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PROSECUTION AUTHORITIES OF UZBEKISTAN AND TURKEY POSITION AND LEGAL STATUS IN THE STATE AUTHORITY SYSTEM

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Abstract

In this article, the role and legal status of the prosecutor's offices of Uzbekistan and Turkey in the system of state power is detailed, and the opinions of various national and foreign scholars are analyzed.

In addition, the author based the article on the importance of the prosecutor's office of Uzbekistan and justified it with various statistical data.

Keywords Democratic, Prosecutor's Office, independence, government, Constitution, Scholars.

INTRODUCTION

It is known that in the conditions of establishing a democratic legal state and a just society in Uzbekistan, prosecutor's offices have a special place. Because they play an important role in achieving legality and legal consistency in the system of state authorities and management bodies.

The Prosecutor's Office is a state body with powers aimed at ensuring the rule of law in all spheres of social relations. Consequently, it plays a special and important role in regulating social life and ensuring legal behavior in society. On the other hand, the role of prosecutor's office in the system of separation of powers has been the cause of disputes and debates among jurists conducting scientific-theoretical research in this field.

During the years of independence, a special contribution to the study of issues related to the activities of the prosecutor's office was made by such legal scholars as M. Makhbubov, Z. Ibragimov, B. Pulatov, F. Otakhonov, I. Dzhasimov, A. Khalimov

in Uzbekistan and its status in the system of government.

In particular, the legal scholar F. Otakhanov specifically stated that the Constitution of the Republic of Uzbekistan has a separate chapter dedicated to the prosecutor's office. This indicates that the prosecutor's office has a special constitutional-legal status in the state mechanism and its high-level social position, and that it is a constitutional body, unlike other law-enforcement bodies.

According to the late I.Djasimov, independent Uzbekistan did not give up the historical role and role of the prosecutor's office as protection of rights. On the contrary, the role of the prosecutor's office was determined in a separate chapter of the Constitution and noted as the only state body that exercises control over the clear and uniform execution of laws. Determination of the legal status of the Prosecutor's Office at such a high level created the basis for the successful use of its

capabilities and legal powers in order to strengthen state sovereignty and legitimacy.

THE MAIN FINDINGS AND RESULTS

It should be noted that various approaches to the status of the prosecutor's office in the system of state authorities have been put forward in the scientific literature, and although most of the opinions and views are often not clear and similar, they have their own common aspects. For example, a group of scholars emphasize that the prosecutor's office belongs to the executive power. For example, the Russian jurist N. Fedorov suggests that the prosecutor's office be included in the organizational structure of the executive power. In this, he cites as evidence that in most foreign countries, the prosecutor's office is included in the executive bodies of the government. Similarly, another group of scholars and practitioners emphasize that the powers of the prosecutor belong to the executive power because they are administrative and imperative in nature.

Scholars belonging to the second group consider the prosecutor's office as a special part of the legislative power because it verifies the execution of laws and the legality of legal documents on the territory of the state. In particular, V. Lomovsky believes that the prosecutor's office should be under the legislative authority, because on the one hand, after the adoption of laws, the supreme legislative authority cannot be indifferent to their implementation. Therefore, it retains the function of ensuring the unity of legality, which it performs directly, as well as through the prosecutor's office. On the other hand, the prosecutor's office, as written by this author, cannot fulfill the tasks assigned to it "alone", it needs to be supported, because in most cases it will have to oppose "the most powerful people", therefore, it is considered necessary for the prosecutor's office to be under the legislative authority.

In our opinion, both of the above groups of scientists expressed their scientific views based on the Russian legal system and practice, and these views are not very compatible with our national legal system. Because, while the first group of scholars did not pay enough attention to the activities of the prosecutor's office related to the

control over the implementation of laws, the second group of scholars, on the contrary, approach this activity more and do not dwell on the tasks of the prosecutor's office, such as carrying out criminal prosecution and assisting in justice.

Similarly, a number of national legal scholars Z. Islamov, M. Radjabova, G. Alimov, A. Makhmudov, who conducted scientific research on this topic, note that the prosecutor's office does not belong to any branch of state power.

