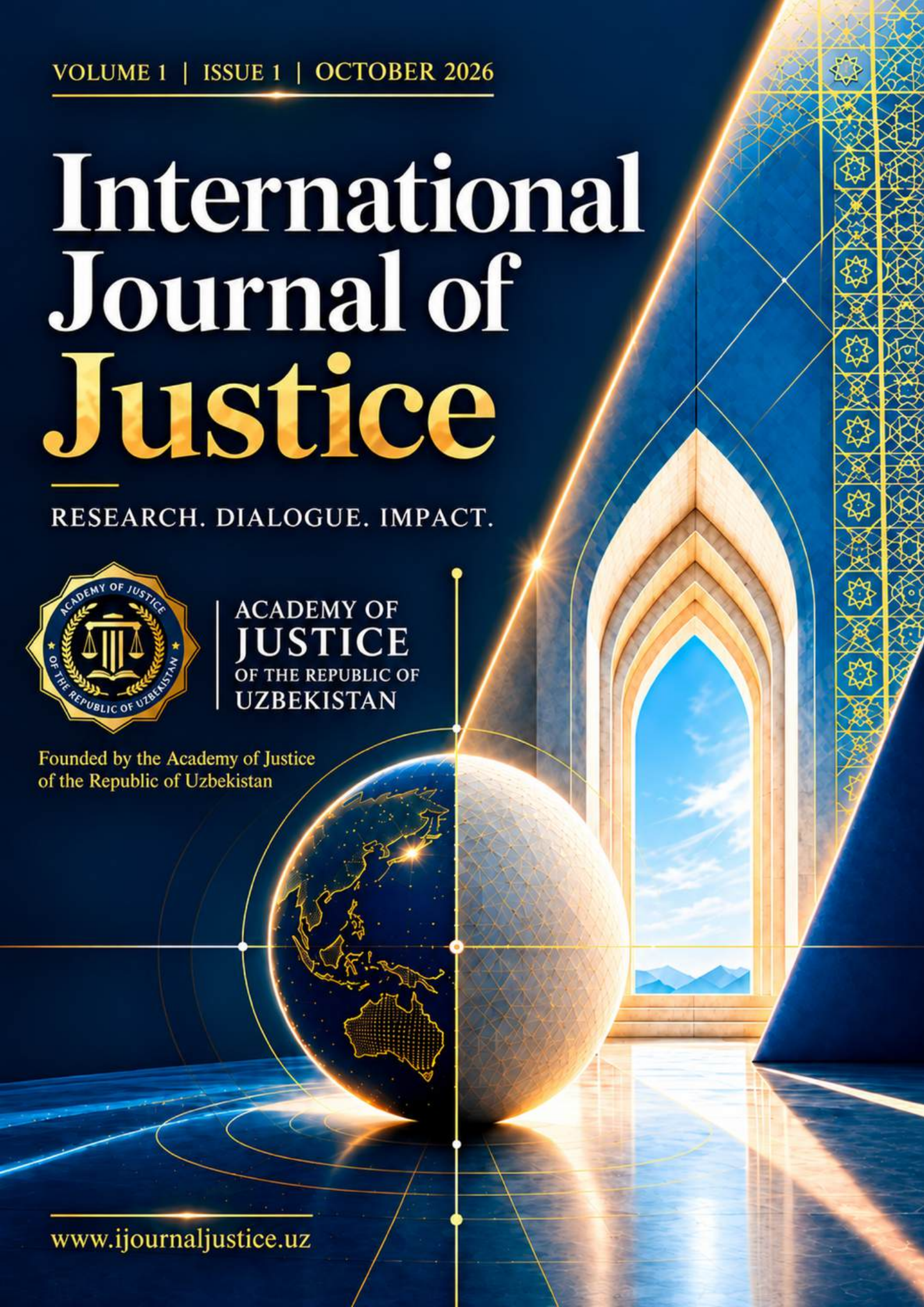
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CONTENTS

IMPROVING THE INSTITUTION OF APPEALS: TIME LIMITS, RESPONSE QUALITY, MONITORING **10**
Achilova Liliya Ilkhomovna; Rozmetova Asal Anvarzoda

LEGAL ASPECTS OF INVESTIGATIVE JOURNALISM **18**
Jahonov Shohruh Shuhrat ugli

LEGAL BASIS OF CIVIL SOCIETY INSTITUTIONS IN THE LEGISLATION OF THE REPUBLIC OF UZBEKISTAN **25**
Sharipov Asrorjon Safar ugli

DIGITAL TRANSFORMATION OF INTERNATIONAL COMMERCIAL ARBITRATION IN UZBEKISTAN: LEGAL AND INSTITUTIONAL PROSPECTS **30**
Otakhonov Foziljon Khaydarovich

THE LEGAL NATURE OF SUBSIDIARY LIABILITY IN INSOLVENCY PROCEEDINGS INVOLVING AGRICULTURAL BUSINESS ENTITIES **39**
Rakhmatjon Tojinorovich Berdiyarov

CIVIL LAW ASPECTS OF GOODS DELIVERY BY SELF-EMPLOYED COURIERS **49**
Ruzinazarov Shukhrat Nuralievich

NATIONAL AND INTERNATIONAL EXPERIENCE IN LEGAL PROTECTION OF A COMPANY NAME: IMPROVING THE LEGISLATION OF UZBEKISTAN **63**
Allayarova Maftuna Almardanovna

ORGANIZATIONAL AND LEGAL MECHANISMS FOR COMPENSATION OF CONSTRUCTION CONTRACT DAMAGES **69**
Donayev Abduqodir Haydarovich

JURISDICTION AND VENUE OF CIVIL CASES ARISING FROM INHERITANCE RELATIONS: A NATIONAL AND FOREIGN ANALYSIS **76**
Soliyeva Kamola Rustamjon-qizi

