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**THE APPLICATION OF THE CRIMINAL CODE TO PERSONS WHO HAVE  
COMMITTED CRIMES ON THE TERRITORY OF UZBEKISTAN**

**Otayev O'tkirbek Matyokubovich**

*lieutenant colonel , Faculty of Professional Training, Institute of Advanced Training of  
the Ministry of Internal Affairs of the Republic of Uzbekistan, cycle of special sciences*

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*This article discusses the applicability of  
the Criminal Code to persons who have  
committed crimes in the territory of  
Uzbekistan. Scientifically based suggestions  
and recommendations are given for  
theoretical and practical aspects.*

The territoriality principle of the scope of criminal law is the extension of the binding force of a particular state to a certain territory, regardless of the citizenship of all persons who committed a crime in this territory. Historically, the territoriality principle, which was called the "territorial principle", has always occupied a dominant position in resolving the issue of criminal liability of the perpetrator. Any state has the right to punish a criminal who committed a socially dangerous act within its territorial borders in accordance with its national legislation. The territoriality principle has developed with the formation of national statehood and reflects state sovereignty.

State sovereignty ( sovereignty comes from the French word "souverainte" meaning the supremacy and independence of power) means the supremacy of power within the country and complete independence in foreign relations.

Respect for sovereignty is considered one of the fundamental principles of international law and relations, enshrined in the Charter of the United Nations and other international instruments. The idea of state sovereignty first appeared in the 16th century. It belongs to the French scientist Jean Boden . In his opinion, "Sovereignty is the most important sign of a state, which implies eternal, absolute, indivisible supreme power. " The concept of state sovereignty has been further developed and enriched in recent times. In particular, state sovereignty is reflected in a separate chapter in the Constitution of the Republic of Uzbekistan . According to our Constitution , " Uzbekistan is a sovereign, democratic, legal,

social and secular state with a republican form of government. The Republic of Uzbekistan determines its national-state and administrative-territorial structure, implements its internal and foreign policy. The state border and territory of Uzbekistan are inviolable and indivisible. State power in the Republic of Uzbekistan is exercised only by bodies authorized by the Constitution of the Republic of Uzbekistan and the laws adopted on its basis, in the interests of the people. The supremacy of the Constitution and laws of the Republic of Uzbekistan is unconditionally recognized on the territory of Uzbekistan. ”

Article 42 of the Law of the Republic of Uzbekistan “ On Regulatory Legal Acts ”, the territorial validity of a regulatory legal act is determined by the jurisdiction of the body that adopted the regulatory legal act. In accordance with Articles 83-85 of the Constitution of the Republic of Uzbekistan, the territory of application of laws, including the Criminal Code, includes the entire territory of the Republic (including the territory of the Republic of Karakalpakstan). Thus, all persons who have committed a crime on the territory of Uzbekistan are subject to liability in accordance with the Criminal Code of the Republic of Uzbekistan, based on the principle of territoriality, as established in Part 1 of Article 11 of the Criminal Code. Such persons may include citizens of the Republic of Uzbekistan, citizens of a foreign state, as well as stateless persons. The principle of territoriality has precedence over other principles of the territorial validity of criminal law. According to this principle of criminal law, when a crime is committed by a foreign citizen, competition arises between the criminal laws of the Republic of Uzbekistan, on the territory of which the crime was committed, and the criminal laws of the state of which the foreign citizen is a citizen. This competition is determined by the generally recognized principles and norms of international law, as well as Article 11 of the Criminal Code of Uzbekistan, which states that the territory where the socially dangerous act was committed, i.e. The Republic of Uzbekistan The decision is made in favor of the criminal law. In such a case, the affiliation of the person who committed the crime to a foreign state is not important. Because the power of the state is limited to its administrative-territorial boundaries, and its national laws are also binding on everyone within the borders of the state .

