



Prospects for the Improvement of Criminal Liability for Hostage-Taking Offenses

Azamat Annakulov

Karakalpak State University

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*Correspondence: Azamat Annakulov

Email: azamat@gmail.com

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Abstract: This article analyzes the problems and prospects for improving criminal liability for the offense of taking a person hostage. From the perspective of public security, the author evaluates the high degree of social danger posed by this crime and examines the deficiencies in the current legal response. A comparative legal analysis of national and international legislation is conducted to identify gaps and inconsistencies in the legal regulation of hostage-taking. Particular attention is given to the need for harmonizing Uzbekistan's criminal code with international legal standards. The article also outlines proposals for enhancing pre-crime prevention measures and improving the efficiency of investigation and prosecution processes. Drawing on the experiences of foreign countries, the study substantiates the necessity of introducing targeted amendments to domestic legislation to ensure timely legal responses and greater protection of public safety. The author argues that a multidisciplinary and proactive legal approach, supported by interagency cooperation and modern investigative methods, is essential for effectively deterring and addressing hostage-taking offenses in contemporary criminal justice practice.

Keywords: Hostage-Taking, Criminal Liability, Public Security, International Conventions, Criminal Code, Investigative Methodology, Legal Reforms, Foreign Experience, Sentence Enhancement

Introduction

Hostage-taking crimes represent one of the most dangerous and socially harmful categories of offenses, primarily due to their direct threat to public security. Public security, as a strategic component of social order, ensures the integrity of individual rights, peace, and the stable functioning of state and societal institutions. In this regard, acts that violate public security—such as terrorism, extortion, or hostage-taking—are considered grave challenges to the safety and stability of modern societies (Roberts, 2023).

Hostage-taking involves unlawfully detaining an individual with the intention of coercing another person, organization, or state to act or refrain from acting under threat of violence. Such offenses often aim to exert pressure on political or legal institutions and are frequently accompanied by threats, violence, and psychological manipulation (Ummatov, 2020).

In recent years, the growing frequency and severity of hostage-taking incidents—often involving women, children, and other vulnerable groups—has raised concern among

policymakers and legal scholars. Uzbekistan, while a party to international conventions such as the *International Convention Against the Taking of Hostages*, still faces the challenge of improving its criminal legislation and institutional mechanisms for addressing such crimes effectively (Kaplina, 2021).

This article seeks to explore the theoretical and practical aspects of improving criminal liability for hostage-taking. It analyzes existing national legislation, compares foreign legal frameworks, and proposes legal reforms and procedural improvements, including better investigation techniques, stricter sentencing frameworks, and alignment with international norms.

Literature Review

The theoretical and practical dimensions of hostage-taking crimes have been discussed in various criminological and legal studies. According to V. A. Osipov, hostage-taking constitutes the unlawful restriction of personal freedom with the intent to pressure a state, organization, or individual to fulfill demands under threat of harm. He emphasizes the psychological and coercive nature of such crimes, which aim to provoke submission through fear and control (Osipov, 1999).

M.Y. Pavlik highlights public security as a core societal value, stressing the need to protect individuals, communities, and state structures from threats, including those posed by hostage-taking. He argues that crimes of this nature deliberately create an atmosphere of fear and disruption that undermines collective safety (Pavlik, 2006). Similarly, K.P. Ansiferov considers hostage-taking to be among the most serious threats to personal dignity and social order, having evolved from a political tactic into a criminal act universally prohibited by international and national laws (Ansiferov, 2003).

M.Y. Gushin identifies key features of hostage-taking, including its symbolic and demonstrative character, the use of violence or threats thereof, and the intentional creation of psychological trauma among victims and observers (Gushchin, 2005). R.E. Oganyan provides a practical analysis of the preparatory stages of such crimes, including victim surveillance, partner recruitment, and escape planning, underlining the complexity and premeditated nature of hostage-taking (Oganyan, 2002).

Internationally, the 1979 *UN Convention Against the Taking of Hostages* forms the cornerstone of global efforts to combat such crimes. It obliges state parties to criminalize hostage-taking in their domestic law and to facilitate international cooperation. Many foreign jurisdictions—including Germany, Russia, Kazakhstan, Armenia, Azerbaijan, and Belarus—have adopted stringent criminal penalties and developed procedural mechanisms for preventing and prosecuting hostage-taking offenses (Burlakov, 2019).

