Modern American Journal of Social Sciences and Humanities
ISSN (E): 3067-8153
Volume 01, Issue 09, December, 2025
Website: usajournals.org

ANALYTICAL REVIEW ON INNOVATIONS IN UZBEKISTAN'S CRIMINAL PROCEDURE LEGISLATION BY 2025 AND COMPARISON WITH AZERBAIJAN

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Abstract

This analytical review maps the key modernization trends in Uzbekistan's criminal procedure legislation up to 2025 and benchmarks them against comparable developments in Azerbaijan. On the Uzbekistan side, the study systematizes recent amendments to the Criminal Procedure Code adopted in 2024–2025 and related reforms, with particular attention to the shift toward technology-enabled procedure and stronger procedural safeguards, including the legal recognition and regulated handling of digital evidence. The analysis then compares these trajectories with Azerbaijan's ongoing procedural and administrative digitalization, including reforms that expand legally valid electronic submission of information through e-government channels and policy moves toward "electronic pre-trial proceedings," digital documentation of investigative actions, and broader use of electronic evidence.

Using a comparative-doctrinal method, the paper evaluates how both systems balance two competing KPIs of criminal justice reform: (1) efficiency and caseflow management, and (2) due process guarantees. The review identifies convergences and friction points. The output is an evidence-based framework of strengths, gaps, and implementation priorities for both jurisdictions.

Modern American Journal of Social Sciences and Humanities
ISSN (E): 3067-8153
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Keywords: Criminal procedure reform; Uzbekistan Criminal Procedure Code; Azerbaijan Criminal Procedure Code; 2024–2025 amendments; digital evidence; electronic pre-trial proceedings; e-justice; judicial control; fair trial guarantees; defence rights; admissibility and integrity of evidence; procedural safeguards; comparative legal analysis; digitalization of investigations; due process vs efficiency.

INTRODUCTION

The judicial-legal system of Uzbekistan is undergoing an active phase of reforms, especially in the field of criminal procedure legislation at the turn of 2024-2025. These reforms are aimed at deepening the guarantees of the rights of participants in the process and increasing the effectiveness of justice, which is reflected both at the constitutional level and in specific legislative acts. Uzbekistan's 2023 constitutional renovation put the new Basic Law locks in stronger safeguards often summarized as "habeas corpus" and "Miranda-style" warnings. In parallel, the Criminal Procedure Code is being re-engineered for the 21st century: clearer rules for collecting and authenticating digital evidence, tighter chains of custody, and a ground-up redesign of appeals and cassation to make review faster, more predictable, and fairer. Much of this framework took effect in 2024, with the remaining pieces rolling out by 2025 - together marking a real shift toward a more liberal, rights-driven model of criminal justice, not just on paper but in day-to-day procedure. It is important to note that reforms are being carried out based on official data and international standards, taking into account the experience of comparable legal systems.

The starting point of recent reforms was the renewal of the Constitution of the Republic of Uzbekistan, approved by the referendum on April 30, 2023. The Constitution of 01.05.2023 introduced a new version of a number of articles that laid fundamental guarantees in criminal proceedings. Article 27 of the Constitution now clearly sets out two important guarantees: the principle of habeas corpus and Miranda-style rights. This means that no one can be held or imprisoned without a clear legal reason, and only a court can give permission for this to happen. A judge must review and concur with the determination of a specific investigator or police officer before revoking an individual's liberty.

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These improvements guarantee that judges supervise arrests and detentions, so enhancing the protection of individuals' rights. They ensure that individuals are not detained without due process or just cause, and that any restrictions on personal liberty comply with legal and constitutional standards. Uzbekistan is undertaking this initiative to demonstrate its commitment to a just, transparent, and respectful legal system. The principle of habeas corpus has been in effect in Uzbekistan since 2008, when the courts were given the power to arrest people. But now it has become a constitutional norm, which makes it more important and stable.

