

## **SUPERVISION OF THE PROSECUTOR IN UZBEKISTAN**

### **HISTORY OF DEVELOPMENT**

***Khushbakova Nigora G'ayrat qizi***  
Faculty of Law, Termiz State University  
A 4th-level student of jurisprudence  
[Nigora.0303@icloud.com](mailto:Nigora.0303@icloud.com)

**Abstract:** this article describes in detail the content and development history of the prosecutor's control in Uzbekistan, the activities of the prosecutor's office in the years of the Second World War, the years after the war and the years of independence.

**Keywords:** prosecutor's office, Trial Chamber, District Court, prosecutor's supervision, People's Commissars, etc.

Justice is always restored by just time itself. With the honor of independence, our cultural and spiritual values have been restored, and now our people are re-perceiving the glorious history and the social environment in which our ancestors lived, which taught them kindness, justice, truth and perfection. It is known that in the 7th century, our ancestors accepted Islam, and social and legal relations were regulated mainly on the basis of Sharia rules and local customs.

The prosecutor's office is a state body that supervises the full implementation of laws and their correct application in the country. In Latin, the word "procuratio (procuro)" means to take care of, manage, the word "procurator (procuro)" means manager, manager, chairman, trustee, representative, procurator, administrator of the imperial revenues, and finally the word "Procurro" means to take care of, take care of, means to preserve, to provide, to carry out, to manage, to lead.

Depending on the mentioned terms, it is possible to think about two different meanings of the word "Prosecutorship", that is, this word can be understood in a broad sense as a state body exercising control or an official or a special type of state body. In the narrow sense, a system of special state bodies intended to carry out control activities, which do not belong to other branches of government, is understood.

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Even in ancient Greece and Eastern countries, the main social function of the prosecutor was to ensure legality. As a representative of the state, he made the accusation in court. Later, it was also transferred to ancient Rome. The first prosecutor's office in Europe was established in France in the 14th century. During this period, the prosecutor's office was primarily intended to implement punishment and accusation measures.

In 1506, the law on the activities of the prosecutor's office and its establishment, adopted in France, determined its place in the system of other state bodies. According to this law, the powers of the

prosecutor's supervision included: administrative-political activities of the prosecutor, supervision over the investigation, judicial activities. In later times, the prosecution in France underwent important reorganizations, but its punitive function in the state, ensuring the stability of the supreme authority, remained unchanged.

The activities of the prosecutor's office in France formed the basis for the establishment of the prosecutor's office in Tsarist Russia and influenced the functioning and formation of the prosecutor's office after the October Revolution of 1917 and during the former Soviet Union. In Russia, the prosecutor's office was created by Peter I during the reform of public administration as a body that exercises control over the implementation of the law, as a single, centralized state system.

Pyotr I said, "The prosecutor's office must protect the interests of the state and all citizens, and the general prosecutor, in his words, is our eye and head of state affairs."

The institution of prosecutorial control was first envisaged in the draft of the Provisional Regulations for the Administration of Turkestan in 1867. However, at that time, the prosecutor's office was not established as a special body. The function of the prosecutor was performed by the governor-general, who headed the administrative administration apparatus (Turkestan region was composed of three independent administrative regions: Syrdarya region, Zarafshan district and Amudarya department).

In 1887, by order of the Minister of Justice of Russia, regional prosecutor's offices were established under the regional courts of Sirdarya, Margilan, and Samarkand. Although these prosecutors were formed within the regional courts, they were administratively subordinated to the Minister of Justice of Russia. Only persons belonging to the Russian nationality and believing in the Christian religion could be appointed to the position of prosecutor.

As a result of the reforms carried out in that period, by 1899 two levels of prosecutor's office functioned in Turkestan:

**Prosecutor's Office in the Trial Chamber;**

**Prosecutor's Office in the District Court.**

The prosecutor's office in the District Court is subordinate to the prosecutor's office in the Trial Chamber. The Prosecutor of the Trial Chamber, in turn, was directly subordinated and accountable to the Minister of Justice. All prosecutors are appointed and released from duty by the tsar.

**Duties of prosecutors are as follows:**

instigating criminal prosecutions, leading police investigations, monitoring preliminary investigations, sending cases to court, proving the guilt of defendants in court, protesting court verdicts, issuing orders on the execution of court decisions and participating in the recovery of criminal cases, monitoring the implementation of laws on judicial office work, To be present at the sessions of the Chamber of Justice Department, to participate in the sessions of the Chamber of Justice and the District Court and to give conclusions on the application of the law, to issue orders on the identified shortcomings, to initiate disciplinary proceedings, to monitor the legality of detention of prisoners in penal institutions and prisons.

