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Structural and Technical Analysis of Section Eight of the Special Part of the Criminal Code of the Republic of Uzbekistan: From a Normative Glossary to an Independent Terminological Part

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Abstract: This article presents a structural and technical analysis of Section Eight of the Special Part of the Criminal Code of the Republic of Uzbekistan, which establishes the legal meaning of terms used in criminal legislation. It examines the evolution of this section from a normative glossary into a complex statutory definitional framework serving the functions of unification, adaptation, and legal certainty. Particular attention is paid to the legislative drafting technique of placing definitions in the concluding section of the Special Part, including both its advantages and its contested aspects. From a comparative-law perspective, the article analyzes models for the statutory consolidation of definitions in the criminal codes of post-Soviet states, including the initial-glossary, dispersed-notes, organic-integration, and concluding-section models. The article substantiates the prospects for transforming Section Eight into an independent terminological part of the Criminal Code, thereby institutionalizing the statutory glossary as a connecting link between the General and Special Parts of the Code.

Keywords: Criminal law; Criminal Code of the Republic of Uzbekistan; Section Eight; legal meaning of terms; statutory definitions; legislative drafting; normative glossary; interpretation provisions; basic calculation value; legal certainty; comparative law.

Introduction

For the first time in Uzbekistan's criminal legislation, the legislative technique of creating a separate section devoted to the legal meaning of terms used in both the General and Special Parts was employed.

Precision in legal language is a prerequisite for fair justice. In criminal law, where errors directly affect individual rights and freedoms, the unification of a range of concepts (for example, "damage," "official," "group of persons," and others) is an essential condition for the correct legal classification of criminal offenses, the uniform application of the law, and observance of the constitutional and criminal-law principle of equality of citizens before the law (Article 19(2) of the Constitution; Article 5 of the Criminal Code). The Criminal Code of the Republic of Uzbekistan offers an original legislative-drafting solution to this task by placing "Legal Meaning of Terms" in the concluding section of the Special Part.

Section Eight was incorporated into the structure of the Criminal Code of Uzbekistan when the Code was adopted on 22 September 1994 (and entered into force on 1 April 1995). This represented a deliberate departure from the Soviet tradition of "dispersed notes." The preceding 1959 Criminal Code of the Uzbek SSR used a system of notes. When drafting the new Code in 1994, the Uzbek legislature chose to move away from such "fragmentation" and to consolidate all evaluative categories in a separate block.

The primary objective was to ensure stability in the legal classification of offenses. Against the background of hyperinflation in the 1990s, the monetary thresholds used for different types of damage changed continually, and the need for prompt adjustment of economic indicators became one of the principal impulses behind this model. Centralizing the relevant terms in a separate section enabled the legislature to amend damage thresholds in a single place, without rewriting dozens of provisions of the Special Part, while automatically updating numerous offense definitions. The introduction in 2019 of the basic calculation value (BCV) into the legal system, including criminal legislation, ultimately transformed this section into a dynamic "control panel" for the monetary elements used in the legal classification of offenses.

Section Eight consolidates definitions of key evaluative and specialized concepts used across different chapters of the Criminal Code. Its content includes:

- a categorical framework: definitions of such concepts as "official," "foreign citizen," "employee," "stateless person," and others;
- monetary criteria: a clear differentiation among categories of damage and amount — insignificant, large, and especially large;
- specialized terms: interpretation of such concepts as "close relatives," "official secret," "state secrets," "generally dangerous method," and others.

Section Eight, in substance, constitutes a glossary — a systematized list of specialized terms accompanied by their authoritative statutory interpretation (definitions). In a criminal-law context, it is a "dictionary of the statute" that is binding on legal practitioners when interpreting and applying the law. Among the various terminological descriptions (legislative thesaurus , interpretative block , normative glossary , conceptual framework of the Code), however, the most precise characterization of this section is a statutory definitional framework, a stricter scholarly term denoting the body of definitions expressly established by law. In Anglo-American legal drafting, comparable provisions are commonly referred to as an Interpretation Clause or interpretation provision.

