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# ENSURING JUSTICE IN THE INVESTIGATION AND TRIAL OF CRIMINAL CASES IN THE REPUBLIC OF UZBEKISTAN: CURRENT STATE AND POSITIVE OUTCOMES

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**ABSTRACT**

*The article presents an analysis of the systemic transformation of the criminal procedural legislation of the Republic of Uzbekistan aimed at implementing the principle of adversarial proceedings. Key changes in law enforcement practice are considered: the introduction of the institution of investigating judges, the expansion of judicial control over the application of procedural coercion measures, and the establishment of the legal status of digital evidence. The impact of abolishing the return of criminal cases for additional investigation and replacing supervisory proceedings with a revision instance on strengthening the procedural independence of the court is examined. Based on current judicial statistics, including the direct application of constitutional norms and the increase in the number of acquittals, the conclusion is substantiated regarding the overcoming of accusatory bias and the formation of an effective mechanism for protecting individual rights in criminal proceedings.*

In the criminal justice system of the Republic of Uzbekistan, a systemic transition is taking place from an accusatory bias toward a genuinely adversarial process. The main criterion of these changes is the practical protection of individual rights at the stages of inquiry, preliminary investigation, and trial. For a long time, law enforcement practice was dominated by an approach in which authorities possessed excessive powers to restrict citizens' rights. Today, the vector has shifted toward expanding judicial control

and ensuring real equality of procedural opportunities between the prosecution and the defense.

One of the most acute issues in academic debate has always been the legal nature of state interference with property rights during criminal investigations. The discussion traditionally revolved around a fundamental question: whether the seizure of property should be regarded as a routine investigative action of a cognitive nature or as a severe measure of procedural coercion. Proponents of the first concept (in particular, A.Kh. Rakhmonkulov[1], B.N. Rashidov[2], A.P. Ryzhakov[3]) emphasized in their works that seizure serves investigative and evidentiary purposes, helping to collect proof of criminal activity. Based on such theoretical constructs, some practitioners have traditionally argued that investigators should have rapid and independent tools for asset seizure; otherwise, suspects may have time to conceal or dispose of illicitly obtained assets.

Other scholars have reasonably objected to procedural arbitrariness, insisting on a strict separation between property seizure and evidence collection. Thus, S.A. Sheifer[4] and T.A. Mavlonov[5] convincingly argued that this action has an exclusively securing, administrative nature, and its main purpose is not to establish the truth but to prevent the disposal of assets. Consequently, if this is purely a measure of state coercion, then a unilateral decision by an investigator—even if formally supported by a supervising prosecutor—creates high corruption risks. In pre-trial proceedings, where adversariality is minimal, such a mechanism has too often resulted in unlawful blocking of bank accounts, paralysis of business activities, and disproportionate infringement of the legitimate interests of third parties.

A fundamental basis for resolving long-standing theoretical disputes and strengthening guarantees for the protection of private property was the large-scale constitutional reform. In the new version of the Constitution of the Republic of Uzbekistan, the right to property is declared inviolable, and its restriction or deprivation is permitted exclusively on the basis of a court decision (Article 65). In addition, Article 31 establishes a judicial procedure for conducting searches and seizures in dwellings, as well as for restricting the confidentiality of correspondence and other communications[6]. These provisions laid the foundation for the full

[1] Criminal Procedure Law: Textbook / Edited by Doctor of Law, Associate Professor B.N. Rashidov. Third revised and expanded edition. – Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2022. – pp. 240-248.

[2] Rashidov, B.N. "The Content, Objectives, and Necessity of Criminal Procedural Activity" // Huquq va burch. – Tashkent, 2020. – No. 11. – pp. 50–53.

[3] Ryzhakov, A.P. Commentary on the Criminal Procedure Code of the Russian Federation. Moscow, 2002.

[4] Sheifer, S.A. Investigative Actions: System and Procedural Form. Moscow, 2001.

[5] Mavlonov, T.A. "Seizure of Property as a Means of Ensuring Compensation for Damage" // Huquqiy Olam. Scientific-Practical Journal. – 2023. – No. 1(3). – pp. 105–112.

[6] Constitution of the Republic of Uzbekistan // National Database of Legislation, May 1, 2023, No. 03/23/837/0241.

transfer of authorization powers from the prosecutor's office to the judiciary.