Despite the international consensus on the seriousness of this crime, Uzbekistan's current legal provisions are comparatively limited in scope and require further refinement. The gaps in sentencing policies, investigation methodologies, and the lack of a unified classification of aggravating circumstances are notable issues that demand urgent attention.

Methodology

This study employs a doctrinal legal research approach supplemented by comparative and analytical methods to examine the current state and future prospects of criminal liability for hostage-taking offenses. The research methodology is grounded in both normative legal analysis and empirical legal review of international and national criminal legislation (Simons, 2018).

The normative-legal method was utilized to interpret relevant articles of the Criminal Code of the Republic of Uzbekistan, particularly Article 137, and to analyze its correlation with other related provisions such as terrorism (Article 155) and extortion (Article 165). This allowed for a thorough examination of the scope, structure, and limitations of the existing legal framework regarding hostage-taking (Estellita, 2019).

The comparative legal method was applied to assess the criminal laws of several foreign jurisdictions, including Germany, Russia, Kazakhstan, Armenia, Azerbaijan, and Belarus. This method facilitated the identification of best practices, legal innovations, and divergent approaches to defining aggravating circumstances, sentencing policies, and prosecutorial procedures for hostage-taking crimes.

In addition, the theoretical-analytical method was used to evaluate scholarly literature and doctrinal interpretations provided by legal theorists such as Osipov, Pavlik, Gushin, and Oganyan. Their insights were instrumental in formulating a conceptual understanding of hostage-taking as a multifaceted crime involving psychological, legal, and sociopolitical dimensions.

The research also includes legal policy analysis, particularly in relation to Uzbekistan's obligations under the *International Convention Against the Taking of Hostages* (1979). This helped to assess the alignment between national criminal legislation and international legal standards.

While the study is primarily qualitative in nature, references to crime statistics and public safety reports were incorporated to contextualize the social threat posed by hostage-taking offenses and to emphasize the urgency of legal reform. Based on the findings, the study proposes targeted recommendations aimed at enhancing criminal liability, improving investigative methodology, and harmonizing national legal norms with international frameworks.

Result and Discussion

The analysis of the current legal framework for hostage-taking crimes in Uzbekistan reveals several substantial gaps that hinder the effective application of criminal liability. Despite the presence of general provisions in Article 137 of the Criminal Code, the law lacks clarity in defining the specific features of hostage-taking as an independent and aggravated crime. Notably, the absence of clearly outlined qualifying circumstances—such as targeting vulnerable groups, committing the crime by organized groups, or using weapons—limits the law's responsiveness to real threats.

One of the key findings of the study is that the current scope of criminal liability does not adequately reflect the social danger posed by modern hostage-taking. While Uzbekistan is a party to the *International Convention Against the Taking of Hostages*, its domestic legislation does not yet fully harmonize with international obligations. The comparative analysis demonstrates that several countries—such as Russia, Germany, Kazakhstan, and Belarus—impose stricter penalties, ranging from 6 to 20 years of imprisonment, with aggravating factors such as the involvement of minors, pregnant women, or the use of deadly force (El-Manaseer, 2025).

Additionally, the investigation of hostage-taking offenses remains a significant challenge due to the lack of a unified methodological framework. There is no specialized investigative protocol tailored to hostage-related offenses, and law enforcement agencies often rely on general procedural rules, which can lead to delays, misclassifications, or even judicial inconsistencies. Scholars such as R.E. Oganyan have emphasized the importance of preparation stages in hostage-taking cases, which require advanced psychological, tactical, and forensic tools.

From a criminological perspective, experts including M.Y. Gushin and V.A. Osipov argue that hostage-taking is a demonstrative and high-risk crime that creates mass fear, disrupts public order, and threatens the legitimacy of state authority. These features necessitate enhanced criminal sanctions and targeted preventive strategies. Public security, as emphasized by Pavlik and Ansiferov, is directly undermined by such crimes, making it imperative to improve legal responses and institutional coordination.