The state border is marked on land by specific points, relief lines, or clearly visible places (landmarks). determined. Relations in the field of determining, changing, guarding and protecting the state border in the Republic of Uzbekistan are regulated by the Law of the Republic of Uzbekistan “On the State Border of the Republic of Uzbekistan” dated September 13, 2023 and other legislative acts . According to this law, “ The State Border of the Republic of Uzbekistan consists of a line delimiting the perimeter of the territory of the Republic of Uzbekistan (land, water, subsoil and airspace) and a vertical line passing along this line.” Thus “ Area ” means such part of the space, that is, the following areas under the sovereignty of the Republic of Uzbekistan:

- a) dry land;

- b) water area, including inland waters;
- c) the sky area;
- g) subsurface area.

Land area — this is the dry land area not covered by water within the borders of the Republic of Uzbekistan. This territory includes all land areas surrounded by water (islands) and not surrounded by water. The land area also includes artificially created land areas within the borders of the state (for example, artificial islands, buildings built on water, etc.), technical structures on waterways, dams, dams, bridges, etc., that is, regardless of the state border line, it is the part of such technical structures belonging to the territory of Uzbekistan measured from the middle or from the axis towards the republic. The land area also includes solid water resources in the territory of Uzbekistan, such as glaciers. The land area also includes enclaves of Uzbekistan.

Enclave - the part of the territory of a state that is surrounded by the borders of other states and has no access to the sea, that is, land areas that are completely surrounded by the territory of other states, if they do not have access to the sea, are called so

Water area — these are water resources in a liquid state within the borders of the state. The water area includes internal waters and the territorial waters of the Republic of Uzbekistan, as well as the relevant part of the border waters. The water area does not include groundwater, thermal and mineral waters. Such waters are considered subsoil resources.

The inland waters of Uzbekistan include:

— Water bodies and their shores located entirely within the territory of Uzbekistan. For example: Charvak Reservoir;

— The waters of the Aral Sea belonging to the territory of Uzbekistan, that is, the part of the water from the border settlement to the nearest shore;

— Port waters separated by the Aral Sea border line, hydraulic and other port facilities up to the sea border line;

— Straits, bays, inlets and harbors of the Aral Sea historically belonging to the territory of Uzbekistan;

— The shores of the straits, bays, inlets and harbors of the Aral Sea, completely adjacent to the territory of Uzbekistan, from coast to coast, several passages formed for the first time by the sea of the latitude, if its width does not exceed 24 nautical miles (44 km 448 m).

Territorial waters of Uzbekistan — these are the coastal waters of the Aral Sea, 12 nautical miles (22 km 224 m) wide, and are considered to be the outer limit of the internal sea waters, including the mainland and islands belonging to the Republic of Uzbekistan.

Border waters of Uzbekistan — the part of rivers, streams, lakes, and basins considered borderland from the state border line to the nearest shore.

It should be noted that the state border in these places is defined as follows:

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- on navigable rivers - along the middle of the main channel or thalweg of the river;
- on rivers (rivers) where ships do not sail - in their middle or along the middle of the main river (river) bed;

- on border rivers, lakes and other water bodies - along a straight line connecting the places where the State border reaches the shores of a lake or other water body. In this case, the State border passing through a river, stream, lake or other water body does not change even if the appearance of their banks or the water level changes, or if the flow of the river or stream turns in one direction or another;

- in reservoirs and other artificial water bodies - until they are killed by water, in accordance with the line of the State Border passing through this place;

- on bridges, dams and other structures crossing border rivers, lakes or other water bodies - in the middle of these structures or along their technological axis, regardless of where the state border passes through the water.

