



THE SCOPE OF DOMESTIC VIOLENCE IN UZBEKISTAN: A LEGAL AND JUDICIAL ANALYSIS

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Abstract

This article examines the legal definition and scope of domestic (family) violence under the legislation of the Republic of Uzbekistan. It identifies the specific categories of individuals who may be considered subjects of domestic violence and highlights the limitations imposed by current legal definitions. Drawing from judicial practice, the article analyzes a case in which a misclassification of domestic violence occurred, emphasizing the importance of correct legal interpretation in qualifying acts committed within a household. The paper concludes that domestic violence can only be committed by persons in clearly defined intimate or familial relationships, and that other household members, such as in-laws, do not fall within this category under existing law. The discussion contributes to a broader understanding of legal accountability and the protection mechanisms provided to victims within domestic settings.

Keywords: domestic violence, Uzbek criminal law, legal subject, household relationships, judicial practice, family law, gender-based violence, legal qualification, in-laws, bodily harm.

Introduction

On April 3, 2025, at approximately 01:00 a.m., P. had a domestic dispute with his spouse, O., with whom he resided at the same address. As a result of the conflict, an argument ensued during which P. committed an act of domestic violence against O. Initially, inside their residence, he repeatedly kicked various parts of her body. When O. attempted to flee from his violence toward the lower part of the household backyard, P. threw a clod of earth—which could potentially be used as a weapon—at her, causing her to suffer various bodily injuries. The Piskent District Criminal Court qualified P.’s actions as domestic violence and sentenced him to three years of restricted liberty.¹

The case described above contains elements characteristic of domestic violence. However, given that such acts can include a range of behaviors, this article aims to clarify what specific actions constitute domestic violence, who may be considered perpetrators, and what types of legal liability apply to such offenses.

It is well known that on April 11, 2023, the Law of the Republic of Uzbekistan “On Amending and Supplementing Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Further Improvement of the System for Reliable Protection of the Rights, Freedoms, and Legitimate Interests of Women and Children” introduced a new offense—domestic violence—

¹ Verdict of the criminal court of Piskent № 1-1113-2501/98 from June 2, 2025. URL: <https://drive.google.com/file/d/1IeojkuVDxmbrvwwPalr2-SvCAVEI7QX0/view>



into both the Criminal Code and the Administrative Liability Code of Uzbekistan.² Specifically, Article 126¹ of the Criminal Code and Article 59² of the Code of Administrative Liability established liability for committing acts of domestic violence.

Previously, law enforcement and judicial authorities did not hold individuals accountable under the aforementioned provisions for acts of this nature. However, the legal framework has since changed, and perpetrators have begun to be prosecuted. Notably, in 2023 alone, 203 individuals were convicted under Article 126¹ of the Criminal Code, while 8,928 individuals faced administrative liability under Article 59² of the Code of Administrative Liability. In the first quarter of 2024, 134 individuals were criminally prosecuted and 4,343 were subjected to administrative penalties for committing acts of domestic violence.³

Judicial practice demonstrates that domestic violence most often occurs between spouses. Court rulings and verdicts have shown that husbands are typically recognized as offenders and punished accordingly, whereas wives are acknowledged as victims whose rights have been restored.

What Is Domestic Violence?

Domestic violence refers to acts committed against a spouse (husband or wife), former spouse, a person living in the same household, or a person with whom one shares a child. These acts may include preventing the victim from exercising their rights to property, education, health, or labor; physical assault; bodily harm; and other similar actions.

The Plenum of the Supreme Court has defined the term as follows: “Domestic violence refers to intentional physical, psychological, economic, or sexual acts committed by one family member against another, which violate the latter's rights, freedoms, or legitimate interests, cause physical and/or mental suffering, restrict their rights, or result in bodily harm.”

From the above definitions, it is evident that domestic violence is not limited solely to physical abuse. It also encompasses economic and psychological abuse. Economic violence involves obstructing the victim’s right to own property or engage in work, whereas psychological violence manifests through insults to the victim’s dignity and honor, intimidation, or isolating them from close relatives—leading to deterioration of their mental health.