ISSUES OF USING COURT NOTICES IN ENSURING THE OPENNESS OF CIVIL PROCEEDINGS IN COURTS **84**
Sabirov Erkinjon Kuchkarbaevich

DIGITAL EVIDENCE IN SUPPLY-CONTRACT DISPUTES BEFORE ECONOMIC COURTS: AUTHENTICATION, INTEGRITY AND EVIDENTIARY RISK IN UZBEKISTAN **91**
Mahmudova Saida Rayimjonovna

CONTENTS

FROM HUMAN CAPITAL TO INSTITUTIONAL TRANSFORMATION: A NEW STAGE IN THE STRATEGIC DEVELOPMENT OF THE JUDICIAL PERSONNEL TRAINING SYSTEM 104
Aripov Dilshod Urinbaevich

THE ROLE OF INTERNATIONAL STANDARDS IN GOVERNING ARTIFICIAL INTELLIGENCE IN JUDICIAL SYSTEMS: A COMPARATIVE AND CRITICAL ANALYSIS 109
Sadikov Khurshid Primkulovich

INDEPENDENCE — A SOLID FOUNDATION OF JUSTICE AND HUMAN DIGNITY (35 years of the evolution of the judicial and legal system of the Republic of Uzbekistan) 117
Israilov Dilshod Shavkatovich

INSTITUTIONAL MODELS OF JUDICIAL QUALIFICATION BOARDS: INTERNATIONAL STANDARDS AND FOREIGN EXPERIENCE 128
Jamolov Azizjon Nodir ugli

THE DEATH OF FREE WILL. WHO BEARS CULPABILITY WHEN ARTIFICIAL INTELLIGENCE INDUCES A PERSON TO COMMIT A CRIME? 140
Salaev Nodirbek Saparbaevich

ON EUROPEAN CRIMINAL-LAW INTEGRATION – FROM MUTUAL RECOGNITION TO LIMITED SUPRANATIONAL CRIMINAL POWER 148
Krisztina Karsai

CRIMINAL LIABILITY OF OFFICIALS OF NON-GOVERNMENTAL COMMERCIAL ORGANIZATIONS: PROBLEMS OF THEORY AND PRACTICE 158
Akramova Muazzam Turdikul qizi

DISTINGUISHING OFFENCES AGAINST SEXUAL FREEDOM FROM RELATED OFFENCES IN UZBEKISTAN 162
Achilov Izzat Tulkinovich

CRIMINAL-LAW MEASURES AGAINST THE LEGALIZATION OF PROCEEDS OBTAINED THROUGH MISAPPROPRIATION OR EMBEZZLEMENT: QUALIFICATION, EVIDENCE AND ASSET RECOVERY 170
Sadullaev Bokhodir Oybekovich

CONCEPT OF HELPLESSNESS AND ITS SIGNIFICANCE IN THE QUALIFICATION OF CRIMES 178
Khalilova Zarnigor Zafar qizi

LEGAL SIGNIFICANCE OF THE INSTITUTION OF CRIMINAL RECORDS IN PROTECTING HUMAN RIGHTS 182
Yoqubjonov Omonjon Burkhonjon ugli

CONTENTS

THE APPLICATION OF CRIMES WITH BLANKET NORMS: CURRENT STATUS AND ISSUES 189
Pulatov Bekzod Adilbaevich

THE FORMATION AND DEVELOPMENT OF THE INSTITUTION OF CRIMINAL LIABILITY IN THE FIELD OF PUBLIC PROCUREMENT: A HISTORICAL-LEGAL ANALYSIS 202
Shukurova Shahnoza Mukumjonovna

ATTORNEY'S PARTICIPATION IN THE PRE-TRIAL STAGE OF CRIMINAL PROCEEDINGS: LEGAL AND PRACTICAL ASPECTS 214
Medetbaeva Aksungul Sharapatdin kizi

INTERNATIONAL COOPERATION IN OBTAINING ELECTRONIC EVIDENCE: THE EUROPEAN PRODUCTION AND PRESERVATION ORDERS 221
Bujosa Vadell, Lorenzo Mateo

COOPERATION BETWEEN THE SUBJECTS OF INVESTIGATION IN CROSS-BORDER INTERNET FRAUD CASES 230
Khabibiddinov Nodirjon Musinjon ugli

PROBLEMS OF PROCEDURAL REALITY IN CRIMINAL PROCEEDINGS 238
Aykhan Khankishi Rustamzade, Matanat Pasha Asgarova

DETENTION OF FOREIGN NATIONAL PRISONERS IN PENITENTIARY INSTITUTIONS: A COMPARATIVE ANALYSIS OF INTERNATIONAL PRACTICES AND NATIONAL LEGISLATION 246
Rikhsimov Komron Abrorovich

CRIMINALISTIC FOUNDATIONS FOR INTEGRATING GAIT IDENTIFICATION WITH FORENSIC PORTRAIT EXAMINATION 249
Nizomova Shahrigul Karimboy qizi

INTERNATIONAL LAW CRISIS: UN PEACE OPERATIONS AND INSTITUTIONAL REFORM 258
Kudaybergenov Bakhtiyar Abdumajit-ugli

ARTIFICIAL INTELLIGENCE AND CHILDREN'S RIGHTS: PROTECTION OPPORTUNITIES AND EMERGING LEGAL RISKS 267
Ergashev Gayrat Shavkatovich

ACTIVITIES OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE FIELD OF HUMAN RIGHTS 276
Nosirova Marjona Negmat kizi

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THE APPLICATION OF CRIMES WITH BLANKET NORMS: CURRENT STATUS AND ISSUES

