



**LEGAL ANALYSIS OF THE INSTITUTE OF TEMPORARY RESTRICTION
OF CITIZENS' RIGHT TO EXIT THE REPUBLIC OF UZBEKISTAN FROM THE
PERSPECTIVE OF NATIONAL AND INTERNATIONAL LAW**

Muzaffar Erkinovich Muminov,

*Deputy Head of the Department of Criminal Procedural Law, Academy of the Ministry of
Internal Affairs of the Republic of Uzbekistan,*

PhD in Law, Associate Professor,

e-mail: tergovchi_4334@mail.ru, ORCID: 0000-0002-0879-7291;

Sevinch Rustam qizi Ochilova,

*2nd-year student, Full-time Study, Academy of the Ministry of Internal Affairs of the
Republic of Uzbekistan*

Annotation: *This article examines the legal foundations of the institution of temporarily restricting the right of citizens of the Republic of Uzbekistan to leave the country and its compliance with international legal norms, as well as the issue of balancing constitutionally guaranteed rights to freedom of movement and the right to leave the country with the legal grounds for their limitation. In addition, the practice of applying this institution is compared with the requirements of international legal instruments, in particular the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The study assesses the degree to which the principles of necessity, proportionality, and the rule of law are ensured when restricting citizens' right to exit, and proposes recommendations for aligning Uzbekistan's legislation with international standards.*

Keywords: *temporary restriction, right to leave, freedom of movement, international legal standards, proportionality, rule of law.*

INTRODUCTION

Recent years have witnessed comprehensive reforms in Uzbekistan, which have also extended to the judicial and legal system. Extensive efforts are being undertaken to democratize the sector further and to ensure the realization of citizens' constitutional rights.

The new edition of the Constitution of the Republic of Uzbekistan recognizes the protection of victims of crimes by law and the creation of state conditions to compensate for damages caused as one of the most significant guarantees of citizens' rights and freedoms. However, when preventive measures such as detention are not applied to individuals who have committed crimes, cases are observed where such persons leave the territory of Uzbekistan and evade investigation or court proceedings.

Consequently, the possibility of restoring the rights of victims and compensating for the damage is reduced. To prevent such situations, further reforms were introduced in the criminal process. The law "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Improvement of the Institute of Coercive



Measures in the Criminal Process,” effective August 15, 2025, addressed certain gaps in procedural legislation [1].

Previously, the criminal procedural legislation lacked provisions to temporarily restrict the right of participants in criminal proceedings to leave Uzbekistan, which led to evasion of investigations and courts, causing delays in judicial proceedings and hindering the timely restoration of citizens’ rights. Over the past four years, 39,038 individuals who committed crimes and evaded investigation and courts were placed on the wanted list. Alarmingly, 17,535 of them (44.9%) had left Uzbekistan, highlighting that preventive detention measures had not been applied [2].

Hence, amendments were introduced to certain legislative acts of Uzbekistan to establish a procedure for temporarily restricting the right to exit the country when sufficient grounds exist to believe that an individual may evade investigation, preliminary inquiry, or court proceedings without valid reasons [2].

Specifically, the Law of August 15, 2025, No. LRU-1081, and Articles 282, 254⁷–254¹¹ of the Criminal Procedure Code of Uzbekistan formalized the procedure for applying temporary restriction of the right to exit as a procedural coercive measure.

This coercive measure is considered an important guarantee mechanism within criminal proceedings. As noted by M.Karimov, the application of such measures must prioritize the constitutional rights of the individual [3]. B.Khusanov emphasizes that coercive restrictions should only be applied under judicial supervision and upon sufficient grounds; otherwise, they may unjustifiably affect human rights [4].

TEMPORARY RESTRICTION OF THE RIGHT TO EXIT

The measure of temporarily restricting the right to exit is applied to a suspect, accused, or defendant when preventive detention is not applied, but there are sufficient grounds to believe that the individual might leave Uzbekistan and evade investigation, preliminary inquiry, or court proceedings. The primary purpose of this new measure is to prevent escape, ensure participation in investigative and judicial procedures, and avoid concealment. Previously, such a special measure did not exist in the Criminal Procedure Code. Alternative measures, such as a recognizance to behave properly, did not grant the authority to prohibit crossing the state border. The new legislation provides the legal mechanism for this purpose.

This measure is one of the universal and effective mechanisms internationally employed to prevent evasion in criminal proceedings. While the measure is introduced in Uzbekistan as an independent procedural coercive measure, its essence corresponds to similar restrictions in other countries.

In international practice, especially in post-Soviet and Western countries, temporary restrictions on leaving the country are standard. For example:

- Russia: “Undertaking not to leave and to behave properly” restricts a person from leaving their place of residence without permission, effectively limiting exit from the country.
- Kazakhstan, Kyrgyzstan, and other CIS states: Similar recognizance measures are widely applied as traditional preventive measures.



