

## THE PROCEDURAL STATUS OF ELECTRONIC DOCUMENTS IN PRE-TRIAL PROCEEDINGS IN THE REPUBLIC OF UZBEKISTAN

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**Abstract:** *This article examines the procedural status of electronic documents in pre-trial proceedings under the criminal procedure law of the Republic of Uzbekistan, tracing the evolution of the legal framework from the original 1994 Code of Criminal Procedure (CCP) to the landmark Law No. ЎПҚ-1003 of November 21, 2024. The study identifies the central doctrinal problem arising from the absence of a dedicated legislative category for electronic evidence in the pre-reform CCP, which compelled investigators to subsume digital materials within ill-adapted categories such as "physical evidence" or "other documents," thereby generating systemic uncertainty in pre-trial evidentiary practice. Drawing on legislative reform instruments, Supreme Court Plenum resolutions, and contemporary academic scholarship, the article analyses the admissibility criteria applicable to electronic documents — including authentication, chain of custody, and the mandatory involvement of a specialist during seizure and examination — as well as the procedural mechanisms governing their collection and annexation to the criminal case file at the pre-trial stage.*

**Keywords:** *electronic documents, digital evidence, pre-trial proceedings, criminal procedure, Uzbekistan, admissibility of evidence, investigative actions, electronic criminal case, digitalization of criminal justice, procedural status*

The procedural status of electronic documents in pre-trial proceedings has become one of the most debated questions in the criminal procedure law of the Republic of Uzbekistan. For many years, Uzbekistan's Code of Criminal Procedure (CCP), originally adopted in 1994, did not include dedicated provisions defining electronic or digital evidence, nor did it establish a clear procedural mechanism for handling electronic documents at the pre-trial stage. The evidentiary framework was governed primarily by Articles 81 through 95 of the CCP, which enumerated the general sources of evidence and the criteria for their admissibility — namely relevance, admissibility, and reliability — without expressly acknowledging the distinctive characteristics of electronically stored information<sup>59</sup>. This legal gap created significant uncertainties for investigators and inquiry officers, who were compelled to treat electronic documents either as physical objects

<sup>59</sup> Mamatkulova, K. (2021). Admissibility of electronic evidence in criminal proceedings. *The American Journal of Political Science Law and Criminology*, 3(2), 144–152. <https://doi.org/10.37547/tajpslc/Volume03Issue02-21>



(вещественные доказательства) or as "other documents" (иные документы) — categories ill-suited to capture the dynamic and intangible nature of digital data. The absence of a clear definitional framework meant that the procedural standing of electronic documents at the pre-investigation check (доследственная проверка) and preliminary investigation stages remained ambiguous, undermining the coherence of criminal evidence doctrine.


The gradual digitalization of Uzbekistan's criminal justice system — which accelerated through several presidential reform decrees — created the institutional context within which the procedural status of electronic documents could eventually be clarified. Presidential Decree No. PF-5566 of October 31, 2018 introduced a unified system of electronic criminal statistics, requiring all bodies conducting pre-investigation inspections to register materials, including electronic data, through the "Electronic Criminal Law Statistics" platform<sup>60</sup>. Resolution of the President No. PQ-105 of January 28, 2022, further mandated the creation of a Unified Investigation Information System to facilitate interdepartmental electronic document exchange throughout the pre-trial stage, involving the Ministry of Internal Affairs, the Prosecutor General's Office, the State Security Service, and other law enforcement bodies. These developments signaled an institutional commitment to integrating electronic document management into the procedural framework, yet they did not themselves resolve the substantive legal question of how electronic documents should be classified and evaluated as evidence. The pilot project on electronic criminal case files launched in Tashkent's Yakkasaray and Mirabad districts in 2018 illustrated both the transformative potential and the unresolved regulatory challenges of the digital transition<sup>61</sup>.

The most consequential legislative development came with the enactment of the Law of the Republic of Uzbekistan "On Amendments and Additions to Certain Legislative Acts Aimed at Improving the System for Working with Digital Evidence" (Law No. ЎРҚ-1003), signed by President Shavkat Mirziyoyev on November 21, 2024. This landmark law formally introduced into the CCP a legal definition distinguishing electronic data — understood as information created, processed, and stored through electronic devices, information systems, and technologies — from digital evidence, defined as electronic data containing information pertinent to a specific criminal case, including electronic files, audio and video recordings, and internet-sourced content. The law establishes that electronic data must be submitted by transferring it from one electronic medium to another, and that reviewing authorities — investigators, inquiry officers, prosecutors, and courts — are obligated to examine the

<sup>60</sup> Ismoilov, H. (2026). Issues of digitization of pre-investigation inspection activities in customs authorities. In *SCIENTIA: Modern Tools and Methods of Scientific Investigations* (pp. 85–91). Antwerp, Kingdom of Belgium.