For example, Professor Z. Islamov stated that the prosecutor's office cannot belong to the legislative or executive power according to the content of its functions, but according to M. Radjabova, the prosecutor's office is a state authority that controls the clear and uniform application of laws, unlike the above two authorities.

Also, A. Makhmudov puts forward the opinion that in Uzbekistan, the prosecutor's office is not included in any branch of government, and the prosecutor's office performs its activities independently of the legislative, judicial and executive authorities.

In our opinion, the opinions of these scholars that the prosecutor's office is a unique, independent institution that does not belong to any authority and provides a reasonable balance between authorities can be considered correct from the legal point of view and according to the essence of the historical formation of the prosecutor's office.

It should be noted here that large-scale reforms are being implemented in the country in terms of improving and democratizing state administration, increasing the standard of living and quality of the population, and comprehensive development of regions. Powers and capabilities of the prosecutor's office were fully mobilized to ensure legality and law and order in the country, to implement democratic, socio-economic reforms, and to unconditionally execute legal documents aimed at reliable protection of human rights and freedoms.

In particular, in 2023, about 134,000 (about 116,000 in 2022) control documents were used in connection with cases of law violations identified by the prosecutor's office, and the violated rights of

321,000 (217,000) citizens were restored. 2.3 trillion, which was found to have been transferred from guilty persons to citizens and state interests during the control measures and preliminary investigation. (1.5 trillion soums) recovery of damages is ensured. With the direct efforts of prosecutors, more than 163,000 (161,000) needy families were provided with all-round assistance in a short period of time, and more than 177,000 (175,000) unemployed citizens were provided with employment. Systematic measures were implemented in the current areas of economic development, such as the rapid development of entrepreneurship, attracting investments, and increasing the volume of exports, the violated rights of nearly 12 thousand (7 thousand) entrepreneurs were restored, and more than 26 thousand (25 thousand) people were helped to solve their problems. It was ensured that 2,702 hectares (3,336 hectares) of land, which were found to be arbitrarily occupied during the control measures, were returned to the reserve, as well as 12,733 hectares (35161 hectares) 664 (987) criminal cases were initiated in connection with the looting of land areas.

Considerable work has also been done to ensure the authority of the prosecutor in civil, criminal, administrative and economic cases. In particular, about 2,500 decisions of courts on criminal cases, or almost 60% of such court documents, were brought into line with the law precisely on the basis of prosecutors' protests. Prosecutor's protests were the basis for the adaptation of nearly 1,000 decisions of civil, economic and administrative courts to the law. Priority is given to open communication with the people, solving the problems of citizens, during the reporting period, 215 thousand (more than 220 thousand) appeals were resolved directly in the prosecutor's office, and more than 40 thousand (40 thousand) violated rights of persons were restored. After all, in New Uzbekistan, the role of the prosecutor's office aimed at strengthening the protection of human rights will expand even more. In the future, it is an important task to further increase the role of the prosecutor's office, which has a central place in the mechanism of extrajudicial protection of human rights, and to further improve the activity of the

prosecutor's office in the restoration of rights.

On the other hand, the above figures show how high the place and role of the prosecutor's office of the Republic of Uzbekistan in ensuring the rule of law in our country, strengthening legality, protecting the rights and freedoms of citizens, the interests of society and the state protected by law, in our opinion. At the same time, these indicators indicate that the prosecutor's office has become not a punitive body, but a body that ensures the interests of the state and society, as well as the protection of human rights and freedoms.

At this point, a number of scientists, including Dr. It should be recognized that it was conducted by Hüseyin Şık, Ali Selim Genç, Nurcan Gündüz.

The position of the prosecutor's offices of Uzbekistan and Turkey among the state authorities is determined by their legal status. In our opinion, there are some differences.

In particular, in the Constitution of the Republic of Uzbekistan, a separate Chapter XXV (Articles 143-146) is allocated to the Prosecutor's Office. According to Article 143, the Prosecutor General of the Republic of Uzbekistan and subordinate prosecutors exercise control over the clear and uniform implementation of laws on the territory of the Republic of Uzbekistan. Therefore, the legal status of the prosecutor's office of the Republic of Uzbekistan is reflected in the main law of the state and, according to this aspect, it is considered to have a constitutional status.