From the perspective of lawmaking technique, this section performs a unifying function by preventing the duplication of definitions in individual provisions. From the standpoint of legislative drafting, this structure offers several principal advantages, including structural autonomy, adaptability, and the elimination of gaps and conflicts. Structural autonomy is achieved by placing terms in a separate section rather than in the General Part or in notes to individual articles, thereby reducing the density of the operative provisions of the Special Part. Adaptability follows from the relative ease with which the legislature can amend a single section — a "statutory dictionary" — rather than revise dozens of notes to different articles when, for example, the basic calculation value changes. This technique also helps prevent gaps and conflicts, because a single general definition reduces the risk that the same term will be understood differently in different chapters of the Criminal Code.

It is important to note that, although the section existed from the outset, its content has repeatedly — and at times substantially — changed in the course of major reforms. One example is the liberalization of penalties in 2001, when amendments affected the system of terms relating to officials and categories of offenses and accompanied the introduction of new institutions, such as reconciliation. A particularly important technical step was the transition in 2019 to the basic calculation value (BCV). The use of the BCV, including in Section Eight, in place of damage, monetary amounts, or fines previously calculated by reference to the minimum wage simplified calculations for courts and other authorities applying the law by decoupling them from social-payment indicators. Digitalization and emerging threats in the 2020s have also led to the addition to Section Eight of new terms relating to "information technologies," "crypto-assets," and "mining," reflecting the Code's continuing adaptation to contemporary conditions.

Of particular importance from the perspective of legislative drafting is the fact that Section Eight is not merely a "dictionary" of terms but a normative regulatory mechanism. It employs what may be described as a reverse use of cross-referential drafting: the entries (individual terms) contained in Section Eight refer to the operative provisions of specific articles in other sections of the Special Part, while those provisions, in turn, rely on Section Eight for the meaning of the relevant terms.

From the standpoint of legislative drafting and classical legal theory, Section Eight may be viewed as a structural anomaly, since a glossary or statutory definitional framework would ordinarily be placed at the beginning of a code. Its placement at the end, after the substantive provisions of the Special Part, constitutes a distinctive Uzbek drafting approach that makes the section function as a form of "technical annex" closing the principal text of the statute.

Across the post-Soviet legal space, three principal approaches to the legislative drafting of definitions have developed:

I. The "initial glossary" model (Kazakhstan, Belarus, Kyrgyzstan, Armenia). In these states, the principal terms are set out in one of the opening articles of the General Part. For example, Article 3 of the Criminal Code of the Republic of Kazakhstan contains an alphabetical or thematic list of more than 30 concepts (including "period of an anti-terrorist operation" and "person holding a responsible public office"). Article 4 of the Criminal Code of the Republic of Belarus, "Clarification of Certain Terms of the Criminal Code," provides a systematic interpretation of concepts applicable throughout the Code. Article 3 of Armenia's 2021 Criminal Code contains the "Basic Concepts Used in This Code."

II. The "dispersed notes" model (Russia, Turkmenistan, Azerbaijan, Moldova, Ukraine). These states follow the classical Soviet tradition in which definitions are tied to specific offense provisions. For example, in the Criminal Code of the Russian Federation, the definitions of "damage" and "official" are provided in notes to Articles 158 and 285, respectively. Turkmenistan, Azerbaijan, and Moldova likewise predominantly use notes to the relevant provisions of the Special Part. A variation of this approach is the "mixed glossary" model, which combines definitions in one of the opening articles of the General Part with notes to individual provisions of the Special Part. Tajikistan, for instance, uses both notes to articles of the Special Part and Article 11.1 of the Criminal Code, which establishes general "Rules of Interpretation" prohibiting different meanings from being assigned to the same wording.

III. The "concluding section" model (Uzbekistan). Uzbekistan remains a distinctive example in which the glossary is not merely placed in a separate article but is structured as an autonomous Section Eight concluding the Special Part of the Criminal Code.

If the full range of legislation in the post-Soviet space is considered, a further model can be identified: the Baltic model, characterized by concision and dispersed definitions, with a stronger reliance on doctrinal interpretation and judicial practice. Unlike Uzbekistan, the criminal legislation of the Baltic states does not place terminology in a separate section at the end of the code. Instead, a Western drafting tradition predominates, integrating definitions into the substantive fabric of the legislation.