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Abstract. *This article analyzes the practice of applying blanket norms in criminal law, their theoretical and legal foundations, as well as current issues arising in law enforcement practice. The purpose of the study is to reveal the essence of blanket dispositions, substantiate their interrelation with legislation of other legal branches, and develop scientific and practical proposals to eliminate gaps in crime qualification. Comparative-legal, systemic-structural, formal-legal, and statistical analysis methods were utilized in the research. The article examines theoretical perspectives ranging from Karl Binding's doctrine to modern criminal law concepts, revealing the characteristics of blanket dispositions through Articles 99, 184, 185², 196, 257, and 259 of the Criminal Code of the Republic of Uzbekistan. As key results, intersectoral terminological discrepancies and complications related to administrative prejudication were identified in qualifying tax crimes, labor protection and fire safety violations, and offenses against human life. In conclusion, proposals are put forward to unify terminology across criminal and sector-specific legislation, reduce excessive reliance on bylaws, and uphold the principle of legal certainty.*

Keywords: *blanket norm, blanket disposition, criminal law, qualification, intersectoral link, tax crimes, administrative prejudication, legal certainty.*

The academic understanding of blanket dispositions holds a special place in criminal law. Many scholars have addressed this issue. However, the problem of "blanketness" was first raised by the German scholar K. Binding, who proposed the concept of a "blanket criminal law disposition." He categorized dispositions under this heading as those containing criminal law prohibitions that require clarification by regulations outside the scope of criminal law. Recognizing the promising yet debatable nature of the academic field highlighted by K. Binding, criminal law scholars began to propose their own perspectives on the concept and substance of blanket criminal law dispositions [1].

It should also be noted that Karl Binding's idea was of great importance for the theory and practice of criminal law. His work stimulated a deeper study of the essence of blanket norms, the necessity of their application, and the problems that arise. According to Binding's doctrine, criminal law establishes liability for violations of rules set by other branches of law (administrative, civil, etc.). Blanket dispositions, in turn, require reference to other normative documents to identify such violations. Although Binding's views have faced some criticism, in our view, they served as an important theoretical foundation that defined the specific characteristics of blanket norms and their place in the legal system. A similar point of view is supported by I.A. Mikhailova. In one instance, she interprets the highlighted elements literally, arguing that the blanket disposition within the criminal law

itself does not define the elements of a criminal act[2]. In another instance, however, she indicates that in a general form, it still contains a criminal-law prohibition. At the same time, for a more precise determination of the elements, the blanket disposition directs us to the regulations of another field of law. We consider this position debatable, as the complete absence of a corresponding prohibition in a criminal-law disposition is objectively impossible. Indeed, it may not contain all the elements of the act, but the fundamental elements reflecting its essence must undoubtedly be present. A more in-depth study of the problem under consideration has shown that a blanket disposition certainly includes conceptual tools not characteristic of criminal law. This requires referring to another normative act or branch of law to correctly understand blanket provisions. Having considered this issue in more detail, we agree with the views of L.D. Gauxman [3]. In one of his works, he argued that a blanket disposition must necessarily contain the elements of a crime, but that some of them are described not in the Criminal Code, but in other normative legal acts. It should not be forgotten that a blanket disposition incorporates a large number of components. They are not fully described within it, as the legal-technical construction of such criminal-law prohibitions is excessively complex and impractical. In this case, the legislator merely indicates that the question of the emergence of criminal legal relations arises when the elements of an offense that have caused consequences significant to criminal law are identified. Crimes that encroach on road safety or the operation of vehicles serve as an example of this [4]. Socially dangerous consequences that arise without reference to the rules of the same name and without identifying their violation will not have any criminal-law significance. Our research has shown that there are many definitions of blanket dispositions that differ significantly from one another. Therefore, in the doctrine of criminal law, there are no universally recognized characteristics for it. In this regard, one must agree with G.N. Borzenkov, who noted the excessive breadth of content of the blanket dispositions used today, which provides a basis for distinguishing independent levels of "blanketness" [5]. However, the majority of works dedicated to the problem of studying blanket dispositions highlight their main distinguishing feature. Their inextricable link with normative prescriptions that do not have criminal-legal content is noted [6]. In our opinion, this characteristic is the main conceptual feature of blanket dispositions. However, in the doctrine, their connection with the normative prescriptions of other branches is defined differently. One group of scholars argues that blanket dispositions can contain both explicit and abstract references to a non-criminal normative act. At the same time, the reference must include the source to which one should refer [7]. In our view, such an approach significantly narrows both the essence of blanket dispositions and the practice of their application. Another group of scholars, with whom we agree, interprets the connection between blanket dispositions and other branches of law more broadly.

For example, according to N. V. Belyayeva and I.N. Bokova, a blanket legal norm implies the need to refer to numerous subordinate departmental normative acts to determine its content [8]. This indicates that the legislator, in the main body of the law, does not directly specify the referenced normative act that must

be consulted to establish all the elements of a particular crime. In our opinion, this approach creates more opportunities to improve the quality of the fight against crime, demonstrating the integral connection of criminal legislation with other branches of law as the primary guarantee of compliance with universally recognized rules of legal conduct. When drafting blanket dispositions, the legislator often uses phrases such as "in accordance with..." (Articles 182, 232, 266, etc.) or "established by law...." Terms such as "unlawful," "illicit," or "illegal" used in formulating criminal-legal prohibitions can also be indicators of a blanket provision. However, in this case, it is necessary to establish that legally defining the aforementioned terms requires their interpretation from the perspective of other branches of law. Without this necessity, such a disposition cannot be a blanket disposition [9]. Although direct references to other normative legal acts may not be found within the formulation of several criminal law prohibitions, this does not provide a legal basis for excluding such dispositions from the category of blanket dispositions. In particular, the disposition of Article 169 of the Criminal Code of the Republic of Uzbekistan establishes liability for the secret theft of another's property. In our opinion, when applying this article, the law enforcement officer does not always refer to the Civil Code of the Republic of Uzbekistan, which enshrines the legal concept of "property." In this situation, it can be assumed that when determining the elements of a form of embezzlement such as theft, neither the content of the concept of "property" nor the resulting characteristics of the object of theft are always clarified. Based on the foregoing, it can be concluded that the connection of blanket criminal-legal dispositions with the acts of other branches of legislation is necessary and sufficient for establishing the precise elements of a specific crime, as well as the facts of the case. In this matter, one can agree with the opinion of I. A. Mikhaylova and A. V. Selskiy that a blanket disposition does not contain all the mandatory elements of a crime [10]. It is precisely this circumstance that, first and foremost, gives us grounds to call such a disposition a blanket disposition, because the elements of a specific corpus delicti are detailed in the acts of other branches of law.

