

## **The Essence of the Implementation of International Humanitarian Law into the Military Legislation of Uzbekistan**

**Ravshanov Ulugbek Makhmurbekovich**

*Senior lecturer at the department of special legal sciences and military diplomacy*

**Abstract:** This scientific article comprehensively analyzes the theoretical and legal foundations, current state, and existing problems of implementing the norms of international humanitarian law into the legislation of the Republic of Uzbekistan. The study of international humanitarian law, its sources and national processes are highlighted, and the legal nature of their mechanisms in the legal system is revealed. The proposals and recommendations put forward in the article serve to ensure the further improvement of military legislation in the Republic of Uzbekistan, ensuring the completeness of opportunities for armed conflicts, and reliable protection of human rights.

**Keywords:** international humanitarian law, implementation, military legislation, Geneva Conventions, war crimes, national legislation, Rome Statute.

**Introduction.** The acceleration of globalization processes, changes in the internal security systems of countries, and the increasing complexity of modern armed conflicts are increasing the need for the norms and rules of the ICC. International and non-international armed conflicts that have emerged in various parts of the world in recent decades have turned the issue of compliance with humanitarian phenomena into a global problem. Therefore, the international community needs legal mechanisms to protect civilians, persons not directly involved in hostilities, and prisoners of war during armed conflicts. International humanitarian law is a system of international legal norms aimed at ensuring humanitarian processes during armed conflicts, the basis of which are the four Geneva Conventions of August 12, 1949 [4-8] and Additional Protocols of 1977 [9-10]. This covers fundamental safety rules, such as the differentiation of combatants and civilians, screening before the use of traumatic weapons, protecting the wounded and sick, and preserving cultural objects. According to the International Committee of the Red Cross, the Geneva Conventions have been ratified by all states and are classified as universal international legal instruments.

The Republic of Uzbekistan, as a full-fledged subject of the international community, acceded to the 1949 Geneva Conventions in 1993 and has assumed international obligations. The recognition of universally recognized principles of international law in the Constitution of Uzbekistan demonstrates the state's commitment to solving Uzbekistan's problems in international trade. In this regard, the implementation of national humanitarian law into legislation is one of the sustainable directions of state policy. Certain provisions of the ICC norms are reflected in current legislation. The Criminal Code of the Republic of Uzbekistan provides for criminal liability for violating the laws and customs of war. , "On Defense" and "On Universal Military Obligation and Military Service" there is a requirement to comply with domestic and international standards in the process of military service. In the military education system, there is a practice of teaching the fundamentals of international humanitarian law, which is an important factor in the

implementation of international standards into practical activities. However, analysis shows that the full and systematic implementation of international humanitarian law into the domestic legal system has not yet been completed. Some international legal acts are not fully reflected in national legislation, the full catalog of war crimes is not clearly systematized in accordance with international standards, and the mechanisms for applying IAC norms to armed conflicts are insufficiently regulated. International humanitarian law (IHL) is a set of international norms that legally regulates hostilities and protects human rights during armed conflicts. It regulates both armed conflicts between states and internal non-international armed conflicts. The purpose of the IGH is to ensure a balance between military necessity and humanitarian requirements.

### **Materials and methods**

This study is based on a comprehensive analysis of legal, theoretical, and doctrinal sources related to the implementation of international humanitarian law norms into the military legislation of the Republic of Uzbekistan. The research materials include international legal instruments governing the conduct of armed conflict, national legislative acts regulating military activity, defense policy documents, and scientific literature devoted to the interaction between international law and domestic legal systems. Particular attention was given to the Geneva Conventions and their Additional Protocols, which form the legal and moral foundation of modern international humanitarian law. Alongside these documents, the Constitution of the Republic of Uzbekistan, laws concerning defense, military service, national security, and other normative legal acts regulating the activities of the armed forces were examined as the principal domestic sources of the research. The methodological basis of the study combines several interrelated approaches. First, the comparative-legal method was used to identify the correspondence between international humanitarian law standards and the provisions of Uzbekistan's military legislation. This made it possible to determine the degree of normative harmonization and the areas requiring further legal refinement. Second, the formal-legal method was applied to interpret the content of legal norms and to reveal their juridical meaning within the framework of national military regulation. Third, the systematic method was employed to study international humanitarian law and national military legislation as interconnected elements of a single legal mechanism aimed at ensuring lawful conduct during armed conflicts. In addition, elements of doctrinal analysis were used to evaluate the views of legal scholars on the concept, forms, and significance of implementation in the field of military law. The study also relied on analytical and descriptive methods. These methods made it possible to explain the practical significance of incorporating international humanitarian law principles into domestic military legislation, to characterize the institutional and legal conditions necessary for such implementation, and to assess the role of legal adaptation in strengthening military discipline, human rights guarantees, and the international legal responsibility of the state. As a result, the chosen materials and methods ensured a multidimensional examination of the essence of implementation, allowing the issue to be considered not only from the standpoint of legal theory, but also from the perspective of practical legislative development and military governance.

