



Territorial Application of Criminal Law: Theoretical Foundations and Comparative Analysis

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OPEN ACCESS

SUBMITTED 08 March 2025

ACCEPTED 04 April 2025

PUBLISHED 07 May 2025

VOLUME Vol.07 Issue05 2025

CITATION

Bobur Shermatov. (2025). Territorial Application of Criminal Law: Theoretical Foundations and Comparative Analysis. *The American Journal of Political Science Law and Criminology*, 7(05), 6–7.

<https://doi.org/10.37547/tajpslc/Volume07Issue05-02>

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Abstract: This article explores the territorial scope of criminal law, focusing on its theoretical foundations and legal frameworks in different jurisdictions. It examines how the principle of territoriality is applied in criminal justice systems, comparing legislative approaches from various countries. The study highlights the significance of sovereignty, jurisdiction, and international cooperation in enforcing criminal law across borders. The analysis aims to contribute to a deeper understanding of how territorial limits affect the implementation of criminal responsibility and the pursuit of justice in a globalized legal environment.

Keywords: Territorial jurisdiction, criminal law, sovereignty, international law, comparative analysis, legal theory, extraterritoriality, jurisdictional principles.

Introduction: Each state ensures its territorial sovereignty in the implementation of its criminal legislation. The territorial application of criminal law is considered one of the key mechanisms for the practical realization of this sovereignty.

According to Article 1 of the Criminal Code of the Republic of Uzbekistan, criminal legislation is implemented in accordance with the Constitution and universally recognized norms of international law. Chapter 2 of the Criminal Code determines the applicability of criminal law in terms of territory and time.

The application of law refers to its influence on social relations within a certain period, place, and group of individuals. The territorial application of criminal law serves to ensure legality, protect the rights of citizens, and safeguard the interests of the state.

The territorial application of criminal law is mainly based on the following principles:

1. The Principle of Territoriality – criminal law applies to acts committed within the territory of the state.

2. The Principle of Nationality (Citizenship) – the state ensures liability for crimes committed abroad by its citizens.

3. The Principle of Reality – liability is established for crimes committed abroad that infringe on the interests of the state.

4. The Principle of Universality – provides for criminal liability for crimes of international significance (e.g., genocide, terrorism).

5. The Principle of Extradition – recognizes the right to transfer an accused person to another country to ensure justice.

In countries such as Russia, Belarus, Kazakhstan, Tajikistan, and Ukraine, territoriality is defined as the primary principle in criminal legislation. At the same time, Russia and Kazakhstan extend the applicability of their laws to the continental shelf and exclusive economic zone. Belarus and Ukraine widely apply the universal principle and have clearly defined procedures for recognizing foreign court decisions. Kazakhstan and Armenia have introduced the requirement of dual criminality (mutual criminalization).

International crimes are acts that violate the fundamental principles and norms of international law, hold special importance for the international community, and have a negative impact on the system of international relations. These include crimes such as aggression, colonial domination, genocide, apartheid, systematic and mass violations of human rights, and serious war crimes.

International legal responsibility regulates the consequences of violations of international law committed by its subjects, namely states.

Crimes of an international nature are committed only by natural persons. These crimes not only violate international standards but also, as a rule, breach national criminal law norms and lead to criminal liability under domestic law. Such crimes pose a threat to international and national law and order, and undermine peaceful cooperation among states in areas such as economy, culture, trade, and the protection of human rights and freedoms.

Crimes of an international nature include slavery and the slave trade, trafficking in women and children (even without the intent of enslavement), hostage-taking, aircraft hijacking, maritime piracy, illicit drug trafficking, counterfeiting currency, environmental pollution, dissemination of pornography, terrorism, and smuggling.

If a crime of an international nature is committed, the individual shall be held accountable before the domestic judicial authorities, and both international and national legal norms shall be applied in accordance with international obligations.

CONCLUSION

In conclusion, the territorial application of criminal law plays a crucial role in ensuring state sovereignty and legal order. Although this issue is regulated on the basis of general principles in the legislation of Uzbekistan, it would be appropriate to further clarify and refine it by drawing on foreign experience. In particular, mechanisms such as the principle of universality and the requirement of dual criminality should be reflected more explicitly in the national legal system.

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