

Goals and Objectives of Prosecutorial Supervision at the Stage of Initiating a Criminal Case

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Abstract. *This article analyzes the goals and objectives of prosecutorial supervision at the stage of initiating criminal proceedings. Furthermore, the main tasks of the prosecutor are to protect the rights and freedoms of individuals and citizens, to prevent and suppress crimes, and to participate in judicial proceedings concerning administrative offenses and criminal cases.*

Key words: *Constitution, criminal procedure, human rights and freedoms, stage of criminal case initiation, prosecutor, supervision, protection.*

According to Article 143 of the Constitution of the Republic of Uzbekistan, oversight of the precise and uniform implementation of laws in the territory of the Republic of Uzbekistan is carried out by the Prosecutor General of the Republic of Uzbekistan and prosecutors subordinate to him.¹

The oversight activities of the Prosecutor's Office are carried out within the framework of the Law "On the Prosecutor's Office of the Republic of Uzbekistan" and the Criminal and Criminal Procedure Codes, especially in criminal proceedings. These include monitoring compliance with legislation and law and order, protecting the rights and freedoms of individuals and citizens, preventing and suppressing crimes, and participating in court proceedings on administrative offenses and crimes. In addition, the Prosecutor's Office oversees the activities of state bodies, organizations, and institutions for the precise and uniform observance of laws.²

Thus, the prosecutor, as a subject of criminal procedural activity, is entrusted by the legislator with two functions at the pre-trial stage: supervision over criminal prosecution and preliminary investigation.

The purpose of prosecutorial supervision when initiating a criminal case is to ensure the legality of receiving, recording, and resolving reports of crimes, as well as to protect the rights and legitimate interests of participants in criminal proceedings. These tasks include: verifying the completeness and legality of the pre-investigation check, monitoring compliance with established deadlines and the rights of citizens (suspects, witnesses, and complainants), preventing unlawful refusal to initiate criminal proceedings, and ensuring the reliability of preliminary information.

The stage of initiating a criminal case precedes the stage of the preliminary investigation. Its main task is to promptly respond to each crime, to create the opportunity for a comprehensive, complete, and objective study of all the circumstances that have occurred. A criminal case must be initiated in every case where there is at least the least possibility of committing a crime. From the moment the case is initiated, the mechanism of criminal prosecution is activated, and the inquiry body, investigator, inquiry officer, or prosecutor has the opportunity to use all methods and means provided

¹ Ўзбекистон Республикаси Конституцияси. – Т.: Ўзбекистон, 2025.

² Ўзбекистон Республикасининг 2001 йил 29 августдаги 257-II-сонли “Прокуратура тўғрисида”ги Қонуни.

for by law in order to ensure the rights and legitimate interests of citizens, and to establish the objective truth.

Prosecutorial oversight in the criminal prosecution process is one of the most important tasks of the prosecutor's office. Its main goal is to ensure the legality and correctness of decisions made in the process of initiating criminal proceedings.

The main tasks of prosecutorial supervision at the stage of criminal prosecution include:

1. Control over compliance with the law and procedural rules in the process of criminal prosecution.
2. Ensuring the rights and legitimate interests of citizens participating in criminal cases (victims, witnesses, suspects, defendants, and others).
3. Prevention and suppression of illegal actions of officials conducting investigations.
4. Ensuring the reliability and completeness of the collected evidence.
5. Participation in the adoption of decisions on the initiation of criminal proceedings and approval of a preventive measure against suspects and accused persons.
6. Control over the observance of the rights and legitimate interests of individuals during pre-trial proceedings.
7. Identification of crimes related to the violation of the rights and legitimate interests of citizens.

Prosecutorial oversight may be exercised over the legality of the initiation of criminal proceedings. Thus, according to Article 337 of the Criminal Procedure Code, the following supervisory functions can be performed at this stage: 1) to overturn the decision to initiate a criminal case and to refuse to initiate a case; 2) cancel the decision on refusal to initiate criminal proceedings and simultaneously initiate proceedings.³

In addition, in accordance with the legislation, citizens may file a complaint with the prosecutor regarding the initiation or refusal to initiate an unlawful criminal case in a criminal case by an investigator or inquiry officer (Article 338 of the Criminal Procedure Code).⁴

In general, prosecutorial oversight at the stage of initiating criminal proceedings is an important tool for protecting the rights and legitimate interests of citizens, ensuring the legality of decisions made during the initiation of criminal proceedings, and combating crime and corruption.

In the process of prosecutorial supervision at the stage of initiating a criminal case, the prosecutor monitors compliance with legality and procedural order during the initiation of a criminal case. It verifies the correct application of legislation, assesses the evidence base, and ensures the protection of citizens' rights. In addition, the prosecutor can identify and prevent the causes of crimes, monitor investigative actions and court decisions in the course of criminal proceedings.

Thus, the main duty of the prosecutor in carrying out his supervisory duties is to issue a corresponding act of prosecutorial supervision. The main control and verification tasks of the prosecutor's office are manifested precisely in this, thanks to which it is possible to identify and eliminate the causes and consequences of violations of the law.

Upon detection of violations of the law, the prosecutor may issue acts (submissions) of the relevant prosecutor's action. He also has the right to overturn an unlawful decision of an official, and also to overturn the decision to initiate criminal proceedings if, during the performance of supervisory functions, its illegality and groundlessness are revealed.

If, during its supervisory activities, the prosecutor identifies the necessary elements of the corpus delicti in the case, it is possible to issue a decision to send the materials of the prosecutor's

³ Ўзбекистон Республикасининг Жиноят-процессуал кодекси. – Т.: Ўзбекистон, 2025.

⁴ Ўзбекистон Республикасининг Жиноят-процессуал кодекси. – Т.: Ўзбекистон, 2025.

investigation to the investigative bodies on the resumption of criminal prosecution of employees of this prosecutor's office.

It is important that in law enforcement practice, the prosecutor has the right to overturn unlawful and unfounded decisions of officials if the investigator often ignores the prosecutor's demands. Nevertheless, one of the ways to solve this problem may be to grant the prosecutor the authority to make a decision to initiate criminal proceedings from among the decisions received by him in connection with the adoption of a repeated decision to refuse to initiate criminal proceedings.

Thus, based on the goals and objectives of prosecutorial supervision at the stage of initiating a criminal case, the following conclusions can be drawn: prosecutorial supervision at the stage of initiating a criminal case acts as the main guarantee of the implementation of the constitutional rights of citizens and allows eliminating the risk of an unlawful decision by officials to refuse to initiate a criminal case.

It is also important that prosecutorial oversight guarantees protection in the consideration of a criminal case and the adoption of a corresponding decision by an official.

By ensuring compliance with legislation and its implementation at the stage of initiating criminal proceedings, prosecutorial oversight guarantees legality and the protection of citizens' rights, thereby clearly demonstrating its law enforcement function. Therefore, its role is very important for the state, since the essence of public administration lies precisely in the strict observance and control over the observance of citizens' rights.

The purpose of prosecutorial oversight in initiating criminal proceedings is to ensure the rule of law, the unity of legality, and the protection of the rights and legitimate interests of citizens, as well as the legally protected interests of society and the state. The prosecutor exercises control over compliance with legislation when receiving, registering, and resolving reports of crimes, ensures the legality and validity of procedural decisions, and prevents violations of the law.

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