The practical implementation of these constitutional principles was completed with the adoption of Law No. O'RQ-1022[7] on January 28, 2025, which officially introduced the institution of investigative judges into the legal system. The authority to authorize property seizure, as well as the seizure of postal and telegraphic items and the suspension of bank account operations, is now fully vested in the investigative judge.

The introduction of the investigative judge has fundamentally changed the nature of pre-trial proceedings. Whereas previously the investigator acted within a closed departmental procedure, today issues concerning restrictions on property rights are resolved in open court hearings. The court examines not only the formal existence of a criminal case but also the proportionality of the seizure to the alleged damage and the validity of suspicions. Establishing exclusive judicial control over property restrictions has deprived investigative bodies of the ability to apply coercive measures at their own discretion. This has created strong institutional guarantees protecting citizens and entrepreneurs from unjustified procedural interference.

A qualitative institutional shift has also occurred in the handling of digital evidence. For a long time, criminal procedure legislation objectively lagged behind technological developments in this area. In recent years, an intense academic debate has taken place regarding the legal nature of electronic information. The central question was whether electronic data should be recognized as an independent type of evidence or whether traditional approaches could be applied to it.

Some researchers believed that electronic information could be fitted within existing legal frameworks. However, M.E. Muminov, studying this issue, substantiated in detail the significant differences between electronic information with evidentiary value and "ordinary" physical evidence[8]. In turn, A.B. Sabyrbaeva supported defining the phenomenon by stating that "electronic evidence is any information (messages, data) presented in electronic form." Expanding on this concept, procedural scholars emphasize that the value of a digital trace lies exclusively in its intangible content, which is formed objectively as a result of criminal actions rather than deliberately created to inform about facts, as is the case with traditional documents[9]. At the same time, scholars rightly point out the specific vulnerability of such information: it can

[7] Law of the Republic of Uzbekistan "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan Aimed at Further Strengthening Guarantees for the Reliable Protection of Human Rights and Freedoms" No. O'RQ-1022, dated January 28, 2025.

[8] Muminov, M.E. "Specific Features of Procedural Documentation of Evidence During Inquiry and Preliminary Investigation" // Modern Scientific Research International Scientific Journal, 2023, Volume 1, Issue 4 (July 30), Russian Federation. – pp. 120–131.

[9] Sabyrbaeva, A.B. Pre-Trial Proceedings in Cybercrime Cases: Theory and Practice: Monograph. – Tashkent: "Dimal" Publishing House, 2025. – pp. 77–108.

be easily modified, copied, or destroyed without leaving visible physical traces on the electronic medium itself[10].

Attempts to apply outdated rules for the seizure of physical objects to modern smartphones and servers created serious practical problems. Investigative bodies would seize entire devices, gaining uncontrolled access to all data, including personal correspondence and commercial secrets unrelated to the crime under investigation.

A conceptual solution was achieved with the adoption of Law No. O'RQ-1003[11] on November 21, 2024, in which the legislator resolved doctrinal disputes by recognizing digital evidence as an independent procedural institution and introducing strict rules for its handling.

This innovation addressed several systemic issues and established specific procedural guarantees:

First, the law clearly distinguished between the physical carrier and the electronic data itself. It established a mandatory rule that the examination of primary electronic media must be conducted strictly with the participation of a specialist. If the discovered data is irrelevant to the criminal case, the device must be immediately returned to its owner. The practice of holding equipment for months, paralyzing business operations, has lost its legal basis.

Second, the institution of judicial control (habeas corpus) has been fully extended to the digital sphere. The law introduced a direct barrier against arbitrary interference in private life: searches and seizures of personal electronic data are now conducted exclusively on the basis of a court decision. This has deprived investigative bodies of the right to independently examine citizens' personal archives and correspondence.

Third, the procedural toolkit has been expanded with a new investigative action—the examination of electronic data on the global Internet. Before the law's adoption, the recording of web pages was carried out using semi-legal methods, most often by simply attaching printed screenshots. Now, the procedure for handling open digital sources is regulated, which has become a critically important tool for the lawful investigation of cybercrimes.

