


# Legal Regulation of the Use of Artificial Intelligence in Criminal Proceedings of the Republic of Uzbekistan: Current State and Directions of Development

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	<p><b>Abstract</b></p> <p>This article examines the current state of legal regulation of artificial intelligence (AI) in criminal proceedings of the Republic of Uzbekistan. The study analyzes existing normative legal acts governing the use of digital technologies in the investigative, prosecutorial, and judicial stages of criminal proceedings. Special attention is paid to the legal status of AI-generated evidence, the admissibility of algorithmic decision-making in criminal justice, and the compliance of digital tools with procedural guarantees of participants in criminal proceedings. A comparative legal analysis is conducted with the legislation of the Russian Federation, the European Union, and a number of other states. Based on the research, proposals are formulated for improving the legislation of Uzbekistan in the field of AI use in criminal proceedings, taking into account international standards for the protection of human rights.</p>
<p><b>Keywords:</b> Artificial intelligence, criminal proceedings, digital evidence, algorithmic justice, legal regulation, Uzbekistan, criminal procedure law, digital transformation, human rights, admissibility of evidence.</p>	

## Introduction

The rapid development of artificial intelligence technologies over the past decade has confronted the legal systems of many states with fundamentally new questions affecting the foundations of criminal proceedings. Criminal procedure — a sphere in which the observance of individual rights and the principles of legality and justice is of particular importance — has found itself at the epicenter of digital transformation.

Facial recognition systems, predictive analytics, automated big-data analysis, and intelligent processing of evidence are already being used by investigative authorities and courts in a number of countries. Uzbekistan, which is undertaking large-scale reforms in the digitalization of public administration and law enforcement, is likewise actively introducing such technologies. By Decree of the President of the Republic of Uzbekistan No. UP-6079 of 5 October 2020, the

“Digital Uzbekistan — 2030” Strategy was approved, providing for the transfer of public services and the administration of justice to a digital platform [1].

At the same time, the use of AI in criminal proceedings gives rise to a number of pressing legal problems: what is the procedural status of evidence generated with the participation of algorithms? May a court base its verdict on the conclusions of a machine-learning system? How is the accused’s right to become acquainted with the algorithm’s mechanism to be ensured? The answers to these questions in the current Code of Criminal Procedure of the Republic of Uzbekistan are fragmentary and inadequate, which determines the relevance of the present study.

The aim of this article is to analyze the current state of legal regulation of AI in the criminal proceedings of the Republic of Uzbekistan, to identify gaps and conflicts in the existing legislation, and to propose directions for its improvement in light of international experience.

The study employed both general scientific and special legal methods. The formal-legal method was used in analyzing the texts of normative legal acts of the Republic of Uzbekistan governing the use of digital technologies in criminal proceedings. The comparative-legal method made it possible to juxtapose the approaches of Uzbekistan with the experience of the Russian Federation, EU member states, and the United States. The systemic method was applied to assess the interrelationship between criminal-procedure norms and acts in the fields of information technology and personal-data protection. The method of legal modeling was used in formulating *de lege ferenda* proposals.

The information base of the study consisted of the Code of Criminal Procedure of the Republic of Uzbekistan, the Law “On Personal Data” (2019), normative acts in the sphere of digitalization, materials of law-enforcement practice, as well as foreign sources: the EU Regulation on AI (AI Act, 2024), Council of Europe Recommendation CM/Rec(2020)1 on the use of AI in the judicial system, and the relevant provisions of the Code of Criminal Procedure of the Russian Federation. The current criminal-procedure legislation of the Republic of Uzbekistan does not contain special provisions regulating the use of artificial intelligence in investigative or judicial activity. The Code of Criminal Procedure of the Republic of Uzbekistan (1994 edition with subsequent amendments) operates with the traditional categories of physical evidence, documents, and expert opinions, without taking into account the specific nature of algorithmically generated information [2].

At the same time, a number of subordinate legal acts create an indirect normative basis for the introduction of AI. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 669 of 2021 “On Measures for the Introduction of Artificial Intelligence in Sectors of the Economy and the Social Sphere” identifies priority areas for the State’s use of AI; however, criminal proceedings are not specifically addressed therein. The Law “On Personal Data” of 2019 establishes requirements for the processing of personal data, which directly concerns the biometric databases used by law-enforcement authorities.

The internal-affairs bodies and the prosecutor’s office of Uzbekistan are already employing a number of digital instruments related to AI: video-surveillance systems with facial-recognition functions, automated analysis of telephone communications, and the tracking of financial transactions. These systems operate within the framework of the “Unified Monitoring System” and the “Safe City” programme, brought into operation in 2017–2022 [3].

A fundamental procedural question is the admissibility, as evidence in criminal cases, of materials obtained through the use of algorithmic systems. Under the current Code of Criminal Procedure

of Uzbekistan, evidence is recognized as admissible where the proper procedural order of its collection has been observed. However, the question whether an algorithmic system constitutes a “proper” source of evidence has not been resolved at the normative level.

