

# **ISSUES OF THEORETICAL AND PRACTICAL IMPROVEMENT OF PROSECUTOR VERIFICATIONS IN LAW ENFORCEMENT OF CIVIL DISPUTES**

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## **Annotation**

In this article, the prosecutor's arguments over the implementation of legislation on civil disputes, their specifics and the grounds for conducting these verifications, the application of prosecutor's control documents during the verifications, the response and their results were discussed. In the development strategy of the new Uzbekistan, the tasks envisaged in the prospects for the activities of the prosecutor's office are highlighted. Comparative-legal analysis of the basics and significance of conducting prosecutor's actions on the implementation of laws. The stages of the examination: preparatory, main and final stage are studied analytically and the sequence of the main actions that will be carried out in them is described. The experience of a number of foreign countries has been comparative analyzed with our national legislation and proposals have been put forward.

**Keywords:** prosecutor's verification, grounds for conducting an verificationn, stages of conducting an verification, prosecutor's control documents, legislation, object of verification, subject of verification.

# **FUQAROLIK NIZOLARIGA DOIR QONUNLAR IJROSI USTIDAN PROKUROR TEKSHIRUVLARINI NAZARIY VA AMALIY JIHATDAN TAKOMILLASHTIRISH MASALALARI**

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## ANNOTATSIYA

Ushbu maqolada fuqarolik nizolari bo'yicha qonunchilik ijrosini ta'minlashda prokuror tomonidan bildirilgan dalillar, ularning xususiyatlari va tekshiruv o'tkazish asoslari, tekshiruv jarayonida prokuror nazorati hujjatlarini qo'llash, ularga javob qaytarish va natijalari muhokama qilingan. Yangi O'zbekiston Taraqqiyot strategiyasida prokuratura organlari faoliyati istiqbollari doirasida belgilangan vazifalar yoritilgan. Qonunlar ijrosini ta'minlash bo'yicha prokurorlik harakatlarining asoslari va ahamiyati qiyosiy-huquqiy tahlil asosida ko'rib chiqilgan. Tekshiruv bosqichlari — tayyorgarlik, asosiy va yakuniy bosqichlar tahliliy o'rganilgan va ularning har birida amalga oshiriladigan asosiy harakatlar ketma-ketligi bayon etilgan. Qator xorijiy davlatlar tajribasi milliy qonunchiligimiz bilan taqqoslab tahlil qilingan hamda takliflar ilgari surilgan.

**Kalit so'zlar:** prokuror tekshiruvi, tekshiruv o'tkazish asoslari, tekshiruv o'tkazish bosqichlari, prokuror nazorati hujjatlari, qonunchilik, tekshiruv obyekti, tekshiruv subyekti,

Large-scale reforms are being implemented in the country to improve and democratise state administration, increase the population's standard and quality of life, and comprehensive development of regions.

In this process, it is important that measures are being taken to ensure the implementation of legal documents adopted by the prosecutor's office, to strengthen law and order in society.

As the head of our state noted, ensuring the rule of law is crucial in all the reforms we are implementing today in establishing New Uzbekistan.

*In a society ruled by law, there will be justice, political and social stability, economic growth and development, and human dignity, rights and interests will be ensured.*

Nowadays, it is appropriate to emphasize that the role of the prosecutor's office and the patriotic people who are loyal to their profession and duty and who serve in this system is important in achieving such important goals<sup>1</sup>.

Also, as the Chief Prosecutor of the Republic of Uzbekistan N.T.Yoldoshev also noted, that the prosecutor's office, based on the noble principle that "Law is paramount, punishment for crime is inevitable" in ensuring legality in all fields and sectors in our country, is primarily supported by our people. Putting the interests of the people and the state in the first place, ensuring human rights and freedoms as the highest value, and turning the prosecutor's office into a truly people-oriented structure is our main goal<sup>2</sup>.

It is known that the prosecutor's inspections of the implementation of laws are aimed at ensuring the clear and uniform execution of legislative documents by the inspected entities. So, at the core of the prosecutor's investigations lies the uniform, high-quality and consistent execution of the law. This includes the prosecutor's review of the implementation of the legislation on disputes in civil cases.

