

The Concept of Prosecutorial Verification of Law Enforcement and Its Regulation in Legal Acts

DJUMAYEV Shokhjakhon Begimkul ugli

The doctoral student of the Law Enforcement Academy of the Republic of Uzbekistan, Senior lecturer of Training Institute for lawyers, Uzbekistan

Received: 25 April 2025; **Accepted:** 21 May 2025; **Published:** 23 June 2025

Abstract: This article researches about the concept of prosecutorial verifications, the grounds for their conduct, legal issues related to their regulation by law, and also offers suggestions for improving legislation, taking into account foreign experience.

Keywords: The prosecutor, prosecutor's verification, grounds for verification, the concept of prosecutor's check.

Introduction: Comprehensive reforms are being carried out in the country aimed at improving and democratizing public administration, raising the standard and quality of living of the population, and ensuring the integrated development of regions.

In this process, measures are being taken by the prosecution authorities to ensure the implementation of adopted legal acts, as well as to strengthen legality and law and order in society.

Likewise, the "Development Strategy of New Uzbekistan for 2022–2026," approved by the Decree of the President of the Republic of Uzbekistan No. PF-60 dated January 28, 2022, outlines 100 specific goals, one of which—Goal 17—is dedicated to improving the activities of the prosecution bodies.

It sets the task of establishing a solid legal foundation for an open, fair, and strictly law-abiding prosecutorial system, and of turning the principle "Law – Supreme, Punishment – Inevitable" into a core guideline.

As noted by the President of our country, Shavkat Mirziyoyev: "The role of the prosecution bodies is significant in comprehensively strengthening the legislative framework and ensuring strict compliance with laws, raising the legal awareness of citizens, developing a democratic rule-of-law state, supporting private property and entrepreneurial activity, and ensuring their reliable protection".

"The activities of the prosecutor's offices are an important mechanism for ensuring legality in our

country, promptly identifying and eliminating violations of citizens' rights and legitimate interests. The special legal status of the prosecutor's office — the function of supervising the precise and uniform execution of the Constitution and laws throughout the country — indicates that the prosecutor's office is a key body in coordinating efforts to uphold the rule of law"

Legal scholar B. Kh. Polatov also stated: "The work of the Prosecutor's Offices of the Republic of Uzbekistan is also organized based on sectoral orders of the Prosecutor General. These are based on the Constitution of the Republic of Uzbekistan, the Law 'On the Prosecutor's Office', and other laws of the Republic of Uzbekistan."

Indeed, according to Article 1 of the Law of the Republic of Uzbekistan "On the Prosecutor's Office", the prosecutor's offices oversee the strict and uniform execution of laws in the Republic of Uzbekistan. According to Article 2 of the same Law, the main tasks of the prosecutor's offices of the Republic of Uzbekistan are to ensure the rule of law, strengthen legality, protect the rights and freedoms of citizens, safeguard the interests of society and the state protected by law, defend the constitutional order of the Republic of Uzbekistan, and prevent and provide prophylaxis against legal violations.

In order to carry out these tasks effectively and meaningfully, conducting high-quality prosecutorial inspections is of great importance.

To explain the essence and meaning of prosecutorial inspection, it is first necessary to pay special attention to the concept of inspection itself, its types, and its purpose.

Verification is a form of control carried out by supervisory and law enforcement agencies over the compliance with laws and other legal acts regulating the activities of specific enterprises, institutions, or organizations.

The following types of inspections exist:

- Comprehensive inspection;
- Financial and economic activity inspection;
- Planned inspection;
- Unscheduled inspection;
- Short-term inspection;
- Cross-check inspection;
- Follow-up inspection.

Comprehensive inspection – an inspection conducted simultaneously by two or more supervisory bodies.

Planned inspection – an inspection included in the annual (quarterly) inspection plan approved by the Council for Coordination of the Activities of the Republic's Supervisory Bodies.

Unscheduled inspection – an inspection not included in the annual (quarterly) inspection plans, conducted by supervisory bodies under the procedures and circumstances provided by law (including short-term inspections).

Short-term inspection – an inspection carried out by supervisory bodies within a single working day, not related to the financial and economic activities of business entities (in business entities operating during evening and/or nighttime hours—from 6:00 PM on the day of inspection until 6:00 AM the next day—a short-term inspection is conducted for up to eight hours from the moment it begins).

Cross-check inspection – an inspection involving the comparison of documents located in different business entities or in different departments of the same entity, connected by similar operations.