In Russian legal doctrine and law-enforcement practice, an analogous problem is resolved by attaching algorithmically obtained data to traditional categories: they are formalized either as a document or as the result of operational-investigative activity [4]. Uzbek legislation likewise gravitates towards this model; however, its drawback is that the “packaging” of algorithmic results into traditional legal forms does not eliminate the question of the methodological verifiability of the algorithm itself.

One of the key requirements of fair criminal proceedings is the right of the accused to become acquainted with the evidence and to challenge it. The use of AI gives rise to the threat of the so-called “black box effect”: the algorithm produces an output, yet the decision-making mechanism is opaque not only to the court, but even to the developers of the system themselves. Where the result of a neural network’s operation underlies the verdict, the realization of the right to defense becomes problematic.

The European Court of Human Rights, in *Loomis v. Wisconsin* (2017) and in subsequent practice, has formulated the following legal position: the use of algorithmic risk-assessment systems in sentencing does not in itself violate the standards of fair trial, provided that the algorithm serves only as an auxiliary tool and does not replace judicial discretion [5]. This approach was further developed in Recommendation CM/Rec(2020)1 of the Committee of Ministers of the Council of Europe, which calls upon states to ensure the explainability and contestability of algorithmic decisions in the judicial sphere.

The current legislation of Uzbekistan does not contain analogous guarantees. The Law “On Informatization” and the Law “On Personal Data” do not establish a right of data subjects to challenge automated decisions in the criminal-procedure context, which constitutes a substantial gap from the standpoint of international standards.

The use of AI directly in court proceedings raises questions extending beyond the law of evidence. In a number of states — in particular, China and Estonia — the use of automated systems for the consideration of cases of low complexity is being trialed [6]. Uzbekistan does not yet implement such projects in the criminal-procedure sphere; nevertheless, the development of the digital infrastructure of the judicial system — electronic court proceedings and the online consideration of cases — creates the preconditions for their gradual introduction.

It is of fundamental importance that the Constitution of the Republic of Uzbekistan (Article 113) guarantees everyone the right to have their case considered by a court. The constitutional requirement that justice is administered exclusively by a court rules out delegating to an algorithm the principal function of resolving a criminal case on the merits. Nevertheless, the use of AI as an analytical tool — for searching precedents, structuring case materials, and forecasting risks of breach of bail conditions — appears constitutionally permissible, provided that an appropriate normative framework is in place.

The EU AI Regulation (Regulation (EU) 2024/1689), which entered into force in 2024, classifies AI systems used in law-enforcement activity as “high-risk” and establishes stringent requirements for their transparency, human oversight, and the logging of operations. A prohibition has been

introduced on predictive-profiling systems based exclusively on behavioral patterns without individual verification [7].

For Uzbekistan, as a state actively integrating into the international legal space, the EU experience represents a valuable model. At the same time, direct borrowing of the AI Act's provisions is not feasible without their adaptation to national institutional conditions and to the priorities of the criminal-justice reform.

Russian experience also merits attention: in 2021–2023, a series of experiments was conducted in Russia on the use of AI in judicial document workflow, while in legal doctrine the concept of “digital evidence” as an independent type of evidence in criminal proceedings is actively being discussed [8]. The Uzbek legal system, which has historically been significantly influenced by Soviet and Russian law, may take these developments into account in formulating its own approach.

The research conducted permits the formulation of the following conclusions and proposals.

1. The current criminal-procedure legislation of the Republic of Uzbekistan does not contain special provisions regulating the use of artificial intelligence. This produces a significant legal vacuum amid the actual use of algorithmic systems by law-enforcement authorities and courts. The absence of a clear normative basis creates risks of violating the constitutional rights of participants in criminal proceedings.
2. The use of AI in criminal proceedings entails risks to the realization of fundamental procedural guarantees: the right to a fair trial, the principle of adversariality, the right to defense, and the presumption of innocence. Algorithmic opacity, the selectivity of training data, and the inability to challenge automated outputs are systemic risks that require legislative regulation.
3. In order to improve the legislation, it is proposed: first, to introduce into the Code of Criminal Procedure of the Republic of Uzbekistan a separate chapter or articles regulating the procedure for obtaining, storing, and using digital evidence, including data generated through the use of AI; second, to establish a requirement that algorithmically generated materials be accompanied by an expert opinion on the methodological reliability of the system employed; third, to establish the right of the accused and their defense counsel to obtain information about the algorithm used in producing the evidence and to subject it to independent expert assessment.
4. At the level of subordinate legislation, it is advisable to adopt a special act of the Cabinet of Ministers or the Prosecutor General's Office establishing requirements for AI systems permitted for use in criminal proceedings: standards of transparency and accuracy, anti-discrimination requirements, and a mandatory preliminary audit of algorithms by state authorities.
5. The introduction of AI into criminal proceedings must take place gradually and exclusively as an auxiliary tool that does not replace the judge's human discretion. The constitutional principle that justice is administered solely by a court (Article 113 of the Constitution of the Republic of Uzbekistan) serves as an insurmountable barrier to the full algorithmization of the criminal process.

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