Until 1917, the Prosecutor's Office was considered a harsh punitive body protecting the reactionary state system, and this body was abolished along with Tsarist Russia.

After the October Revolution in Russia in 1917, until the judicial reform was carried out, the courts and prosecutor's offices in Turkestan, which operated in the former Tsarist Russia, continued to operate under the direct supervision of the Soviets and the Commission of People's Commissars of Justice.

Control over the legality of the actions of institutions and citizens (general control), control over the legality of the investigation of crimes (control over inquiries and investigations), control over the legality of the actions of judicial bodies (judicial control), control over penal institutions or other forms of control is the state power and implemented by various bodies of management.

On May 28, 1922, by the decision of the Supreme Prosecutor's Office, the regulation "On the supervision of the prosecutor" was approved, which expressed the main principles of the organization and activity of the prosecutor's office. The principles such as the unity and centralization of prosecutor's offices, the strict subordination of lower prosecutors to higher prosecutors, their independence from local influence, and the role of prosecutor's offices as a support for the general public were expressed in it.

The regulation "On Prosecutor's Supervision" defined the authority of prosecutors and the subject of supervision in the implementation of supervision over strict compliance with laws.

It is known that Uzbekistan as a union republic adopted the legal system of the former USSR, including the main principles of the activities and organization of prosecutor's offices.

The analysis of the legal documents "On the Prosecutor's Office" shows that from 1923 to 1938, before the adoption of the Law on the Judicial Structure of the SSR and the Allied Republics, the system of prosecutor's offices, duties and powers of prosecutors were regulated by the Law on the Judicial Structure, and the organizational bodies of the prosecutor's office were in the center were not independent state bodies either. The Prosecutor's Office was part of the system of People's Commissariat of Justice. The commissioner of justice was also the public prosecutor at the same time.

In accordance with the statute "On the Supreme Court of the CSSR" dated November 23, 1923, the prosecutor's office was included in the Supreme Court. The powers of the prosecutor's office were greatly expanded by the Statute "On the Supreme Court of the USSR" and the Statute "On the Supreme Court of the CSSR and the Prosecutor's Office of the Supreme Court of the USSR" dated July 24, 1926. At that time, a single centralized system of prosecutor's offices was not formed.

Because after the October revolution in 1917, unified centralized state structures were not formed in the Turkestan region, that is, the state structure was formed in the form of the Turkestan ASSR, the USSR and the USSR.

On May 28, 1922, after the decision of the Supreme Court of Ukraine approved the regulation "On the supervision of the prosecutor", based on the mentioned regulation model, the decision of the Council of Turkestan MIK on October 29, 1922 approved the regulation "On the state prosecutor's office in Turkestan".

In March 1920, a revolutionary coup called "People's Soviet Revolution" was carried out in Khorezm and in September of the same year in Bukhara.

In this regard, on September 18, 1921, the Constitution of the USSR was adopted at the meeting of Bukhara Soviets. In accordance with this Constitution, the control over legality in the republic was assigned to BMIK and its presidium, HKS, people's inspectors and Supreme control of BMIK. On

November 21, 1922, the Prosecutor's Office was established as a department of Supreme Control of BМИK by the decision of the Supreme Executive Committee of the Republic of Uzbekistan. court liability for violation of laws is established. On April 12, 1923, the prosecutor's office, as a department of the Supreme Control of the Ministry of Internal Affairs and Communications, was transferred as a department under the supervision of the Commissariat of Justice of the BHKS of the USSR.

Due to the economic backwardness of the USSR, the weakness of the state apparatus, the low level of literacy of the population, and the lack of legal personnel, the process of formation of the prosecutor's office in this republic developed somewhat slowly. Only on September 24, 1924, by the decision of the Council of the Central Committee of the People's Republic of China, the regulation "On People's Justice Inspectorate" was approved.

According to the regulation, the Inspectorate of Justice was headed by an inspector, who at the same time was considered the state prosecutor of the USSR and was assigned the task of conducting general supervision over legality in the republic. Prosecution supervision was carried out directly by the prosecution department of the Justice Inspectorate. The task of the department is to carry out state control over the legality of the actions of all authorities and public bodies, economic institutions and private individuals, to protest against illegal decisions, to initiate criminal proceedings against the perpetrators of violations of the law, to conduct inquiries and investigations, state political administration, penal institutions and Monitoring of the activity of the Supreme Court is established.