Such a constitutional status, generalized in form and content, is the basis of the legal status of the prosecutor's office, and it includes, firstly, the constitutional norms on the activities of the prosecutor's office, and secondly, the place, role and tasks of the prosecutor's office in the mechanism of separation and interaction of power in these norms, the Constitution of the Republic of Uzbekistan strengthens the powers to perform the assigned functions. Granting such a constitutional status to the prosecutor's office is an important factor in the effective functioning and independence of the prosecutor's office.

However, such views cannot be advanced in relation to the Prosecutor's Office of the Republic

of Turkey, because in the Constitution of Turkey, the prosecutor's office, more specifically, the norms regarding prosecutors are covered in Section 3 - "Judiciary". From this, it becomes clear as day that the prosecutor's office is seen as a part of the judiciary in Turkey.

Turkey's prosecutor's office is a body for ensuring justice and criminal prosecution (investigation), which organizes its activities more on the basis of the European model.

However, according to some literature, despite its unique structure and playing the role of a bridge between the judiciary and executive power, the prosecutor's office is part of the executive power. The prosecutor's office is an administrative institution within the executive branch. In our opinion, it is impossible to agree with these opinions, because according to many researchers, the Turkish prosecutor's office is included in the judicial power due to the similar and closely related tasks performed by the judge and the prosecutor. Judiciary does not consist only of judges and courts, prosecution bodies, which aim to serve justice, also perform important tasks in this regard. The legislature treats the prosecutor as an officer of the court, therefore the institution of the prosecution is regulated in the judicial branch of the Turkish Constitution and not in the executive branch.

Another important point that needs to be emphasized here is that although the prosecutor's office does not have the authority to make the final decision on the resolution of the dispute, the investigative and prosecution function it performs is of great importance. Courts cannot initiate lawsuits, the authority to initiate lawsuits is considered to belong only to the prosecutor's office.

Also, in Turkey, the prosecutor's office actively participates in the investigation and prosecution stages of criminal proceedings. At the stage from the beginning of the investigation to the acceptance of the indictment, the prosecutor carries out investigative activities both personally and through the judicial police under his control. While exercising this authority, he must gather all the evidence in favor of and against the suspect and

fulfill all requirements to ensure a fair trial, protect and respect the rights of the suspect. At the accusation stage, the prosecutor contributes to the maximum to ensure a fair trial and, in necessary cases, asks for the acquittal of the accused. The main task of the prosecutor is not to accuse the prisoner, but to help him get a fair trial.

At the investigation stage, the prosecutor needs a judge's decision on actions that harm the rights and freedoms of citizens, for which he applies to the court. In emergency situations, it can also carry out some legal proceedings, but is still obliged to present its decisions to a judge for approval. Although the prosecutor is considered the "owner of the investigation", he is under the control of the court. The fact that the prosecutor has similar rights to judges does not give him the right to exercise special powers, because the prosecutor is not considered a judge.

When the prosecutor's panel discusses the decision/sentence, the prosecutor cannot participate in this confidential discussion. He, like a defense attorney, is limited to expressing his opinion at the hearing.

CONCLUSION

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

firstly, according to the essence of the prosecutor's office, the opinion that this body is a state body that does not belong to one or another branch of power, is independent and ensures a reasonable balance between powers is considered correct;

secondly, the prosecutor's office of the Republic of Uzbekistan is the only constitutional state body that exercises control over the clear and uniform implementation of laws on the territory of Uzbekistan.

thirdly, in the system of state authorities, the prosecutor's office of the Republic of Turkey is an integral part of the judiciary, performing a large number of tasks as a body providing justice. The Turkish Prosecutor's Office organizes its activities on the basis of the European model, provides justice and carries out criminal prosecution. Unlike the legal status of the prosecutor's office of the

Republic of Uzbekistan, Turkish prosecutor's office does not have a constitutional status.

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