

History of the Organization and Development of Prosecutor's Offices in the Republic of Uzbekistan

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ABSTRACT

Objective: This study examines the establishment and development of prosecutor's offices in the Republic of Uzbekistan from 1991 to 2000, focusing on the transition to independence and its impact on the legal system. **Method:** Utilizing historical sources and a comparative analysis of legal documents, this research investigates the structural and functional changes in the prosecutor's offices during this period. **Results:** Key developments include the separation of prosecutors from political parties, the advancement of theoretical and legal frameworks for the institution, personnel management reforms, and efforts to ensure uniform implementation of laws across the republic. **Novelty:** This work highlights the pivotal role of prosecutor's offices in shaping the legal foundations of independent Uzbekistan and offers a unique perspective on their evolution during a transformative decade.

INTRODUCTION

In the Republic of Uzbekistan, in recent years, the head of our state has been assigning many tasks to the prosecutor's offices, and a number of reforms are being implemented in the prosecutor's office, along with all sectors of the country, and measures are being taken to transform the prosecutor's offices into law enforcement agencies that literally serve the people.

In accordance with the Law of the Republic of Uzbekistan of December 19, 2016, January 8 was established as the Day of the Prosecutor's Office of the Republic of Uzbekistan.

This served to further increase the efficiency of the activities of the prosecutor's offices and encourage the work of employees in the field. As a result, in line with the large-scale reforms being carried out in our country, specific work is being carried out by the prosecutor's offices to strengthen the rule of law in society, ensure the rule of law, and prevent crimes and offenses.

In the process of current changes in the field of law and order, the study and research of the history of prosecutor's offices, which are an integral part of the history of statehood, is one of the urgent tasks facing the science of history.

RESEARCH METHOD

This article is based on the principles of historical methods - historicism, critical, comparative-logical analysis, sequence, and objectivity. The history of the formation of prosecutor's offices in Uzbekistan during the years of independence has not been studied as a holistic scientific problem from the point of view of historical research.

RESULTS AND DISCUSSION

By the second half of the 1980s, the Soviet state was in political and economic decline. In order to maintain its rule, the authoritarian regime began to send forceful structures to the allied republics. In particular, the Prosecutor's Office of the Uzbek SSR was filled with foreign personnel at the expense of "paratroopers". During this period, the Prosecutor General of Uzbekistan was appointed by the Prosecutor General of the USSR without consulting the leadership of the republic. The center and the Prosecutor General's Office of the USSR widely used this authority. As a result, 197 people were dismissed from the prosecutor's offices of Uzbekistan in 1985-1988, 19 people were brought to criminal responsibility. The majority of regional, city and district prosecutors were only fulfilling their duties during their first term [1]. In short, the top positions of the Uzbek SSR Prosecutor's Office, from regional and district prosecutors, were replaced by representatives sent from the center to work permanently. The number of "socialist paratroopers" thrown into the Uzbek Prosecutor's Office was more than a hundred. Thus, lawlessness reigned supreme in life, and faith in justice was lost.

In 1990, the First President of the Republic of Uzbekistan, I. Karimov, began to put an end to this situation. A legal norm was adopted on the accountability and responsibility of the Prosecutor General of the Republic of Uzbekistan only to the Parliament and the President of the Republic of Uzbekistan. In particular, on October 31, 1990, at the third session of the Supreme Soviet of the Uzbek SSR of the XII convocation, on the recommendation of the President of Uzbekistan, in order to eliminate the dependence of the republican prosecutor on the union prosecutor and ensure the independence of this system, Boritosh Mustafayev was approved as the Prosecutor of the Uzbek SSR [2]. This was the first time in the history of Uzbekistan that a republican prosecutor was approved by the country's supreme body.

From now on, the appointment of the prosecutor of the Karakalpakstan ASSR by the parliament of the autonomous republic in agreement with the President of the Uzbek SSR was enshrined in law. In addition, if previously the prosecutors of regions, districts, cities were appointed with the consent of the USSR Prosecutor's Office, now it was noted that the resolution of personnel issues by law belongs to the absolute competence of the republican prosecutor. And finally, the complete independence of the republican prosecutor's office employees, including from the USSR prosecutor's office, was declared, and their subordination only to the Prosecutor of the Uzbek SSR. On the day of the adoption of the above law, that is, on November 1, 1990, a resolution of the Supreme

Soviet of the Uzbek SSR was adopted on the appointment of a national cadre - B.M. Mustafayev - to the position of prosecutor of the Uzbek SSR.