Fourth, the rights of the defense have been significantly expanded. The law regulates the mechanism for suspects, accused persons, and their lawyers to obtain copies of seized electronic information. They are also granted the right to independently submit electronic data to the investigative body on their own storage media. In practice, this provides the defense with a legal mechanism for conducting independent examinations

[10] Rashidov, B.N. "Characteristics of Theft Committed Using Information Technologies and Certain Aspects of Combating It (on the Example of Samarkand Region)" // Central Asian Journal of Multidisciplinary Research and Management Studies. – No. 6, 2024. https://doi.org/10.5281/zenodo.11523146 (accessed April 29, 2026).

[11] Law of the Republic of Uzbekistan "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan Aimed at Improving the System for Handling Digital Evidence" No. O'RQ -1003, dated November 21, 2024. URL: https://lex.uz/docs/7228823

and ensures genuine adversariality in cases involving complex technological elements.

A logical continuation of judicial and legal reforms aimed at strengthening judicial independence was the complete abolition of the institution of returning criminal cases for additional investigation at the trial stage.

In an adversarial process, this would constitute a direct violation of the presumption of innocence: if the state prosecutor fails to present sufficient evidence of guilt, the defendant must be acquitted. The judiciary is not obliged to grant investigative bodies additional time to search for new evidence while ignoring the fact that the accused remains unjustifiably in custody.

In the law enforcement practice of Uzbekistan, the mechanism of returning cases for additional investigation was historically used as a convenient legal tool to avoid acquittals. If the original charges were not confirmed during trial, the materials were simply sent back to the prosecutor's office. The abolition of this practice has radically changed the procedural balance. Now, the state prosecutor bears exclusive responsibility for the quality of evidence presented in court. If the evidence is incomplete or inadmissible, the court has no right to maneuver in favor of law enforcement and must issue an acquittal.

The practical implementation of this principle is reflected in current judicial statistics. For many years, acquittals were statistically rare, indicating a de facto merger of investigative and judicial functions. Today, the situation has changed dramatically. According to official data from the Supreme Court of the Republic of Uzbekistan, in the first ten months of 2024 alone, 603 individuals were acquitted. Additionally, unjustified charges were dropped against 5,603 citizens during trials, and 4,934 individuals were released from custody directly in the courtroom[12].

The steady increase in acquittals is a convincing indicator that the courts have ceased performing the improper role of assisting the prosecution. Today, judges provide independent and objective assessments of pre-trial materials, serving as a fundamental institutional guarantee protecting citizens from unjustified criminal prosecution.

A natural stage in the conceptual renewal of the judicial system was the reform of the stages for reviewing court decisions. For a long time, a major weakness of the national criminal process was the existence of the supervisory review instance, which contradicted modern standards of a fair trial and the international principle of legal certainty (res judicata).

The main problem was that the old supervisory system had no strict time limits. Final judgments could be challenged and overturned years later. Moreover, participants in criminal proceedings had no right to independently apply to higher courts. The review mechanism was initiated exclusively by a narrow circle of high-

[12] Official Telegram Channel of the Supreme Court of the Republic of Uzbekistan. URL: https://t.me/oliysuduz (accessed April 29, 2026).

ranking officials (court chairpersons and prosecutors), who had exclusive authority to file supervisory protests.

In practice, this created a significant bureaucratic barrier. The constitutional right to judicial protection depended on the subjective discretion of specific officials. This led to endless circulation of criminal cases, leaving individuals in prolonged legal uncertainty.

A decisive step to overcome this deadlock was the adoption of Law No. O‘RQ-869[13] on September 27, 2023, which abolished the outdated supervisory review system and replaced it with a new mechanism—the revision instance. This reform ensured direct and independent access to higher courts for the parties.

The transition to the revision procedure fundamentally changed the position of the parties. Participants now have the unconditional right to directly appeal to higher courts without preliminary filters. The principle of “one instance—one court” has also been firmly established, eliminating repeated reviews of the same case.

The effectiveness of the new mechanism is confirmed by practice. In 2024 alone, the Supreme Court revised lower court decisions concerning 163 individuals and modified decisions for 281 individuals[14].

This demonstrates that the revision instance has become an effective legal tool, ensuring legal certainty and eliminating arbitrary review practices.

In conclusion, the ongoing reforms demonstrate a consistent and systemic transformation of Uzbekistan’s criminal justice system. The gradual abandonment of outdated procedural mechanisms in favor of modern legal institutions reflects a deliberate transition toward a truly adversarial model. Today, the national system of justice is evolving into an independent institution focused on the effective protection of human rights and freedoms.

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