

TSUL LEGAL REPORT

INTERNATIONAL ELECTRONIC
SCIENTIFIC JOURNAL

VOLUME 7
ISSUE 1
MARCH 2026



JOURNAL DOI: 10.51788/tsul.ir.
ISSUE DOI: 10.51788/tsul.ir.7.1.
E-ISSN: 2181-1024



Founder: Tashkent State University of Law



TSUL LEGAL REPORT
T L R

INTERNATIONAL
ELECTRONIC SCIENTIFIC JOURNAL

VOLUME 7
ISSUE 1
MARCH 2026

JOURNAL DOI: 10.51788/tsul.lr.
ISSUE DOI: 10.51788/tsul.lr.7.1.

«TSUL Legal Report» international electronic scientific journal was registered by the Press and Information Agency of Uzbekistan on April 21, 2020, with certificate number 1342. The journal is included in the list of journals of the Higher Attestation Commission under the Ministry of Higher Education, Science and Innovations of the Republic of Uzbekistan.

Copyright belongs to Tashkent State University of Law. All rights reserved. Use, distribution and reproduction of materials of the journal are carried out with the permission of the founder.

Publication Officer:

Orifjon Choriev

Editor:

Elyor Mustafaev

Graphic designer:

Umid Sapaev

Editorial office address:

Tashkent, st. Sayilgoh, 35. Index 100047.
Principal Contact

Tel.: (+998 71) 233-66-36

Fax: (+99871) 233-37-48

Website: legalreport.tsul.uz

E-mail: info@legalreport.tsul.uz

Publishing license

№ 174625, 29.11.2023.

E-ISSN: 2181-1024

© 2026. TSUL – Tashkent State University of Law.

EDITOR-IN-CHIEF

B. Khodjaev – Rector of Tashkent State University of Law, Doctor of Law, Professor

DEPUTY EDITOR

Z. Esanova – Deputy Rector for Scientific Affairs and Innovations of Tashkent State University of Law, Doctor of Law, Professor

EXECUTIVE EDITOR

E. Mustafaeu – Head of the Periodicals Department of the Editorial and Publishing Center of Tashkent State University of Law

MEMBERS OF THE EDITORIAL BOARD

N. Koutras – Curtin Law School, PhD (Australia)

H. Yeung – Associate Professor of Leicester Law School, University of Leicester, (UK)

C. Kelley – Associate Professor of Law School of Arkansas University (USA)

A. Younas – Researcher of the Chinese Academy of Sciences, General Director of Ai Mo Innovation Consultants (China)

Sh. Al-Fatih – Lecturer of the University of Muhammadiyah Malang (Indonesia)

A. Jaelani – Lecturer of Sebelas Maret University (Indonesia)

N. Upadhyay – Associate Professor of the Department of Law and Programs of the Symbiosis Law School (India)

Y. Ogurlu – Rector of Balikesir University (Turkey)

K. Molodyko – Chief Expert of the Institute of National and Comparative Law Research at the “School of Higher Economics” of the National Research University of Russia, Associate Professor of the Department of International Law (Russia)

N. AllahRakha – Lecturer of the Department of Cyber Law of Tashkent State University of Law, Doctor of Philosophy (PhD) in Law (Pakistan)

N. Rakhmonkulova – Professor of the Department of Private International Law of Tashkent State University of Law, Doctor of Law (Uzbekistan)

A. Tadjibaeva – Associate Professor of the Department of Criminal Procedure Law of Tashkent State University of Law, Candidate of Legal Sciences (Uzbekistan)

R. Urinboev – Professor of the Department of Sociology of Law of Lund University, Doctor of Law (Austria)

M. Kudratov – Doctor of the University of Regensburg (Germany)

Kh. Radjapov – Associate Professor of the Department of Business Law of Tashkent State University of Law, Doctor of Philosophy (PhD) in Law (Uzbekistan)

O. Narziev – Professor of the Department of Private International Law of Tashkent State University of Law, Doctor of Law (Uzbekistan)

Sh. Rahmonov – Head of the Department of International Law and Human Rights of Tashkent State University of Law, Doctor of Law, Professor (Uzbekistan)

CONTENTS

12.00.01 – THEORY AND HISTORY OF STATE AND LAW. HISTORY OF LEGAL DOCTRINES

ESHTURDIYEVA FARANGIZ BAKHODIR KIZI

A comparative legal analysis of national legal policy models4

12.00.05 – LABOR LAW. SOCIAL SECURITY LAW

RAKHIMOV MIRYOQUB AKTAMOVICH

Fundamental principles of labor law of the Kyrgyz Republic 13

AZIMOV AZIMBEK AZIZBEK UGLI

The importance of introducing regional “Roadmaps” in supporting youth employment ... 22

12.00.06 – THE LAW OF NATURAL RESOURCES. AGRARIAN LAW. ENVIRONMENTAL LAW

ABDUSAMADOVA ZARINA SHOBIDDIN KIZI

Legal regulation, practice, and systematic analysis of land servitude in the legislation of Uzbekistan and CIS countries 30

12.00.07 – JUDICIAL BRANCH. PROSECUTOR’S CONTROL. ORGANIZATION OF LAW ENFORCEMENT. ADVOCACY

SOBITOVA UMIDAKHON MUROD KIZI

General supervision in the mechanism of ensuring legality: the theoretical and legal aspect of prosecutorial activity 38

12.00.08 – CRIMINAL LAW. CRIMINAL-EXECUTIVE LAW

ACHILOV IZZAT TULKINOVICH

Causes of crimes against the sexual inviolability of minors and conditions contributing to their commission 46

