



#### OPEN ACCESS

SUBMITTED 30 November 2024

ACCEPTED 25 December 2024

PUBLISHED 23 January 2025

VOLUME Vol.07 Issue01 2025

#### CITATION

Zokirov Sherzod Ilxom o'g'li. (2025). Subject, purpose and legal basis of prosecutor's supervision over the execution of legislative acts relating to appeals of individuals and legal entities. The American Journal of Political Science Law and Criminology, 7(01), 16–21.  
<https://doi.org/10.37547/tajpslc/Volume07Issue01-03>

#### COPYRIGHT

© 2025 Original content from this work may be used under the terms of the creative commons attributes 4.0 License.

# Subject, purpose and legal basis of prosecutor's supervision over the execution of legislative acts relating to appeals of individuals and legal entities

 Zokirov Sherzod Ilxom o'g'li

Doctor of philosophy (PhD) on science in law, Uzbekistan

**Abstract:** The article analyzes on a scientific and theoretical basis the subject and objectives of prosecutorial supervision over the execution of legislative acts on appeals of individuals and legal entities, as well as regulatory documents in this area. The border between the subject and the object of supervision over the implementation of the legislative acts on appeals to the prosecutor's office is highlighted. Some norms on appeals of individuals and legal entities enshrined in the Laws of the Republic of Uzbekistan "On appeals of individuals and legal entities" and "On the prosecutor's office" are analyzed.

**Keywords:** Appeal, prosecutor's office, subject, object, legal basis, appeal of an individual, appeal of a legal entity, prosecutor's supervision.

**Introduction:** The institute of appeal of individuals and legal entities to state bodies and citizens' self-governing bodies is one of the main elements that determine the legal status of a person and a citizen in any democratic-legal state.

Article 40 of the Constitution adopted in the new edition, which is considered one of the most important changes in the history of our country, established the norm that "everyone has the right, directly with himself and others, to appeal to state bodies and organizations, citizens' self-government bodies, officials or representatives of the people with applications, proposals and complaints".

The adoption of the Strategy of Actions on five priority

areas of development of the Republic of Uzbekistan for 2017-2021 and its integral continuation, the development Strategy of New Uzbekistan for 2022-2026, set new priorities for ensuring legality and order in the activities of prosecutorial bodies, implementing democratic, socio-economic reforms, and strictly implementing legislation aimed at reliably protecting human rights and freedoms in the country.

**Ensuring the supremacy of the law and implementing democratic,**

socio-economic reforms, serving the interests of the people by effectively controlling the unconditional implementation of legal documents aimed at the protection of human rights and freedoms is defined as the priority task of the prosecutor's office.

According to Article 24 of the Law "On the prosecutor's office", the subject of supervision is the observance of citizens' rights and freedoms by ministries, state committees, departments, citizens' self-government bodies, public associations, enterprises, institutions, organizations, as well as military units, military structures of ministries, state committees and departments, governors and other officials.

Article 4 of the Law "On the prosecutor's office" includes "supervision over the implementation of laws aimed at ensuring the rights and freedoms of citizens" among the main areas of activity of the prosecutor's office. In this direction, the subject of activity will mainly be to ensure the legal resolution of applications, complaints and appeals of individuals and legal entities.

According to russian scholar A.Brenzon, in the theory of prosecutorial supervision, determining the boundaries of the subject and object of supervision over the implementation of laws in a particular area is necessary for understanding the meaning and specific features of supervision activities. This, in turn, helps to determine the possibilities of supervision by prosecutorial bodies and distinguish it from state supervision and other types of supervision.

One of our national scholars, O.Madaliev, in his coverage of the subject of prosecutorial supervision over the implementation of laws, emphasized that the legal relations established in the main areas of prosecutorial activity, specified in Article 4 of the Law "On the prosecutor's office", are the subject of prosecutorial supervision.

Professor B.Pulatov approached the subject of prosecutorial supervision activities directly based on the requirements of Article 20 of the Law "On the prosecutor's office" and put forward the view that the object of supervision in this activity is legal documents

that are evaluated by the prosecutor in the process of ensuring supervision. Legal scholar B.Khamidov also expressed a similar opinion.

According to russian scholar B.Spiridonov, the subject of supervision is the factors that the prosecutor must fulfill in order to effectively perform these tasks. Another russian scholar, V.Melkumov, stated that the subject of supervision is "identifying violations of the law and the situations leading to them, taking measures to prevent violations, restoring the rule of law, and holding the guilty accountable".