It should be emphasized that for Uzbekistan, such detailed coverage of a detainee's rights at the constitutional level is relatively new. This reflects the shift towards the priority of human rights. For comparison, in Azerbaijan, similar principles were implemented through laws and practice in the early 2000s in connection with the country's accession to the European Convention on Human Rights. For example, a court-sanctioned arrest and the right to a lawyer from the moment of detention are also guaranteed by Azerbaijani legislation, although not literally in the text of the Constitution, but through criminal proceedings laws. Nevertheless, the inclusion of the Miranda Warning in the Constitution is a step that distinguishes Uzbekistan's reform: not all states in the post-Soviet space have even gone to such a level of detail. This demonstrates the political will to establish the rule of law not in a declarative form, but in specific legal mechanisms.

As a result, the 2023 constitutional amendments created a solid framework for further innovations in the Criminal Procedure Code. Judges of all instances are now directly subordinate to the Constitution and laws in administering justice, which the Plenum of the Supreme Court specifically noted as a guarantee of the independence of judges. Accordingly, any modification to the Criminal Procedure Code, whether it concerns new coercive procedural measures, expanded rights and guarantees for participants in proceedings, or revised mechanisms for review and appeal, must be assessed in light of constitutional standards.

By 2025, the pre-trial stage of criminal proceedings has been reshaped in a very direct way. Authorities now have stronger, legally defined tools to make sure

Modern American Journal of Social Sciences and Humanities
ISSN (E): 3067-8153
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defendants actually appear when needed, and at the same time defendants receive clearer procedural protections. Three changes stand out: a new preventive measure that temporarily bans a suspect or accused person from leaving the country, tighter judicial oversight of detention and arrest, and formal recognition of the initial stage where crime reports are checked and registered as part of the criminal process.

One of the most discussed changes is the introduction, in 2025, of a temporary travel ban for suspects and defendants. This reform was driven by a practical problem that people under investigation were avoiding justice by leaving the country, especially in cases where they had not been placed in custody. According to the General Prosecutor's Office, between 2020 and 2024, 23,863 individuals who were supposed to face investigation or trial were declared wanted. Around 89% of them had already left Uzbekistan. That scale of flight made it clear that investigators needed a lawful, targeted way to stop someone from escaping before trial, without immediately putting them behind bars.

On 15 August 2025, Law No. 1081 "On introducing amendments and additions to certain legislative acts in order to improve the institution of procedural coercive measures in criminal proceedings" was adopted. This law added a new Chapter 28^1 to the Criminal Procedure Code: "Temporary restriction on the right to leave the Republic of Uzbekistan," which includes Articles 254^1–254^4. Under this mechanism, an investigator, inquirer, or prosecutor can prepare a reasoned motion asking the court to impose a temporary ban on leaving the country for a specific suspect. The court must review that request quickly, in closed session, and no later than eight hours after receiving the materials. After examining the grounds, the judge either grants the motion and orders the travel ban, or refuses it. If the ban is approved, a copy of the ruling is immediately sent to the internal affairs bodies and the State Security Service so the restriction can be enforced at the border. The design is intentionally fast because the risk of flight is time-sensitive.

There are also guarantees. The suspect has the right to appeal the court's decision, and the prosecutor may also protest it, within 48 hours. Importantly, filing an appeal does not suspend the restriction; the person is still barred from leaving at least until the appeal is decided. The law also allows the ban to be

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lifted early if the original reasons for it no longer exist, or if there is a serious and justified need to travel, for example, urgent medical treatment abroad. In other words, it is supposed to be a targeted, court-approved measure tied to the facts of a particular case. This fills a previous gap in Uzbek criminal procedure. Before this reform, the Code allowed for measures like arrest, house arrest, bail, and personal surety. There was also the familiar obligation "not to leave one's place of residence without permission," but there was no standalone legal instrument that directly blocked international departure and integrated it with border control systems. Now, what used to be an informal "don't leave" instruction has been turned into a specific legal regime with enforceable border control.

For context, Azerbaijan has long used exit bans in criminal cases. Since the 2000s, suspects and defendants there can be added to a list of individuals prohibited from leaving the country. However, human rights groups have criticized the Azerbaijani practice for sometimes informally restricting travel even for witnesses or civic activists without a clear court order, a practice that has drawn complaints before the European Court of Human Rights. The 2025 Uzbek model is built differently: it is spelled out in law, and it requires a judicial act. That structure is intended to reduce the risk of arbitrary travel bans and to keep the measure within constitutional limits.