The first legislative act regulating the organization and activities of prosecutor's offices in Uzbekistan, adopted by the MIK of the SSR HKS on October 29, 1924, is the basis of the court structure in the SSR and allied republics.

On the basis of this legal document, on May 6, 1925, the Ministry of Justice of the Uzbek SSR and the Supreme Court of Ukraine approved the statute "On the People's Commissariat of Justice of the UzSSR", according to which the People's Commissar of Justice was simultaneously the public prosecutor.

The public prosecutor was part of the government of the republic at the same time as the people's commissar of justice. Even though the public prosecutor was appointed by the Central Executive Committee of Uzbekistan, he was accountable to the Republican Sovnarkom. In addition to the control over the implementation of laws, the public prosecutor performed the management function, which had a negative impact on the implementation of the control function.

On June 20, 1933, the Prosecutor's Office of the SSR was established by the decision of the SSR MIQ and HKS. In December 1933, the regulation "On the Prosecutor's Office of the SSR" specified the functions of the Prosecutor's Office of the SSR, and clarified the relations with the prosecutors of the republic.

On June 20, 1936, the decision of the SSR MIQ and HKS on the formation of the People's Commissariat of Justice of the SSR removed the prosecution and investigative bodies from the system of the People's Commissariat of Justice of the Union and Autonomous Republics and made them directly subordinate to the Prosecutor of the SSR.

Thus, in 1936, the process of centralizing the prosecutor's office and transforming it into a unified system was completed.

The Constitution of the SSR of 1936 and the Constitution of the Uzbek SSR of 1937 raised the importance and place of prosecutorial control as an independent type of state activity. It strengthened

the Prosecutor's Office of the SSR in the form of a unified and centralized system headed by the Prosecutor of the SSR appointed by the Supreme Soviet of the SSR.

The prosecutors of allied and autonomous republics and regions were appointed by the prosecutor of the SSR for a period of 5 years, without agreement with the state authorities of that republic. District and city prosecutors were appointed by the prosecutors of the allied republics for 5 years, and their appointment orders were later approved by the prosecutor of the SSR. In this way, the centralization of the prosecutor's office was strengthened due to the weakening of the independent allied republics.

The basic laws assigned the prosecutor's office to perform the main legal supreme control function of the state over the clear and uniform implementation and observance of laws, and the principle of their independence from local authorities and subordination to the prosecutor of the SSR was strengthened.

### **Activities of prosecutor's offices during the Second World War**

During the Second World War, the activities of the prosecutor's office were directed to the goal of victory over fascism. Martial law was declared in the country, according to the Decree of the Supreme Soviet of the SSR dated June 22, 1941, the activity of prosecutor's offices was militarized. Their main activity was to control the implementation of laws during the military period, as well as to protect public order, labor and state discipline, to protect the legal rights and interests of military personnel and their families, and to protect state property from criminal encroachments.

During the difficult years of the Second World War, the tasks of the Prosecutor's Office of Uzbekistan increased tremendously. About a hundred industrial enterprises, about 10 military schools, hospitals, and scientific institutions were transferred to Uzbekistan. Our republic received more than one million evacuees, 200 thousand of whom were children. The republic has become an important food base of the country. At that time, the activity of the prosecutor's office of our republic was focused on monitoring the implementation of laws during the wartime.

### **Activities of the prosecutor's office in the years of independence**

In accordance with the Law of the Republic of Uzbekistan "On the Basics of State Independence of the Republic of Uzbekistan" and the Presidential Decree "On the Bodies of the Prosecutor's Office of the Republic of Uzbekistan" adopted on January 8, 1992, to ensure control over the clear and uniform implementation of laws in the territory of the Republic of Uzbekistan, to ensure the constitutional rights and freedoms of citizens, in order to ensure the protection of state sovereignty, the Prosecutor's Office of the UzSSR was transformed into an independent Prosecutor's Office of the Republic of Uzbekistan.

With this Decree to the Prosecutor's Office of the Republic of Uzbekistan in the Ministry of Defense, its local offices and departments. control over the implementation of laws in internal troops stationed on the territory of the republic was also charged.

Based on the decision of the Supreme Council of the Republic of Uzbekistan on January 4, 1992, until the relevant laws are adopted in the Republic of Uzbekistan, the laws of the SSR that do not conflict with the Constitution and laws of the Republic of Uzbekistan will be partially valid. The Law "On the Prosecutor's Office of the USSR" adopted on November 30, 1979 was in force in the Republic of Uzbekistan until the adoption of the Law of the Republic of Uzbekistan "On the Prosecutor's Office" by the Supreme Council on December 9, 1992.