The establishment of liability for tax evasion serves as an example. The main problem stems from the complex and vague legal-technical structure of the legal provisions in Article 184 of the Criminal Code of the Republic of Uzbekistan, which reference the norms of tax legislation, as directly indicated by the legislator in the disposition of the article. This reference to tax legislation fails to clarify the issue due to the casuistic nature of its provisions, as well as the vague description of the elements that constitute a crime. The reason for this is the difference in the description of economic categories (tax, fee), which are expressed in the plural in criminal law but in the singular in tax law. The Criminal Code of the Republic of Uzbekistan specifies "evasion" as a form of criminal conduct (Article 184), whereas the Tax Code of the Republic of Uzbekistan speaks of "non-payment." These differences in the use of terminology create problems in determining the elements of tax crimes. For example, if the most common method of interpreting legal norms—grammatical interpretation—is applied, it leads to the conclusion that criminal liability would not arise for evading a single tax, even if

the unpaid amount meets the criteria established in Article 184 of the Criminal Code. Problems also arise in identifying the elements of evasion itself. Specifically, if an individual submits tax documents within the legally prescribed period and they do not contain false information, but the individual simply refuses to pay the tax, can this behavior be classified as criminal? Eliminating these contradictions is possible only by standardizing the terminology used in the field of taxation. Given that the primary regulator of relations in tax collection is the Tax Code of the Republic of Uzbekistan [11], we believe that the terms used in developing tax legislation norms should also be applied in other areas of law that indirectly affect the tax sphere. This view was supported by a majority of the surveyed respondents (67% of specialists and 71% of citizens). The principles we have outlined provide the basis for proposing amendments to Article 184 of the Criminal Code of the Republic of Uzbekistan, specifically to replace the terms "evasion," "taxes," and "fees" with "non-payment," "tax," and "fee," respectively. This opinion was also supported by the majority of respondents (67% of specialists and 71% of citizens).

The blanket nature of criminal legislation is also observed in the protection of the most valuable asset—life. The question of determining the beginning and end of life remains controversial. The determination of when life begins, i.e., the moment of a child's birth, is defined differently in various sources, and significant differences exist between the viewpoints presented in criminal law doctrine and in medicine [12]. Thus, in accordance with the Order of the Ministry of Health of the Republic of Uzbekistan "On the Approval of the Instruction on the Procedure for Issuing Medical Certificates of Birth, Perinatal Death, and Death Certificates in Healthcare Institutions" [13], the medical criteria for birth are as follows: - a gestational age of 22 weeks or more; - a birth weight of 500g or more (or less than 500g in the case of multiple births); - a body length at birth of 25cm or more (if the birth weight is unknown); - a body length of less than 25cm if the gestational age is less than 22 weeks, or the birth weight is less than 500g, or the birth weight is unknown, provided the child has lived for more than 168 hours (7 days) after birth. In this context, a live birth is considered to have occurred when the gestational age is 22 weeks or more, the infant's body weight is 500g or more (or less than 500g in multiple births), or the birth weight is unknown but the body length is 25cm or more, and the infant shows signs of being born alive (breathing, heartbeat, pulsation of the umbilical cord, or voluntary muscle movements, regardless of whether the umbilical cord has been cut or the placenta has separated). All of the above, of course, provides a basis for us to firmly assert that a child is alive and has a right to life. It should be emphasized that these criteria and signs are significant for establishing the legal fact that a child has been born and was born alive.

However, they cannot be fully used to determine the time when the criminal-legal protection of life begins. Life, as an object of criminal-legal protection, arises before the moment of a child's live birth is officially determined [14].

In this regard, the question arises about the necessity of identifying an earlier point for the beginning of life. To resolve this, it is necessary to identify the moment that objectively allows for the mother to intentionally kill the newborn. Killing during childbirth is objectively possible at the moment

the fetus exits the mother's body[15]. However, a mandatory condition that must be established in this case is the determination of the possibility of a live birth. This should be determined by a forensic medical examination, because if it is established that the child was stillborn, the perpetrator's actions must be qualified as an attempted murder of a newborn. Currently, judicial and investigative practice adheres to precisely this approach[16]. There is also no consensus on the definition of the concept of a "newborn." Thus, the most widespread opinion in the doctrine links the primary characteristic of a newborn to the duration of its life after birth, which varies within three to four weeks[17].

In pediatrics, the neonatal period is defined as lasting for one month from the moment a child is born[18]. The reason for such discrepancies is that there is currently no standardized definition of a newborn. Therefore, the neonatal period is associated with the process of adapting to environmental conditions, which lasts on average from 28 to 30 days[19]. The foregoing provides a basis for us to conclude that the privileged nature of a mother's liability for killing her newborn immediately after childbirth or in a psycho-traumatic situation is linked to the child's status as a newborn, rather than the physiological process of childbirth, as is the case with infanticide during labor.

Considering the above, it is advisable to clearly establish a specific timeframe in the disposition of Article 99 of the Criminal Code that defines the period covering the concepts of "during childbirth" and "immediately after childbirth." The current version of the norm established in the Criminal Code of the Republic of Uzbekistan for the crime of a mother intentionally killing her own infant is not sufficiently well-developed. This, in turn, creates certain difficulties in differentiating this crime from similar offenses and in understanding the criteria that justify its recognition as a crime with mitigating circumstances. All these issues can manifest during the investigation and inquiry conducted following the commission of this crime, as well as in the rendering of a court decision.