12.00.09 – CRIMINAL PROCEEDINGS. FORENSICS, INVESTIGATIVE LAW AND FORENSIC EXPERTISE

SULTONOVA LOBAR MAMARAYIM KIZI

Extradition as a mechanism of the inevitability of criminal liability 54

12.00.10 – INTERNATIONAL LAW

TILLABOEV SHOHRUKHBEK MIRZATILLO UGLI

The challenges of legal regulation of human rights in the digital age 67

12.00.12 – CORRUPTION PROBLEMS

MUSASHAYKHOV KARIMJON KHUSANXANOVICH

Analysis of corruption factors related to match-fixing in professional sports 78

AHMADJONOV MURODULLO NURALI UGLI

AI and the future of anti-corruption governance 83



TSUL LEGAL REPORT

Journal home page: www.legalreport.tsul.uz



Received: 17.01.2026

Accepted: 17.03.2026

Published: 30.03.2026

DOI: <https://dx.doi.org/10.51788/tsul.lr.7.1./THOM6271>

EXTRADITION AS A MECHANISM OF THE INEVITABILITY OF CRIMINAL LIABILITY

Sultonova Lobar Mamarayim kizi

Independent Researcher at Tashkent State University of Law

ORCID: <https://orcid.org/0000-0002-2877-1275>

e-mail: sultanovalobar2298@gmail.com

Abstract. *The article examines extradition as a criminal-law mechanism for implementing the principle of the inevitability of criminal liability in the context of the growing transnational nature of crime and the expansion of international cooperation between states. It is argued that although extradition is traditionally classified within international and criminal procedural law, it possesses a distinct criminal-law dimension, as it is directly related to the extraterritorial application of criminal law and the enforcement of criminal responsibility. The study analyzes the criminal-law grounds of extradition, including the principle of double criminality, the seriousness of the offense, limitation periods, and other factors determining the admissibility of surrender. Particular attention is paid to the relationship between extradition and alternative forms of exercising criminal jurisdiction, as well as its role in preventing the evasion of criminal liability through cross-border movement. The article concludes that extradition serves as an essential instrument for ensuring the inevitability of criminal responsibility and enhances the effectiveness of criminal-law protection. Proposals are formulated for further theoretical development of extradition within the system of criminal law.*

Keywords: *extradition, criminal liability, inevitability of responsibility, international cooperation, criminal jurisdiction, transnational crime, double criminality*

Introduction

With increasing globalization, the rise of transnational crime, and the simplification of cross-border travel, the problem of evading criminal liability by leaving the country has become particularly acute. Modern crime is increasingly international in nature, significantly reducing the effectiveness of solely national criminal prosecution mechanisms. Therefore, extradition is a key instrument of international cooperation aimed at ensuring the implementation of the principle of the inevitability of criminal liability.

Despite the widespread use of extradition in law enforcement practice, academic doctrine traditionally views it primarily through the prism of international and criminal

procedural law. However, its criminal-legal nature — manifested in its direct connection with the operation of criminal law in space, the exercise of state criminal jurisdiction, and the enforcement of liability — often remains insufficiently explored. The relevance of this study stems from the need for a theoretical rethinking of extradition as an independent criminal-legal mechanism that ensures the inevitability of justice and prevents the development of “safe havens of impunity.”

The purpose of this article is to provide a comprehensive analysis of extradition as a criminal law mechanism for implementing the principle of the inevitability of criminal liability, as well as to identify its place within the criminal law system.

To achieve this goal, the article addresses the following objectives:

- substantiate the criminal law nature of extradition and its distinction from related institutions;
- analyze the criminal law grounds for extradition as conditions for the implementation of criminal liability;
- determine the role of extradition in preventing evasion of criminal liability;
- identify the main theoretical issues in the criminal law, understanding of extradition and outline directions for their further research.

The issue of extradition has received considerable attention in the works of Russian and international authors, but most studies are conducted within the framework of international public law and criminal procedural law. In academic works, extradition is typically examined in terms of states’ international legal obligations, procedural guarantees for the extradited person, and judicial and prosecutorial oversight of the extradition process.

A few researchers focus on human rights compliance during extradition, analyzing the practice of international judicial bodies and applying formal legal and comparative legal approaches. Other authors focus on the procedural aspects of extradition proceedings, using structural-functional and systemic approaches.

At the same time, criminal law analysis of extradition is fragmented and typically limited to examining individual grounds for denial (statutes of limitations, the principle of *ne bis in idem*, and the death penalty). A comprehensive understanding of extradition as a mechanism for implementing the principle of the inevitability of criminal liability in the criminal law system remains insufficiently developed. This article aims to fill this gap using formal legal, systemic, and comparative legal research methods.

Methods

This study employs a comprehensive theoretical and legal approach aimed at identifying the criminal law nature of extradition as a mechanism for implementing the principle of the inevitability of criminal liability. The study consistently analyzes key criminal law categories related to extradition, including the territorial application of criminal law, the criminal jurisdiction of the state, the grounds for criminal liability, and the conditions for its implementation.

Particular attention is paid to the role of extradition in preventing criminal evasion by crossing state borders, as well as its relationship with alternative forms of criminal jurisdiction, including prosecuting individuals within their own state and transferring criminal prosecution. An analysis of criminal law provisions and their interpretation in academic literature allowed for the formulation of conclusions regarding the importance of extradition as a criminal law tool for ensuring the effectiveness of criminal liability.