As the parliament's press service emphasized, the stated goal of the reform is to "ensure a balance between individual rights and the interests of justice, and to reduce the risk of abuse by defendants." Early practice in late 2025 showed that courts were already using this tool in urgent situations, issuing rapid exit bans to stop defendants from fleeing the country before trial. In parallel with this travel restriction mechanism, two other trends define the reform package: stronger judicial control over detention and arrest, and the formalization of the very first stage of handling crime reports as a legally regulated pre-trial process.

In addition to the travel ban mechanism, the pre-trial phase has continued moving toward tighter judicial oversight of coercive measures.

Detention and placement in custody are now allowed only with a judge's authorization, and the detained person must have access to a lawyer from the very first hour. These guarantees are not just policy goals, but they are written

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directly into the updated Constitution and have immediate legal force. As a result, law enforcement bodies have been pushed to strictly comply with procedural timelines, especially the deadline for bringing a detained person before a judge.

Practice in 2024 already shows an effect. Cases of holding someone beyond the 48-hour limit without a court order have decreased. According to the Ministry of Internal Affairs, in 2024–2025 the overwhelming majority of motions for pre-trial detention were reviewed by courts in under 24 hours from the moment of detention. That timing meets the standard of "prompt judicial review." This is a notable improvement compared to previous years.

Another change, less visible to the general public but legally very important, is the formal recognition of the so-called pre-investigation screening stage for crime reports. Previously, the Uzbek Criminal Procedure Code worked through the classic "initiation of a criminal case", when internal affairs bodies or other authorized agencies would review a complaint, check the facts, and only if they saw sufficient grounds would they formally open a case. In practice, there was an informal "pre-check," but the Code did not explicitly define a distinct "pre-investigation review" stage. That is no longer the case. A number of legal acts, including rulings of the Plenum of the Supreme Court, now refer directly to "bodies carrying out pre-investigation review." Amendments introduced by Law No. 1003 of 21 November 2024 "the law on digital evidence" inserted new wording throughout the Code. Many provisions on the collection of evidence now speak not only of investigators and inquirers, but also of "the official of the body conducting the pre-investigation review." In other words, the earliest fact-gathering stage has been given procedural status. This matters in two ways. First, it broadens the list of actors whose actions are regulated by the Criminal Procedure Code. The people who handle information at the very first step are no longer operating in a legal gray zone. Second, it extends procedural guarantees to an earlier moment. For example, in June 2025 the Plenum of the Supreme Court clarified that information obtained unlawfully during pre-investigation screening cannot later be treated as admissible evidence in court. Previously, such exclusionary rules clearly applied to inquiry and investigation stages, now they are explicitly extended to what comes before those stages. As a result, both

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complainants and potential suspects gain stronger protection against fabrication or pressure at the entry point of the process.

For comparison, Azerbaijan's Criminal Procedure Code, back in 2000, moved to a model where the pre-trial phase begins immediately upon receiving information about a possible offense. There is no separate "pre-check", where a citizen's statement is registered as crime information, and proceedings formally begin. Uzbekistan historically followed the Soviet-style model, where a preliminary check is conducted first and only after that a criminal case is initiated. Current reforms in Uzbekistan have not abolished that filter altogether, but they have made it more transparent, more legally defined, and more accountable to the courts. It is reasonable to assume that Uzbekistan may eventually move toward fully abandoning the "initiation" barrier and adopting direct registration of crime reports, but for now the chosen path is a controlled compromise. By 2025, the pre-trial phase has clearly evolved. Two things are happening at once: rights are better protected, and evasions of justice are harder. Early results look promising. The Ministry of Justice has noted that the new temporary travel ban helps protect the constitutional rights of victims and prevents their interests from being undermined by defendants who simply disappear. At the same time, investigators are using custodial measures in a more selective way. Instead of defaulting to pre-trial detention, they more often rely on alternatives such as bail or house arrest, especially in cases where a travel ban is enough to secure the person's appearance in court. As a result, in 2024 the share of defendants held in actual custody went down, even though the total number of opened criminal cases increased.