The discussion also highlights the need for expanding legal definitions to cover preparatory acts, such as surveillance, coordination with accomplices, and acquisition of tools for confinement or coercion. The study finds that foreign legal systems, especially in Armenia and Azerbaijan, provide nuanced approaches that allow for the exemption of offenders from liability if the hostage is voluntarily released and no additional crimes were committed. Such provisions could be adapted into Uzbek law to incentivize non-violent resolutions (Kotlán, 2021).

Ultimately, the study confirms the necessity of legal reform in several directions: (1) defining aggravating circumstances in detail; (2) enhancing sentencing guidelines; (3) developing a dedicated investigative methodology; and (4) aligning legal norms with international standards. These reforms will strengthen the state's ability to protect public safety and ensure justice in hostage-taking cases.

Conclusion

This study has demonstrated that hostage-taking crimes pose a significant threat to public security and require urgent legal and procedural reforms in Uzbekistan. The current provisions under Article 137 of the Criminal Code do not sufficiently reflect the complex, violent, and socially dangerous nature of such offenses. The lack of detailed qualifying elements, limited investigative methodology, and absence of harmonization with international legal standards hinder the effective prosecution and prevention of hostage-taking.

Comparative legal analysis with jurisdictions such as Russia, Germany, Kazakhstan, Armenia, Azerbaijan, and Belarus reveals that more robust frameworks—including aggravated sentencing, specialized investigation protocols, and mechanisms for voluntary release—contribute to stronger criminal justice responses. The study also emphasized the importance of incorporating criminological insights, particularly concerning the psychological, tactical, and organizational aspects of hostage-taking offenses.

Improving criminal liability for hostage-taking in Uzbekistan must begin with clearly defining the offense's legal components, including motive, means, and purpose. It should also address gaps in law enforcement practice by developing comprehensive investigative methodologies and inter-agency cooperation. Further, public awareness, legal education, and community involvement must be expanded to prevent such crimes before they occur.

In conclusion, the modernization of criminal liability for hostage-taking should be seen as a strategic legal reform that protects not only individual safety but also public order and national stability. Strengthening legal norms in this area will bring Uzbekistan closer to international best practices and reinforce its commitment to upholding human rights and the rule of law.

References

- Antsiferov, K. P. (2003). *Otvetstvennost' za zakhvat zalozhnika (Ugolovno-pravovoy i kriminologicheskoy aspekty): Avtoreferat dissertatsii kandidata yuridicheskikh nauk* [Liability for hostage-taking: Criminal-legal and criminological aspects: Abstract of PhD thesis]. Moscow: RSB.
- Burlakov, V. N. (2019). Crime boss and the grounds for liability: Postmodernism in criminal law. *Russian Journal of Criminology*, 13(3), 465–476. [https://doi.org/10.17150/2500-4255.2019.13\(3\).465-476](https://doi.org/10.17150/2500-4255.2019.13(3).465-476)
- El-Manaseer. (2025). Criminal Liability of the Judicial Magistrate Within the Scope of Their Duties in Jordanian Legislation. *Studies in Computational Intelligence*, 1174, 615–627. https://doi.org/10.1007/978-3-031-74220-0_48
- Estellita, H. (2019). Taking corporate criminal liability seriously in Brazil. *Revista De Estudos Criminais*, 18(75), 59–79. <https://www.scopus.com/inward/record.uri?partnerID=HzOxMe3b&scp=85084504350&origin=inward>
- Federal Republic of Germany. (2023). *Strafgesetzbuch (StGB) – German Criminal Code* (as amended to May 1, 2023). Retrieved from <https://constitutions.ru/?p=24969>
- Gushchin, M. Yu. (2005). *Zakhvat zalozhnika: Kriminologicheskaya kharakteristika i ugolovno-pravovyye mery protivodeystviya* [Hostage-taking: Criminological characteristics and criminal legal countermeasures: Abstract of PhD thesis]. Saint Petersburg: RSB.
- Kaplina, O. V. (2021). Interrogation of minor and juvenile witnesses in criminal proceedings: Current state and prospects for improvement. *Journal of the National Academy of Legal Sciences of Ukraine*, 28(3), 268–276. [https://doi.org/10.37635/jnalsu.28\(3\).2021.268-276](https://doi.org/10.37635/jnalsu.28(3).2021.268-276)

