

PROSECUTORIAL SUPERVISION OVER THE ACTIVITIES OF INVESTIGATIVE BODIES: THE EXPERIENCE OF UZBEKISTAN

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Annotation: *This thesis analyzes the importance of prosecutorial control over the activities of investigative bodies and the legal basis for the implementation of prosecutorial control. At the same time, the tasks of prosecutorial bodies in controlling and coordinating investigative activities are highlighted based on the legislative acts of the Republic of Uzbekistan. Also, our national lawyers have highlighted the scientific and theoretical foundations of prosecutorial control over the activities of investigative bodies.*

Keywords: *investigation, crime, prosecutorial control, preliminary investigation, inquiry, indictment, indictment, court investigation, procedural authority.*

The Decree of the President of the Republic of Uzbekistan “On the Development Strategy of New Uzbekistan for 2022–2026[1]”, entitled “Forming a new image of law enforcement agencies and directing their activities to effectively protect the interests of the people, human dignity, rights and freedoms,” includes the creation of a solid legal framework for open and fair prosecutorial activities that strictly ensure legality, and making the principle of “Law is paramount, punishment is inevitable” the main criterion, strengthening control over operational search and investigation activities, introducing effective mechanisms for effectively protecting the dignity and freedom of citizens, and radically reforming the system of recording reports of crimes in law enforcement agencies. It was noted that the use of modern methods to prevent cases of concealment of crimes are the most important reforms ahead of us in this area.

The Decree of the President of the Republic of Uzbekistan No. PF-257 dated November 29, 2022 “On the introduction of a qualitatively new system of training qualified personnel in the field of criminal investigation”[2] was adopted, establishing the Law Enforcement Academy of the Republic of Uzbekistan on the basis of the Academy of the Prosecutor General’s Office, which established a continuous training system aimed at training personnel in the field of criminal investigation on the basis of a unified approach, ensuring their inextricable connection with practice.

Article 4 of the Law of the Republic of Uzbekistan “On the Prosecutor’s Office” defines the main areas of activity of the Prosecutor’s Office. Paragraph 4 of this article states: control over the implementation of laws by the bodies carrying out operational-search activities, pre-investigation checks, inquiries, preliminary investigations, and coordination of their activities in the fight against crime[3] is one of the main areas of activity of the prosecutor’s office.

At the same time, Article 33 of the Criminal Procedure Code of the Republic of Uzbekistan states that the Prosecutor General of the Republic of Uzbekistan and

prosecutors subordinate to him shall exercise control over the clear and uniform implementation of the laws of the Republic of Uzbekistan at the stages of inquiry and preliminary investigation. The prosecutor shall be obliged to take timely measures provided for by law to eliminate violations of the law at the stages of inquiry and preliminary investigation, regardless of who committed them. The prosecutor shall exercise his powers independently of any body and official, subject only to the law and relying on the instructions of the Prosecutor General of the Republic of Uzbekistan.

Powers of the prosecutor Article 382 of the Criminal Procedure Code Control over the implementation of laws during the conduct of inquiry and preliminary investigation actions shall be exercised by the prosecutor. The procedure for considering and resolving applications and reports on the commission of a crime, conducting an investigation, and verifying the legality of decisions issued shall be established by this Code.

is the sphere of control over the implementation of laws by investigative bodies.

Also, Article 409 of the Code of Criminal Procedure. The issue of ensuring the participation of the prosecutor in court proceedings is covered. In particular, the prosecutor participates in the consideration of criminal cases in courts of first instance, supports the state prosecution, participates in the examination of evidence, asks questions to defendants, victims, witnesses, experts and other persons invited to the court, expresses his opinion on the application of the norms of the Criminal Code, describes the actions of the defendant, assigns him the type and standard of punishment and other issues that the court must decide, expresses his opinion on the causes of the crime and the conditions that allowed it to be committed, and on measures aimed at eliminating them.

When supporting the state prosecution, the prosecutor is guided by the requirements of this Code, other laws of the Republic of Uzbekistan and his own convictions based on an examination of all the circumstances of the case. If, based on the information of the judicial investigation, the prosecutor concludes that it is necessary to change the charges against the defendant, he must submit a reasoned statement to the court[4].

Sh. Fazliddinov noted that the main purpose of the coordination of investigative branches by the prosecutor is to ensure that the investigation process is carried out within the framework of the law, protect human rights and freedoms during the investigation process, increase the efficiency of investigative bodies and guarantee a fair trial. When resolving disputes over competence, the prosecutor maintains a balance between investigative bodies and conducts the process in a legal direction and ensures the continuity of the investigative process. This not only coordinates the activities of investigative bodies, but also increases cooperation between them, ensuring that the decisions made by the prosecutor are fair and legal, based on the requirements of national legislation, as well as international standards[5].

According to legal scholars Z.F. Inogomjonova and G.Z. Tulaganova, the prosecutor is one of the most active participants in the criminal process, and only he participates in all stages of criminal proceedings, that is, from the stage of initiation of a criminal case to the entry into force of the court verdict against the individual[6]. The prosecutor leads the consideration of all criminal cases and performs important tasks in the transition of cases from one stage to the next. At the same time, his procedural status also has a different appearance at different stages. Scholars have expressed different opinions on the relationship between the prosecutor and the investigator and the impact on the investigator's independence. In particular, according to G.Z. Tulaganova, in order to further strengthen the investigator's independence, the law should stipulate that he must participate in resolving the issue of detention together with the prosecutor[7]. Since the investigator is more familiar with the circumstances of the case, he greatly assists the prosecutor in proving in court the necessity of applying this measure.

The prosecutor may directly influence the preliminary investigation process by exercising the following powers:

- transfers a criminal case from an inquiry body to an investigator, from one investigator of the prosecutor's office to another, and in the cases and in the manner established by criminal procedural law, from one preliminary investigation and inquiry body to another preliminary investigation and inquiry body;
- removes an inquiry officer or investigator from continuing the inquiry or preliminary investigation if he or she has violated the law during the investigation of the case;
- confirms the indictment or indictment or decision, sends the case to court;
- returns criminal cases to the inquiry and preliminary investigation bodies with his or her instructions on conducting additional investigation. The prosecutor's instructions to such inquiry and preliminary investigation bodies and bodies carrying out pre-investigation or operational-search activities related to conducting pre-investigation checks, initiating cases and conducting investigations are binding on these bodies.

Control over legality in the preliminary investigation is considered a means of leading criminal prosecution for the prosecutor. By controlling compliance with the law in the course of the inquiry and preliminary investigation, operational-search activities, as well as the legality and validity of decisions made by officials carrying out these types of activities, the prosecutor acts as the head of law enforcement agencies working together on a criminal case and an "organizer" coordinating their activities.

The object of prosecutorial control should not be the investigator's activities, but the legality and validity of his procedural actions and decisions. The possibilities of improving the forms and methods of exercising prosecutorial control over the investigator's activities and ensuring his rights and legal powers through a court that provides an impartial and independent assessment of the situation have also been actively discussed in recent years among procedural scholars and practitioners[8].

CONCLUSION

Having discussed the above legal acts and the scientific views of scientists, it can be concluded that by exercising prosecutorial control over the activities of investigative bodies, it is possible to ensure human rights and freedoms in investigative processes, as well as to achieve a clear and uniform implementation of legislative acts in this area. At the same time, the fact that the prosecutor's office has the authority to control the activities of investigative bodies and coordinate their activities is clearly defined in a special law regulating the activities of prosecutorial bodies, as well as in procedural legislative acts, indicates that investigative bodies in the Republic of Uzbekistan carry out their activities within the framework of legislative norms.

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