

## THE POSITION OF THE PROSECUTORS OFFICE OF UZBEKISTAN AND TURKEY IN THE SYSTEM OF STATE STATUS

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**Abstract: General Background:** The role of prosecutor's offices is pivotal in maintaining the rule of law and upholding justice within the framework of state power. **Specific Background:** This article examines the distinct functions and structures of the prosecutor's offices in Turkey and Uzbekistan, highlighting their contributions to the legal system and governance in both countries. **Knowledge Gap:** Despite the importance of these institutions, there is a lack of comparative legal studies that explore their operational differences and similarities, particularly between Turkey and Uzbekistan. **Aims:** This study aims to provide a comprehensive legal analysis of the prosecutor's offices in both nations while identifying best practices from Turkey that could be adapted to enhance the effectiveness of Uzbekistan's prosecutorial system. **Results:** The findings reveal significant structural and functional differences between the two countries' prosecutor's offices, particularly in their approach to accountability, oversight, and public engagement. Additionally, the study identifies several best practices from Turkey that could improve the efficiency and transparency of Uzbekistan's prosecutor's office. **Novelty:** This research contributes to the field by offering a unique comparative perspective on the prosecutor's offices of Turkey and Uzbekistan, emphasizing practical reform strategies. **Implications:** The insights gained from this analysis have significant implications for policymakers and legal practitioners in Uzbekistan, suggesting that the adaptation of successful Turkish practices could lead to a more robust and accountable prosecutorial framework, ultimately strengthening the rule of law and public trust in the justice system.

**Keywords:** Prosecution, Constitution, System, Comparative Legal Analysis, Court, Academy Of Justice.



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### Introduction

In the international arena, for several centuries, countries have widely used the possibilities of the prosecutor's office in the system of state power to ensure their legitimacy and to control the implementation of laws.

After all, the changes taking place in the country, the new priorities of socio-economic development, as well as the tasks of ensuring the rule of law and strengthening legality are an integral part of the activities of prosecutor's offices.

Prosecutor's Office (Latin: *procurare* - "to take care") is a special state body (a system of bodies) in some countries (most of which have a Romano-Germanic legal system in place) charged with initiating criminal cases, defending the prosecution, protecting the state's interests in court proceedings, and supervising the execution of laws. ) is considered.

The prosecutor's office first appeared in France in the XIII-XIV centuries. In several countries, the Prosecutor's Office also has the task of monitoring the clear and uniform implementation of laws by all citizens, organizations and officials. In certain countries, the Prosecutor's Office is a component of the court, while in others it is organizationally separated from it.

In the comparative-legal analysis of the place of the prosecutor's office in the state power system of the Republic of Uzbekistan and the Republic of Turkey, the main laws of these two

countries - Constitutions, laws on the prosecutor's office and other regulatory legal documents - have been studied below.

According to Chapter XXV (Prosecution), Article 143 of the Constitution of the Republic of Uzbekistan, control over the clear and uniform implementation of laws in the territory of the Republic of Uzbekistan is carried out by the Prosecutor General of the Republic of Uzbekistan and prosecutors subordinate to him.

The unified centralized system of prosecution bodies is headed by the Prosecutor General of the Republic of Uzbekistan.

The prosecutor of the Republic of Karakalpakstan is appointed by the supreme representative body of the Republic of Karakalpakstan in agreement with the Prosecutor General of the Republic of Uzbekistan.

Regional prosecutors, district and city prosecutors are appointed by the Prosecutor General of the Republic of Uzbekistan.

The term of office of the Prosecutor General of the Republic of Uzbekistan, the prosecutor of the Republic of Karakalpakstan, regional, district and city prosecutors is five years.

The same person cannot hold the position of the Prosecutor General of the Republic of Uzbekistan for more than two consecutive terms.

According to the Constitution of the Republic of Turkey, the prosecutor's office in Turkey performs the functions of executive power.