- Kotlán, P. (2021). The Controversy about the Essence of the Criminal Liability. *Pravnik*, 160(9), 697–785. <https://www.scopus.com/inward/record.uri?partnerID=HzOxMe3b&scp=85127192149&origin=inward>
- Oganyan, R. E. (2002). *Preduprezhdenie pokhishcheniya lyudey: Teoriya i praktika* [Prevention of kidnapping: Theory and practice]. Moscow.
- Osipov, V. A. (1999). *Zakhvat zalozhnika (Ugolovno-pravovoy i kriminologicheskoy aspekty): Avtoreferat dissertatsii kandidata yuridicheskikh nauk* [Hostage-taking: Criminal law and criminological aspects: Abstract of PhD thesis]. Moscow: RSB. <https://www.rsl.ru>
- Pavlik, M. Yu. (2006). Ugolovnaya otvetstvennost' za nasilstvennye prestupleniya protiv obshchestvennoy bezopasnosti: sovremennoe sostoyanie, sushchnost' i protivorechiya [Criminal liability for violent crimes against public safety: Current state, essence and contradictions]. *Vestnik Sankt-Peterburgskogo universiteta MVD Rossii*, (1), 102–107.
- Republic of Armenia. (2003, April 29). *Kodeks Respubliki Armeniya ZR-528* [Criminal Code of the Republic of Armenia]. Retrieved from <https://faolex.fao.org/docs/pdf/arm197602>
- Republic of Azerbaijan. (2024, February 23). *Ugolovnyy kodeks Azerbaydzhanskoy Respubliki ot 30 dekabrya 1999 goda № 787-IQ* [Criminal Code of the Republic of Azerbaijan]. Retrieved from https://continent-online.com/Document/?doc_id=30420353#pos=5;-124
- Republic of Belarus. (1999, July 9). *Ugolovnyy kodeks Respubliki Belarus № 275-Z* [Criminal Code of the Republic of Belarus]. Retrieved from <https://pravo.by/document/?guid=3871&p0=hk9900275>
- Republic of Kazakhstan. (2024, September 9). *Kodeks Respubliki Kazakhstan ot 3 iyulya 2014 goda № 226-V ZRK (s izmeneniyami i dopolneniyami)* [Criminal Code of the Republic of Kazakhstan, as amended]. Retrieved from <https://adilet.zan.kz/rus/docs/K1400000226>
- Roberts, J. V. (2023). Sentencing Members of Minority Groups: Problems and Prospects for Improvement in Four Countries. *Crime and Justice*, 52(1), 343–393. <https://doi.org/10.1086/725721>
- Russian Federation. (2024, October 2). *Ugolovnyy kodeks Rossiyskoy Federatsii ot 13.06.1996 № 63-FZ (red. ot 02.10.2024)* [Criminal Code of the Russian Federation No. 63-FZ]. Retrieved from https://www.consultant.ru/document/cons_doc_LAW_10699
- Simons, K. W. (2018). Can strict criminal liability for responsible corporate officers be justified by the duty to use extraordinary care? *Criminal Law and Philosophy*, 12(3), 439–454. <https://doi.org/10.1007/s11572-017-9431-z>
- Ummatov, M. (2020). Prospects for improvement and provision of reasonable importance of information as a result of identification for recognition in the criminal procedure of the Republic of Uzbekistan. *Journal of Advanced Research in Dynamical and Control Systems*, 12(2), 2822–2833. <https://doi.org/10.5373/JARDCS/V12I2/S20201348>
- Uzbekistan. (1997, December 26). *Odamlarni garovga olishga qarshi kurash to'g'risidagi xalqaro konvensiyaga qo'shilish haqidagi xalqaro konvensiya* [International Convention on the Suppression of the Taking of Hostages, Accession by Uzbekistan, Law No. 554-I]. *Oliy Majlis Axborotnomasi*, 1998(1), Article 21.