The rapid digitalization of everyday life has created a new kind of pressure on criminal justice. More and more crimes are planned, committed, or coordinated through phones, messaging apps, online platforms, and other ICT tools. And the evidence isn't a bloody knife on a table anymore — it's chat logs, location data, server logs, bank app screenshots. Until recently, Uzbekistan's Criminal Procedure Code didn't have a clear and unified way to treat this kind of data, which made it harder to collect, secure, and present it in court as proper evidence. That gap was addressed by Law No. 1003 of 21 November 2024. It amends not only the Criminal Procedure Code, but also the Civil Procedure Code, the

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Economic Procedure Code, the Code of Administrative Responsibility, and the Administrative Procedure Code, meaning Uzbekistan explicitly recognized digital evidence as relevant across all types of proceedings, not just in criminal cases.

In the Criminal Procedure Code itself, the reform introduces new core definitions. Articles 75^1 and 75^2 set out what counts as "electronic data" and "digital evidence." In simplified terms – "electronic data" is any information in digital form; "digital evidence" is electronic data that is relevant to the case and admissible. This matters because it gives courts and investigators a legal category to work with. Before that, electronic messages, videos, server logs, etc. had to be squeezed into old categories like "physical evidence" or "documents," which often caused disputes over admissibility. Under the new framework, digital evidence is recognized as its own class of proof, with its own handling rules designed to protect authenticity and integrity.

The law also creates procedural duties around digital evidence. A new article 89^3 establishes that if a person or organization possesses digital evidence relevant to a case, they are required to provide it at the request of investigative bodies. Separately, Article 201^1 introduces, for the first time, a mechanism for voluntary submission of electronic data. That means an individual or an institution can proactively hand over screenshots, messages, video files, logs, etc., without waiting for a seizure order. Before, the Code recognized things like voluntary surrender of physical objects or a confession, but there was no explicit path for voluntarily providing a Telegram chat, a hard drive image, or camera footage. To make this process traceable, Article 202 now requires a formal record whenever electronic media are handed over, whether that's a flash drive, a phone, a memory card, or a cloud export. The goal here is chain of custody: it should always be clear who provided the data, in what form, and when. Further, Articles 204^1 and 204^2 clarify how electronic data and digital evidence should be collected, documented, and evaluated. In parallel, Article 233^1 regulates how digital evidence is examined in open court, how electronic carriers are inspected, how audio/video or other electronic material is demonstrated to the judge, and how its reliability is assessed.

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If we step back, the reform does two big things at once. First, it maps out the full life cycle of digital evidence in law: collection, submission, logging, storage, expert examination, and judicial evaluation. In other words, every stage from "I have this video" to "the court relies on it in its judgment" is now covered by procedural rules. Second, it settles the basic conceptual dispute "is a screenshot of a chat "real evidence," or just an informal printout?" After the reform, the answer is "yes, it is real evidence", provided it's relevant, lawfully obtained, and its integrity can be verified. The law explicitly states that digital evidence includes electronic data containing information about facts important to the case, including files, audio/video recordings, and data stored on the internet.

This matters in practice, because modern crime is increasingly digital by design. Financial fraud is organized through encrypted messaging. Extortion is carried out through leaked personal data. Crypto-related offenses and illegal online financial schemes don't leave traditional physical traces, they leave transaction trails and server logs. Without legally recognized digital evidence, prosecutors struggle to prove these crimes, and courts hesitate to rely on material that was never properly regulated. Uzbek lawmakers themselves openly framed the reform as a response to the growth of offenses committed in the digital environment and the need to build a procedural system around digital proof.

This push in procedural law happened alongside parallel reforms in substantive law. For example, Law No. 899 of 19 January 2024 amended the Criminal Code, the Criminal Procedure Code, and the Code of Administrative Responsibility to introduce liability for certain crypto-related violations, including the illegal circulation of crypto-assets and unauthorized mining activity. Uzbek authorities publicly emphasized in early 2024 that from April 2024 onward, both administrative and criminal liability would apply to unlawful crypto transactions and shadow crypto-mining, signaling that "online crime" is no longer treated as something abstract or harmless.

In short, by late 2024 Uzbekistan is not just acknowledging that screenshots, server logs, and camera footage matter, it is hardwiring them into criminal procedure. The state gets a clearer, legally defensible way to use digital traces in prosecution. There are now rules that say how this data can be collected, how it must be recorded, and when it can be thrown out as inadmissible if obtained

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illegally. This is exactly the kind of modernization you need if you expect to prove cyber fraud, crypto-related offenses, or tech-enabled crimes without relying on improvisation in court.