In our opinion, V.Melkumov, as the subject of prosecutor's supervision, seems to have described the content of the prosecutor's supervision activities. The author seems to confuse the subject of prosecutorial supervision and the content of prosecutorial supervision.

In this regard, the views of legal scholar V.Brovin are relevant. Namely, he emphasized that the concept of "subject" in the theory of prosecutorial supervision is used only in a specific and unambiguous sense, that is, in the sense that it answers the question "what does the prosecutor study during supervision?".

Therefore, our scientific views are consistent with the ideas presented by Brovin, and the subject of prosecutorial supervision over the observance of citizens' rights and freedoms is a certain activity, namely, the clear and uniform implementation of laws by the bodies and officials listed in Article 24 of the Law, and the extent to which the legal acts issued by them comply with current laws, while the object of supervision is the bodies implementing this activity.

It should be noted that the 1992 version of the Law "On the prosecutor's office" established supervision over citizens, along with the protection of their rights and freedoms, and their compliance with the law was considered the subject of prosecutorial supervision. The new version of the Law "On the prosecutor's office" stipulates that prosecutors do not exercise supervision over citizens, but, on the contrary, exercise supervision over the observance of citizens' rights and freedoms. In this regard, the introduction of a new chapter entitled "supervision over the observance of the rights and freedoms of citizens" into the new edition of the Law, on the one hand, emphasizes the special importance of observing the rights and freedoms of citizens in the Republic of Uzbekistan, and on the other hand, aims to increase the supervisory role of prosecutor's offices in ensuring these rights and freedoms.

Analyzes of the subject of supervision over the execution of legal documents related to appeals by individuals and legal entities show that different opinions have been put forward among legal scholars in

the legal literature on the solution of this issue.

In this regard, our national scientists Z.Ibragimov and the Russian scientist P.Belyakov noted that the subject of supervision over the implementation of laws in this area is the subject of compliance with the legitimacy of the legal acts adopted by the country's Constitution, applicable law and legislative acts, state agencies and officials under the supervision of the prosecutor's office (prosecutors).

Another group of scientists, in particular, A.Berenzon, is the subject of supervision in this direction, and put forward the idea that the activities within the framework of legal relations arising in the field of appeals of individuals and legal entities have a unique character that serves as the basis for all directions of the prosecutor's office.

In this regard, the views of the Russian scientist O.Lityagina and others on the subject of prosecutorial supervision in this area are somewhat more specific, according to which it is emphasized that:

- monitoring compliance with the rights and freedoms of citizens guaranteed by the Constitution in this area;
- ensuring strict compliance with the procedure and terms for considering applications and complaints;
- organizing the consideration and resolution of appeals submitted by citizens to the prosecutor's office on legal grounds.

Analyzing the ideas and views of the above-mentioned legal scholars on the subject of the prosecutor's supervision over the execution of legal documents related to appeals by individuals and legal entities, it is possible to agree with the scientific and theoretical opinions expressed by both groups of scholars and O.Lityagina.

In addition to the above, we can express the following author's opinion:

"The subject of prosecutorial supervision over the implementation of legislative acts on appeals of individuals and legal entities is international instruments on the right of appeal of individuals and legal entities, the rules enshrined in Article 40 of the Constitution of the Republic of Uzbekistan adopted in the new edition and other articles on appeals, laws and by-laws on appeals considered political rights of individuals and legal entities, decisions adopted by officials of state bodies and self-governing bodies of citizens on the right of appeal".

Controlling the execution of legal documents on the consideration of appeals of individuals and legal entities is an activity of the prosecutor's office aimed at ensuring the unhindered implementation of the

constitutional rights of individuals and legal entities regarding the appeal, restoring their violated rights and punishing the guilty persons in the manner prescribed by the legislation.

The purpose of supervision in this area of relations is to ensure the supremacy of law in safeguarding the constitutional rights of individuals and legal entities regarding appeals. This is achieved through the prosecutor's supervision, the review of appeals by state bodies, self-governing bodies of citizens, and their officials, who carry out this work in accordance with legislative requirements. Additionally, it aims to ensure the proper exercise of decision-making powers based on legal documents

Legal scholar D.Pashtov divided the purpose of monitoring the protection of appeal rights of individuals and legal entities by the prosecutor's office into general and special types.

