



GENESIS OF THE PROSECUTOR'S OFFICE OF THE REPUBLIC OF UZBEKISTAN DURING THE YEARS OF INDEPENDENCE

By Abdibaeva Jamila Aqpolat kizi

student of Karakalpak state university named after Berdakh, Faculty of Law

Annotation: The article examines the evolution and development of the Prosecutor's Office of the Republic of Uzbekistan from the moment the country gained independence in 1991 to the present. It explores the transformation of the institution within the broader context of Uzbekistan's legal reforms and the shift towards strengthening the rule of law and ensuring justice. The study analyzes key changes in the organizational structure, legal frameworks, and functions of the Prosecutor's Office, highlighting the efforts to align with international standards and improve the accountability and efficiency of the institution. Moreover, the article delves into the challenges and successes encountered throughout this period, offering a comprehensive understanding of the role the Prosecutor's Office plays in maintaining law and order in post-Soviet Uzbekistan.

Key words: Prosecutor's office, Independence, legal reforms, rule of law, justice system, institutional development, legal frameworks, accountability.

The achievement of independence by the Republic of Uzbekistan in 1991 marked the beginning of a new stage of efforts to strengthen its state and legal system. The period of independence in Uzbekistan has brought about fundamental changes in various spheres, including the legal system. In particular, the prosecutor's office system, its functions and structure have been reviewed based on new political, economic, and social conditions. Prosecutor's offices play an important role not only in ensuring state security, but also in protecting the rights of citizens and restoring justice.

Thanks to independence, our cultural and spiritual values have been restored, and now our people are newly understanding the social environment in which our ancestors lived, with their glorious history and good manners, justice, truth, and maturity. As is known, our ancestors also embraced Islam in the 8th century, and social and legal relations were regulated primarily based on Sharia law and local customs.

Although the Qazi and Biy courts played an important role in ensuring strict adherence to Sharia law, the Qazi courts, based on Sharia norms, not only resolved criminal and civil cases, as well as disputes arising from the division of inheritance, family and marriage matters, but also monitored their observance without involvement. Biy courts, however, primarily ruled based on local customs and traditions, resolving disputes and problems.

Judges' rulings in criminal cases were appealed only to the head of state. If it is satisfied, the verdict is overturned, and the case is sent to another judge for reconsideration. The judge's verdict in civil and property cases is final and has not been appealed.

Judges review cases openly, personally, and orally, and, based on the severity of the criminal act, prepare sentences for the perpetrator.

Judges in the regions were appointed by the head of state for life and dismissed for knowingly violating Sharia law. Therefore, judges were independent of governors and had the authority to

report to the head of state on the general state of compliance with Sharia law and the legality of governors' activities.

In the territory of present-day Uzbekistan, this law and order system operated without significant changes until the second half of the 19th century.

The Prosecutor's Office refers to state bodies exercising oversight or an authorized official. In Latin, the word "procuratio (procurator)" means to care for, to manage, the word "procurator (procurator)" means manager, chief, trustee, representative, procurator, administrator of imperial revenues, and finally, the word "Procurator" means to care for, to nurture, to preserve, to provide, to implement, to manage. Similar meanings exist in French words like "procurateur," "procureur," "procuration," and "procurer."

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

Analysis of the legislation "On the Prosecutor's Office" shows that from 1923 to 1938, before the adoption of the Law on the Judicial Structure of the USSR and the Union Republics, the system, functions, and powers of the prosecutor's office were regulated by the Law on the Judicial Structure. The constituent bodies of the prosecutor's office were not independent state bodies, neither centrally nor locally. The Prosecutor's Office, as a department, was part of the system of the People's Commissariat of Justice. The Justice Commissioner was simultaneously the republic's prosecutor.

The 1936 USSR Constitution and the 1937 Constitution of the Uzbek SSR elevated the importance and role of prosecutorial oversight as an independent form of public service. The USSR Prosecutor's Office was consolidated as a unified and centralized system headed by the USSR Prosecutor, appointed by the Supreme Soviet of the USSR.

The structure of the central office of the Prosecutor's Office of the Republic of Uzbekistan and matters related to local prosecutorial bodies were established by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated January 24, 1992, "On Issues of Organizing the Activities of the Prosecutor's Office of the Republic of Uzbekistan".

The Law of the Republic of Uzbekistan "On the Prosecutor's Office" (new edition), adopted on August 29, 2001, covered issues related to the place and role of the prosecutor's office in the system of state bodies, the specifics of prosecutorial oversight, and the clear definition of the functions of the prosecutor's office.

It should be especially noted that the President of the Republic of Uzbekistan Sh.M. Mirziyoyev is carrying out large-scale reforms to improve and democratize public administration, improve the standard and quality of life of the population, and comprehensively develop the regions.