Taken together, the 2025 update tells judges to be more active gatekeepers. Evidence that comes from pressure, procedural shortcuts, or shortcuts with digital data is not "almost fine", it is structurally tainted and must be filtered out. Over the past several years, Uzbek courts have become noticeably more willing to exclude confessions taken without a lawyer or obtained under pressure, and more willing to reject evidence gathered in violation of procedure. This shift is directly linked to an increase in acquittals. According to official judicial statistics, courts acquitted 1,244 individuals in 2023. By contrast, back in 2017 there were only around 263 acquittals, at that time, full acquittals were still seen as rare and almost politically sensitive. In a broader view, Uzbek courts acquitted more than 5,300 people between 2016 and mid-2023, compared to only about 110 acquittals in the entire period from 2007 to 2015. This change was widely interpreted inside the legal community as a sign that trials were becoming more genuinely adversarial: judges were no longer automatically validating the prosecution's version of events, and the defense had a real chance to break weak cases. However, there is a new wrinkle. Preliminary data for early 2025 shows that the number of acquittals in the first half of 2025 fell to about 204 people, which is roughly two and a half times lower than in the same period of 2024. According to those same internal figures, total acquittals for all of 2024 were 723, the lowest annual number in the past seven years.

One of the most important areas of recent reform is how verdicts and other court decisions can be challenged. In simple terms – how you appeal, how you go to cassation, and how you seek an exceptional review. Under the updated system, the appeal stage is now clearly defined as a full review by a higher court based on a complaint or protest filed against a judgment that has not yet entered into legal force. In other words, appeal is no longer a vague "second look," it is a structured second examination of the case before the verdict becomes final. Law No. 869 introduced a new Section 55 of the Criminal Procedure Code called "General Conditions for Reviewing the Legality, Validity, and Fairness of

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Judicial Decisions." This new section lays the foundation and sets the rules. Among other things:

- Article 478 CPC sets out the forms of review that now exist, explicitly naming appeal, cassation, and revision.
- Article 479 CPC guarantees the right to file a complaint or protest, and describes how that right is protected.
- Article 480 CPC sets requirements for the content of an appeal or cassation complaint, and for a prosecutor's protest.
- Article 481 CPC regulates the prosecutor's participation when the case is being reviewed by a higher court.
- Article 483 CPC defines the scope of review: what an appellate court, a cassation court, or a revision body is actually allowed to re-examine — facts, law, procedural violations, proportionality of punishment, etc.
- Article 484 CPC fixes the time limits for how quickly the higher court must consider the case.

First, the law now clearly spells out who has the right to appeal. This includes: the convicted person, the acquitted person, their defense counsel or legal representative, the victim or their representative, the civil plaintiff and the civil defendant, as well as the competent prosecutor. Earlier law did not explicitly mention the civil plaintiff/defendant in connection with appealing a criminal judgment; now their procedural status is directly recognized. Even more importantly, the reform allows certain other persons whose rights are affected by the verdict to appeal, even if they are not formal "parties" to the case. The Plenum of the Supreme Court in March 2024 gave concrete examples – someone who posted bail, or a person whose property was seized in connection with the case, may challenge the judgment in the part that affects their rights. This is a significant widening of who counts as an "interested party," and it reflects a fairness logic – a criminal judgment can decide the fate of property, money, and legal obligations of people who were never sitting at the defendant's table. Those people now have a procedural voice.

Second, deadlines for filing appeals are now more precisely regulated. Previously, the Code gave a 10-day period to file what was then called a cassation complaint. Under the new rules, Article 497^4 CPC clarifies that an

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appeal must generally be filed within 10 days from the date the judgment is announced. For the convicted person, the acquitted person, and the victim, that 10-day period starts from the day they receive an official copy of the judgment. So in practice, the traditional 10-day window is kept — but the starting point of the clock is now explicitly defined for each party. For comparison, in Azerbaijan, the appeal period in criminal cases is typically 20 days, which is longer. Uzbekistan intentionally kept a shorter window, justifying it by procedural efficiency and the need for quick finality.