The use of blanket provisions is also observed in determining the end of life, i.e., the moment of death's onset. The Instruction on the Procedure for Issuing Medical Birth Certificates, Perinatal Death Certificates, and Death Certificates in Healthcare Institutions of the Republic of Uzbekistan [20] states that the time of a person's death is the time of their brain death or their biological death (the irreversible death of a person).

The considerations stated above allow for the conclusion that the rules ensuring the protection of the most important benefit expressed in the disposition—specifically, human life—are of an extremely blanket nature. It is impossible to objectively determine all the elements of such an act without referring to other normative legal acts that do not have a criminal-legal content.

Thus, within the framework of protecting individual interests, blanket criminal law demonstrates the effectiveness of its interaction not only with other branches of national law but also with universally developed international legal instruments. However, unless otherwise specified, the institutions and concepts from other branches of the legislation of the Republic of Uzbekistan should be applied in criminal law with the same meaning as established in those respective branches. To avoid errors in the qualification of an act that

references other legal documents, it is necessary to specify the elements constituting the corpus delicti by referring to the source of the sectoral legislation. In this context, priority is given to the dispositions of sectoral legislation for the legal assessment of the act, which manifests as a legal fact, and for the accessory nature of criminal law. The research conducted by us provides the basis for distinguishing the following features of a blanket disposition in criminal law:

- the absence of a complete list of the elements of a socially dangerous act;

- having an abstract, generalizing character;

- an organic connection with the norms of other branches of law;

- the impossibility of determining the full elements of a socially dangerous act and revealing their content without reference to legislation in other fields.

As is well known, blanket norms in criminal law—also referred to as "blanket rules" or "referential norms"—are specific legal norms where certain elements of a crime's composition are not directly specified in the Criminal Code but are instead referenced in other normative-legal acts. Such acts may include various laws, by-laws, technical regulations, standards, instructions, sanitary rules and norms, traffic regulations, and others.

Today, blanket norms are widely used in the criminal legislation of Uzbekistan, Russia, and other CIS countries. Their use is driven by a number of objective factors. In particular, societal relations, technologies, and spheres of activity—such as industry, construction, ecology, and transport—are constantly evolving. Incorporating all detailed rules and regulations directly into the Criminal Code would make it excessively large and necessitate constant amendments. Blanket norms allow the Criminal Code to remain relatively stable, as the specific rules that give rise to criminal liability can be quickly updated in specialized documents. *Secondly,* the *specialization* of criminal legislation *is a factor;* crimes in areas such as ecology, industrial safety, sanitary-epidemiological well-being, and transport require deep, specialized knowledge. Blanket norms enable these issues to be regulated in specialized normative documents developed by experts in the relevant fields. *Thirdly,* reducing the volume of the Criminal Code. That is, using references significantly reduces the size of the Criminal Code, making it more concise and user-friendly. Despite the clear advantages of using blanket norms in criminal law, their application creates a number of serious problems in law enforcement practice. The first problematic situation is *the complexity of determining the full content of the applied norm.* Here, to correctly qualify a crime defined by a blanket norm, the law enforcement official—be it an investigator, prosecutor, or judge—must ascertain not only the disposition of the Criminal Code article but also the content of the referenced normative document. For example, to understand the elements of a crime, it may be necessary to study dozens, and sometimes hundreds, of different laws, by-laws, technical regulations, and instructions that were in force at the time of the offense. Further issues include the absence or ambiguity of specific references, or alternatively, the varied interpretations of those references. Some blanket norms do not provide a clear reference to a specific document, but rather *refer to "rules," "regulations," or entire "legal institutions," for instance, "labor safety rules" or "sanitary rules."* This makes it difficult to find the necessary information. For example, Article 257 of the

Criminal Code addresses the violation of labor protection rules, Article 259 the violation of fire safety rules, and Article 196 the pollution of the natural environment, among others. In the disposition of Article 257 of the Criminal Code of the Republic of Uzbekistan alone, it states: *"Violation of labor protection, technical safety, or other production rules by the person responsible for their observance..."* This article does not specify which particular document or rule was violated. The source is referenced generally and abstractly as "labor protection and technical safety rules." In this case, to correctly qualify this crime and prove guilt, an investigator or judge must analyze hundreds of sectoral documents, such as: the norms of the Labor Code; Sector-specific technical safety and occupational hygiene rules (e.g., separate rules for construction, energy, and the chemical industry); A company's internal instructions and job descriptions (to determine which employee is responsible for which specific safety rule); Production standards and GOSTs. Similarly, the disposition of Article 259 of the Criminal Code of the Republic of Uzbekistan states: *"Violation of fire safety rules by the person responsible for their implementation."The* text of **this** article does not disclose which specific fire safety document is being referred to. To identify a violation, one is required to individually study the Law "On Fire Safety"; the national fire safety rules approved by the Ministry of Emergency Situations; technical regulations and building codes established for specific buildings and structures (public places, warehouses, gas stations); and the departmental instructions in effect at the time the offense occurred at the facility. Furthermore, when a conflict of norms arises, it is also necessary to take measures to resolve it. In another example, the crime of environmental pollution, defined in Article 196 of the Criminal Code, is described in that article as *"Pollution or degradation of land, pollution of water or atmospheric air, if it has caused mass illness among people, the mass death of animals, birds, or fish, or other grave consequences."*This concerns . However, this requires an examination of specific sectoral laws, the Land Code, the Law on Nature Protection, the Law on the Protection of Atmospheric Air, and the standards for permissible harmful substances in various technical regulations. To continue this line of thought, Article 4 of the Criminal Code, which outlines the principle of legality, stipulates that the criminality, punishability, and other legal consequences of a committed act are determined solely by the Criminal Code. However, in practice, the application of blanket norms *creates a problem in ensuring the principles of legality and legal certainty.* This is because the principle of legality requires that criminal law be clear, precise, and predictable. Blanket norms, which depend on the content of other frequently changing documents, can create difficulties for citizens in understanding which actions are criminal. This undermines legal certainty.