The adoption by President Shavkat Mirziyoyev of the Action Strategy for the five priority areas of development of the Republic of Uzbekistan in 2017-2021 has defined new priority areas and tasks in the activities of the prosecutor's office for the unconditional implementation of legislative acts aimed at ensuring legality and law and order, implementing democratic and socio-economic reforms, and reliably protecting human rights and freedoms.

The prosecutor's office plays a crucial role in the legal structure of every state, as it plays a central role in ensuring criminal justice, upholding the rule of law, and protecting the rights of citizens. The structure, functions, and tasks of the prosecutor's office worldwide can vary, as each country forms this important body based on its legal system, culture, and historical context. In this article, we will attempt to analyze the general characteristics of the prosecutor's office system in foreign countries, its main functions, organizational principles, and differences across

countries. Furthermore, studying the role of the prosecutor's office in various countries helps to understand its role in supporting a fair criminal process and its importance in the social and political environment.

In the USA, the prosecutor's office is an important component of the country's judicial and legal system. The Prosecutor's Office operates at the federal and state levels, and its main task is to investigate violations of the law, file charges, and act as a prosecutor in court. In the USA, the prosecutor's office system is very complex and is carried out through many levels and bodies.

In the USA, the prosecutor's office operates at two main levels:

The highest position here is the "US Attorney General," who works as the head of the Ministry of Justice and manages the system of federal prosecutors. The Prosecutor General, through the Ministry of Justice, conducts charges and investigations in all federal courts. He also conducts a number of investigative and judicial proceedings on behalf of the US government.

State-level Prosecutor's Office - Each state has its own prosecutor's office, which, in accordance with state laws, resolves criminal cases and other legal matters. State prosecutors are often elected by popular vote and protect the legal interests of the state.

In Japan, the prosecutor's office plays an important role in the country's legal system. The Japanese prosecutor's office plays a crucial role in investigating crimes, filing charges in courts, and protecting state interests.

In Japan, the prosecutor's office system is organized at two main levels:

1) Central level: The highest prosecutor's office in Japan is the General Prosecutor's Office, which is headed by the Ministry of Justice. The Prosecutor General's Office appoints high-ranking state prosecutors and determines the overall policy of the prosecutor's office system. Furthermore, the Prosecutor General's Office oversees the activities of all prosecutors and, in most cases, conducts investigations into serious crimes or crimes posing a threat to the state.

2) State level: In Japan, each region has a regional prosecutor's office, which investigates crimes within its territory and submits charges to the courts. Prosecutors at the regional level also call on the public to engage in crime prevention and law enforcement activities. The regional prosecutor's office usually deals with minor and medium-level crimes.

In conclusion, the new legal norms and regulatory legal documents developed to eliminate certain problems in the prosecutor's office system and ensure its more effective operation, taking into account its specific characteristics, will undoubtedly contribute to the further development of Uzbekistan's legal system. The independence of the prosecutor's office, its adaptation to international standards and effective operation are important steps towards building a democratic state for Uzbekistan and are expected to be of even greater importance in its future development.

References:

Constitution of the Republic of Uzbekistan 01.05.2023

2. Regulation of the Republic of Uzbekistan dated August 29, 2001 No. 257-II "On the Prosecutor's Office" <https://lex.uz/acts/-106197>

3. PROSECUTOR'S SUPERVISION. Textbook. Completed and revised edition. Authors' group. Tashkent: Legal Literature Publish, 2023. 232 pages.

4. Authors' group. Prosecutor's supervision. Textbook. Tashkent: TDYU, 2019. 190 pages.

5. Prosecutor's supervision. General part: textbook for the academic bachelor's degree / O.S. Kapinus [et al.]; under the general editorship of O. S. Kapinus. 3rd ed. Moscow: Yurait Publishing House, 2018. - 198 p.
6. Vinokurov, A. Yu. Prosecutor's supervision: textbook for universities / A. Yu. Vinokurov, Yu. E. Vinokurov; under the general editorship of A. Yu. Vinokurov. 4th ed., revised and enlarged. Moscow: Yurait Publishing House, 2018. - 353 p.
7. Prosecutor's supervision: textbook and practical training for the applied bachelor's degree / M. P. Polyakov, A. V. Fedolov, S. V. Vlasova, M. V. Lapatnikov; under the general editorship. M. P. Polyakova. 2nd ed., revised. and additional - Moscow: Yurayt Publishing House, 2018. 324 p.
8. **Prosecutors and the Law"** by Stephen S. Trott.
9. **«Federal Prosecution and the Role of U.S. Attorneys»** by Andrew M. Pincus
10. **«The Japanese Legal System»** by Hiroshi Oda.