The methodological basis of the study is the dialectical legal approach, which allows for the examination of extradition through its historical development, its relationship with other

criminal law institutions, and the transformation of state criminal jurisdiction in the context of globalization.

The following primary research methods were used:

- The formal legal method: to analyze the content of criminal law norms that establish the grounds for criminal liability and influence the admissibility of extradition;
- The systems method: to determine the place of extradition in the criminal law system and its functional connection with the principle of the inevitability of criminal liability;
- The comparative legal method: to compare approaches to the criminal law grounds for extradition in the legislation of various states;
- The structural-functional method: to identify the role of extradition as an element of the mechanism for implementing criminal liability;
- The logical-legal method: to formulate theoretical conclusions and generalizations.

The object of this study is the social relations that develop around criminal liability enforcement in cross-border situations. The subject of the research is criminal law norms and doctrinal provisions defining the grounds and limits of extradition as a mechanism for ensuring the inevitability of criminal liability. The choice of these methods and objects of study is driven by the need for a comprehensive and systemic analysis of extradition from a criminal law perspective, which allows for the identification of its theoretical and practical significance within the criminal legal system.

Results

According to O.S. Kolosovich, the emergence of digital technologies has had a profound impact on the intensity and nature of these relationships, the services and goods provided, the exchange of information, and communications. Borders between states have become a formality in certain areas of activities, which has contributed to the growth of international cooperation among criminals, the emergence of new methods for committing and concealing crimes, and opportunities to evade prosecution or conceal criminally obtained property in another country (Kolosovich, 2024, p. 23).

According to S.E. Ponomarev, the institution of extradition has been an international legal institution since its inception, as the extradition of a person who has committed a crime in one state and taken refuge in another requires the voluntary cooperation of that state's authorities. "Initial" extradition was carried out within the framework of bilateral extradition treaties. As domestic legislation developed, the institution of extradition also evolved; bilateral treaties began to include provisions prohibiting the extradition of nationals, as well as citizens of other states persecuted for political crimes (Ponomarev, 2025, p. 83).

In 1963, Marjorie Whiteman noted: "A common requirement for extradition is that the acts which form the basis for the extradition request constitute a crime under the law of both the requesting and requested States. This requirement exists whether the request is made under a treaty or apart from a treaty and whether a list of offenses or a minimum-penalty provision is involved (Whiteman, 1968, pp. 773–774).

A.E. Kosareva proposes defining the extradition of a person for criminal prosecution or the execution of a sentence as "a set of criminal procedural actions and decisions of the competent authorities of the requested state, in connection with the consideration, resolution, and actual execution of the request of the requesting state for the forced return to its territory of a person suspected, accused, or convicted of committing a crime, for the purpose of carrying out criminal prosecution against the said person or the execution of a sentence" (Kosareva, 2005).

In today's international context, such cooperative relationships are essential. This is due to the internationalization of crime and its expanding scale. Accordingly, developing

cooperation between states in this area is an objective response to these processes, as combating international crime at the national level through the efforts of a single state alone is ineffective. Furthermore, there is often a need to obtain foreign legal assistance or to undertake joint actions to solve and investigate certain crimes that do not affect the interests of a foreign state (Ivashuk, 2017).

According to R.A. Saifulov, the entire extradition process, from the moment of a person's detention to the actual extradition, is quite complex and requires the utmost attention and efficiency. In addition to basic requirements such as the existence of a treaty, regulation in national criminal procedure legislation, and compliance with grounds for refusing extradition, there is another serious hurdle: the provisional arrest of the person and Interpol circulars ("red notices"). As stipulated in almost all bilateral treaties and all multilateral conventions, in an emergency, the requesting state may request the provisional arrest of a wanted person prior to the formal receipt of an extradition request. Such requests are transmitted through the International Criminal Police Organization via mail, telegraph, or any other means that provides a registration record (Saifulov, 2001, p. 18).

Currently, three main extradition systems have emerged:

1) The European-continental system, 2) the Anglo-American system of common law countries, and 3) the mixed system. Within these systems, it is common to distinguish distinct models of extradition. For example, the European continental system previously distinguished models specific to Benelux, Scandinavia, and Eastern European countries. Currently, this system is characterized primarily by two models: extradition under uniform EU rules (for EU member states) and extradition carried out based on traditional procedures, considering the specifics of the national legislation of individual countries (some Scandinavian countries, Russia). Common law countries distinguish models specific to Commonwealth countries (the United Kingdom, Australia, and some former British colonies) and North American countries (the United States and Canada). The mixed system (or "French") is used in countries such as France, Italy, and Turkey (Voronin, 2018, p. 38).

The institution of extradition is familiar with exceptions that allow states to refuse extradition even in the presence of relevant treaties. These exceptions are typically included in the texts of the extradition treaties themselves, as well as in national criminal procedure legislation. Many of these exceptions are based on principles of fairness: protection from the risk of double jeopardy for the same crime, protection from prosecution, and protection from extradition for crimes considered political by the requested state. Modern international law, as well as the legislation of several foreign states regulating extradition issues, includes mandatory and optional grounds for refusing extradition (Saifulov, 2001, p. 17).

The scientific literature emphasizes that the institution of extradition in the countries is still in the development stage and requires unification to increase legal certainty, mutual recognition of decisions and the effectiveness of cooperation (Sultonova, 2025a, p. 113).