The sky of Uzbekistan — Part of the Earth's atmosphere above the land and water bodies of the Republic. The celestial sphere is understood as the space defined by a vertical line from the state borders of Uzbekistan on land and water. The height of the air column relative to the territory of states is not currently determined by international law. The Convention on the Rights of the Child on January 27, 1967 “On the Rights of the Child, Including Outer Space” Moon The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space and Other Celestial Bodies is considered the main source of international air law . This treaty also did not define the boundary between the national airspace of states and outer space. The sky is considered international space and is subject to an international legal regime, according to which “the exploration and use of outer space shall be carried out for the benefit of mankind and shall be the property of all countries.” Article 2 of this treaty states that “outer space shall not be appropriated by declaration of sovereignty, by use or occupation, or by any other means.” In accordance with international law, objects in the sky are subject to the jurisdiction of the state in which the object is registered. In this case, the criminality and punishment of an act committed in the sky can be determined in the same way as an act committed on board an aircraft in neutral, open air. According to international customs and practice of states in the field of use of outer space, This limit is set at 100 miles (185 km 200 m) above sea level, as it is the lowest altitude above the ground that allows a spacecraft to freely orbit. The criminal jurisdiction of the Republic of Uzbekistan extends to the airspace below this limit.

Underground territory — this is the layer of the earth's crust located below the soil layer, or in the absence of such a layer, below the surface of the earth or the bottom of water bodies, and where it is possible to geologically study and develop the emergence of minerals from the depths of the earth The underground boundaries include natural solid

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bodies, rocks in liquid and gaseous states, and the spaces between these rocks. It should be noted that the scope of the Criminal Code of the Republic of Uzbekistan includes only underground boundaries located under the land and water territory of the republic.

According to some legal scholars, " the territory of a state also includes the territory in which embassies and diplomatic missions of this country in foreign countries are located. According to the general rules of international law, such institutions are considered extraterritorial." (outside the area ) acquire the status of a foreign mission, that is, they are separated from the influence of local legislation and are subject to the legislation of the country to which they belong. Crimes committed on the territory of embassies and diplomatic missions of this state abroad are always considered to have been committed on the territory of this country, and not abroad. On the contrary, crimes committed on the territory of foreign embassies in the territory of a particular country are considered in accordance with the legislation of these foreign states. The territory of a mission is recognized not only as the building and premises in it, but also as the land, courtyard, residence of the head of the mission, employees of the mission, residential premises and vehicles in which persons enjoying immunity from state jurisdiction live. It should be noted that crimes directed against the territory of a foreign state's mission or its employees can be considered a crime committed on the territory of that state only if the subject of the crime is physically located outside the mission's territory, otherwise such acts are considered to have been committed on the territory of the foreign state.

According to AGKnyazov, "it is true that the buildings and vehicles of diplomatic missions are outside the criminal jurisdiction of the state, but these buildings, land plots, transport and other objects, according to the modern doctrine of international law and international criminal law, are not the territory of a foreign state, and the question is not which state the buildings and vehicles in question are or are not. The main thing is who committed the crime." We also agree with the second opinion, because even in the territory occupied by a diplomatic mission, if a crime is committed by a person who does not have diplomatic immunity, he is subject to criminal liability in accordance with the criminal legislation of the Republic of Uzbekistan. If the first point of view were to apply, then the punishment should have been applied to this person not under the criminal jurisdiction of the Republic of Uzbekistan, but under the criminal jurisdiction of a foreign state.

The legal basis for recognizing a crime as committed on the territory of our Republic is determined by Part 2 of Article 11 of the Criminal Code of the Republic of Uzbekistan . The significance of the inclusion of this part of the article is to legally determine the boundaries of considering a socially dangerous act as a crime committed on the territory of the Republic of Uzbekistan and to ensure the possibility of conducting law enforcement activities in a uniform manner on this basis. Part 2 of Article 11 of the Criminal Code covers

all stages and manifestations of the commission of a criminal act, almost all manifestations of the criminal behavior of the perpetrator.

In particular, according to this article, “ Done ” :

- a) commenced, completed or terminated in the territory of Uzbekistan;
- b) if the crime was committed outside the territory of Uzbekistan, and the criminal consequences occurred in the territory of Uzbekistan;
- c) committed in the territory of Uzbekistan, and the criminal consequences occurred outside the territory of Uzbekistan;
- g) consists of several acts or is committed in conjunction with other acts, part of which occurred on the territory of Uzbekistan, is considered a crime committed on the territory of Uzbekistan.