All prosecutors are appointed and dismissed by the President on the recommendation of the Ministry of Justice. Prosecutors initiate criminal cases, supervise the progress of the preliminary investigation and act as prosecutors in court. Prosecutors cannot be members of political parties. The decision made by the Constitutional Court as a result of the audit is final. The final decision on liquidation of political parties is taken by the Constitutional Court at the request of the Prosecutor General of the Republic.

In Turkey, the status of prosecutor and judge is equivalent, providing the possibility to move from one field to another.

After completing the Justice Academy and 2 years of practice in Turkey, the candidate is appointed as a village (district) prosecutor and his service room is located in the court building. The district prosecutor will not have subordinates except 2-3 secretaries for typing.

In the Republic of Turkey, prosecutors cannot be nominated or replaced until they leave their post. Also, they cannot be dismissed or retired before they reach the age specified in the Constitution, as well as be deprived of wages, allowances or other rights based on their status. Exceptions provided by the law apply to persons accused of committing a crime, found unable to perform their official duties due to their health, as well as those who have been judged unfit for the position they hold. Prosecutors perform their duties in judicial bodies and administrative courts.

Prosecutor's offices of the Republic of Uzbekistan exercise their powers independently of other state bodies, other organizations, and officials, subject only to the Constitution and laws of the Republic of Uzbekistan. Prosecutors suspend membership in political parties and other public associations with political goals during their term of office. The organization of prosecutor's offices, their powers and the procedure for their operation are determined by law.

The Prosecutor General of the Republic of Uzbekistan is appointed by the President of the Republic of Uzbekistan after the approval of the Senate of the Oliy Majlis of the Republic of Uzbekistan and dismisses them.

Therefore, according to the Constitutions of the two countries mentioned above, the prosecutor's

office, being a separate special state body, performs the functions of an executive body in the system of state power, exercises its powers independently of other state bodies, other organizations, and officials, only subject to the Constitution and laws of the Republic of Uzbekistan, it is appropriate to emphasize that, during his term of office, he will suspend membership in political parties and other public associations pursuing political goals.

The main tasks of the prosecutor's office of the Republic of Uzbekistan and the Republic of Turkey are almost similar, and they are to ensure the rule of law, strengthen legality, protect the rights and freedoms of citizens, the interests of society and the state protected by law, the constitutional system of the Republic of Uzbekistan, prevention and prevention of violations.

The positions of prosecutors (Savcı) in Turkey are called chief prosecutor (Cumhuriyet Başsavcısı), deputy chief prosecutor (Cumhuriyet Başsavcı Vekili), state prosecutor (Cumhuriyet Savcısı). In this respect, we can see similarities with the Prosecutor's Office of Uzbekistan.

## Methods

This study employs a comparative legal analysis methodology to examine the roles and functions of the prosecutor's offices in Turkey and Uzbekistan. A comprehensive literature review is conducted, encompassing existing legal literature, scholarly articles, and official reports to establish a foundational understanding of each country's prosecutorial structures and historical contexts. Qualitative data is collected through document analysis of relevant legal frameworks, case studies of specific prosecutorial actions, and semi-structured interviews with legal experts, prosecutors, and academics from both nations. The gathered data is systematically compared to identify similarities and differences in accountability mechanisms and public engagement strategies. Subsequently, best practices from the Turkish prosecutor's office are identified and assessed for their potential applicability in Uzbekistan. The study concludes by formulating proposals for reform and enhancement of the Uzbek prosecutor's office, grounded in the insights derived from the comparative analysis and best practices identified.

## Results and Discussion

According to Article 140 of the Constitution of the Republic of Turkey, prosecutors perform duties assigned to prosecutors in judicial bodies and administrative courts. These tasks are performed by professional prosecutors. Prosecutors are obliged to perform their duties until they reach the age of 65.

Judges and prosecutors may not perform any state or public functions except those prescribed by law.