<sup>61</sup> Rakhimova, U. (2026). Implementation of the electronic criminal case into the criminal process of Uzbekistan: Prospects and challenges. *Modern American Journal of Business, Economics, and Entrepreneurship*, 2(2), 124–130. <https://usajournals.org>





primary electronic carrier in the presence of a certified specialist; any data obtained during investigative actions without specialist participation is rendered procedurally inadmissible. The law additionally amended Article 161 of the CCP to introduce specific court authorization requirements for the search and seizure of personal electronic data, and amended Article 66 to expressly confer upon witnesses the right to present digital evidence. Importantly, electronic media containing data unrelated to the case must be promptly returned to their rightful owners, and irrelevant evidence remaining in the possession of investigative authorities must be irretrievably destroyed.

Despite these advances, the procedural mechanisms for collecting and documenting electronic documents during the pre-trial stage continue to raise applied challenges. Under the doctrine of admissibility as interpreted by the Plenum of the Supreme Court of Uzbekistan in its Resolution of August 24, 2018, evidence must be obtained by a proper subject using lawful procedures, drawn from sources enumerated in Article 81 Part 2 of the CCP, and recorded in strict compliance with the requirements governing the relevant procedural action<sup>62</sup>. The Plenum's subsequent Resolution No. 14 of June 23, 2025, strengthened these requirements specifically with respect to digital evidence by mandating that the inspection of electronic devices be documented, that a separate procedural decision be issued joining electronic materials to the case file, and that forensic expert examination be appointed where the integrity or authenticity of digital data is contested<sup>63</sup>. Authentication, defined as the ability to verify the integrity and invariability of the content of an electronic document, and identification, understood as the ability to attribute a document to its source, are treated as prerequisites for establishing the reliability of electronic evidence<sup>64</sup>. The use of hash values, forensic bit-by-bit image copies (форензик-образец), and metadata preservation protocols are increasingly recognized as the operationalization of these requirements in investigative practice<sup>65</sup>. Procedural defects in documenting the chain of custody of electronic documents have, according to reviews of Supreme Court of Uzbekistan practice, been grounds for the annulment of judicial decisions.

Looking ahead, the institutional agenda for electronic documents in Uzbek pre-trial proceedings is framed by the 2025–2027 Judicial Digitalization Program and the Digital Court concept approved by Presidential Decree of August 21, 2025, which envisions fully digital case management with electronic document exchange between the Supreme Court

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<sup>63</sup> Musurmonov, B. R. (2026). Procedural forms of collecting digital evidence: Inspection, copying and sampling for expert examination. *International Journal of Scientific Trends*, 5(4), 19–23. <https://scientifictrends.org/index.php/ijst/article/view/796>

<sup>64</sup> Mamatkulova, K. (2021). Admissibility of electronic evidence in criminal proceedings. *The American Journal of Political Science Law and Criminology*, 3(2), 144–152. <https://doi.org/10.37547/tajpslc/Volume03Issue02-21>

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and investigative bodies to be established by the end of 2025. Scholars have called for explicit legislative recognition of electronic procedural forms by proposing the introduction of a dedicated article — Article 320<sup>4</sup> — into the CCP to regulate the preparation of investigation protocols, decisions, notifications, and other procedural documents in electronic format, and for authorizing investigating judges to issue electronic sanctions for investigative actions<sup>66</sup>.


The risk of falsification of electronic case materials and the challenges of cybersecurity, personnel adaptation, and the digital divide within law enforcement bodies remain as constraints on the full realization of this agenda (Rakhimova, 2026). As Uzbekistan progressively aligns its procedural law with international standards for digital evidence — including principles developed within the framework of the Budapest Convention on Cybercrime — the trajectory points toward a more coherent and constitutionally grounded procedural status for electronic documents throughout the stages of pre-trial proceedings.

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<sup>66</sup> Ismoilov, H. (2026). Issues of digitization of pre-investigation inspection activities in customs authorities. In *SCIENTIA: Modern Tools and Methods of Scientific Investigations* (pp. 85–91). Antwerp, Kingdom of Belgium.





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