In the literature, there is still no common point of view regarding the content of this principle: some researchers talk about retribution and the mandatory application of punishment, measures of criminal-legal influence on persons who have committed crimes, while others point out its uniqueness and the incorrectness of reducing it only to punishment (Zorina, 2023).

I.E. Zvecharovsky believes that the principle of the inevitability of responsibility pertains to the tasks of law enforcement agencies applying the law, and does not reflect only the realities of law enforcement practice, but also the existing regulatory and legal material (Zvecharovsky, 2001).

The institution of extradition occupies an important place in the mechanism for the implementation of justice, as it provides the possibility of bringing to criminal responsibility persons who have fled beyond the jurisdiction of the requesting state, which presupposes the existence and functioning of sustainable international legal cooperation between states (Sultonova, 2025a, p. 111).

Extradition is a legal procedure provided for by international and domestic law, whereby one state, at the official request of another state, transfers a person suspected, accused, or already convicted of a criminal offense for the purpose of prosecuting them or serving a sentence. In the context of globalization and the intensification of international legal interaction, extradition is becoming a key mechanism for interstate cooperation in criminal proceedings, aimed at ensuring the effective fight against crime, particularly its transnational manifestations (Sultonova, 2025a, p. 111).

In Uzbekistan, the institution of extradition is regulated by the Criminal Procedure Code of the Republic of Uzbekistan, as well as by international treaties to which the state is a party. The provisions of Section 14 of the Criminal Procedure Code of the Republic of Uzbekistan regulate the procedure for international cooperation in the field of criminal proceedings; in particular, Chapter 64 of the Code of Criminal Procedure sets out the basic provisions on the procedure for interaction between courts, prosecutors, investigators and inquiry bodies with the competent authorities of foreign states; Chapter 65 of the Code of Criminal Procedure provides for the procedure for extraditing a person for criminal prosecution or execution of a sentence; and Chapter 66 of the Code of Criminal Procedure regulates the conditions for the recognition and enforcement of a decision of a foreign court and the acceptance and transfer to a foreign state of a person sentenced to imprisonment for further serving of the sentence, as well as a person to whom a compulsory medical measure has been applied for further compulsory treatment (Sultonova, 2025a, p. 54).

The study conducted a systematic analysis of criminal law regulations governing extradition, as well as international and national practices for extraditing individuals who have committed crimes. The analysis revealed that with the rise of transnational crime and increased international cooperation, there is a trend toward an increase in the number of extradition requests, indirectly confirming the importance of extradition as a mechanism for implementing the principle of the inevitability of criminal liability.

The delivering government, and not the one making the demand, is by the terms of the treaty in regard to evidence the final judge as to the propriety of the demand and also as to the sufficiency of the evidence in its support. It applies its own rule of evidence to the case and withholds or grants the surrender under that rule. This right is secured to it by treaty (Boister, 2023, p. 224).

It was found that the effectiveness of extradition directly depends on the presence of clear criminal grounds, such as dual criminality; the gravity of the offense; and the absence of obstacles to criminal prosecution (e.g., expiration of the statute of limitations or amnesty). Furthermore, an analysis of the practices of foreign countries shows that countries with comprehensively regulated criminal law conditions for extradition demonstrate higher extradition effectiveness, which contributes to a reduction in the number of individuals evading criminal liability outside their national territory.

Based on the analysis, it can be concluded that extradition is a key instrument for exercising a state's criminal jurisdiction in a transnational context and plays a crucial role in ensuring the principle of the inevitability of criminal liability.

The research's scientific and practical value lies in the following:

1. The criminal law nature of extradition is clarified, revealing that it is not merely a procedural or international legal procedure, but rather acts as an independent mechanism for enforcing criminal liability across borders.

2. The criminal law grounds and limitations of extradition are defined, including dual criminality, the gravity of the offense, statutes of limitations, the prohibition of extradition for political reasons, and the threat of disproportionate punishment. This allows for a more accurate assessment of the permissibility of extradition from a criminal law perspective.

Recommendations have been formulated to improve the effectiveness of extradition in national legislation: clarifying the wording of criminal law provisions, harmonizing them with international standards, and strengthening coordination between states.

The effectiveness of the proposed approaches is confirmed by an analysis of the practices of individual states, where detailed criminal grounds for extradition help reduce cases of evasion of responsibility. The reliability of the results is ensured by the comprehensive use of formal-legal, systemic, comparative-legal, and logical-legal research methods, as well as an analysis of authoritative scientific literature and international practice.

Extradition under criminal law demonstrates high practical significance as a tool for ensuring the inevitability of criminal liability, and its effective application requires further theoretical and legislative development. In the Republic of Uzbekistan, the institution of extradition is regulated by international, constitutional, criminal, and criminal procedural law. A shortcoming of criminal procedural regulation is the lack of clear guidelines in the law setting forth the investigator's actions when a situation arises during an investigation that requires an extradition decision. Therefore, it is necessary to develop and adopt a law "On Extradition" and include a list of bilateral and international treaties of the Republic of Uzbekistan on extradition matters as an appendix.

Discussion

Extradition is the surrender of a person to a state whose competent authorities are seeking that person for criminal prosecution or the execution of a sentence. Extradition includes a formal request to establish the whereabouts of the person to be extradited in the territory of the requested state and the extradition of that person; verification of circumstances that may impede extradition; decision-making on the request; and the actual transfer of that person to the jurisdiction of the requesting state (Abdulloev, 2017, p. 86).