This view is also supported by S.Ya. Salamova, who argues that domestic violence is not limited to physical aggression but also includes psychological, economic, and even sexual coercion or abuse.⁴

The distinguishing characteristic of this offense compared to other violations or crimes lies in the fact that domestic violence occurs specifically within a family context and must be

² Law of the Republic of Uzbekistan “On Amending and Supplementing Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Further Improvement of the System for Reliable Protection of the Rights, Freedoms, and Legitimate Interests of Women and Children” // National Database of Legislation, 12.04.2023 г., № 03/23/829/0208. URL: <https://lex.uz/uz/docs/6430278>

³ <https://t.me/AzizAbidov/4556>

⁴ Salamova S.Ya. Domestic Violence in Modern Russia: General Characteristics. *Lex Russica*. 2018;(9):129-138. (In Russ.) <https://doi.org/10.17803/1729-5920.2018.142.9.129-138>



committed by persons explicitly indicated by law. For example, if a daughter-in-law is beaten not by her husband but by her father-in-law, this act does not constitute domestic violence. Instead, depending on the type and severity of the injury, it would fall under a different legal qualification. Another example: A husband, his wife, and his sisters live together in the same household. The sisters-in-law regularly mistreat the wife, verbally humiliating her with degrading remarks, which eventually leads to deterioration in her mental health. Although they reside together, such acts by the sisters-in-law are not legally considered domestic violence. Rather, their behavior may be qualified as another legal offense—specifically, insult—under Article 41 of the Code of Administrative Liability.⁵

What Acts Constitute Domestic Violence?

Parts 1 of Article 59² of the Code of Administrative Liability and Article 126¹ of the Criminal Code of Uzbekistan define the following actions as constituting domestic violence:

- 1. Obstruction of the Right to Property.** This involves preventing the victim from exercising their right to possess, use, or dispose of property such as clothing, essential items, hygiene products, phones, and other belongings. In simple terms, refusing to allow the victim to buy, sell, or own something constitutes domestic violence. *Example:* A husband does not allow his wife to spend her own earnings on personal needs and forcibly takes her salary. Or, he prevents her from selling or using her personal belongings.
- 2. Obstruction of the Right to Education.** This action most commonly involves preventing the victim from pursuing education—such as studying at a university or attending language or academic courses. *Example:* A wife expresses her desire to continue her education at a higher education institution, but her husband tells her, “You will not study at university—you will stay home,” thus obstructing her right to education. This constitutes domestic violence.
- 3. Obstruction of the Right to Work.** Preventing the victim from gaining employment or engaging in any form of labor activity also qualifies as domestic violence. If a person forbids their spouse from working or creates obstacles to their employment, they are liable for committing domestic violence.
- 4. Intentional Damage to Property and Personal Belongings.** This includes acts such as intentionally damaging the victim’s belongings—breaking or rendering items unusable. *Example:* During a domestic argument, a wife deliberately damages her husband’s phone. This behavior constitutes domestic violence and makes her liable.
- 5. Humiliation Leading to Health Deterioration.** This refers to repeated verbal abuse and humiliation that results in a decline in the victim’s psychological health. In court practice, such health deterioration is often supported by medical reports following examination and treatment. This must be distinguished from ordinary insult. Insult is typically not repetitive and is characterized by the intent to offend a person’s dignity. In contrast, in domestic violence, health

⁵ Code of the Republic of Uzbekistan on Administrative Liability, dated September 22, 1994 // National Database of Legislation, April 11, 2025, No. 03/25/1055/0330. URL: <https://lex.uz/docs/97661>



deterioration is a required consequence, indicating the offense has been completed, while insult does not necessarily require such an outcome.

6. Isolation from Close Relatives. This involves actions such as prohibiting the victim from seeing or communicating with close family members in person or via phone. “Close relatives” include biological or in-law relations: parents, biological and step-siblings, spouses, children (including adopted), grandparents, grandchildren, and parents- and siblings-in-law. *Example:* A husband prevents his wife from visiting or communicating with her parents, and as a result, she is cut off from her close relatives for a prolonged period. Such actions constitute domestic violence.

The subsequent parts of Article 59² of the Code of Administrative Liability and Article 126¹ of the Criminal Code primarily define actions that result in bodily injury to the victim—namely, acts of assault and infliction of light, moderate, or severe bodily harm—as administrative offenses or criminal acts.

It is important to note that, under general circumstances, the intentional infliction of light, moderate, or severe bodily harm is subject to liability under Articles 109, 105, and 104 of the Criminal Code, respectively. However, when such acts are committed between spouses, liability is imposed under Article 126¹ of the Criminal Code.⁶

For example, if a husband intentionally causes light bodily harm to his wife resulting in short-term health deterioration lasting more than six but fewer than twenty-one days, he is held criminally liable not under Article 109, but under Part 3 of Article 126¹ of the Criminal Code.