be noted that the above-mentioned signs of criminal acts are objective in nature and the legislator objectively indicates all the signs of the composition of the crime. They are inherent only to the relevant signs of the criminal act and do not apply to other elements of the composition of the crime. At the same time, the essential elements of the composition of the crime (object, subject, subjective side) are considered important by the legislator, that is, when considering each crime, regardless of the articles of the law, the presence of these signs is determined. However, they do not affect the determination of the territory where the criminal act was committed, but are considered by the judicial and investigative bodies in order to determine the relevance of each act to the crime. In particular, if an attempt to commit a crime is made by an incompetent person, even if there are signs of the objective side of the criminal act, such a crime is not considered dangerous to society. Thus, the above-mentioned list of signs reflects the principles of legality, justice, and equality of all citizens before the law of the Criminal Code.

Article 11, Part 2 of the Criminal Code In paragraph “a” , the beginning of the commission of a crime should be understood as any criminal act (action or omission) that the perpetrator is considered obliged to commit and has committed (even if it did not lead to a criminal consequence). Thus, the beginning of the commission of a crime includes a completed attempt. The beginning of the commission of a crime is also recognized as an initial criminal act that is associated with a long-term illegal act, that is, the beginning of a long-term crime. For example: tax evasion.

A completed crime is an act that has all the elements of a crime for which liability is provided for in the Criminal Code of the Republic of Uzbekistan. Therefore, when deciding whether a particular act is completed, it is necessary to proceed from the concept of articles of the Special Part of the Criminal Code.

In accordance with the current Code, a crime is recognized as completed in the following cases:

— an act that has certain consequences, that is, a crime with material content (for example: intentional murder, theft, etc.);

— an act that has caused consequences that do not seriously affect the qualification, that is, a crime with a formal content (for example, slander, insult, treason, etc.);

— an act that poses a real threat of causing socially dangerous harm, that is, a crime with a severe content (assault, rape, etc.).

a suspended crime if it is not completed in terms of its material expression and subjective perception .

Current legislation defines two forms of suspended sentences:

1. Voluntary retraction from committing a crime - the act is voluntarily stopped by the person. This can occur as a result of the person realizing that there is an opportunity to stop the crime, and the person can voluntarily refrain from committing the crime, realizing that there is an opportunity to prevent the bad consequences of his act.

2. Incomplete assassination - it is understood that the act is not completed due to circumstances beyond the control of the person. Incomplete attempt, it is understood that the perpetrator was unable to complete his criminal actions, to achieve his intended goal. The difference between completed and incomplete attempts is that in the first case, the perpetrator believes that he has carried out all the intended actions. It should be noted that long-term or continuous crimes are terminated at the initiative of the perpetrator (for example, voluntarily taking the blame) or the occurrence of a situation that prevents the commission of a crime (for example, the intervention of the IIO) are considered interrupted crimes. In such cases, long-term and continuous crimes are terminated before they are completed, since in terms of time, a criminal act is a continuous act, which cannot be completed, but its continuation can be stopped.

The next two paragraphs of Part 2 of Article 11 of the Criminal Code , namely paragraphs “b” and “c”, determine the conditions for assessing a crime committed in the territory of Uzbekistan in relation to certain cases of a crime in which the act is complete, that is, crimes with a material component. The reason for specifying such conditions separately is that, according to the general rule, the social danger of an act is determined not only by its commission, but also by its consequences specified in the law, and after the occurrence of these consequences, a crime is considered to have been committed. However, this rule applies only when a criminal act is committed on the territory of one state. If a crime is committed on the territory of two or more states, the application of such a rule allows the criminal to escape punishment. Accordingly, the law establishes that if the committed crime has a material component, it is considered to have been committed on the territory of Uzbekistan, despite the presence of consequences. The establishment of such a condition is consistent with the principle of inevitability of liability of the Code. It should be noted that although the assessment of an act as a crime committed in the territory of

Uzbekistan does not require the formal presence of any of the necessary objective signs, this does not negate the need to comply with the requirement of factual determination of this sign. In other words, when holding a person accountable for such a crime, the courts and investigative bodies are always obliged to establish the actual presence of the sum of these signs of the crime. This follows from the requirement of the material composition of the crime. The actual absence of any of these signs does not allow the actions of the accused to be assessed as a complete crime.