In her work, L.N. Galenskaya defines the features of extradition as follows:

- The subject of extradition is an individual;
- The question of extradition may arise only after the commission of a criminal offense;
- Extradition presupposes the subsequent bringing to trial of the extradited person or the execution of the sentence;
- Extradition is regulated by the norms of various branches of domestic law and international treaties (Karaseva, 2000, p. 85)

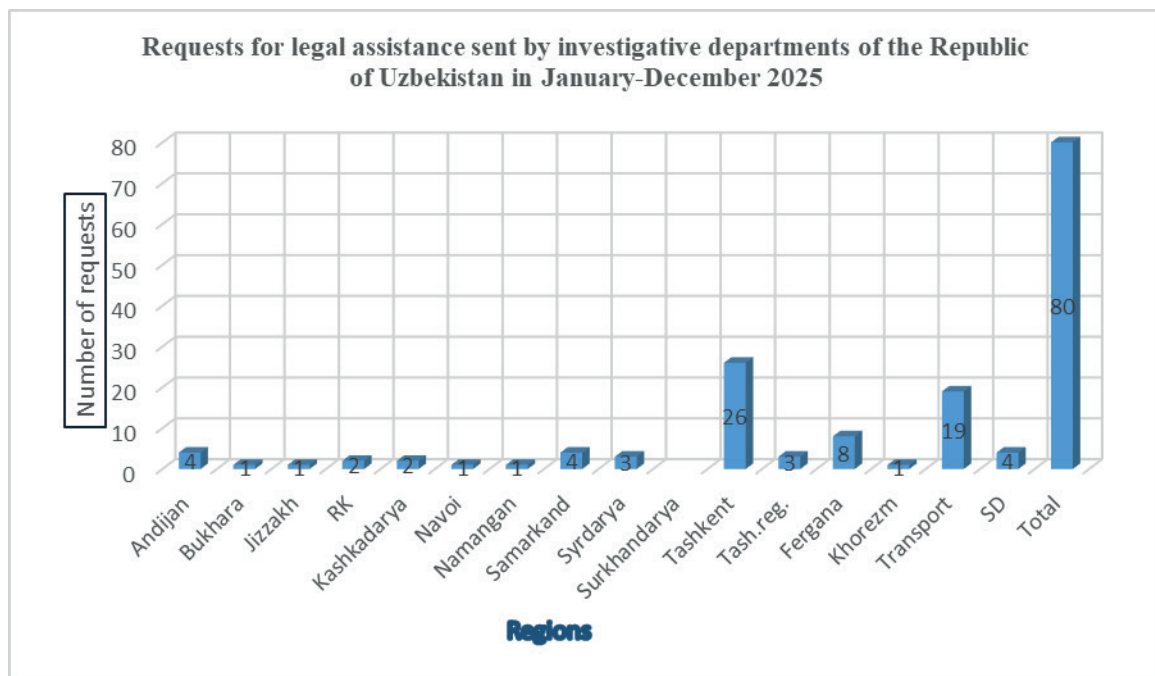
Extradition is regulated not only by multilateral agreements (UN conventions, regional international organizations), but also by bilateral agreements concluded between specific states. Such bilateral treaties can be divided into two groups. The first group includes treaties specifically concluded on the issue of extradition (Berestnev et al., 2000). The second group includes agreements in which the regulation of the extradition of people is carried out within the framework of a general agreement on legal assistance and legal relations in civil, family and criminal cases (Stepanov et al., 2014, p. 9).

It should be noted that extradition is a complex and multifaceted process that depends on numerous factors and circumstances, all specific to each individual case. Moreover,

extradition, being a legally restrictive process, obliges law enforcement officials to establish requirements for its application and ensure the rights and legitimate interests of the person subject to extradition. Moreover, each extradition case is governed by an individual set of legal norms based on the circumstances relevant to the extradition (the person’s citizenship, the crime for which the extradition request is made, the international treaty concluded with the requesting country, etc.). Therefore, for each request, the decision on extradition is made considering all the circumstances and legal provisions, including national legislation and the country’s international obligations (Kolosovich, 2024, p. 24-25).

In the modern world, issues of international cooperation in criminal law are becoming increasingly important. States actively cooperate with each other to bring to justice those who have committed crimes in foreign countries, as well as to exchange evidence and provide legal assistance. One of the key tools for this cooperation is requests for legal assistance and extradition, which enable investigative and judicial authorities to effectively ensure legality and justice in transnational criminal cases.

Let us consider the statistics of requests for legal assistance sent by Uzbekistan to 13 foreign countries, broken down by region. Through the investigative departments of the following regions: Andijan, Bukhara, Jizzakh, the Republic of Karakalpakstan, Kashkadarya, Navoi, Namangan, Samarkand, Syrdarya, Surkhandarya, Tashkent, Tashkent Region, Fergana, and Khorezm, as well as through transport authorities and special units (ID), requests for legal assistance were sent to foreign states for the period from January to December 2025. These requests reflect the activities of national criminal prosecution authorities in exchanging information and evidence and providing assistance in the investigation of transnational crimes.



Comparative Report on Legal Assistance: 2024–2025

The diagram presents statistical data on requests for legal assistance sent by investigative departments of the Republic of Uzbekistan to 13 foreign states during the period from January to December 2025.

In total, 80 requests were submitted in 2025. Compared to the reporting period of 2024 (104 requests), this reflects a decrease of 24 requests, representing a 23.1% decline.

The largest number of requests originated from:

Tashkent city – 26 requests (32.5%)

Transport investigative authorities – 19 requests (23.8%)

Fergana region – 8 requests (10%)

Moderate activity was observed in Samarkand and Andijan (4 requests each), while several regions (Bukhara, Jizzakh, Navoi, Namangan, and Khorezm) demonstrated minimal activity (1 request each). No requests were recorded from Surkhandarya during the reporting period.