Another problem that warrants significant attention is *the emergence of complexities in classifying and proving crimes under blanket norms.* Unlike direct criminal law norms, blanket norms require proving not only the act itself and its consequences but also the violation of specific rules and the causal link between this violation and the resulting socially dangerous consequences. In many cases, various expert examinations—such as technical, construction-technical, environmental, fire-technical, and medical—are required for crimes involving blanket norms. The quality and validity of expert

opinions directly affect the outcome of the case. Deficiencies in conducting these examinations may lead to the dismissal of the case or an acquittal. *For example, Article 258 of the Criminal Code establishes liability for violating safety regulations in mining, construction, or blasting operations. Now, let's say a layer of earth or a specific stratum in that area collapsed during mining, construction, or blasting operations, resulting in a worker's death. In this scenario, the mere fact of the incident is insufficient to prove guilt. To identify a violation, experts must examine design and estimate documentation, construction standards and regulations, and logs for concrete strength and safety procedures. Additionally, comprehensive construction-technical, forensic materials science, and occupational safety examinations are conducted. This situation often presents a risk of errors in determining causality and in the expertise itself: Did the ground or stratum collapse due to a defect in the seams, a design flaw, or the influence of a natural factor (e.g., an eco-geological tremor)? If a comprehensive expert examination cannot confirm a direct causal link between the rule violated by the accused and the consequence, the case will be dismissed in court or an acquittal will be issued.*

The next problematic issue *is the connection between blanket-norm crimes and administrative preclusion.* In a number of blanket norms, criminal liability arises only after a person has previously been held administratively liable for the same act. This means that for a criminal case, it is necessary not only to establish the elements of the crime but also to verify the legality and validity of the administrative liability. If the administrative decision has not entered into legal force or was issued with errors, it automatically precludes the possibility of criminal prosecution. For example, Article 185[2] establishes liability for the crime of violating the rules for using electricity, thermal energy, gas, or water supply. The disposition of this norm stipulates that *unauthorized connection to public electricity, thermal, gas, or water supply networks; or the intentional damaging of metering devices for electricity, thermal energy, natural gas, cold or hot water, including their seals; or external interference with such metering devices for the purpose of altering their readings, when committed after an administrative penalty has been applied for such actions, is a necessary condition for bringing criminal charges. This article e*ssentially means that a person was first held administratively liable under Article 101 of the Code of Administrative Liability for illegally connecting to a network and then repeated this act within one year. The person committed the crime specified in Article 185[2] of the Criminal Code. After the criminal case is initiated, the defense counsel files an appeal against the prior administrative penalty decision.

During an inspection, it is often discovered when an administrative report is being drafted that the blanket provisions of sectoral rules in the public utilities sphere have been violated; for example, impartial witnesses were not present during the inspection of a meter, or the administrative case was heard by the court without the individual being notified. In such cases, with the annulment of the decision on the administrative penalty, the primary element of Article 1852 of the Criminal Code is no longer present. Consequently, the criminal case is terminated under Article 83, paragraph 2 of the Criminal Code (*absence of corpus delicti in the act*). Practice shows that criminal cases involving blanket elements are frequently terminated due to the absence of corpus delicti. This is attributable to the aforementioned difficulties in proving specific

violations and their causal link to consequences that entail criminal liability. In our opinion, the application of blanket criminal law norms is an unavoidable reality of modern legislation, ensuring its flexibility. However, their application is associated with significant difficulties in law enforcement practice. Resolving these issues requires a comprehensive set of measures to improve legislation, enhance the qualifications of law enforcement officials, strengthen the role of expert institutions, and unify judicial practice.

One of the trends in the development of criminal legislation is the continuous increase in the number of blanket norms, the interpretation and subsequent application of which require reference not only to other federal laws but also to subordinate legislation, including regional and even departmental regulatory legal acts. The blanket nature of many criminal law norms allows for the identification of a so-called "mixed criminal law" within the structure of the relevant legal field, the application of which is impossible without reference to other non-criminal laws and/or regulatory legal acts[21]. At the same time, Part 1 of Article 1 of the Criminal Code states that "The criminal legislation of the Republic of Uzbekistan consists of this Code," and Part 1 of Article 3 of the Criminal Code specifies that "The criminality of an act, as well as its punishability and other criminal-legal consequences, are determined only by this Code." Furthermore, Part 2 of Article 3 of the Criminal Code emphasizes that "the application of criminal law by analogy is not permitted." *Consequently, a problem arises in determining the status of the regulatory legal acts to which blanket criminal law norms refer: can they expand or narrow the scope of criminal liability without amending the text of the criminal law itself?*

An analysis of blanket criminal law norms and the judicial practice of their application shows that the regulatory legal acts referenced or implied in such norms significantly affect the formal content of many crimes, thereby defining the limits of criminal liability. For instance, quantities of narcotic drugs and psychotropic substances greater than small amounts, as well as large amounts, are determined by a resolution of the Cabinet of Ministers, while the medical criteria for establishing the severity of harm to human health are set by an order of the Ministry of Health and Social Development. Therefore, almost any amendment or addition to these regulatory legal acts can lead to a narrowing or expansion of the scope of criminal liability and, consequently, to a change in the content of the corresponding blanket criminal law norms[22].