Article 11, Part 2, Clause “g” of the Criminal Code states that if a crime consists of several acts or is committed with other acts, part of which occurred on the territory of Uzbekistan, such a crime is considered to have been committed on the territory of the Republic of Uzbekistan. In this case, the combination of acts of criminal conduct that have a single criminal direction together means an act consisting of several acts. In particular, several acts include such actions as: preparation for a crime, commission, participation in it, organization, assistance. Criminal Code Elements not included in paragraph "a" of part 2 of Article 11: preparation for a crime , participation in it, etc. constitute an act, the perpetrators of which must be held accountable.

The concept of "in conjunction with other acts" covers the same acts of action or omission that are directed towards a single purpose and constitute a single crime. Consequently, in accordance with this paragraph, it is necessary to understand the crimes that are ongoing.

Thus, in accordance with the content of paragraph “g” of Part 2 of Article 11 of the Criminal Code , the concept of several acts, if they are characteristic of the behavior of a person, together with other actions, covers the nature of the act constituting a certain crime. Here it is required that there are several different acts. If the action or inaction was committed only once, the guilty person is not held liable under this paragraph, but may be held liable if there are relevant signs in accordance with paragraphs “a”, “b” or Part 2 of Article 11 of the Criminal Code. It should be noted that in order to hold a person liable, based on the rule set out in the law in accordance with this paragraph, it is necessary to establish that the crime began, ended or stopped in the territory of another state, but part of the criminal action was committed in the territory of the Republic of Uzbekistan (for example: it began on the border of Uzbekistan with a neighboring state, genocide (massacre) occurred there and also affected the population of bordering Uzbekistan). Otherwise, the person who committed the crime will be held liable in accordance with paragraph "a" of this article.

Criminal Code Part 3 of Article 11 reflects the generally recognized rules of modern international law. According to it, a sea, river or air vessel is considered to be within the territory of its own state if its flag or port of registry is outside the territory of that state, but not within the territory of another foreign state. In accordance with generally recognized

norms of international law, a water or air space beyond the territorial sea of states or beyond the exclusive economic zone is considered to be the high seas or the high air space. If a crime is committed on a sea or air vessel flying the flag of the Republic of Uzbekistan or registered in a port of Uzbekistan, the perpetrator shall be held liable in accordance with the law of the Republic of Uzbekistan. The nationality of the guilty person and the ownership of the vessel (state, private) are of no importance in considering the issue of criminal liability. In cases where a sea, river, or aircraft vessel is flying the flag of Uzbekistan or is registered in a port of Uzbekistan, the criminal legislation of Uzbekistan may apply.

of a ship under the flag of the Republic of Uzbekistan determines its national affiliation, and this affiliation is reflected in the right and obligation of the ship to fly the State flag of the Republic. Each state determines and issues the right and documents for the ship to sail under its flag.

Port registration is the entry of a vessel into the shipping register of coastal shipping inspectorates, which are bodies regulating shipping. The Criminal Code of the Republic of Uzbekistan can be applied in some cases even when a crime is committed in the waters or airspace of a foreign state. However, in such cases, it is necessary to limit the scope of the protection of the interests of a foreign state, that is, if the interests of that state are harmed, then the law of that state is applied.

Non-commercial state vessels (military, customs, police vessels, etc.) always have criminal jurisdiction only of the Republic of Uzbekistan, regardless of where they are located. This may be open water or airspace, sea or airspace on the territory of another state, seaport or airport. Even in such places, a person who commits a crime on a sea, river or aircraft vessel of Uzbekistan shall be held liable in accordance with the Criminal Code of the Republic of Uzbekistan. If the crime was committed while the sea or aircraft was in the port of a foreign state, while it was moving on the territory of that state, the crime shall be deemed to have been committed on the territory of that state. For example: If the crew members of a ship or aircraft have left their board and are located directly on the territory of a foreign state (supermarket, cafe, etc.), then they shall be subject to the jurisdiction of the foreign state. shall be held liable in accordance with the norms of international law.