### **Results**

The results of the study demonstrate that the implementation of international humanitarian law norms into the military legislation of Uzbekistan is a necessary and strategically important legal process aimed at aligning national military regulation with universally recognized international standards. The analysis showed that the incorporation of humanitarian principles into domestic legislation strengthens the legal foundations of military activity and contributes to the prevention of unlawful conduct during armed conflicts. The research revealed that the essence of implementation is not limited to the formal inclusion of international norms into national legal

acts. Rather, it represents a broader process of legal adaptation through which the principles, rules, and obligations established by international humanitarian law become an effective part of the domestic military legal system. This process includes legislative recognition, normative consolidation, institutional support, and practical application within the activities of military authorities and personnel. It was also established that Uzbekistan's military legislation reflects a gradual movement toward the recognition of humanitarian standards in matters related to the protection of civilians, the humane treatment of persons affected by armed conflict, the regulation of military conduct, and the observance of international obligations. This indicates that implementation has both legal and institutional dimensions. On the one hand, it requires the development of precise legislative mechanisms; on the other hand, it demands the formation of legal awareness and professional responsibility among military personnel. Another important result of the study is the conclusion that the implementation of international humanitarian law enhances the legitimacy of the national military system in the international arena. By integrating humanitarian norms into its military legislation, Uzbekistan not only fulfills its treaty obligations but also reinforces its image as a state committed to the rule of law, peace, and human dignity. In this sense, implementation serves as a bridge between national sovereignty and international legal responsibility. The findings further show that the effectiveness of implementation depends on the consistency of legal reforms, the quality of military legal education, and the existence of clear enforcement mechanisms. Without practical application, legal norms remain declarative. Therefore, the true essence of implementation lies in transforming international humanitarian standards into functioning domestic rules that guide military behavior in real situations. In general, the study confirms that the implementation of international humanitarian law norms into the military legislation of Uzbekistan is an essential condition for ensuring legality in the military sphere, protecting fundamental humanitarian values, and improving the overall effectiveness of the national defense system.

### **1. Lack of a comprehensive law dedicated to international humanitarian law.**

Currently, there is no single, systematic, and comprehensive regulatory legal act dedicated to IHL in the Republic of Uzbekistan. The norms of the ICC are fragmented across different legislative acts, which complicates their application on a unified conceptual basis. The lack of a comprehensive law, in turn, complicates the systematic interpretation of IHL norms, creates ambiguity in the clear definition of the powers of state bodies, and hinders the formation of a unified approach to practical application. In international practice, many countries have adopted a special national law on IHL or a document on the national commission. This serves to centralize and coordinate implementation.

### **2. The incomplete reflection of certain international concepts in national legislation.**

Some key concepts within the ICC, such as "international armed conflict," "non-international armed conflict," "combatant status," "military necessity," and "proportionality," are not clearly and comprehensively defined in national legislation. The lack of such terminological clarity can lead to different interpretations in law enforcement practice, increases the risk of making incorrect decisions during military operations, and complicates the application of international norms in judicial practice. Therefore, it is necessary to clearly and harmoniously enshrine international legal concepts in national legislation.