According to P.Belyakov, another legal scholar, the main directions defined in Article 1, Part 2 of the Law of the Russian Federation "On the prosecutor's office" were recognized as the goals aimed at monitoring the protection of the appeal rights of individuals and legal entities by the prosecutor's office.

Regarding the opinion expressed by P.Belyakov, we can say that it is, in our opinion, somewhat incorrect to assess the main areas of activity of prosecutor's offices as the goals of monitoring the protection of the rights of appeal of individuals and legal entities.

Accordingly, we consider the goals of monitoring the protection of the rights of appeal of individuals and legal entities by prosecutor's offices, based on the main tasks enshrined in the Law of the Republic of Uzbekistan "On the prosecutor's office", to be:

- 1) ensuring the unity and strength of the rule of law on appeals;
- 2) ensuring the protection of the rights and freedoms of individuals and legal entities in the field of appeals;
- 3) ensuring the protection of the legally protected interests of society and the state.

In the Republic of Uzbekistan, in order to ensure compliance with the rights and freedoms of citizens and to consider their appeals, the prosecutor's office relies on numerous regulatory legal acts to exercise control over the implementation of legislative acts aimed at ensuring the lawful resolution of appeals of individuals and legal entities.

The most important of them is the Constitution of the Republic of Uzbekistan. Article 40 of the Constitution guarantees the right of individuals and legal entities to appeal to state bodies. That is, every person has the right to appeal directly to himself or to representatives

of the people with applications, proposals and complaints.

It also stipulates that applications, proposals and complaints must be considered in accordance with the procedure and within the time limits established by law.

Although the right of every person to directly or collectively address state bodies, organizations and institutions, as well as citizens' self-government bodies, is recognized in the Constitution as a political right, by its essence this right has not only a political, but also a social and economic nature.

The exercise of this right by a person may also be aimed at protecting his economic, social rights and interests. When addressing a state body with an application, the applicant has the opportunity to express his wishes, free will, when addressing a proposal, to participate in the management of state and public affairs, and when addressing a complaint, to restore violated rights.

It is worth noting the Law "On appeals of individuals and legal entities", adopted on September 11, 2017.

This law regulates relations in the field of appeals of individuals and legal entities to state bodies and state institutions, as well as their officials. It is worth noting that the application of this Law also applies to organizations with state participation and self-government bodies of citizens.

Before the adoption of the new law, the country was in force under the Law "On appeals of individuals and legal entities", adopted on December 3, 2014.

With the adoption of the new law, this law was repealed, and the new law established norms on such issues as guarantees of the right of individuals and legal entities to appeal, the procedure for submitting and considering appeals, the rights of applicants and the obligations of state bodies when considering them. The prosecutor's office organizes control over the consideration of appeals of citizens and legal entities by state bodies for compliance with this law.

Article 4 of the Law "On prosecutor's office" includes "supervision over the implementation of laws aimed at ensuring the rights and freedoms of citizens" among the main areas of activities of prosecutor's offices. In this direction, the subject of activity will mainly be to ensure the legal resolution of citizens' applications, complaints and appeals.

Article 7 of the Law of the Republic of Uzbekistan "On the prosecutor's office", entitled "consideration of applications and complaints of citizens and appeals of legal entities", obliges prosecutors to consider and resolve applications and complaints of citizens, as well

as other information about violations of the law.

Applications and complaints, regardless of whether they are in written, oral or electronic form, must be considered by prosecutors, and appropriate measures must be taken.

This article of the law states that prosecutors have the right to personally receive citizens and representatives of legal entities, to entrust the examination of applications to officials of state administration, enterprises, institutions and organizations, and to demand that they provide written information on the results of the examination, along with all materials related to the examination. A party dissatisfied with the decision taken by the prosecutor on the application has the right to appeal this decision to a higher prosecutor.

It is worth noting that the aforementioned article states that "after the Prosecutor General of the Republic of Uzbekistan makes a decision on an application and complaint of a citizen or an appeal of a legal entity, the proceedings in the prosecutor's offices on them are terminated, with the exception of newly opened cases." This, of course, puts an end to repeated appeals to the prosecutor's offices with some unfounded applications.

Working with applications, complaints, appeals of individuals and legal entities, protecting their rights and legitimate interests is an integral part of the activities of the General Prosecutor's office of the Republic of Uzbekistan and employees of the prosecutor's offices subordinate to it. A conscientious attitude to the consideration of applications, complaints, appeals is the service and human duty, professional responsibility of the prosecutor's office employees. Because it is precisely these qualities that are always separately evaluated when describing the personal qualities of prosecutors and investigators, their attitude to this important area.