In accordance with Article 3, paragraph 1, of the Tokyo Convention of September 14, 1963 “On Offenses and Other Acts Committed on Board Aircraft”, “the State of registration of the aircraft shall exercise competent jurisdiction over offenses and acts committed on board the aircraft”, that is, the criminality and punishment of an act committed during a flight are determined by the criminal law of the State of registration of the aircraft. According to Article 1, paragraph 3, of the Tokyo Convention, “an aircraft is considered to be in flight from the moment the engines are started, that is, from the moment they are turned on and until the end of the landing run”. This rule applies for the entire duration of the flight, so it also applies during the stay of a foreign aircraft in the airspace of the

Republic of Uzbekistan. The Criminal Code of the Republic of Uzbekistan provides for exceptions to this rule.

Article 4 of the Tokyo Convention states: only in the following cases:

when the crime is committed in the territory of such a state;

when the crime is committed by a permanent resident or against permanent residents of such a state;

when the crime threatens the security of such a state;

if the offence violates the applicable rules and regulations of such State relating to flights or manoeuvres;

The exercise of jurisdiction is only necessary to ensure the performance of any obligations of such a State under the provisions of a multilateral international agreement. The perpetrator is subject to criminal liability under the law of another State. In this regard, according to Article 16 of the Tokyo Convention, “crimes committed on board an aircraft registered in a State shall be treated for the purposes of extradition as if they had been committed not only in the place where they were committed but also in the State of registration of the aircraft.”

If we look at the national criminal laws of foreign states, we can see that, as a rule, criminal law complies with international legal norms regarding the applicability of space. For example: According to Article 6 of the Danish Criminal Code, “Offences committed on board a Danish ship or aircraft in a territory recognized by international law as belonging to a foreign state shall fall within the criminal jurisdiction of Denmark if they are committed by persons serving such ship or aircraft or by passengers travelling on board such ship or aircraft.” Article 1 of the Japanese Criminal Code contains a similar provision. Article 6 of the Estonian Criminal Code also states that “The provision on liability in accordance with Estonian criminal law for offences committed on board an aircraft or vessel registered in Estonia and located in the airspace or territorial sea of a foreign state is enshrined”.

In conclusion, we can note that the criminal legislation of the Republic of Uzbekistan should be based on the Constitution and generally recognized norms of international law. Therefore, based on foreign and scientific and practical experience, the Republic of Uzbekistan It is advisable to bring the criminal law into line with international law. That is, Article 11, Part 3 of the Criminal Code states that “ If a crime is committed outside the territory of Uzbekistan by a person on board an air, sea or river vessel flying the flag of Uzbekistan or registered in a port of Uzbekistan, unless otherwise provided for in international treaties of Uzbekistan, shall be held liable for such a crime under this Code.

## References

1. Articles 1, 3, 7, 15 of the Constitution of the Republic of Uzbekistan.

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2. Article 3 of the Law of the Republic of Uzbekistan No. 868 on the State Border .
  3. Article 6 of the Law of the Republic of Uzbekistan No. O'PYK -8 68 on the State Border , National Database of Legislative Information, 13.09.2023,
  4. Article 1 of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, of 27 January 1967.
  5. Knyazev AG Deystviye ugolovnogo zakona v prostranstve, Dissertation. Ulyanovsk - 2006
  6. Criminal Code of the Republic of Uzbekistan. Article 11, Part 2.
  7. The Republic of Uzbekistan acceded to this Convention in accordance with the Resolution of the Oliy Majlis of the Republic of Uzbekistan No. 81-I dated May 6, 1995 “On the accession of the Republic of Uzbekistan to the Convention on Offences Committed on Board Aircraft and Certain Other Acts, signed in Tokyo in 1963” (entered into force in the Republic of Uzbekistan on October 29, 1995).
  8. <https://qomus.info/encyclopedia/cat-suverenitet-uz>