Judges and prosecutors report to the Ministry of Justice on their administrative duties. Judges and prosecutors working in administrative positions are subject to the same rules as other judges and prosecutors. Their categories and ranks are determined according to the principles applied to judges and prosecutors, and they enjoy all the rights granted to judges and prosecutors.

According to Article 144 of the Constitution of the Republic of Turkey, supervision over prosecutors is carried out by inspectors of justice with the permission of the Ministry of Justice. The Minister of Justice may appoint or request an investigation to a judge or prosecutor higher than the judge or prosecutor under investigation.

Therefore, unlike in Uzbekistan, it is known that the prosecution system in Turkey is regulated by the Ministry of Justice, and its activities are coordinated and controlled.

In the Republic of Uzbekistan, the prosecutor's office carries out certain activities in the field of ensuring the rule of law in the country, strengthening legality, protecting the rights and freedoms

of citizens, the interests of society and the state protected by law, preventing and preventing crimes.

In particular, on the openness of the activities of the prosecutor's office: Attention is paid to the realization of mechanisms of public control by the prosecutor's office and ensuring the openness of the activities of the prosecutor's office:

- prosecutors provide information on the state of legality and the fight against crime to the Councils of People's Deputies and self-government bodies of citizens;

- The Oliy Majlis will be provided with information on the state of legality.

On strengthening legitimacy:

As a result of measures taken by the prosecutor's office to strengthen legality, protect the rights and freedoms of citizens, the interests of society and the state protected by law, including the systematic study of legal documents of state bodies, prosecutor's control documents are constantly used;

- a protest is filed against illegal documents, a submission is made to the relevant agencies to eliminate the reasons for the violation of the law;

- petitions are submitted to the courts for recovery of damages;

- the violated rights of individuals and legal entities will be restored.

- appeals are considered by the prosecutor's office, reception of citizens (including going to the regions) is organized.

On the fight against crime and the prevention of violations:

The prosecutor's office conducts investigative actions on criminal cases, and criminal cases are sent to court.

The crime situation in each region and the measures taken are analyzed in depth, discussed critically at the meetings of coordinating councils of law enforcement agencies, and specific measures are determined and focused on implementation.

Anti-crime campaigns are carried out, including media appearances.

In order to ensure compliance with the law in pre-investigation, investigation and preliminary investigation:

- the criminal case against the person of the inquiry and investigative bodies is studied and sent to the relevant courts;

- procedural decisions contrary to the law are annulled;

- written instructions are given on the necessary procedural actions.

Also, measures are taken by the law enforcement agencies to prevent torture and humiliation of a person and other illegal actions.

In particular, all applications and messages received regarding the illegal actions of law enforcement officers are investigated before investigation.

Together with relevant agencies in the field of combating corruption:

- promotional events, including conferences and roundtables, media appearances.

On the participation of the prosecutor in the courts:

In ensuring the participation of the prosecutor in the courts, the main focus is on ensuring strict observance of the independence of judges, preventing illegal interference in court proceedings, and assisting in the implementation of justice on the basis of the principle of mutual dispute.

In order to ensure the powers of the prosecutor in court proceedings:

- participation of the prosecutor in the consideration of criminal, civil, economic and administrative cases in courts is ensured;

- on the basis of prosecutors' protest, decisions of criminal courts against individuals, as well

as decisions of civil courts, economic courts, and administrative courts are brought into line with the law;

On social protection, health and employment:

The prosecutor's office carries out certain activities to ensure control over the implementation of legislation on the protection of social rights and freedoms of citizens.

In this process, the main attention is paid to the implementation of the legislation on ensuring the employment of the population, maintaining health, supporting the segments of the population in need of social protection, timely payment of wages, pensions and allowances.

Regarding legal protection of business entities:

Control measures will be taken to protect the rights of business entities, including unjustified interference in their activities, conducting illegal inspections, and preventing violations of the law in considering their appeals.