In modern legal scholarship, it is defined that the institution of extradition “...is a set of normative provisions governing the transfer of a person who has committed a crime by one (requested) state to another (requesting) state for prosecution and/or punishment.” The following characteristic feature is noted: “the institution of extradition of a person... as a legal institution is distinguished by the complexity of the legal components that define its nature.” These constituents and defining elements are:

- the norms of conventions governing treaties on legal assistance and legal relations in force between states;

- customary law norms that have arisen because of long-term interaction between states, prescribing proper behavior and recognized as legally binding;

- national (domestic) legal norms (Rakhimov & Valijonov, 2019, pp. 6–7).

Burgeoning sovereignty and concerns about retention of sovereign control over coercive legal processes like extradition appear to have had more to do with the initial adoption of double criminality than enlightened liberalism (Aughterson, 1995, p. 4).

In 1957, the European Convention on Extradition (1957) was adopted, and it remains in force today. This convention regulates the refusal to extradite individuals persecuted for political reasons but does not define the concept of a “political offence.” This allows, on the one hand, individuals who have committed ordinary crimes to claim political asylum, but on the other, it gives state parties grounds for unreasonably refusing to extradite such individuals, guided by short-term political interests.

Extradition and temporary detention procedures are a matter for the national law of the requested country (Article 22 of the European Convention on Extradition) (Council of Europe, 1957). At the national level, each country has its own procedure and criteria for considering extradition, which may vary depending on the country’s legal system and policies, as well as the specific situation. Ultimately, the decision to grant or refuse extradition depends on the specific circumstances of the extradition case itself (Kolosovich, 2023, p. 90).

International cooperation in extradition in the region is based on a few key international documents, including the UN Convention against Transnational Organized Crime (United Nations, 2000), the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), and bilateral agreements between Central Asian countries. The principle of reciprocity is fundamental to the implementation of extradition procedures – countries provide each other with legal assistance within the framework of their national legal systems and international obligations (Sultonova, 2025a, p. 113).

Supported by testimony of the commission of the crime, which should be sufficient in the country to which the fugitive has flown to cause him to be arrested and brought before the tribunals of justice if the crime had been committed there (Boister, 2023, p. 225).

It is agreed that the contracting parties, upon requisitions made by them respectively, or by their ministers or officers duly authorized for that purpose, shall be bound to deliver

up to justice persons accused of murder, forgery, or fraudulent bankruptcy committed within the jurisdiction of the requiring party; provided that this shall only be done in cases in which the evidence of the crime is such that the laws of the place in which the accused person is discovered would have authorized detaining and bringing him to trial, had the offense been committed there (Boister, 2023, p. 227).

The legal nature of extradition is dual: on the one hand, it is based on international legal norms; on the other, it is implemented within the framework of national legislation. This makes extradition a multilevel legal institution, operating at the intersection of domestic and international legal orders. Each state forms its own procedures and conditions for extradition based on its legal traditions, international obligations, and principles of criminal policy (Sultonova, 2025a, p. 54).

Implementation of extradition treaty obligations must be tailored to the particular legal system of the state concerned. Some countries do not require extensive implementing legislation, as their legal systems provide for extradition treaties to be directly applied. This occurs either because they follow the “monist” tradition of international law – by which international treaties automatically become a part of internal law without the need for additional legislation – or because the extradition treaty provides sufficient precision to make extensive legislation unnecessary (United Nations, 2003).

Our country’s Criminal Procedure Code defines the process of transferring individuals between states as rendition. However, in our opinion, the concepts of “rendition” and “extradition” differ in their meaning. The concept of “extradition” is considered broader than “rendition” because, in addition to the direct transfer of an individual, it also includes pre-extradition measures, which involve cooperation between law enforcement agencies of various countries through Interpol channels – from placing an individual on the wanted list to establishing their location and arrest. Therefore, amendments to the Criminal Procedure Code regarding the implementation of pre-extradition measures are required (Saifulov, 2001, p. 23).

A comparative analysis of the provisions of the Criminal Procedure Code of the Russian Federation with the Criminal Procedure Codes of the Republic of Kazakhstan, the Republic of Belarus, the Kyrgyz Republic, and the Republic of Uzbekistan revealed that in these countries the grounds, procedure, and terms of detention and their extension in relation to extradition activities are regulated in sufficient detail (Kolosovich, 2023, p. 90).

Pioneering regional developments in extradition in the Americas replaced the listing of extraditable crimes with an innovative evaluative threshold, usually based on potential imprisonment. These extraditability provisions implied double criminality although they were not identical to it (Costa, 2019, p. 452).

Accordingly, the State must adopt implementing criminal procedure legislation that provides for the possibility of making provisional arrests prior to the receipt of a formal request and supporting documents. The conditions for issuing a provisional arrest warrant will vary from State to State, but they may stipulate that the warrant is valid for the arrest of a person in connection with an extraditable offense, or that the person has been convicted of an extraditable offense and that there is an intention to sentence him or her, or that part of the sentence remains to be served. Provision should be included in the legislation providing for the revocation of the arrest warrant or the release of a person under arrest (for example, if a formal extradition request was not received at all or was not received within the required period of 40 days, or for any other reason) (Saifulov, 2001, p. 18).