The indicated problem is further compounded by the fact that, unlike criminal legislation, which falls under the absolute authority of the Oliy Majlis of the Republic of Uzbekistan, other laws and regulatory legal acts to which blanket criminal law norms refer may belong to the joint authority of the Oliy Majlis and its subjects (for example, in the areas of administrative, tax, and labor law) or even to regional or departmental levels. Thus, as L.D. Gauxman correctly noted, the existence of blanket norms in the Criminal Code without a general norm regulating their application is "an unlawful delegation by the legislator of the authority to define the scope of criminal liability outside the Criminal Code to itself when adopting other non-criminal laws, and to other subjects of rule-making when adopting other regulatory legal acts"[23].

In our opinion, the first step towards stabilizing and systematizing criminal legislation should be to limit the types of sources of criminal law, specifically by excluding subordinate regulatory legal acts. It should be noted that the problems of applying blanket criminal law norms are highly multifaceted and are mainly examined in the context of the qualification of crimes[24].

However, in our view, some of the most complex issues in the theory of criminal law are related to the application of such norms in time and space. Regarding the territorial and extraterritorial application of criminal law norms, the rule established in Part 2 of Article 1 of the Criminal Code is of great importance, stating that this Code is based on the Constitution and the universally recognized norms and principles of international law. This rule corresponds to Part 4 of Article 15 of the Constitution, which proclaims the supremacy of international law: "The universally recognized principles and norms of international law, as well as the international treaties of the Republic of Uzbekistan, are an integral part of its legal system. If an international treaty of the Republic of Uzbekistan establishes rules other than those provided for by law, the rules of the international treaty shall apply." Based on Articles 28 and 29 of the Constitution of the Republic of Uzbekistan, as well as Article 10 of the Criminal Code, a person who has committed an act containing all the elements of a crime as provided for by the Criminal Code shall be held criminally liable. In this regard, international legal norms that provide for the elements of a crime should be applied by courts in cases where a provision of the Criminal Code directly establishes the necessity of applying an international treaty of the Republic of Uzbekistan. Therefore, regardless of where the crime was committed, criminal prosecution within the territory of Uzbekistan is carried out only in accordance with the Criminal Code, while international legal and regulatory acts are taken into account to the extent that they have been implemented into this Code; any other reference to them is possible in what is known as the international blanket nature of criminal law norms. In criminal law relations, the norms of international law are most actively considered when resolving extradition issues and determining the scope of persons who have immunity from criminal liability within the territory of Uzbekistan.

In our opinion, the aforementioned explanations of the Plenum of the Supreme Court of the Republic of Uzbekistan are of great importance for the practical activities of law enforcement agencies that apply criminal and other legislation. However, to grant these explanations universally binding force, it is advisable to codify them at the legislative level. Within the scope of the topic we are examining, such codification could be implemented by amending Article 1 of the Criminal Code accordingly. We believe this gap is a logical consequence of the incomplete reflection of the sources of criminal law at the level of Article 1 of the Criminal Code. Therefore, the relevant problem must be solved systematically, that is, by uniformly and consistently codifying the following in Articles 1, 11, and 12 of the Criminal Code: first, that this Code is based on the Constitution of the Republic of Uzbekistan, international legal instruments ratified by the Republic of Uzbekistan, and constitutional laws; and second, that the criminality of an act, as well as its punishability and other criminal-legal consequences, are determined by the Criminal Code and the aforementioned legal

instruments referenced or provided for in blanket criminal-legal norms. We think this proposal is also relevant to the content of Article 10 of the Criminal Code, which defines the basis for criminal liability, as well as Articles 11 and 12 of the Criminal Code, which regulate the temporal application of criminal law. As N.I. Pikurov noted, ..."since the legislator, when promulgating a criminal-legal norm, has provided for the possibility of amending additional provisions within the criminal law itself, such changes do not lead to the emergence of a new law" [25]. The author emphasizes that ..."a criminal-legal norm is formulated only in the criminal law, not in other normative acts that merely clarify and detail its content. Therefore, an update to the normative material that clarifies the criminal law does not imply a change to the law itself" [26]. At the same time, we believe it is necessary to note that subordinate legal acts referenced or provided for in blanket criminal-legal norms not only specify the latter but also establish the elements that characterize the corpus delicti of a particular crime. Furthermore, such legal acts do not always regulate the rules of conduct in a specific field of activity; they can also establish the thresholds for small to large quantities of narcotic drugs, the criteria for the severity of harm caused to health, and so on. That is, in our opinion, one cannot agree with the view that "a blanket disposition of an article of the Special Part of the Criminal Code contains all the elements of the corpus delicti, except for those disclosed in the articles of the General Part"[27], because such a disposition contains or implies blanket elements, which are a reference to another legal act where the corresponding elements are disclosed.*The absence of a codified general rule for the application of blanket criminal-legal norms creates irresolvable doubts in the practical activities of courts and other law enforcement agencies when resolving many issues, including those concerning the application of such norms in time and space. In our opinion,* until this gap in criminal legislation is eliminated, such doubts should be interpreted in favor of the persons being prosecuted. This includes the retroactive application of blanket criminal-legal norms, even when they refer to other laws and subordinate legal acts, if changes or additions to them in any way improve the situation of these persons.