Before recommending Buritosh Mustafayev to the post of Prosecutor of the Republic, the First President of the Republic of Uzbekistan I. Karimov gave a number of instructions on ensuring the primacy of the laws of Uzbekistan, protecting the interests of the people, and restoring the rights of citizens who were repressed and unjustly punished in the "cotton case". Special emphasis was also placed on the issue of returning prosecutor's office employees from the Center [2]. This work, carried out at the initiative of the First President of the Republic of Uzbekistan, created the opportunity for the prosecutor of the republic to operate independently and to purge the prosecutor's offices of inappropriate personnel. After that, meetings of the prosecutor's office began to be held in the state language, and a procedure was established for maintaining all working documents in Uzbek.

This causes discontent not only from the Central Committee, but also from Moscow representatives of the Central Committee of the party. Yefimov and Velikanov repeatedly call the Prosecutor of Uzbekistan, threatening him, saying that his actions are "nationalistic" and a violation of the rights of Russian-speaking employees. In response, the Prosecutor of the Uzbek SSR, Boritosh Mustafayev, says that these actions are being carried out on the basis of the laws adopted in the country, and, moreover, at the strict request of the head of the republic.

In February 1991, at the behest of M.S. Gorbachev, the Collegium of the USSR Prosecutor's Office is convened, and it is planned to hear the report of the Prosecutor of Uzbekistan. B. Mustafayev openly states in his report at the collegium meeting that as a result of the "Cotton Affair" human rights were violated in Uzbekistan, the dignity of innocent people was trampled on, the personnel corps of the republic's agricultural administration was seriously damaged as a result of the repression, the main culprits of these cases and their accomplices still remain unpunished, and the policy of the Center and the USSR Prosecutor General's Office of sending unqualified, irresponsible personnel to the republic seriously harmed the activities of the prosecutor's offices. Thus, the Prosecutor of Uzbekistan B. Mustafayev, without even waiting for the end of the three-day collegium, returns to Tashkent on the first day of it [2].

On the eve of Uzbekistan's independence, an expanded meeting of the collegium of the Prosecutor's Office of the Uzbek SSR was held. The results of the first half-year of work were discussed at the meeting. The report of the Prosecutor of the Republic B.M. Mustafayev emphasizes that the problem of the increase in crime, especially its serious forms, in the republic is becoming increasingly acute: "The number of such crimes has increased by 25% compared to the same period last year. The total increase in crime over six months is 10.6%. Crime was especially high in Namangan, Andijan, Fergana, Syrdarya and Samarkand regions. Teenagers committed more than 2,500 crimes. The crime detection rate is alarming, with one in three crimes remaining unsolved. It is noted that in many regions, especially in Tashkent, Samarkand, Bukhara, Kashkadarya, Jizzakh

and Fergana regions, as well as in the city of Tashkent, law enforcement work has not been re-examined in light of the new conditions of the changed socio-political and economic situation. It is noted that the quality of investigative work is not improving, and the effectiveness of the investigation and prosecution of extremely serious crimes, such as intentional homicide, in coordination with the republican prosecutor's office and internal affairs departments, has not been achieved in the Uzbek SSR Prosecutor's Office" [3].

Taking into account the situation that arose in the country on the eve of independence and in order to protect the interests of the republic, a decree of the President of the Uzbek SSR was issued on August 25, 1991. The decree strictly stipulated that "the Ministry of Internal Affairs of the Uzbek SSR, the State Security Committee, the Prosecutor's Office and the justice departments, as well as the Turkestan military units and formations of the internal troops located on the territory of the republic, should be de-partyized [4]. Because the main issue was to eliminate the unity and leadership of the communist party of the Soviet era, and to abandon its totalitarian system.

On August 31, 1991, at the sixth extraordinary session of the 12th convocation of the Supreme Council of the Republic of Uzbekistan, the Law "On the Fundamentals of State Independence of the Republic of Uzbekistan" was adopted. Article 3 of this law enshrined the rule that "the Republic of Uzbekistan possesses full state power, independently determines its national-state and administrative-territorial structure, and the system of government and administrative bodies" [5].

On January 8, 1992, the Decree of the President of the Republic of Uzbekistan No. PF-313 "On the Bodies of the Prosecutor's Office of the Republic of Uzbekistan" was adopted [6]. As noted in the Decree, in accordance with the Law "On the Fundamentals of State Independence of the Republic of Uzbekistan" and in order to ensure the highest control over the clear and uniform implementation of laws in the territory of the Republic of Uzbekistan, to protect the constitutional rights and freedoms of citizens, and the sovereignty of the republic, the Prosecutor's Office of the Uzbek SSR under the Union was transformed into the Prosecutor's Office of the Republic of Uzbekistan. The Central Asian Transport Prosecutor's Office, operating on the territory of the republic, was established on the basis of its bodies, the Transport Prosecutor's Office of Uzbekistan, which had the rights of a regional prosecutor's office, and was subordinated to the Prosecutor's Office of the Republic of Uzbekistan [6].