<sup>1</sup> O'zbekiston Respublikasi Prezidenti Shavkat Miromonovich Mirziyoyevning 08.01.2024-yildagi prokuratura organlari xodimlari hamda faxriylariga tabrik nutqidan // <https://president.uz/uz/lists/view/6961>

<sup>2</sup> O'zbekiston Respublikasi Bosh prokurorining 16.01.2024-yildagi mamlakatimiz aholisiga murojaatidan//<https://prokuratura.uz/#/newsviewid=8986>

Legal scientist B.X.Polatov noted, the examination carried out in the order of control over the implementation of laws reflects the strategy of the activities of the prosecutor's office. Currently, their thematic is diverse. They include control over the observance of the rights and freedoms of a citizen, the implementation of laws on ownership, entrepreneurial activity, privatization, environmental protection, taxation, banking, customs, land and others. Of course, in full addition to these points, it can be said that the prosecutor's examination carried out over the implementation of each law is considered an important part of the performance of the tasks assigned by law to the prosecution authorities, and each of them, along with the common parties, also have separate specific aspects.

*According to lawyer D.S. Belausova*, prosecutor's verifications are an important tools for establishing the prosecutor's control over the implementation of laws and detecting violations of the law<sup>3</sup>. It can be added to this opinion that the prosecutor's verifications serve not only to identify cases of violations of the law but also to eliminate the causes and conditions that make it possible by applying measures of influence against them.

According to Article 26 of the Civil Procedure Code of the Republic of Uzbekistan, cases on disputes arising from citizenship, family, labour, housing, land and other relations, if at least one of the parties is a citizen apply to the civil court. Therefore, during the work on the above disputes, when there are grounds for conducting prosecutor's verifications, verifications can be conducted from the point of view of identifying and eliminating cases of violations of the law.

To ensure the authority of the prosecutor in the implementation of laws related to the conduct of civil court cases, the prosecutor strictly adheres to the principle of independence of courts and only obedience to the law, and helps to implement justice by the courts in civil cases<sup>4</sup>.

Article 21 of the Law of the Republic of Uzbekistan "On the Prosecutor's Office" provides the grounds for the inspection, according to which the inspection of the implementation of laws is based *on applications and other information* about the violation of laws, it is also conducted by the procedure established by law, based on the fact that legality is in a state that requires measures to be taken by the prosecutor.

Likewise, the prosecutor also conducts a verification for minors, especially in small and medium-sized enterprises, involving relevant specialists in labor law, labor protection and compliance with technical safety. In the process of verification, they should focus on additional benefits established by juvenile labor laws and other regulatory documents, that is, it is assumed that working conditions that can harm their health, safety or morality are prohibited for use in unfavorable jobs, underground work and other activities, freight is behind the established norm and is not allowed for transportation, in addition to the general procedure for paying preferential fees and issuing labor leave and termination of the employment contract on the initiative of the employer, special attention is paid to compliance with such rules as local employment and permission with the consent of the Labor body.

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<sup>3</sup> Белоусова Д.С. Дальнейшая процессуализация прокурорской проверки: блажь или необходимость? 2019. С.56.

<sup>4</sup> Mamasiddiqov M.M., Shayzakov Sh.I., Shamshidinov U.T. Fuqarolik sud ishlarini yuritishda prokuror vakolatini ta'minlash masalalari // Ilmiy – amaliy qo'llanma. – Toshkent, 2020.–10- b.

Before the verification, the prosecutor must request information that is permissible from the relevant authorities in order to reach a preliminary conclusion about the implementation of labor legislation. For example,

From the Personnel Department of the enterprise:

- List of those who work at the enterprise, information about the place and conditions of work and their non-landing;

- the legality of the benefit money paid to them;

- about those who suffered an accident at work, etc.

From employment offices:

- data on the number of minors who applied for a job before the verification period or last year, how many were placed;

- information about the list of organizations and the level of execution that are obliged to organize preferential jobs;

- retrained and trained minors in the profession, the funds paid to them, their employment after graduation;

- information about the unemployed and the funds paid to them.

The prosecutor is initially be able to study the above data and, in comparison, draw conclusions about what should be paid special attention to during the period of verification of the implementation of this law<sup>5</sup>.

We believe that it will benefit to distinguish a whole process of examination into certain stages in order to effectively and systematically conduct inspections on the implementation of legislation. It is recommended that, taking into account advanced foreign experience and practice, prosecutor's verifications on the implementation of legislation should be carried out on the basis of the following stages:

- Preparation stage;

- Main stage;

- Final stage.

**Preparation stage.** Taking into account the point of view of labor law, at this stage, the examiner should determine which labor-related laws and legislative acts will conduct an verification, the subject and purpose of conducting an checking, what legal basis is the reason for conducting an examination, the main tasks and functions of the state body, economic governing body or enterprise, institution, organization, the rights and obligations of their officials. Then, on the basis of the above, a verification plan is drawn up.

