

## **“PROSECUTORIAL OVERSIGHT OF PRE-TRIAL INVESTIGATION: PRACTICAL ISSUES AND WAYS OF IMPROVEMENT”**

***Sharifboyeva Tabassum Qurolbek kizi***

*Grade 11 student, School No. 59, Ministry of Public Education*

*To‘rtko‘l district, Republic of Karakalpakstan*

**Abstract:** This article analyzes the legal basis of prosecutorial oversight in the pre-trial investigation process, current problems in practice, and existing shortcomings. It also highlights the importance of legality during the investigation, guarantees of procedural rights, and the protection of citizens' interests. Additionally, the article presents proposals for improving prosecutorial supervision based on advanced international approaches. The article is written based on key elements in the practical application of criminal procedural law.

**Keywords:** prosecutorial supervision, investigation stage, pre-trial proceedings, criminal procedure, legal guarantees, legality, investigative actions, human rights

### **Introduction**

The pre-trial investigation stage is one of the most critical and responsible phases of the criminal process. During this period, the basis for the charges is formed, evidence is collected, and initial decisions are made regarding the suspect's guilt. At the same time, it is in this stage that violations of human rights, illegal actions, falsification of evidence, and restriction of the right to defense most frequently occur. Preventing such negative outcomes is the key role of prosecutorial oversight. The prosecutor must ensure that investigative actions comply with the law, are justified, and are aligned with the principles of justice. However, practice shows that there are certain systemic deficiencies, delays, and a lack of independent evaluation in the supervision of investigations. Therefore, this article examines the legal foundations, current challenges, and ways to improve this issue.

### **Legal Basis of Prosecutorial Oversight**

According to the Criminal Procedure Code of the Republic of Uzbekistan, the prosecutor continuously monitors the legality of criminal proceedings at all stages. For instance, procedural coercive measures, detention, arrest, search, and other investigative actions are carried out either with the prosecutor's consent or under his direct authorization. The purpose of prosecutorial oversight is **not** to directly manage the investigators' actions, but to provide **independent and legal control** over their activities.

### **Practical Issues: Deficiencies and Challenges in Oversight**

Although a number of legal reforms have been carried out in recent years to strengthen prosecutorial oversight, several issues still persist in practice, such as:

- Violations of procedural laws by some investigators — for example, exceeding the legal detention period, forcing suspects to waive their right to legal assistance, or failing to properly inform them of their procedural rights during interrogation;
- Inadequate attention by some prosecutors to investigative actions, resulting in formal approval of their legality;
- Delayed responses from defense attorneys to prosecutor's objections;
- Instances of collusion between investigators and prosecutors, undermining the principle of objectivity.

These shortcomings threaten the rights and freedoms of citizens, violate the presumption of innocence, and negatively affect the delivery of fair court decisions.

## Modern Approaches and International Experience

International experience shows that in order to ensure the effectiveness of prosecutorial oversight, it is necessary to:

- conduct **in-depth analysis** of investigative actions;
- involve **independent forensic expertise**;
- introduce **public monitoring mechanisms**.

For example, in many European countries, the prosecutor only evaluates the legality of investigations, while the **credibility and accuracy of evidence** are independently assessed by pre-trial bodies. According to recommendations from the UN and the **Council of Europe**, the involvement of defense lawyers and independent observers in the investigation process, transparency of investigation procedures, and an **internal audit system** within prosecution offices serve as effective oversight tools.

## Key Factors in Enhancing Prosecutorial Oversight and Investigation Efficiency

Prosecutorial oversight not only ensures the legality of criminal procedural activity but also plays a key role in improving the efficiency of investigations. In particular:

- Investigative actions must be conducted **promptly and properly**;
- Prosecutors should actively participate in **planning investigations, allocating resources, and setting priorities**;

This reduces delays in the investigation process and minimizes errors in document preparation, contributing to the swift and effective resolution of criminal cases.

## Legal Position and Independence of the Prosecutor

In practice, the **independence of the prosecutor** and their oversight authority over the investigation process are critically important. Sometimes, confusion arises regarding the **boundaries of authority** between the prosecutor and the investigator, which can reduce the effectiveness of investigative work. The ability of the prosecutor to make independent decisions, ensure that their conclusions are strictly followed, and maintain control over the investigators guarantees the quality of the pre-trial process. At the same time, to ensure that prosecutors operate independently of **political or external pressures**, it is necessary to improve legislation and implement practical mechanisms.

## Complaint and Petition Handling in Prosecutorial Oversight

In pre-trial investigations, the complaints and appeals of citizens, victims, and witnesses are a vital part of prosecutorial oversight. Special units have been created within the prosecution system to promptly review these complaints and address legal violations in investigations. However, in practice, many complaints are delayed or left unanswered. This hinders the fair resolution of criminal cases. Therefore, it is necessary to establish an **automated and publicly monitored system** for the review of complaints.

## Implementation of High Technologies: Digital Investigation and Oversight

The wide application of **digital technologies** in modern prosecutorial oversight increases transparency and efficiency. Examples include:

- **Video recording** of investigative actions;
- **Electronic protocols**;
- **Real-time information exchange systems** — all of which help prosecutors monitor every step in the investigation.

In addition, **artificial intelligence (AI)** and **big data analysis** can be used to identify patterns of crime and detect potential legal violations in investigations beforehand. These approaches significantly increase the effectiveness of prosecution offices.

## International Cooperation and Knowledge Exchange

International cooperation plays a key role in improving prosecutorial oversight of pre-trial investigations. Studying and applying the experiences of other countries helps address shortcomings in the prosecutorial system. For example, European countries have successfully implemented systems that maintain a balance between the **independent activity of investigators** and **active oversight by prosecutors**, including independent audits of

investigative actions. Therefore, improving national legislation to align with **international legal standards** is a pressing issue.

### **Improvement Measures and Recommendations**

To enhance prosecutorial oversight of pre-trial investigations, the following measures are proposed:

- Conduct specialized training for prosecutors on investigative psychology and human rights;
- Make video recording of investigative actions mandatory;
- Introduce internal audits for actions performed with prosecutor approval;
- Ensure timely and effective review of defense complaints by prosecutors;
- Enhance transparency in investigations by involving the media and civil society representatives;
- Publish annual analytical reports on violations in investigative procedures.

### **Conclusion**

The pre-trial investigation stage is the key link in the fair resolution of criminal cases, and the effectiveness of prosecutorial oversight during this stage reflects the state's commitment to the principles of legality and justice. Although the current legislation grants broad powers to prosecutors, the practical implementation mechanisms for full and independent oversight are not yet fully operational. Therefore, it is crucial to transform prosecutorial oversight from a mere formal review process into a genuine legal guarantee, ensuring transparency and accountability. Improvements in this area should become an essential part of broader criminal procedural reforms.

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