The Prosecutor of the Republic of Uzbekistan was entrusted with the responsibility of exercising prosecutorial control over the implementation of laws in the Ministry of Defense, its local departments and divisions, and in the internal troops located on the territory of the republic. It was also determined that the draft law "On the Prosecutor's Office of the Republic of Uzbekistan" should be prepared within a month and submitted to the Supreme Council of the Republic of Uzbekistan for consideration.

On April 8, 1992, the Decree of the President of the Republic of Uzbekistan No. PF-386 "On assigning class ranks to employees of the prosecutor's offices of the Republic of

Uzbekistan" was promulgated. In accordance with the Decree, it was determined that the assignment of class ranks, including the title of senior adviser of justice, to employees of the prosecutor's offices of the Republic of Uzbekistan is carried out by the Prosecutor of the Republic of Uzbekistan, and the assignment of the title of State Adviser of Justice of the 3rd class and higher is carried out by the President of the Republic of Uzbekistan [7].

On December 8, 1992, the Constitution of the Republic of Uzbekistan was adopted. For the first time in the history of Uzbekistan, a separate chapter on the Prosecutor's Office was allocated in the Basic Law. Chapter XXIV of the Constitution was called the Prosecutor's Office and included Articles 118-121. In particular, Article 118 stated: "The Prosecutor General of the Republic of Uzbekistan and prosecutors subordinate to him shall exercise control over the clear and uniform implementation of laws in the territory of the Republic of Uzbekistan" [8].

On December 9, 1992, the Supreme Council of the Republic of Uzbekistan adopted the Law of the Republic of Uzbekistan "On the Prosecutor's Office." This law consisted of 5 sections, 4 chapters, and 56 articles [9]. In accordance with Article 12 of the Law, the Prosecutor General of the Republic of Uzbekistan is appointed by the President of the Republic of Uzbekistan for a term of 5 years and approved by the Oliy Majlis of the Republic of Uzbekistan. It is established that the Prosecutor General is accountable to the President of the Republic of Uzbekistan and the Oliy Majlis.

The Prosecutor General of the Republic of Uzbekistan regularly informed the President of the Republic of Uzbekistan about the state of legality and law and order and submitted a report on his activities to the Oliy Majlis of the Republic of Uzbekistan at least once every five years.

The system of prosecutorial offices of the Republic of Uzbekistan consisted of the Prosecutor's Office of the Republic of Uzbekistan, the Prosecutor's Office of the Republic of Karakalpakstan, regional, city of Tashkent, city and district, inter-district and other territorial prosecutor's offices. The system of prosecutorial offices of the Republic of Uzbekistan also included transport, military, nature protection prosecutor's offices and other specialized prosecutor's offices.

The Prosecutor of the Republic of Karakalpakstan was appointed by the supreme body of state power of the Republic of Karakalpakstan in agreement with the Prosecutor General of the Republic of Uzbekistan for a term of 5 years and was accountable to them. Prosecutors of the region, city of Tashkent, district, city and prosecutors equivalent to them were appointed by the Prosecutor General of the Republic of Uzbekistan for a term of 5 years and dismissed from office.

The Prosecutor's Office of the Republic of Uzbekistan was composed of a board consisting of the Prosecutor General of the Republic of Uzbekistan (chairman), his first deputy, deputies, the Prosecutor of the Republic of Karakalpakstan, the Military Prosecutor of the Republic of Uzbekistan, and other senior officials of the prosecutor's offices. The Prosecutor's Office of the Republic of Uzbekistan had main departments, departments, and divisions, in which senior prosecutors and prosecutors worked. The

Prosecutor General of the Republic of Uzbekistan had senior assistants, assistants on special assignment, and assistants [9].

The dismissal of prosecutors was carried out in accordance with the Regulation on the promotion and disciplinary liability of employees of the prosecutor's offices. According to Article 48 of the Law, citizens of the Republic of Uzbekistan who have a higher legal education and possess the necessary professional and moral qualities could be appointed as prosecutors. Persons appointed to positions in the prosecutor's offices for the first time took an oath. The text of the oath was approved by the Oliy Majlis of the Republic of Uzbekistan. Prosecutors of the Republic of Karakalpakstan, regions, Tashkent city, district, city and equivalent prosecutors were appointed to positions not younger than 25 years old. Prosecutors were strictly prohibited from providing paid legal services, engaging in entrepreneurial activities, and working on a position-sharing basis in enterprises, institutions and organizations, except for scientific, pedagogical and creative activities [9].