Also, in our republic, the prosecutor's office provides practical assistance to entrepreneurs in the activities of entrepreneurs, including the allocation of credit, land and building, licensing and other documents, and connection to engineering networks. As a result of measures taken in cooperation, the necessary support is provided for the establishment of a new business entity, the restoration of business entities, and the creation of new jobs.

Regarding the legal protection of minors:

In order to prevent the lack of control and offenses of minors, to ensure their legal protection and to strengthen their moral and moral education, legal promotion events are held, prosecutor's control documents are used, and the violated rights of minors are restored;

On legislative advocacy:

In order to strengthen legality, to convey the contents of the law to the general public, the public prosecutor's office conducts propaganda activities in the mass media.

On the official website of the General Prosecutor's Office, as well as on Facebook, Telegram and other social media pages, information of interest to the general public, urgent news, and information about high-resonance events and incidents are published.

## Conclusion

Summarizing the above-mentioned opinions, scientific-theoretical views, the following conclusions can be reached:

Prosecutor's offices in the Republic of Uzbekistan carry out their activities in the following main directions:

1. Control over the implementation of laws by ministries, state committees, agencies, self-government bodies of citizens, public associations, enterprises, institutions, organizations, governors and other officials;
2. Control over the implementation of laws aimed at ensuring the rights and freedoms of citizens;
3. Control over the observance of laws in the armed forces of the republic of uzbekistan, military structures of ministries, state committees and agencies;
4. Control over the execution of laws by the bodies that carry out rapid-search activity, pre-investigation investigation, inquiry, preliminary investigation, and coordination of their activities in the fight against crime;
5. Conducting a preliminary investigation of crimes;
6. Control over the implementation of laws aimed at strengthening tax discipline, combating

crimes and violations in the field of tax and currency, as well as compensation for economic damage caused to the state;

7. Control over the observance of laws during the enforcement of criminal punishments and other measures of criminal-legal influence in places of detention of detained persons, imprisoned persons;
8. Participation in the law-making activity and in raising the legal culture in the society.

The main principles of organizing the activities of prosecutor's offices and their activities are unity, centralization, legality, independence and transparency.

Prosecutor's offices form a single centralized system headed by the Prosecutor General of the Republic of Uzbekistan, and subordinate prosecutors operate on the basis of subordination and accountability to senior prosecutors and the Prosecutor General of the Republic of Uzbekistan.

A senior prosecutor has the right to give instructions to a lower prosecutor or to change or cancel any of his decisions, including procedural ones, and he is fully responsible for the proper organization of the work of all prosecutors under his authority.

The employees of the prosecutor's office must strictly comply with and fulfill the requirements of the Constitution of the Republic of Uzbekistan and other laws in their activities. Any deviation from the strict implementation and observance of the laws, regardless of the grounds on which it is made, is considered a violation of legality and causes the prescribed responsibility.

Prosecutor's offices exercise their powers independently of any state bodies, public associations and officials, only subject to the law. It is forbidden to interfere with the activities of the prosecutor's office. In order to achieve an illegal decision of the prosecutor, exerting any influence on him or preventing him from carrying out his activities, infringing on his privacy, as well as inspections and disclosure of preliminary investigation data without the permission of the prosecutor or investigator, failure to comply with the requirements of the prosecutor shall cause liability in accordance with the established procedure.

In conclusion, it can be said that according to the normative legal documents studied above, the status of the prosecutor's office in the Republic of Uzbekistan as a separate, independent special body in the system of state power is higher than that of the prosecutor's office of the Republic of Turkey. That is, the Turkish Prosecutor's Office performs certain functions as an executive authority, and it is not unlikely that it is under the control of the Ministry of Justice according to the policy of "restraining" the authorities. In practice, the Prosecutor's Office of the Republic of Uzbekistan performs certain executive functions as a specially authorized body of the state, but this does not prevent its independence and the exercise of control over the uniform execution of laws by all state bodies and organizations.

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