Follow-up inspection – an inspection conducted by supervisory bodies to verify whether legal violations identified in a previous inspection have been eliminated by the business entity.

Prosecutorial inspections are an important instrument for establishing prosecutorial supervision over the execution of laws and for identifying legal violations.

Prosecutorial inspections manifest as a mandatory attribute of the “general supervision” activity.

As noted by N.R. Koreshnikova in her dissertation for the Candidate of Legal Sciences degree, prosecutorial inspections are conducted, on the one hand, to evaluate the actions of authorized officials, identify violations of the law, and detect offenses committed in connection with the powers reflected in their charters.

In our view, this opinion cannot be fully agreed with. Since the prosecutor supervises the strict and uniform execution of laws, inspections are carried out not only regarding the powers outlined in charters but also from the standpoint of the enforcement of other legal acts that have higher legal force than the charter. Therefore, it must be acknowledged that the scope of prosecutorial inspections is quite broad.

The following characteristics of prosecutorial inspections stand out:

Legality: prosecutorial inspections are conducted on the basis of law and aimed at its enforcement;

Imperative nature: the prosecutor's inspections have mandatory significance;

Objectivity and independence: the prosecutor's inspection activities are not influenced by any opinions; the inspections are targeted at specific goals and regulated solely by legal acts. Furthermore, departmental normative legal acts related to prosecutorial activities prohibit assessing prosecutors' performance based on the number of inspections conducted or the documents of prosecutorial supervision applied;

Inspections are carried out within the timeframes established by law;

They are conducted on the basis of transparency.

“In the theory and practice of prosecutorial supervision, there are several types of inspections conducted by prosecutors to check the enforcement of laws. In particular, in prosecutorial supervision practice, types such as planned and current inspections, targeted (subject-specific) and comprehensive inspections, detailed inspections, joint inspections, and follow-up inspections are carried out”.

According to the scope of participants, prosecutorial inspections can be classified into the following types:

Inspections conducted by a single prosecutor;

Inspections conducted by a group of prosecutors;

Inspections conducted by a prosecutor (or prosecutors) with the participation of specialists. This classification has significant methodological importance.

An inspection conducted by a single prosecutor is mainly carried out on relatively simple cases regarding the strict and uniform enforcement of a specific law in a particular inspection object.

In our opinion, prosecutorial inspections conducted by several prosecutors are carried out on complex and more significant cases. For example, complex and significant cases refer to situations involving legal violations that cause serious harm to the interests of the state and society, which require immediate elimination; otherwise, they harm the interests of the majority. Here, "majority" means two or more persons.

Specialists are involved in prosecutorial inspections at the request of the prosecutor. When conducting prosecutorial inspections, the prosecutor encounters issues related to various fields, including medicine, accounting, finance, construction, and other areas with which they may not be well acquainted. Naturally, in such cases, it is necessary to utilize the knowledge of persons who have specialized expertise in certain professions or fields of knowledge. Specialists involved in prosecutorial inspections upon the lawful request of the prosecutor provide their opinions based on their expertise in a particular matter or are assigned to conduct inspections and examinations. The opinions of specialists and the reports they prepare as a result of examinations are not binding on the prosecutor. The prosecutor may disregard them if there are sufficient grounds and may decide not to apply prosecutorial supervision documents based on these opinions.

According to legal scholar I.V. Kachalov, prosecutorial inspection is a lawful means used during prosecutorial supervision to detect violations of rules .

Similarly, other theorist scholars explain prosecutorial inspection as follows:

Prosecutorial inspection is a supervisory activity and a method for identifying violations of laws, encompassing the concept of "legal means of prosecutorial supervision," through which supervision is exercised by actions prescribed by law .

In our opinion, prosecutorial inspection, as emphasized above, is not only a method for detecting violations of laws but also a means to eliminate offenses and the conditions enabling them by applying relevant prosecutorial supervision documents.

In modern educational literature on prosecutorial supervision, prosecutorial inspection is usually understood as a means of resolving problems or as a method for exercising prosecutorial supervision over the enforcement of laws .

Although the phrase "checking the enforcement of laws" is used in the Law "On the Prosecutor's Office," the nature of prosecutorial inspections themselves is not defined, nor is a definition provided. Without understanding the essence and content of this concept, it would be illogical to determine its grounds and

procedures for conducting it. Therefore, we believe that the Law "On the Prosecutor's Office" should include a clear and complete definition that reveals the meaning and essence of the concept of "prosecutorial inspection."