The personnel structure was updated on the basis of the order of the Prosecutor General of the Republic of Uzbekistan No. 3 dated April 30, 1993 "On the selection, appointment and training of personnel in prosecutorial bodies". For example, in 1993, 27 percent of the employees working in the Tashkent city prosecutor's office were young specialists, including 16 trainees [10].

The Prosecutor General of the Republic of Uzbekistan signed an order "On increasing the effectiveness of the prosecutor's authority in the consideration of civil and economic cases in courts" on July 14, 1994. According to the order of the Prosecutor of the Republic of Uzbekistan No. 312 dated July 3, 1997, in connection with the establishment of a department for ensuring the prosecutor's authority in the consideration of economic cases in courts in the system of the Prosecutor's Office of the Republic of Uzbekistan, the name of the "Department for ensuring the prosecutor's authority in the consideration of civil and economic cases in courts" was changed to "Department for ensuring the prosecutor's authority in the consideration of civil cases in courts".

In accordance with the Constitution of the Republic of Uzbekistan and the "Law of the Republic of Uzbekistan "On the Prosecutor's Office", great tasks were also set before the prosecutor's offices. Control over the clear and uniform implementation of laws in the territory of the republic is carried out independently of any state bodies, public associations and officials, and only in accordance with the law. All are equal before the law. It is inevitable that officials who put their own interests above the general interest will also be held accountable for their actions. In particular, during 1996-1997, 116 high-ranking officials were warned by the republican prosecutor's offices. Three of them were ministers, 26 were heads of enterprises, concerns and state committees of republican significance, and 6 were regional, district and city governors [11].

By applying strict penalties within the framework of the law to persons who have committed serious crimes, organizers and active participants of criminal groups, and

those with previous convictions, in recent years a sharp decrease in serious crimes such as organized crime, extortion, and car theft has been achieved, and the criminogenic situation in the republic has improved. For example, in the Republic of Uzbekistan, 88,630 crimes were committed in 1991, 93,626 in 1992, 90,023 in 1993, 73,661 in 1994, 67,026 in 1995, and 65,080 in 1996 [12].

Taking the example of the Tashkent City Prosecutor's Office alone, during 1997, great work was done to strengthen the legislation and strengthen control over the implementation of laws aimed at combating crime and protecting the rights and interests of citizens. In particular, in Tashkent, the crime of assault decreased by 8.2%, defamation by 11.5%, transport theft by 8.9%, extortion by 3.6%, transport theft by 20.8%, large-scale robbery of other people's property by 32.6%, juvenile crime by 7.7%, and bribery by 14.1% [13].

Nevertheless, there were also quite a few employees in the system who abused their official authority and brought a black mark on the reputation of the prosecutor's office. A sharp fight was waged against such individuals in the system of prosecutor's offices. In particular, by 2000, major changes had been made in the personnel structure of the prosecutor's offices. On January 19, 2000, at a meeting of the Tashkent City Prosecutor's Office, it was noted that some personnel were not ready to fulfill the high tasks facing them. For these reasons, during the reporting period, 5 district prosecutors and 9 deputy district prosecutors were dismissed from their posts and transferred to other lower-level positions, and 63 operational employees were disciplined, of which 10 were dismissed from the prosecutor's offices, and 3 were brought to criminal liability [14].

CONCLUSION

Fundamental Finding : In the early years of independence, the establishment of robust theoretical and legal frameworks laid the groundwork for a well-organized prosecutor's office. This included modernizing the personnel structure by recruiting young and capable specialists, which was pivotal in setting a strong foundation for justice. **Implication :** The systemic reforms in the prosecutor's office significantly contributed to safeguarding human rights and improving public confidence in the judicial system. These reforms also emphasized the importance of ethical conduct, addressing abuses of power within the institution. **Limitation :** Despite notable advancements, challenges persisted in fully eradicating abuses of power and ensuring that all reforms were uniformly implemented. The lack of experience among new recruits may have temporarily hindered optimal operational efficiency. **Future Research :** Future research should focus on evaluating the long-term impacts of these reforms, exploring how they have influenced public trust and human rights over time, and identifying strategies to address persistent issues within the system.

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