**Main stage.** This is the reason why this stage is called the main one, in which explanatory letters are received from the relevant persons by the employee of the prosecutor's Office conducting the verification, requests are made for the performance or non-performance of a particular action, specializations are involved to facilitate the conduct of the verification, violations are identified and the issue of applying liability measures is discussed. That is to say, in other words, the "heart" tasks of the verification are performed. On the basis of the collected data, the authorized personnel of the prosecutor's office should concentrate on the issue of applying the necessary prosecutor's control documents noted in Section V, Article 37 of the

<sup>5</sup> Po'latov B.X., Astonov S.M. "Voyaga yetmaganlar haqidagi qonunchilik ijrosi ustidan prokuror nazoratini tashkil qilish"// Amaliy qo'llanma. – Toshkent, 2018. – 63-64-bet.



law of the Republic of Uzbekistan “On the prosecutor's office”: protest, decision, submission, application or warning.

**Final stage.** At this stage, the authorized personnel of the prosecutor's office finishes to determine all violations of the law on the implementation of the relevant legislative act. The prosecutor, who is required for identified violations, enters into control documents and receives references and other documents from organizations in connection with the measures taken on them, participates in meetings in cases where submissions are considered by the collegial body, enters information into the high-ranking prosecutor if this is necessary.

It will be necessary to identify the subject, subject, object and means of examination and use them correctly in order to carry out the stages of conducting prosecutor's examinations over the implementation of the above laws in a sequential, effective and purposeful manner.

In proportion to the subject of control over the implementation of laws, the subject of the prosecutor's review of the implementation of laws is ministries, agencies, self-government bodies of citizens, public associations, enterprises, institutions, organizations, as well as military units, military structures, governors and other officials of ministries and agencies. implementation of laws by them, as well as compliance of the documents adopted by them with the Constitution and laws of the Republic of Uzbekistan.

*The subjects of the prosecutor's review of the implementation of laws* can be understood as the employees of the relevant prosecutor's offices that carry out inspections.

*The object of the prosecutor's review of the implementation of laws* is defined as the ministries, agencies, citizens' self-government bodies, public associations, enterprises, institutions, organizations, as well as military units, military formations, governors and other officials of the ministries and agencies.

*Means of the prosecutor's control over the execution of laws* means the fundamental goal of the prosecutor's control, that is, the prosecutor's control, which helps in the clear and uniform execution of laws and serves to identify and prevent violations of the law, eliminate the causes and conditions that made them possible. documents are understood. According to Article 37 of the current Law of the Republic of Uzbekistan “On the Prosecutor's Office”, there are 5 prosecutor control documents. These are protest, decision, presentation, application and warning. “During the preparation of the prosecutor's control documents, it is necessary to distinguish the unique characteristics of each of them. Protest is *made*, decision is *given*, presentation and application are *made*, a warning is *declared*.”<sup>6</sup>. These documents are signed by the prosecutor or his deputy as required by law.

Also, during the preparatory stage, the prosecutor's office conducting the verification should pay special attention to the violation of the law indicated in the application, which is the basis for the verification, and, involving the author of the application, should receive an explanation aimed at clarifying the necessary facts regarding the application, as soon as possible, and it is impossible to work being in a hurry since that application may contain slanderous and false information aimed at deliberately shaming other persons. If signs of such an administrative violation or crime are detected, the materials should be directed to the appropriate authorities.

<sup>6</sup> Po'latov B.X. Qonunlar ijrosi ustidan prokuror nazoratini tashkil qilish va prokuror nazoratining namunaviy hujjatlar to'plami// Amaliy-uslubiy qo'llanma. – Toshkent, 2013. – 19-bet



Above, the *application* of individuals and legal entities, which is one of the grounds for conducting the prosecutor's verification, was not cited. Because in the legislation of most countries where there is a general control function of the prosecutor's office, one of the most common grounds for a prosecutor's verifications an *application*.

For example, according to Article 21, part two of the Law of the Russian Federation No. 2202-I "On Prosecutor's Offices" adopted on January 17, 1992, the prosecutor's control over the implementation of laws includes applications, violations of the law it is determined that it will be carried out based on information and based on the fact that legality requires action by the prosecutor.

Similarly, according to Article 27 of the Law of the Republic of Turkmenistan "On the Prosecutor's Office" dated November 21, 2015, the verification of the implementation of laws is carried out by the prosecutor within the scope of his powers in the following cases:

- 1) based on the work plan;
- 2) when there are *applications*, complaints, messages and other official information about violations of the law;
- 3) when signs of violation of the law are directly detected;
- 4) according to the order or request of the high prosecutor.

In conclusion, it should be noted that for the prosecutor's verifications of the implementation of legislation on disputes in civil cases to be effective and high-quality, special attention should be paid to the subject, object and means of inspection, the grounds for inspection, including physical and legal entities. It will be necessary to carefully study the applications and follow the stages of the verification.

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