Taking into account all the above-mentioned opinions, we propose the following definition of the concept of "Prosecutorial inspection over the enforcement of laws" to be included in the Law "On the Prosecutor's Office":

"Prosecutorial inspection over the enforcement of laws" is an inspection conducted by the prosecutorial authorities in accordance with the grounds, timeframes, and procedures established by legislation, to verify the strict and uniform enforcement of certain legislative acts in state bodies, enterprises, institutions, and organizations.

It is worth noting that Article 21 of the Law 'On the Prosecutor's Office' is specifically dedicated to prosecutorial inspections over the enforcement of laws. According to this Article, such inspections are carried out based on complaints and other information indicating violations of the law, as well as when the situation requires the prosecutor to take measures to restore legality, and in accordance with procedures established by law.

It can be observed that the norms set out in this article dedicated to prosecutorial inspections over the enforcement of laws are quite limited in scope. That is, the grounds for conducting prosecutorial inspections are not fully or strictly specified in the law. However, the Model Regulation, approved by the sectoral order of the Prosecutor General of the Republic of Uzbekistan, establishes specific and strict grounds for conducting prosecutorial inspections.

According to this Regulation, prosecutorial inspections over the enforcement of laws may be conducted on the following grounds:

- Work plans of structural divisions;
- Decisions of collegial bodies;
- Instructions from leadership;
- Appeals from individuals and legal entities;
- Information about violations of the law;
- Reports from mass media outlets.

According to Part 2 of Article 21 of the Law of the Russian Federation No. 2202-I "On the Prosecutor's Office," adopted on January 17, 1992, a prosecutor's inspection of the enforcement of laws shall be carried out based on information about a violation of the law, as well as in cases where the prosecutor is required to take measures to ensure legality.

Furthermore, the law stipulates that grounds for conducting prosecutorial inspections may also include information published on the internet information and communication network, data from federal state information systems, information obtained through unmanned aerial vehicles, and aerial photographs.

However, such grounds are not included among the legally established bases for prosecutorial inspections in our national legislation.

In today's world, where most information is exchanged via modern technological tools, we believe that messages published on the internet and data obtained through unmanned aerial vehicles should also be considered as valid grounds for initiating prosecutorial inspections. Therefore, if the above-mentioned sources were added to the list of grounds for conducting prosecutorial inspections specified in Article 21 of the Law "On the Prosecutor's Office," it would enhance the effectiveness of inspections and allow for the timely elimination of violations and the conditions that enable them.

Taking the above into account, we arrive at the following conclusions:

Firstly, based on the analysis of foreign experience and the doctrinal views of legal scholars, it is necessary to include a clear definition of the concept of "prosecutorial inspection" in the Law of the Republic of Uzbekistan "On the Prosecutor's Office."

Secondly, given that in today's world a large volume of information is received and transmitted through technological means, there is a need to include as legitimate grounds for conducting prosecutorial inspections both information published on the internet information and communication networks and data obtained via unmanned aerial vehicles.

REFERENCES

The Constitution of the Republic of Uzbekistan. – Tashkent: "Adolat" National Legal Information Center, April 30, 2023, p. 107.

Law of the Republic of Uzbekistan "On the Prosecutor's Office" (new edition), dated August 29, 2001. National Database of Legislation, 16.01.2019, No. 03/19/516/2484.

Decree of the President of the Republic of Uzbekistan No. PF-60 dated January 28, 2022 "On the Development Strategy of New Uzbekistan for 2022–2026" // URL: <https://lex.uz/ru/docs/-5841063>

Law of the Russian Federation "On the Prosecutor's Office," dated January 17, 1992 // URL: https://www.wto.org/english/thewto_e/acc_e/rus_e/wtaccrus58_leg_83.pdf

Belousova, D.S. Further Proceduralization of Prosecutorial Inspection: Whim or Necessity?, 2019, p. 56.

Kachalov, V.I., Kachalov, O.I. Prosecutorial Supervision in the Russian Federation. Moscow: Norma, 2001, p. 72.

Berezovskaya, S.G. Prosecutorial Supervision in Soviet State Administration. Moscow: Gosyurizdat, 1954, p. 95.

Prosecutorial Supervision: Textbook, edited by E.Yu. Vinokurov. Moscow: Yurayt, 2010, 114 pages.

Otajonov, F. The Constitutional Status of the Prosecutor's Office and Its Role in Ensuring Legality. Bulletin of the Academy of the Prosecutor General's Office of the Republic of Uzbekistan, No. 1 (49), 2022.