The study revealed that extradition, traditionally viewed as a procedural and international legal institution, has a distinct criminal law nature. The author supports the approach that extradition is an integral mechanism for implementing the principle of the

inevitability of criminal liability, as it ensures the application of criminal law beyond national territory and prevents evasion of criminal prosecution.

At the same time, the author rejects the position that limits extradition solely to international cooperation, without considering its connection with a state's criminal jurisdiction and the application of criminal law. Extradition is viewed as an instrument of criminal law, not simply an international procedure. This position is supported by the practice of a number of states, where clearly established criminal law grounds for extradition increase its effectiveness and reduce the number of individuals evading prosecution.

The following challenges emerged during the research:

- Fragmentation of criminal law regulation of extradition in national legislation: norms are often declaratory in nature and require clarification;
- Insufficient empirical data on extradition practices, which complicates a quantitative analysis of the mechanism's effectiveness;
- Conflicts between national laws and international obligations, including inconsistent criteria for dual criminality and different approaches to the severity of the offense;
- Differences in doctrinal approaches, with some authors viewing extradition primarily from a procedural perspective, which complicates its systematic analysis from a criminal law perspective.

These issues highlight the need for further unification of criminal law norms and the development of methodological recommendations for the application of extradition.

A comparative analysis of the criminal law approach to extradition with the international legal and procedural approaches reveals the advantages of the former:

- The formal legal and systemic methods allow us to identify the place of extradition within the structure of criminal law and determine its relationship with the principle of the inevitability of liability;
- The comparative legal method allows us to identify patterns in extradition regulation in different countries and identify best practices;
- The structural-functional method helps us evaluate extradition as an element of the mechanism for exercising criminal jurisdiction.

A comparison of the results with the works of domestic and international authors confirms the conclusion that a comprehensive examination of extradition from a criminal law perspective increases its effectiveness and allows us to identify gaps in legislation. Several studies are limited to an analysis of international law or procedural norms, which, in the author's opinion, reduces the comprehensiveness of the assessment of extradition as a mechanism for ensuring the inevitability of criminal liability.

Conclusion

International cooperation is crucial in today's world, enabling countries to work together toward common goals, increasing synergies and reducing differences. It is the foundation for creating a more just, secure, and prosperous interdependent global system (Suleymanova, 2023, p. 11).

In its most general form, the concept of extradition can be defined as the transfer of persons who have committed crimes by one state (the requested state), on whose territory they are located, to another state (the requesting state), on whose territory the crime was committed or of which the criminal is a citizen (Rakhimov & Valijonov, 2019, p. 6).

In general, the legal status of a person subject to extradition is a complex and multifaceted issue requiring consideration of many factors, including international treaties, the legislation of the country to which the request is sent, and the country that issued the extradition request (Kolosovich, 2023, p. 90).

Extradition shall be granted whenever the facts, if they had occurred in the country to which the criminal had escaped, would constitute any crime or offense other than treason or sedition. It should be of no consequence that the denomination of the crime may be different, or the penalty attached to it more severe, in one country than in the other. In matters which in both countries are admitted to be criminal, there can be no injustice in binding the offender to that measure of guilt and punishment which is meted to his deed in the country where he has chosen to commit it (Boister, 2023, p. 246).

Based on the research conducted, the following conclusions can be drawn:

1. Extradition is a key criminal law mechanism for implementing the principle of the inevitability of criminal liability, as it ensures the application of criminal law beyond national territory and prevents individuals from evading responsibility.

2. The criminal law grounds for extradition – dual criminality, the gravity of the offense, and the absence of obstacles such as amnesty or the expiration of statutes of limitations – determine its admissibility and effectiveness.

3. The practice of foreign countries shows that more comprehensively regulated criminal law provisions on extradition increase the effectiveness of the process and strengthen national criminal jurisdiction.

4. To improve the effectiveness of the extradition mechanism, it is necessary to:

- Clarify the wording of criminal law provisions;
- Harmonize national legislation with international standards;
- Strengthen coordination between states in transnational criminal jurisdiction.

Thus, extradition is not only a procedural but also a criminal-legal instrument, ensuring the implementation of the principle of the inevitability of criminal liability, and requires further theoretical understanding and improvement of legislation.

REFERENCES

1. Abdulloev, P. S. (2017). The concept of extradition within international cooperation on criminal cases in post-Soviet countries. *Bulletin of Moscow University*, (1), 86.
2. Aughterson, P. (1995). *Extradition: Australian law and procedure*. Law Book Company.
3. Berestnev, Y. Y., Brycheva, L. I., & Paleev, M. S. (Eds.). (2000). *International legal aspects of extradition: Collection of documents*. Yuridicheskaya Literatura [Legal literature].
4. Boister, N. (2023). A history of double criminality in extradition. *Journal of the History of International Law*, 25(2), 218–257.
5. Costa, M. J. (2019). *Extradition law: Reviewing grounds for refusal from the classic paradigm to mutual recognition and beyond* [Doctoral thesis]. Maastricht University.
6. Council of Europe. (1950, November 4). *Convention for the Protection of Human Rights and Fundamental Freedoms*. European Convention on Human Rights. https://www.echr.coe.int/documents/d/echr/convention_eng
7. Council of Europe. (1957, December 13). *European Convention on Extradition* (European Treaty Series No. 24). <https://rm.coe.int/1680064587>
8. Golikova, O. A. (2015). The formation of the institute for the extradition of criminals in Tsarist Russia. *Bulletin of the Kuzbass Institute*, (4), 149–154.