- Western countries: In the U.S. and U.K., conditions for release (Bail / Release on Recognizance) often include travel restrictions, sometimes limiting travel beyond a state or district and involving passport seizure. Germany and France implement restrictions on changing residence, limiting movement within certain territories, or confiscating passports as alternatives to detention.

From an international law perspective, the Universal Declaration of Human Rights (1948, Art. 13) recognizes the right to leave and return to one's country as a fundamental human right [5]. Article 12 of the International Covenant on Civil and Political Rights (1966) guarantees freedom of movement and the right to leave any country, including one's own, subject to lawful restrictions for national security, public order, or protection of the rights of others. The European Convention on Human Rights (1950, Art. 2, Protocol 4) similarly guarantees these rights, stipulating that limitations must be lawful, proportionate, and necessary [6]. These international standards reinforce principles of proportionality and legality in the application of coercive measures under Uzbek law.

HISTORICAL AND COMPARATIVE PERSPECTIVES

Prohibiting a person from leaving a territory due to criminal or financial liabilities existed in ancient civilizations. In Ancient Rome and Greece, collective guarantees (bail) prevented evasion of justice. If released under bail, individuals were prohibited from leaving a city or province—an ancestor of today's recognizance measures. This practice entered Russian law and subsequently all post-Soviet states, including Uzbekistan. In the early 20th century, the "undertaking not to leave" already existed in Russian and Soviet procedural law. Its integration into the Soviet Criminal Procedure Code between 1920–1960 influenced CIS legislation.

Although the concept originated in ancient systems, the Uzbek measure closely resembles the continental legal tradition, particularly the Russian/Soviet legal school. Unlike the traditional recognizance, the Uzbek law treats the temporary restriction of exit as an independent coercive measure under judicial supervision. Grounds for restriction include reasonable suspicion of evasion, possession of foreign residence or citizenship, and commission of grave or especially grave crimes. The restriction lasts until the conclusion of investigation or trial.

LEGISLATIVE IMPLEMENTATION

The Criminal Procedure Code has been supplemented with a new chapter covering temporary restrictions on exit. It details purposes, grounds, application procedure, judicial consideration, court decisions, and cancellation. Complementary amendments allow courts, investigators, and prosecutors to suspend passports, temporarily restrict exit, or cancel such restrictions, ensuring effective judicial oversight.

The law "On Courts" now allows courts to review applications to suspend passports, while the law "On the Prosecutor's Office" grants the prosecutor the power to submit such applications to courts. These new measures enhance judicial quality, streamline court proceedings, and protect citizens' constitutional rights and legal interests.





Scholars emphasize balancing human rights and procedural guarantees. According to A. Tursunov, exit restrictions are exceptional and justified only by procedural necessity [8]. D. Jorayev advocates selecting coercive measures that minimally affect personal freedom. Deputy Prosecutor General Sherzod Tokhtaboev notes that unchecked departures delay proceedings and hinder timely restoration of violated rights. Legislators have clarified mechanisms for cancellation, applying the measure only when legally necessary and under judicial supervision [9–11].

CONCLUSION

Temporary restriction of the right to exit is a crucial procedural institution that temporarily suspends personal constitutional freedom while ensuring fair, impartial, and uninterrupted judicial proceedings. Its application must strictly adhere to legality, justification, proportionality, and primacy of human rights. When properly implemented with procedural safeguards under judicial supervision, this measure is lawful and fair. Its legal foundation strengthens judicial quality, improves case management, and protects citizens' constitutional rights and legitimate interests.

REFERENCES

1. Law of the Republic of Uzbekistan No. LRU-1081 of August 15, 2025.
2. Abduraimova N. Measures preventing criminals from leaving the country.
3. Karimov M. Criminal Procedural Law. 2nd edition, revised. Tashkent: TDYU, 2021.
4. Khusanov B. Procedural Coercive Measures: Theory and Practice. Tashkent: Adolat, 2019.
5. United Nations. Universal Declaration of Human Rights. New York: UN, 1948.
6. European Court of Human Rights. Case-law on Freedom of Movement. Strasbourg: ECHR, 2021.
7. Law of the Republic of Uzbekistan “On Courts.” Tashkent: Adolat, 2022.
8. Tursunov A. Measures restricting freedom of movement. Tashkent: Legal Literature Publishing, 2020.
9. Abduqodirov O. Application of restrictive measures in judicial practice. Tashkent: Adolat, 2020.
10. Rasulov I. Constitutional rights and their limitation. Tashkent: Law Publishing, 2022.
11. Khudoyberdiev N. State obligations in protecting human rights and freedoms. Tashkent: TDYU, 2023.