradition is subject to the principle of double criminality. This principle can be satisfied if the act is classified as a crime in both states, even if the articles do not clearly correspond" [35, Art. 24]. The Explanatory Report states in more detail: "When examining double criminality, it is not the specific legal classification of the act that is important, but its essence and consequences"

[35, Explanatory Report, para. 237].

This method is used in German practice. The Bundesgerichtshof (Federal Court) ruled in 2015 that: a request for computer fraud was received from India, recognizing the existence of double criminality, since "property fraud through electronic systems" is a crime in both countries [36, NSTz 2016, 89].

Based on this, it is proposed to introduce the method of "category of crimes" into paragraph 4 of Article 603 of the Criminal Procedure Code. If the act entails criminal liability in both states, the difference in specific articles should not be an obstacle. Furthermore, the inclusion of a chapter on "Cybercrimes" in the Criminal Code of the Republic of Uzbekistan and accession to the Budapest Convention [37, p. 234-267].

4.4. Gaps in transit extradition

In Article 608 of the Criminal Procedure Code, transit extradition is regulated very briefly, and many issues remain open [3, Article 608]. The norm does not regulate other aspects of transit - maximum term, detention regime, personal rights, complaint mechanism, responsible authority. The Additional Protocol to the European Convention on Extradition (1975) regulates transit in detail: the maximum transit period is 10 days; the person is granted the right to legal assistance, an interpreter, and consular communication; the person has the right to appeal the transit to the court [29, Art. 2]. Article 9 of the UN Model Treaty also establishes similar requirements [14, Art. 9].

In Uzbekistan's practice, there were 17 transit cases, with an average duration of 3-5 days, with no complaints [15, p. 31]. However, this indicates not the goodness of the transit process, but rather the lack of awareness among individuals of their rights [38, p. 156-178].

In our opinion, with the expansion of Article 608 of the Criminal Procedure Code and new parts - the maximum period is 10 days; personal rights (legal assistance, interpreter, consul); mechanism for filing a complaint with the court; the responsible body (Ministry of Internal Affairs) [39, p. 201-223] and others.

4.5. Conflict of International Treaties

Part 2 of Article 599 of the Criminal Procedure Code establishes the priority of an international treaty [3, Article 599, Part 2], however, in practice there are conflicts. Examples: The Minsk Convention establishes a maximum of 2 months of imprisonment [40, Art. 61],

and the Criminal Procedure Code - 12 months; A bilateral treaty with Turkey establishes the extradition of citizens as optional [41, Art. 3], and clause 1 of Article 603 of the Criminal Procedure Code indicates forced refusal; The bilateral treaty with the UAE broadly interprets political crime exceptions [42, Art. 4], and the Criminal Procedure Code does not provide normative instructions on this matter. The mechanism for resolving the conflict is unclear. Part 2 of Article 599 of the Criminal Procedure Code gives priority, but it is not clear which norm is applicable. In practice, prosecutors usually interpret in the interests of the individual, but this is not a legal guarantee [43, p. 89-107].

In order to resolve these circumstances, Article 599 of the Criminal Procedure Code was supplemented with the "clear conflict of laws rule" recognized in international law [44, Art. 29] it is proposed to include: "If an international treaty and this Code contradict each other, a norm that better protects the rights of the individual shall apply."

4.6. Theoretical Contribution of Research

The research contributes threefold to the theory of extradition. Firstly, a typology of extradition models has been developed: "prosecutor-centered," "judicial-centered," and "mixed" models. Secondly, the concept of "delay of judicial control" was proposed - control is carried out only after a decision is made. Thirdly, the principle of "procedural parity in transit extradition" was developed - the rights of a person in transit should be equal to the basic extradition [45, p. 234-256].

5. Conclusion

In the study, a comprehensive analysis of the institution of extradition, defined in Articles 599-609 of the Criminal Procedure Code of Uzbekistan, was conducted. The research hypothesis was confirmed: Uzbekistan's extradition legislation has a good institutional base, but the limited judicial oversight, the disproportionate length of detention, and the lack of some procedural guarantees negatively affect individual rights.

The main conclusions are as follows. Firstly, the extradition process in Uzbekistan is regulated in sufficient detail, but mainly of an administrative nature. Secondly, the "prosecutor-centered" model lags behind European standards. Thirdly, the maximum detention period of 12 months is disproportionately long. Fourthly, the principle of double criminality is problematic for cybercrimes. Fifthly, transit extradition is not sufficiently

regulated. Sixthly, there is a conflict of international treaties.

To solve these problems, five proposals were developed: first, the introduction of judicial control into Article 600 (mixed model); second, the introduction of maximum imprisonment of 6 months into Article 605; third, the "category of crimes" method into paragraph 4 of Article 603; fourth, the expansion of Article 608; fifth, the conflict of laws rule into Article 599.

The research results can be useful material for the Prosecutor General's Office, the Ministry of Justice, and the Legislative Chamber of the Oliy Majlis of Uzbekistan. Recommendations for further research: a detailed case study of individual cases, a broader comparative analysis, interviews with individuals, a survey of prosecutors and judges.

In conclusion, Uzbekistan's extradition legislation has a good base, but serious reforms are needed regarding judicial oversight, guarantees of individual rights, and compliance with international standards. The proposed changes will strengthen Uzbekistan as a modern legal state.

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