Also, in the context of monitoring the observance of the rights and freedoms of citizens, which is included in the text of the new edition of the Law of the Republic of Uzbekistan "On the prosecutor's office", the prosecutor must fully use the powers granted to him in Article 25 of the law. The prosecutor, within the framework of his powers related to monitoring, makes the aspects related to the implementation of legislative acts related to the observance of the rights and freedoms of citizens the object of monitoring, and performs tasks related to this purpose. In the performance of his duties, the prosecutor directly uses the investigation, which he begins to conduct upon receipt of information or information about the violation of human and civil rights and freedoms.

The prosecutor, while fulfilling the tasks assigned to him to ensure compliance with the rights and freedoms of

citizens, shall, within the scope of his powers:

- a) consider and verify applications, complaints and other information on the violation of the rights and freedoms of citizens;
- b) explain to the applicants the procedure for protecting their rights and freedoms;
- c) take measures to prevent and eliminate violations of the rights and freedoms of citizens, hold persons who have violated the law accountable, and compensate for the damage caused.

Also, if there are other problems and issues related to the observance of the rights and freedoms of citizens (for example, if civil rights and freedoms are violated by ministries, state committees, departments, enterprises, institutions, organizations, military units, their leaders), they are resolved in accordance with the procedure stipulated in Article 22 of the Law of the Republic of Uzbekistan "On the prosecutor's office".

Timely detection of violations of the law and taking measures to eliminate them prevent illegal actions and their spread.

In general, the Constitution of the Republic of Uzbekistan and the Law of the Republic of Uzbekistan "On the prosecutor's office" adopted on its basis have given prosecutors special powers to fully protect the rights and freedoms of citizens. Prosecutor's offices must take measures to effectively use these powers in practice to protect the rights of citizens.

The prosecutor's supervision over the implementation of the Law "On appeals of individuals and legal entities" and its uniqueness is that the law defined the main procedures reflecting the right of every person to appeal to state bodies, enterprises, institutions and organizations.

Individuals and legal entities, consciously exercising their right to appeal to the prosecutor's office, restore their illegally violated rights and freedoms, and gain confidence that justice has prevailed. This is an aspect of the issue directly related to ensuring the rights and freedoms of citizens.

The other side of the issue is that, having considered written or oral applications, complaints of citizens, and applications of legal entities related to violations of the law, the prosecutor, first of all, ensures the rule of law, that is, legality, the protection of the rights and freedoms of citizens, and therefore, in one sense or another, the interests of the state.

From the theory of prosecutorial supervision over the implementation of legislative acts, in particular, from practice, it is known that applications, complaints, and appeals of legal entities received from citizens are a source of information related to violations of the law

in society. In the theory of prosecutorial supervision, it is scientifically and practically justified that applications, complaints, and appeals about violations of the law generally provide valuable information for the prosecutor or investigator. In particular, summarizing their opinions, it can be said that the prosecutor may have the following information:

- information about violations of the rights and freedoms of citizens committed in places;
- information about crimes and other socially dangerous offenses committed by individuals living in various regions and territories, as well as other persons;
- information about bodies or officials who have committed violations of the rights and freedoms of citizens, as well as other offenses;
- information about bodies, officials who have not fulfilled the requirements of the legislation on the rights of citizens to appeal and have not taken measures to satisfy their complaints and appeals, etc.

Based on Article 7 of the Law of the Republic of Uzbekistan "On the prosecutor's office" on "consideration of applications and complaints of citizens and appeals of legal entities", the Prosecutor General of the Republic of Uzbekistan, by regularly issuing relevant orders, orders prosecutorial bodies at all levels, all prosecutors and employees to consistently improve their professional qualifications and fully fulfill their obligations established in legislative acts and legal acts aimed at ensuring the right of citizens and legal entities to file complaints and appeals in their activities.

In particular, these issues are reflected in Order No. 165 of the Prosecutor General of the Republic of Uzbekistan "On increasing the efficiency of activities to ensure legality in the consideration of appeals", adopted on November 24, 2017.

In addition, this order also approved the "Instruction on the procedure for considering appeals of individuals and legal entities and organizing their personal reception", which requires the Prosecutor General to require all prosecutors subordinate to him to consider complaints and applications received from citizens within the established period, take necessary measures, and notify the applicant of their decisions, with the main focus on the protection of human rights and freedoms, strengthening the rule of law and law and order, and finding a timely, impartial, and fair solution to each citizen's appeal.