The following acts are classified as crimes and constitute domestic violence:

1. **Beating a person or intentionally inflicting light bodily harm** that does not cause temporary health deterioration or a short-term loss of work capacity—if committed after having already received an administrative penalty for similar conduct;
2. **Intentionally causing light bodily harm** that results in temporary health deterioration lasting from more than six to fewer than twenty-one days, or a short-term loss of general work capacity;
3. **Intentionally causing moderate bodily harm**, which at the time of infliction was *not life-threatening* and *did not result in consequences specified in Part 6 of Article 126¹*, but nonetheless caused long-term health deterioration (lasting from twenty-one days up to four months) or the loss of general work capacity ranging from 10% to 33%;
4. **Intentionally causing severe bodily harm** that, at the time of infliction, was *life-threatening*, or resulted in one of the following consequences: permanent loss of vision, speech, or hearing; loss of function or failure of an organ; psychological trauma or other health deterioration; loss of at least 33% of general work capacity; miscarriage; or permanent disfigurement of the body.

Who May Commit This Offense?

In many Uzbek families, the household typically includes not only the spouses and their children but also the husband’s parents, brothers, and sisters. This means that domestic

⁶ Criminal Code of the Republic of Uzbekistan dated September 22, 1994 // National Database of Legislation, March 27, 2025, No. 03/25/1051/0278. URL: <https://lex.uz/docs/111457#3168882>



conflicts can arise not only between husband and wife, but also between a daughter-in-law and mother-in-law, father-in-law, or sisters-in-law.

However, according to current legislation, the following four categories of persons can legally be considered subjects of domestic violence:

1. **Spouses** – individuals whose marriage is officially registered with the civil registry office.
2. **Former spouses** – individuals whose marriage has been legally dissolved or declared invalid by law.
3. **Persons living together as a household** – a man and a woman living in a shared home as a couple, jointly owning property and financial resources.
4. **Persons who share a common child** – a man and a woman who have a child together as a result of their relationship.

From the above, it is evident that even if a mother-in-law or father-in-law commits one of the aforementioned acts, they cannot be held liable under the legal provisions concerning domestic violence. Instead, they may be prosecuted under other articles of the Administrative or Criminal Codes.

Here is an illustrative example from judicial practice:

On August 27, 2024, the Baliqchi District Criminal Court heard a case involving O.A., who lived together with her mother-in-law G.A. Due to personal conflicts, an argument arose during which O.A. used a knife to cut the left side of G.A.'s chest and her left arm, causing light bodily injuries. The court initially qualified these actions as domestic violence and issued a verdict under Part 3 of Article 126¹ of the Criminal Code.

However, following a prosecutorial protest, the case was reviewed in cassation. The panel of judges concluded that the first-instance court's verdict required modification. The cassation court cited the failure of the lower court to properly apply Clause 31 of the Plenum of the Supreme Court's Resolution No. 6, dated June 27, 2007, "*On Judicial Practice Regarding Bodily Injuries.*"

This clause clarifies that "persons living together as a household" refers specifically to a man and a woman living in a marital relationship in a shared home and jointly owning property and financial resources. The first-instance court had not given sufficient consideration to this clarification and therefore made an error in legal qualification.

As a result, the cassation court requalified O.A.'s actions under Part 2 of Article 109 of the Criminal Code and issued a new verdict.

This case clearly demonstrates that **only the following individuals** may be held liable for committing domestic violence:

- a current spouse,
- a former spouse,
- a man and woman living together in a domestic partnership,
- or a man and woman who share a biological child.

Other individuals—such as in-laws—**cannot be subjects of domestic violence** under current legislation and may only be prosecuted under other applicable provisions of the law.

Conclusion

In recent years, Uzbekistan has taken significant legislative steps to formally recognize and combat domestic violence by introducing specific provisions into both the Criminal Code and



the Code of Administrative Liability. Domestic violence is now legally defined as encompassing not only physical abuse but also economic, psychological, and sexual forms of coercion. The law clearly outlines what behaviors constitute domestic violence, including obstruction of basic rights such as access to education, employment, property, and communication with close relatives.

Importantly, the legislation restricts the category of offenders to a specific group: current or former spouses, individuals living in a domestic partnership, and those who share a biological child. This legal precision ensures that domestic violence is treated as a distinct offense from other forms of bodily harm or abuse committed within a household.

Judicial practice continues to play a crucial role in clarifying the scope and application of these laws. The example involving the misapplication of domestic violence charges to a daughter-in-law–mother-in-law dispute illustrates the need for strict adherence to legal definitions and the evolving interpretation of such cases by higher courts.

Overall, while Uzbekistan’s legal framework has established a strong foundation for identifying and prosecuting domestic violence, continued legal refinement, judicial awareness, and public education are essential to ensure effective protection for victims and the consistent application of justice.

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