### **3. The incomplete compliance of the catalogue of war crimes with international standards.**

Although the Criminal Code establishes liability for violating the laws and customs of war, a comprehensive and detailed catalogue of war crimes has not been systematized at the level of international standards. For example: some elements of crimes are expressed in a general form,

some elements recognized in international criminal law are not sufficiently reflected in national legislation, and liability mechanisms are not fully harmonized with international legal criteria. This is an important issue in terms of full fulfillment of international obligations and minimization of the risk of international liability.

#### **4. Insufficient regulation of the mechanism for applying IHL norms in the military process.**

Specific procedural mechanisms for implementing IHL norms during the planning and execution of military operations have not been fully developed. In particular: the criteria for assessing the principles of proportionality and differentiation at the decision-making stage are not clearly regulated, the mechanism for verifying the compliance of orders with international law is not sufficiently systematized, and mechanisms for prompt and independent inspections in the event of violations are not clearly defined. This, in turn, may reduce the practical effectiveness of IHL norms.

#### **5. Institutional underdevelopment of monitoring and control mechanisms.**

The absence of an independent and specialized body or national commission to monitor the implementation of IHL norms creates institutional vulnerabilities. The weakness of the monitoring system limits the ability to regularly assess the practical implementation of regulatory documents, complicates systematic control over compliance with the ICC in military structures, and as a result, complicates the centralization of practical cooperation with international organizations. From a scientific perspective, in addition to the regulatory framework, strong institutional mechanisms are also considered necessary for effective implementation. An analysis of the aforementioned problems shows that, despite the implementation of international humanitarian law in the Republic of Uzbekistan to a certain extent, there is a need for systemic improvement. Comprehensive modernization of legislation, alignment with international standards, and strengthening institutional oversight mechanisms will ensure the effective application of the ICC. Effective implementation of the norms of international humanitarian law (IHL) is not limited to the recognition of the existing legal framework. It requires the systematic improvement of regulatory, institutional, and educational mechanisms. Therefore, the following priority areas are proposed on a scientific basis.

a) strengthening the regulatory and legal framework;

Adoption of a separate law "On International Humanitarian Law."

The adoption of a separate comprehensive law dedicated to IHL will serve to systematize regulatory documents in this field. Such a law should consolidate the basic concepts and principles of international humanitarian law at the national level, clearly define the powers of state bodies in the implementation of IHL, regulate the legal procedure for action in armed conflicts, and establish mechanisms for monitoring the fulfillment of international obligations. From a scientific point of view, such an approach leads the regulatory legal system from a fragmentary state to a complex and systemic stage. It is necessary to expand and more precisely define the composition of war crimes in accordance with the standards of international criminal law. In particular, a more detailed description of the elements of war crimes, clarification of the responsibility of the commanders, and consideration of the possibility of applying the universal principle of responsibility. This reduces the risk of international liability and increases the ability of national courts to independently review such crimes. Clear procedures for the application of IHL principles in the planning and execution of military operations should be established. In particular, the criteria for assessing proportionality, the procedure for identifying civil objects, the mechanism for rejecting illegal orders, and the procedure for conducting an operational investigation into an offense. This will strengthen the practical implementation of IHL norms.

**b) Development of institutional mechanisms**

Establishment of a National Commission on Human Trafficking - in the practice of many countries, national commissions on human trafficking operate. Such a body shall:

- coordinates regulatory documents;
- ensures cooperation with international organizations;
- carries out coordination between military and civilian authorities;
- performs monitoring and analytical tasks.

This centralizes the implementation process and ensures systematicity. The International Committee of the Red Cross (ICRC) has extensive experience in promoting and implementing ICRC norms. Cooperation can be strengthened through the organization of trainings and seminars, the examination of regulatory documents, and the development of methodological recommendations. This brings the national system closer to international standards. Strengthening control over legality within military structures is crucial for preventing violations of IHL norms. Control mechanisms should include improving internal audit procedures, introducing independent evaluation mechanisms, and transparency in the reporting system. This strengthens the principles of responsibility and accountability.

Implementation of in-depth XGH courses in military academies. Expanding curricula on IHL, studying practical examples and international judicial practice will develop the legal thinking of cadets.