Such a step of the jurists of our republic created an opportunity to start active law-making without haste, taking into account the international experience and the practice of developed democratic states, national characteristics, and the mentality of the people.

### **The importance of development ways and bodies of the prosecutor's office during the period of independence of the Republic of Uzbekistan**

In forming the concept that solves the development of Uzbekistan, the First President of our country, Islam Karimov, recognized the rule of law and obedience to the law among the five main principles that form the core of the overall program of state building. This requirement fully determined the content and direction of the legal reforms implemented in our young republic for the purpose of building a legal democratic state.

Among the countries that were part of the former Soviet Union and are now included in the framework of newly independent states, the public prosecutor's office of the Republic of Uzbekistan plays an important role in the system of state activity related to the agreement of citizens and ensuring legitimacy in the republic in the service of strengthening statehood and legitimacy.

First President of the Republic of Uzbekistan I.A. On August 29, 2001, Karimov's speech at the sixth session of the second convocation of the Oliy Majlis of the Republic of Uzbekistan entitled "Justice under the rule of law" stated, "The prosecutor's office is a body under the protection of the law. It plays a decisive role in the construction of a legal state, a democratic society, and the implementation of legal reforms," he said.

Special attention was paid to the emergence and formation of the national prosecutor's office from the first days of independence of the Republic of Uzbekistan. The first step in this direction was the efforts of the head of our state to achieve real independence of the prosecutor's office from the center of the union.

Despite such a danger, the country's leadership made a bold and courageous political decision on November 1, 1990 to adopt the Law of the Uzbek SSR "On improving the system of executive and administrative power in the Uzbek SSR and making changes and additions to the Constitution of the Uzbek SSR (Basic Law)". accepted.

In this document, for the first time within the framework of the union, the appointment of the prosecutor of the Uzbek SSR and his deputies by the parliament of the country based on the presentation of the President of the Republic was strengthened, not by the Prosecutor General of the SSR as before, and the accountability and responsibility of the Republic of Uzbekistan only to the Parliament of the Republic of Uzbekistan and the President was established.

In order to ensure the real independence of the prosecutor's office, it is necessary to analyze two documents adopted.

*The first* is the content of the Address of the Supreme Soviet of the Republic of Uzbekistan "On the State Independence of the Republic of Uzbekistan" adopted on August 31, 1991;

*the second* is the Law of the Republic of Uzbekistan "On the Basics of State Independence of the Republic of Uzbekistan". In accordance with this law, on January 24, 1992, the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 33 "On issues of organizing the activities of the prosecution bodies of the Republic of Uzbekistan" was adopted. This decision of the government not only strengthened the position of the prosecutor's office, but also significantly strengthened the

material and technical base of the prosecutor's office, along with a number of privileges and advantages. It is these circumstances that played a positive role in ensuring the real independence of the prosecutors in the free exercise of their powers of control.

However, the time demanded the immediate development and adoption of the legal basis for the activities of the prosecutor's office of the Republic of Uzbekistan. Because in order to create the foundations of the socio-economic structure and statehood of the Republic of Uzbekistan, it was required to form a national legal system and develop the legal framework of our country, to coordinate law and order and legality in the formation of market relations in the country.

As an initial bold step in this regard, we can take as an example the Decree of the President of the Republic of Uzbekistan dated January 8, 1992, which determined the transfer of the Prosecutor's Office of the Uzbek SSR to the independent Republic of Uzbekistan. In addition, one of the first laws adopted by the young and independent Republic of Uzbekistan, the day after the adoption of the Constitution of the Republic of Uzbekistan, the Basic Law of the Republic of Uzbekistan, that is, on December 9, 1992, the adoption of the Law of the Republic of Uzbekistan "On the Prosecutor's Office" by the parliament is also recognized as a particularly happy occasion. should be done, The social situation in the country, first of all, the period of the initial formation of statehood, the lack of national legislation, the need to maintain stability in the young independent republic, prevent public order and crime, and not to cause similar anti-social and inter-ethnic discords - required these steps to be taken immediately.

The prosecutor's office played a decisive role in the successful implementation of these tasks. It was this situation that caused the need to immediately form the prosecutor's office. A legal framework had to be formed for the normal functioning of the prosecutor's office, because the main activity of the prosecutor's office is to ensure the clear and uniform execution of laws and the primacy of laws, to strengthen law and order, to protect the personal, political, socio-economic rights of citizens and people, as established by the Constitution of the Republic of Uzbekistan. is aimed at protecting freedoms and independence of the country, society and state building, political and economic system from any illegal attacks.

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