That last ground "unfairness of the sentence" is particularly important. It lets the appellate court adjust punishment even when the rest of the judgment is technically lawful. For example, if the sentence is obviously too harsh, the appellate court can reduce it. On the other hand, if the prosecutor or the victim appeals, arguing that the punishment was too lenient for the harm caused, the appellate court can increase it. This is typical of continental systems and shows that the goal is not only legality in the narrow sense, but also proportional justice. At the same time, the law expressly protects defendants from retaliation for exercising their right to appeal. The updated Article 494 CPC states that if only the convicted person appeals, the appellate court cannot worsen that person's position. It cannot, for example, take a two-year sentence and turn it into five just because the defendant dared to complain. Likewise, an acquittal cannot simply be thrown out unless the prosecutor or the victim has actually appealed or protested it. There is also now a firm time discipline placed on the prosecution and on victims. Requests to toughen the sentence must be filed within the legally defined appeal or cassation deadlines. If the prosecutor or victim misses those deadlines, the court will not consider a late demand to increase the punishment. The Plenum underlined that complaints asking for a harsher outcome, filed after the 10-day appeal period, are to be ignored. This forces the state and the victim to act on time, and protects the defendant against open-ended upward risk. The next level after appeal is cassation. Cassation now refers to review of a judgment that has already entered into legal force. Under the old Soviet-style vocabulary, "cassation" was effectively the first review. Under the new structure, appeal comes first, cassation comes second.

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Looking at all the main reforms, we can say directly that the criminal procedure system of Uzbekistan went through a serious upgrade in 2024–2025. Constitutional guarantees are now built into procedure - the right to a lawyer from the first hour of detention, mandatory explanation of rights, and a stricter ban on using illegally obtained evidence. This moves the system closer to modern international standards, where due process is not just declared, but enforceable. More categories of people can appeal a judgment, not only the defendant and the victim, but also others whose rights are affected by the verdict. Defendants now have more procedural tools to defend themselves. At the same time, victims received stronger instruments to protect their interests and demand accountability. Digital evidence is now formally recognized in the Criminal Procedure Code. Courts are beginning to work with electronic case materials, and electronic justice tools are being built into procedure. Over time, this should mean faster review of cases, more transparency, and less reliance on paper and informal practice. The new structure appeal → cassation → strictly limited revision gives a person two meaningful chances to contest a judgment, but it also prevents endless reopening of "final" cases. In other words: you can appeal, you can go to cassation, but you cannot keep dragging the same case back for years. This is essential for legal certainty. By aligning its criminal procedure with broader standards on evidence, defense rights, and judicial review, Uzbekistan is signaling that it is capable of cooperating with other jurisdictions in criminal matters. That improves the country's legal image externally and, more concretely, helps protect its own citizens in cross-border cases.

Now, stepping back to compare with Azerbaijan. We see that Uzbekistan is trying to absorb best practices early and avoid known pitfalls. Uzbekistan immediately built one-year deadlines into cassation and post-cassation revision, limiting endless re-litigation. In Azerbaijan, similar limits developed more slowly, often after pressure from Strasbourg case law. Uzbekistan hard-wired the duty to inform detainees of their rights from the first moment of detention, "Miranda-style." In Azerbaijan, human rights observers have repeatedly pushed for clearer guarantees at the earliest stage, but many complaints still involve lack of immediate access to counsel or inadequate legal notification. At the same time, there are also areas where Uzbekistan is still catching up. Judicial independence

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ISSN (E): 3067-8153
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in practice, and full equality of arms between prosecution and defense in the courtroom, remain sensitive. Here, Azerbaijan's experience serves as a warning of what not to repeat domestically.

Looking forward to 2025–2026, it is realistic to expect further refinement of the Criminal Procedure Code, possibly even a consolidated new version that formally incorporates all these amendments instead of layering them patch by patch. The direction is already visible.

The core takeaway is this: by 2025, Uzbekistan's criminal procedure is more structured, more rights-oriented, and more technologically aware than it was even a few years ago. What makes this reform wave unusual is not just one specific law, but the scope. The changes reach from the moment of first detention and first questioning, to digital evidence handling, to appeal and cassation, and all the way to when a verdict becomes truly final.

No other country in Central Asia has pushed this many procedural reforms across so many stages of the criminal process in such a short window. That, objectively, sets Uzbekistan apart.

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