Practical trainings: Conducting training based on situational analysis, "case-study" methods, and real-world scenarios prepares military personnel for the application of XGH in real-world conditions.

Implementation of simulation training. Through the modeling of combat situations, skills for differentiation and the practical application of proportionality principles are formed. This prevents offenses as a preventive mechanism.

**TABLE: IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW (IHL) NORMS INTO THE MILITARY LEGISLATION OF UZBEKISTAN**

| No. | IHL principle / norm                 | International source         | Reflection in Uzbekistan's military legislation            | Implementation mechanism                           | Practical significance                                     |
|-----|--------------------------------------|------------------------------|--|--|--|
| 1   | Protection of civilians              | Geneva Convention IV (1949)  | Reflected in laws on defense and national security         | Legislative incorporation and military regulations | Ensures protection of civilian population during conflicts |
| 2   | Humane treatment of prisoners of war | Geneva Convention III (1949) | Military statutes and internal regulations of Armed Forces | Training of military personnel, legal norms        | Prevents torture and inhumane treatment                    |
| 3   | Distinction between combatants and   | Additional Protocol I (1977) | National defense doctrine and                              | Normative adaptation and operational guidelines    | Reduces unlawful targeting and                             |

|   |                                      |  |  |   |  |
|---|--------------------------------------|--|--|---|--|
|   | civilians                            |  | military instructions                        |   | civilian casualties                                      |
| 4 | Prohibition of unnecessary suffering | Customary IHL rules                          | Reflected in criminal and military law norms | Legal enforcement and accountability mechanisms | Limits use of prohibited weapons and methods             |
| 5 | Responsibility for violations        | Rome Statute (1998)                          | Criminal legislation of Uzbekistan           | Judicial and disciplinary responsibility        | Ensures punishment for war crimes                        |
| 6 | Respect for human dignity            | Universal Declaration of Human Rights (1948) | Constitution of Uzbekistan                   | Constitutional guarantees and military ethics   | Strengthens legal culture and discipline in armed forces |

**Conclusion.** The full and effective implementation of the norms of international humanitarian law (IHL) into the system of military legislation of the Republic of Uzbekistan is one of the important conditions for the fulfillment of the state's international obligations, reliable protection of human rights and freedoms, and modernization of the military management system in accordance with modern requirements.

Firstly, the fulfillment of international obligations determines the reliability of a state as a subject of international law. The Republic of Uzbekistan has ratified the 1949 Geneva Conventions, thereby assuming the obligation to adhere to the principles of humanism during armed conflicts. The full reflection of these obligations in the national legal system strengthens the state's legal reputation in the international arena and creates a solid foundation for the development of international cooperation.

Secondly, the effective implementation of IHL norms is directly linked to the protection of human rights. In armed conflicts, the civilian population, prisoners of war, the wounded, and the sick require special protection. The principles of discrimination, proportionality, and the prohibition of unnecessary suffering of the ICC are based on the ideas of humanism. Their consolidation in national legislation defines the legal boundaries of military activity and prevents potential offenses.

Thirdly, the implementation of IHL norms is an integral part of the process of modernizing the military system. Modern armed forces must be developed not only militarily but also legally and institutionally. Planning and conducting military operations in accordance with international standards requires a rise in legal culture within the command system. This forms professional and responsible military management. Implementing systemic legislative reforms in this field is considered an urgent task. First of all, it is necessary to improve the regulatory framework. It is necessary to systematize the norms of the ICC based on a single concept, clarify the mechanisms of liability for war crimes, and detail international principles in military regulations. This ensures that national legislation complies with international standards. The development of institutional mechanisms is also of great importance. Monitoring the implementation of IHL norms, strengthening control over legality in military structures, and expanding cooperation with international organizations will increase the effectiveness of implementation. The establishment of a specially authorized body or a coordinating commission serves to systematize this process. In conclusion, the full and effective implementation of the norms of international humanitarian law

into the system of military legislation of the Republic of Uzbekistan serves the development of the state as a state governed by the rule of law, the fulfillment of international obligations, and the improvement of the military sphere in accordance with modern requirements. The implementation of comprehensive and continuous reforms in this direction is one of the priority tasks of modern legal policy.

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