In our view, a new approach to identifying the blanket norms of the Special Part of the Criminal Code ***is the analytical method.*** The logic of its application lies in understanding the content of the disposition's text, which requires determining the sufficiency of the substantive description of the elements of a crime for its qualification. If the textual analysis indicates a need to refer to the normative-legal acts of other branches of law to reveal (understand) the content, nature of the act, or its individual characteristics, then there is every reason to consider such a disposition a blanket one. A noted disadvantage of the proposed analytical method is the dependence of a law enforcement officer's scope of knowledge on the need to refer to supplementary legislation to understand the content of certain elements of the corpus delicti, which are described in a blanket manner in specific cases. In our opinion, individuals applying criminal law norms may identify varying numbers of blanket norms depending on their acquired knowledge, work experience, "professional deformation," and similar factors. Using the analytical method for identifying blanket norms, we have singled out 222 articles within the total volume of articles in the Special Part

of the Criminal Code whose dispositions contain blanket characteristics (constituting 82% of the total number of articles in the Special Part). We believe it is appropriate to classify all of them into six groups based on their method of exposition. **The first group** is characterized by the disposition of an article in the Special Part of the Criminal Code indicating a violation of a normative-legal act. Such an indication can be of a different nature. The most common is the violation of rules that led to certain consequences. **The second group** is characterized by the disposition of an article in the Special Part of the Criminal Code indicating actions contrary to the established legal procedure, through the use of words such as "unlawful," "illegal," "providing false information," "without authorization," "entering incorrect information," "through negligence," and "despite a prohibition established by law." **The third group** is characterized by the disposition of an article in the Special Part of the Criminal Code indicating a prohibition on the failure to perform certain actions that a person is obliged to carry out due to their activity, including through evasion, for example: an interested party evading the entry of information into the customs database when submitting necessary documents, evading the submission of documents when moving goods across the customs border, evading the surrender of precious metals and stones for refining or their sale to the state, evading the repatriation of funds from abroad, or evading the payment of customs duties or relevant taxes, etc. **The fourth group** is characterized by the disposition of an article in the Special Part of the Criminal Code indicating the performance/non-performance of official duties by a person, which can pertain to both the subject of the crime and the victim. **The fifth group** is characterized by a disposition of an article in the Special Part of the Criminal Code that describes the objective side of the elements of the crime, where there are no "indicator words" suggesting the need to refer to other branches of law, yet it is difficult or impossible to assess the actions of the guilty person without analyzing positive legislation. **The sixth group** is characterized by the use of terms and phrases from other branches of law in the disposition of an article in the Special Part of the Criminal Code, the clarification of which is significant for the qualification of the crime.

References

1. Kozhokar, I. P., Kiparisov, F. G. Blanket Norms of Russian Law // Textbook for Universities / Edited by Doctor of Law, Professor V. M. Baranov. Moscow, 2024. P. 377.

2. Mikhailova, I. A. Blanket Norms in Criminal Law and Their Application by Internal Affairs Bodies: Cand. ... Legal Sci. Diss. Moscow, 2009.

3. Gaukhman, L. D. Problems of the Criminal Code: Blanket Nature, Declarativeness, Casuistry // Criminal Law in the XXI Century: Materials of the International Scientific Conference. Moscow, 2002.

4. Bedrinsky, A. A., Dorofeev, I. N. Transport Security and Reforming the Internal Affairs Bodies on Transport // Proceedings of the Management Academy of the Ministry of Internal Affairs of Russia. 2011. No. 3 (19).

5. Borzenkov, G. N. Are the Dispositions of the Criminal Code Articles on Causing Harm to Health Blanket? // Zakonnost (Legality). 2007. No. 12.

6. Shepelkov, V. F. Determination of the Criminal Illegality of an Act in the Construction and Application of the Criminal Code // Zakon i Pravo (Law and Right). 2012. No. 7.

7. Baranov, V. M. Blanket Norms of Russian Law // Monograph. Moscow, 2024. P. 142.

8. Belyaeva, N. V. Blanket Dispositions in Soviet Criminal Law and Their Application: Cand. ... Legal Sci. Diss. Moscow, 1984.

9. Bokova, I. N. Legal Technique in Criminal Legislation (Theoretical and Applied Analysis of Chapter 22 of the Criminal Code of the Russian Federation): Cand. ... Legal Sci. Diss. N. Novgorod, 2022.

10. Selsky, A. V. Blanket Norms in the Criminal Legislation of Russia: Cand. ... Legal Sci. Diss. Moscow, 2010.

11. Andreev V. L. "On the Issue of Improving the Criminal Law Protection of the Interests of the Family and Minors." "Trudy Akademii upravleniya MVD Rossii" [Proceedings of the Management Academy of the Ministry of Internal Affairs of Russia], no. 4 (16), 2010.

12. Order of the Minister of Health of the Republic of Uzbekistan "On the Approval of the Instruction on the Procedure for Issuing Medical Certificates of Birth, Perinatal Death, and Death Certificates in Healthcare Institutions of the Republic of Uzbekistan," registered on 23.03.2010, registration no. 2089.

13. Rustamboyev, M.X. "O'zbekiston Respublikasi jinoyat kodeksiga sharhlar. Maxsus qism" [Commentary on the Criminal Code of the Republic of Uzbekistan. Special Part]. Tashkent: Yuridik adabiyotlar publish, 2021. 696 pages.

14. Khudaykulov, F. Kh. "Criminal Law Aspects of Optional Features of the Objective Side of a Crime in the Qualification of an Act." "Pravo i jizn» [Law and Life], no. 2, 2019, pp. 115-122. (Khudaykulov F.Kh. Criminal law aspects of optional features of the objective side of the crime in the qualification of the act // Law and Life. – 2019. – No. 2. – p.

15. Popov, A. N. "O nachale ugolovno-pravovoy okhrany zhizni v novom tysyacheletii" [On the Beginning of the Criminal Law Protection of Life in the New Millennium]. In "Ugolovnoye pravo v XXI veke: Materialy Mezhdunarodnoy nauchnoy konferentsii na yuridicheskom fakultete MGU im. M.V. Lomonosova 31 maya-1 iyunya 2001 g." [Criminal Law in the 21st Century: Proceedings of the International Scientific Conference at the Faculty of Law of M.V. Lomonosov Moscow State University, May 31-June 1, 2001], Moscow, 2002, p. 200.

16. Selskiy. "Blanketnyye normy v ugolovnom zakonodatelstve Rossii" [Blanket Norms in the Criminal Legislation of Russia]. Abstract of a dissertation for the degree of Candidate of Juridical Sciences, Moscow, 2010.