9. Ivashuk, V. K. (2017). Mezhdunarodnoe sotrudnichestvo v borbe s prestupnostyu – sreda formirovaniya mezhdunarodno-pravovykh standartov [International cooperation in combating crime – an environment for the formation of international legal standards]. *Proceedings of the Academy of Management of the Ministry of Internal Affairs of Russia*, 2(42), 127–131.

10. Karaseva, E. V. (2000). *Protsessualnye aspekty mezhdunarodnogo sotrudnichestva organov predvaritelnogo sledstviya MVD Rossiyskoy Federatsii* [Procedural aspects of international cooperation of preliminary investigation bodies of the Ministry of Internal Affairs of the Russian Federation] [Abstract of Doctoral Dissertation, Institute of the Ministry of Internal Affairs of Russia]. Voronezh.

11. Kolosovich, O. S. (2023). Ekstraditsionnoe proizvodstvo i obespechenie prav i zakonnykh interesov ego uchastnikov: sravnitel'no-pravovoy analiz [Extradition proceedings and ensuring the rights and lawful interests of its participants: A comparative legal analysis]. *Bulletin of the Volgograd Academy of the Ministry of Internal Affairs of Russia* 4(67), 88–93.

12. Kolosovich, O. S. (2024). Legal regulation of extradition in Russia: The interplay between international and national provisions. *Bulletin of the Immanuel Kant Baltic Federal University*, (1). <https://journals.kantiana.ru/eng/vestnik/society/14552/75993/>

13. Kosareva, A. E. (2005). *Vydacha litsa dlya ugolovnogo presledovaniya ili ispolneniya prigovora v rossiyskom ugolovnom protsesse* [Extradition of a person for criminal prosecution or execution of a sentence in Russian criminal proceedings] [Candidate Dissertation, Saint Petersburg University of the Ministry of Internal Affairs of Russia]. Saint Petersburg.

14. Marjorie M. Whiteman, Digest of International Law 6 (1968), 1011– p. Whiteman, M. M. (1968). *Digest of international law*. U.S. Department of State.

15. Ponomarev, S. E. (2025). The institute of extradition in Russian and international law. *Russian Journal of Legal Research*, 12(3), 81–87. <https://doi.org/10.17816/RJLS690498>.

16. Rakhimov, F. K., & Valijonov, D. D. (2019). Topical issues on improving of international cooperation of the prosecutor's bodies of the Republic of Uzbekistan. *Razvitiye territoriy*, 3(17), 6–9. <https://doi.org/10.32324/2412-8945-2019-3-6-9>

17. Saifulov, R. A. (2001). *Ekstraditsiya v ugolovnom protsesse (po materialam MVD i Prokuratury Respubliki Uzbekistan)* [Extradition in criminal proceedings (based on materials from the Ministry of Internal Affairs and the Prosecutor's Office of the Republic of Uzbekistan)] [Abstract of Doctoral Dissertation]. TSIL Publ.

18. Stepanov, A. V., Antonov, I. A., & Rumyantsev, N. V. (2014). *Analiz mezhdunarodnykh dogovorov i rossiyskogo zakonodatel'stva v sfere peredachi osuzhdennykh lits i vydachi (ekstraditsii)* [Analysis of international treaties and Russian legislation in the field of transfer of convicted persons and extradition]. Perm Institute of the Federal Penitentiary Service of Russia. <https://k.twirpx.link/file/2834175/>

19. Suleymanova, L. N. (2023). Mezhdunarodnoe sotrudnichestvo v sfere ugolovnogo sudoproizvodstva v usloviyakh globalizatsii [International cooperation in criminal justice in the context of globalization]. *Ocean Management*, 4(22), 9–12.

20. Sultonova, L. M. (2025a). Qozog'iston, Qirg'iziston va Tojikiston jinoyat-protsessual qonunchiligida ekstraditsiya: qiyosiy tahlil [Extradition in the criminal procedural legislation of Kazakhstan, Kyrgyzstan and Tajikistan: A comparative analysis]. *Jurisprudence*, 5(5). <https://jurisprudence.tsul.uz/archives/13723>

21. Sultonova, L. M. (2025b). Concept and legal nature of extradition in criminal proceedings: Comparative legal analysis. *Journal of Intellectual Property and Human Rights*, 4(7), 54.

22. United Nations. (2000, November 15). *United Nations Convention against Transnational Organized Crime*. UN Treaty Series, 2225, 209.

23. United Nations. (2003). *Revised manuals on the Model Treaty on Extradition and on the Model Treaty on Mutual Assistance in Criminal Matters* [Revised manuals]. United Nations Office on Drugs and Crime. https://www.unodc.org/pdf/model_treaty_extradition_revised_manual.pdf

24. Voronin, O. V. (2018). On the concept, content, types, kinds and existing models of extradition. *Criminal Justice*, 11, 37–40. <https://doi.org/10.17223/23088451/11/7>.

25. Zorina, E. A. (2023). The principle of inevitability of criminal responsibility and issues of its exemption. *Vestnik of St. Petersburg University of the Ministry of Internal Affairs of Russia*, 1(97), 66–74. <https://doi.org/10.35750/2071-8284-2023-1-66-74>

26. Zvecharovsky, I. E. (2001). *Modern criminal law of Russia: Concept, principles, policy*. Saint Petersburg: Legal Center Press.



TSUL LEGAL REPORT

T L R

TSUL LEGAL REPORT

INTERNATIONAL ELECTRONIC
SCIENTIFIC JOURNAL

VOLUME 7
ISSUE 1
MARCH 2026