Latvia's Criminal Law does not contain a unified glossary. Definitions of concepts such as "complicity" and "group of persons" are integrated directly into provisions of the General Part. Economic categories, including significant and large-scale damage, are placed in a separate chapter entitled "Final Provisions," which is technically the closest to the Uzbek model, although considerably narrower in scope.

In Estonia's Penal Code, core concepts are explained in the General Part within the context of the relevant legal institutions. There is no separate glossary, and the Code relies to a greater degree on doctrinal interpretation and judicial practice.

Lithuania's Criminal Code uses notes to individual articles as well as clarifications in the General Part.

Georgian legislation follows a similar model grounded in concision. The Criminal Code of Georgia contains relatively few extensive notes or glossaries. Its drafting technique relies on clear operative provisions and the active use of sector-specific legislation through blanket references.

On the basis of the models identified above, the following broader approaches to statutory definitions can also be distinguished:

1. The preambular approach — placing the glossary at the beginning of the General Part. Although logically coherent, this solution may be impractical because it burdens the "theoretical entry point" into the substantive criminal-law provisions with technical detail.

2. The contextual approach — defining statutory terms through notes attached to specific articles. This creates "textual noise" and a risk of inconsistencies where the same concept is interpreted differently in different chapters.

3. The European/Baltic approach — minimalism combined with reliance on judicial interpretation.

Uzbekistan occupies an intermediate, yet the most ergonomic, position: the glossary is systematized but placed at the end so as not to overload the General Part, thereby functioning as a "technical annex." The effectiveness of Uzbekistan's "concluding glossary" lies in the fact that placing terminology at the end of the Special Part promotes a form of "legislative hygiene": operative provisions remain concise and intelligible. For states with transforming economies, such a model is ideally suited to targeted modernization of thresholds of criminal liability without altering the conceptual foundations of criminal law. In this sense, the glossary functions as a kind of "operating system" for the Code, isolated in a separate cluster. The table below summarizes the principal models of legislative drafting used for

statutory definitions in criminal legislation:

No.	MODEL	COUNTRIES	Characteristics of the drafting technique	Advantages
1.	"Concluding section" model (glossary at the end)	Uzbekistan	A distinctive model. All definitions are consolidated in Section Eight of the Special Part of the Criminal Code.	Ease of codification: all technical parameters are collected in one place.
2.	"Initial glossary" model (article in the General Part)	Armenia (Art. 3); Belarus (Art. 4); Kazakhstan (Art. 3); Kyrgyzstan (Art. 5)	The principal terms are collected in one of the opening articles of the Code.	Logical sequencing: the language of the statute is defined first, followed by the substantive rules.
3.	"Dispersed notes" model (traditional)	Azerbaijan, Tajikistan, Turkmenistan, Russia, Ukraine	Definitions, particularly monetary thresholds, are set out in notes to specific articles.	Contextuality: the definition is located next to the offense to which it relates.
4.	"Organic integration" model (European)	Georgia, Moldova, Baltic states (Latvia, Lithuania, Estonia)	There is no comprehensive glossary. Concepts are defined either directly in the text of individual provisions or through blanket references to other legislation.	The principal text of the provisions and articles remains uncluttered and concise.

Thus, from the perspective of legislative drafting, placing terminology at the end of the Code, as in Uzbekistan, helps "decongest" individual provisions by removing cumbersome figures and lists and makes the Code a more convenient instrument for legal practitioners, with its "technical specification" concentrated in the concluding section. The Uzbek model is closer to the Anglo-American use of interpretation provisions, although it does not replicate that model; in the context of post-Soviet criminal legislation, it represents a successful attempt to concentrate definitional material. Such end-placement is sometimes criticized in legal theory as a "departure from the logic of progression from the general to the specific." The functional advantages of the approach, however, substantially offset that structural criticism.