In short, one of the main tasks of the prosecutor's office will be to continue large-scale reforms in all areas aimed at radically improving the lives of our people, based on the principle of "human interests above all else", to ensure the constitutional rights of citizens to appeal, to

increase the well-being of the population and to strengthen their social protection.

It is worth recognizing that the transformation of prosecutor's offices into "people's prosecutor's offices" is a phenomenon that has not been observed in any country in the world so far, and such a positive experience is taking place for the first time in the Republic of Uzbekistan.

#### REFERENCES

Қонунчилик маълумотлари миллий базаси, 01.05.2023 й., 03/23/837/0241-сон

Берензон А.Д. Основные направления совершенствования общего надзора советской прокуратуры // Дисс. ... докт. юрид. наук. М., 1997. С. 24

Мадалиев О.М. Прокурор назорати. Олий ўқув юртлари учун дарслик. (Умумий қисм) – Т.: "ИЛМ ЗИЁ", 2012. – Б.44

Прокурор назорати: Дарслик / Б.Х.Пўлатов; масъул муҳаррирлар: Т.А.Умаров, А.Т.Алламуратов ва бошқ. – Т.: "Ўзбекистон", 2009. – Б.147-148

Прокурор назорати. Дарслик. Муаллифлар жамоаси. – Т.: ТДЮУ, 2019. – Б.62

Ilhom o'g'li Z. S. COMPARATIVE-LEGAL ANALYSIS OF LEGISLATION ON APPEALS OF INDIVIDUALS AND LEGAL ENTITIES IN PROSECUTION BODIES OF FOREIGN COUNTRIES // ProAcademy. – 2022. – Т. 2022. – №. 1. – С. 1-18.

Спиридонов Б.М. Прокурорский надзор за соблюдением законности в исполнительно-трудовых учреждениях. М.: Изд-во Моск. ун-та, 1978. С. 127

Зокиров, Шерзод Янги таҳрирдаги конституцияда шахсий ҳуқуқ ва эркинликларнинг такомиллашуви бўйича айрим мулоҳазалар // ORIENSS. 2024. №9. URL: <https://cyberleninka.ru/article/n/yangi-tarirdagi-konstitutsiyada-shahsiy-u-u-va-erkinliklarning-takomillashuvi-b-yicha-ayrim-mulo-azalar> (дата обращения: 10.01.2025).

Мелкумов В.Г. Советская прокуратура и проблемы общего надзора. Душанбе: Ирфон, 1970. С. 112

Бровин Г.И. О прокурорско-надзорных правоотношениях // Совершенствование прокурорского надзора в СССР. М.: Наука, 1973. С. 97.

Ибрагимов З.С. Мустақиллик ва Ўзбекистон Республикаси прокуратураси (истиклол йилларидаги ҳуқуқий мақоми ривожланишининг қиёсий таҳлили) / З.С.Ибрагимов. – Т.: "Noshir" 2011. – Б.135

Беляков П.А. Защита прокурором права граждан на обращение в Государственные органы и органы местного самоуправления // Дисс. ... канд. юрид. наук. М., 2016. С. 121

Зокиров Шерзод Илхом Ўғли Некоторые вопросы совершенствования института коллективных обращений в Республике Узбекистан // Universum: экономика и юриспруденция. 2020. №3 (68). URL: <https://cyberleninka.ru/article/n/nekotorye-voprosy-sovershenstvovaniya-instituta-kollektivnyh-obrascheniy-v-respublike-uzbekistan> (дата обращения: 08.01.2025).

Литягина О.Н. Учебно-методический комплекс для специальности Правоведение. — Минск: Минский инновационный университет, 2017. – С.47.

Паштов Д.Р. Участие прокуратуры в законотворческой деятельности законодательных (представительных) и исполнительных органов субъектов Российской Федерации // Дисс. ... канд. юрид. наук. М., 2014. С. 103

Беляков П.А. Защита прокурором права граждан на обращение в Государственные органы и органы местного самоуправления // Дисс. ... канд. юрид. наук. М., 2016. С. 125

Zokirov Sherzod Legislative analysis of appeals in the prosecutor's office bodies of the commonwealth of independent states // ASIAN JOURNAL OF MULTIDIMENSIONAL RESEARCH, 2021, Volume : 10, Issue : 5, DOI : 10.5958/2278-4853.2021.00397.9, p.p. 225-233)