Section Eight of the Special Part of the Criminal Code is the product of a deliberate shift away from "notes" toward centralized statutory definitions. It has evolved from a set of basic concepts in 1994 into a complex system of economic and technological definitions. Accordingly, the "concluding glossary" model is the most effective lawmaking instrument for states with transforming economies and rapidly changing legislation. The principal advantages of the Uzbek model include the following:

1. The principle of "legislative hygiene": Unlike an initial glossary, which overloads the opening of a normative act and requires the legal practitioner to work through numerous definitions before reaching the substantive rules, a concluding section effectively serves as a technical reference tool. This preserves the internal coherence of the General Part as the theoretical foundation of criminal law.

2. Adaptability to inflationary processes: In states where the basic calculation value (BCV) or the minimum wage changes frequently, concentrating monetary thresholds in a "final block" permits targeted adjustment of sanctions across the Code through amendments to a single chapter or section. It also eliminates the risk of inconsistencies among notes to different articles, which, for example, are unavoidable under the Russian and analogous models.

3. The function of a "normative filter": Section Eight of the Special Part of Uzbekistan's Criminal Code operates as a universal filter for blanket provisions. Because the Special Part contains numerous blanket norms referring to other laws and legislative acts, a unified glossary at the end of the Code fixes an autonomous criminal-law meaning for terms that may differ from their meaning in administrative, labor, civil, environmental, military, and other branches of law.

4. The cognitive dimension: For a practicing lawyer, the sequence "offense → punishment → clarification of the term" used in the Criminal Code of Uzbekistan may be cognitively more convenient, because terminological clarification becomes necessary at the point of classifying a particular act rather than while studying the general principles of criminal law.

At the same time, notwithstanding the positive characteristics of the "Uzbek model" chosen by the legislature, conditions have now emerged that make it appropriate to consider separating "Legal Meaning of Terms" into an independent third part of the Criminal Code.

Such a proposal would undoubtedly constitute a significant step in legislative drafting and therefore requires a rigorous scholarly justification de lege ferenda.

1. Overcoming "structural subordination": At present, Section Eight formally belongs to the Special Part of the Criminal Code, although its provisions are fundamental in nature and have mandatory effect for the General Part as well. Granting it the status of an independent part would resolve this structural paradox by recognizing terminology as a universal interpretative key to the entire Code.

2. Creating a "mini-code of definitions": From the standpoint of legal drafting, this would transform the glossary from an "annex" into a full interpretative foundation. It would emphasize that terms in criminal law possess a strictly autonomous legal meaning distinct from everyday language and from the terminology of other branches of law.

3. Simplifying legislative procedures: When particular indicators (for example, economic indicators) or substantive characteristics change, the legislature would amend not the "Special Part" —

wording that may imply reform of the system of criminal offenses — but a "Technical Part," which would more accurately reflect the nature of the amendment.

Accordingly, a promising direction for improving the structure of the Criminal Code is to transform Section Eight into an independent terminological part of the Code. This would fully institutionalize the statutory glossary as a connecting link between theory (the General Part) and practice (the Special Part), while achieving a higher degree of unification in the language of criminal law.

In our view, this independent part of the Criminal Code should be structured not alphabetically, as is currently the case in Section Eight of the Special Part, but by reference to the corresponding sections of the General and Special Parts, with official interpretations of the principal terms used in simple and descriptive operative provisions. Rules formulated through blanket dispositions should, as a general matter, be applied on the basis of the meaning assigned to the relevant term in the laws and other legislative acts in which that term is used and interpreted. Where a term must instead be given an exclusively criminal-law meaning, that meaning should be defined in the independent terminological part. In this connection, two established developments in legislative practice should be regarded positively: the inclusion in newly adopted laws of definitions of the principal concepts used in those laws, and the more recent emergence of preambles explaining the social rationale for their adoption.

Uzbekistan's experience in systematizing its statutory definitional framework merits close attention and may be recommended as a model for states seeking to advance digitalization and simplify legal language. A transition to a "three-part" structure of the Criminal Code (General Part → Special Part → Terminological Part) would represent a further stage in the evolution of legislative drafting and would strengthen legal certainty.

References

1. Legislative thesaurus — emphasizes the completeness and systematic character of the terminology.
2. Interpretative block or interpretative provisions — emphasizes the section's functional purpose (clarification of meaning).
3. Normative glossary — emphasizes the binding nature of the definitions for legal practitioners.
4. Conceptual framework of the Code — a conventional formulation commonly used in academic legal research.