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Legal regulation of prosecutorial oversight of food safety legislation in the republic of Uzbekistan

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Abstract: This article examines the improvement of the legal foundations of prosecutorial oversight in enforcing food safety legislation in Uzbekistan, as well as international legislative practices in this area. Through a comprehensive analysis, recommendations have been developed to enhance the legal framework for ensuring effective prosecutorial oversight of food safety legislation implementation.

Keywords: Food safety, rule of law, prosecutorial oversight, legal framework, international experience, improvement.

Introduction: The further development of the legal framework for prosecutorial supervision over the enforcement of food safety legislation, based on a systematic analysis, will contribute to enhancing the effectiveness of prosecutorial oversight in this domain. Without an in-depth examination and analysis of legislative acts regulating food safety, it is impossible to ensure effective prosecutorial control in this area.

Legal scholars V.B. Yastrebov and V.V. Yastrebov assert that the Constitution and the Law on the Prosecutor's Office serve as the primary legal foundation for prosecutorial activities. However, we believe that this viewpoint does not fully reflect the legal reality, as the legal basis for the prosecution's activities also includes other normative documents directly related to the work of the prosecutor's office.

The legal framework for prosecutorial supervision over the enforcement of food safety legislation is undoubtedly closely linked to the legislative acts regulating prosecutorial activities. The primary legal instrument governing this area is the Law of the Republic of Uzbekistan "On the Prosecutor's Office." According to Article 3 of this Law, the organization and

operational procedures of the prosecutor's office, as well as its powers, are determined by the Constitution of the Republic of Uzbekistan, this Law, and other legislative acts.

It is evident that these normative legal acts constitute the legal basis for prosecutorial supervision over both the activities of the prosecutor's office and the enforcement of laws, including those related to food safety.

Since the early years of Uzbekistan's independence, special attention has been given to the issue of food security, leading to the formation of a regulatory and legal framework. Among these normative legal acts, significant importance is attributed to the Presidential Decree of Uzbekistan dated January 16, 2018, "On Measures for the Further Assurance of National Food Security" and Resolution No. PP-113 of April 5, 2023, "On Additional Measures to Expand and Support the Production, Processing, and Sale of Agricultural Products in 2023."

Although these resolutions provide for the development of a draft Law "On Food Safety," this law has not yet been enacted. Instead, food supply management has been conducted within the framework of agricultural development programs approved at various levels, while a comprehensive legislative act specifically aimed at ensuring food security has yet to be adopted.

Given these circumstances, the adoption of a Law "On Food Safety" is essential for the maximum unification of normative legal acts in the field of food safety.

Russian scholar D.Kh. Kasimov also considers the absence of a specialized federal law "On Food Safety in the Russian Federation" to be a significant legislative gap, in addition to the lack of a comprehensive doctrine on food security.

On a global scale, the mandate for ensuring food security was adopted in Rome in 2005 during the 127th session of the Food and Agriculture Organization (FAO) of the United Nations. Furthermore, on September 7, 2023, in Samarkand, the Global Declaration on Food Security was adopted.

Currently, the absence of a unified state body responsible for food security in Uzbekistan, the lack of clearly defined powers and responsibilities, and the absence of a structured food balance system pose serious threats to national food security. In 2022, fruit and vegetable production, along with potatoes and melons, was reported at 101.3% completion, valued at \$2.9 billion. Imports of agricultural products amounted to \$100 million, reflecting a 37% increase compared to the previous year (\$755 million) and a 130% increase

compared to 2017 (\$1.2 billion/\$2.9 billion).

In countries such as the United Arab Emirates, China, Azerbaijan, Turkmenistan, Tajikistan, Kyrgyzstan, and Armenia, food safety regulations are established through specialized legislative acts, which also define the mechanisms of state control in this sector.

Additionally, at the 14th Plenary Session of the Interparliamentary Assembly of the CIS on October 16, 1999, the Model Law "On Food Safety" was adopted, serving as a guideline for harmonizing food safety regulations across the Commonwealth of Independent States.

Article 12 of the Law of the Republic of Turkmenistan "On Food Safety" (as amended on November 23, 2016) establishes the framework for state control over food safety. According to this provision, state oversight in this field aims to ensure the population's access to essential food products and raw materials, as well as to implement national food security programs. Under this law, responsibility for food safety control is assigned to the Cabinet of Ministers of Turkmenistan, specialized food safety authorities, and other authorized state agencies.

Consequently, ensuring uniform and consistent enforcement of food safety legislation throughout the Republic of Turkmenistan is entrusted to the prosecutor's office, alongside other authorized state institutions.

In Russia and Belarus, food security issues are addressed through dedicated national doctrines, which provide a strategic foundation for regulatory frameworks in this field.

In our view, the effectiveness of prosecutorial oversight in food safety regulation largely depends on the clear delineation of the rights and responsibilities of organizations involved in this domain. Including such precise definitions in the draft Law "On Food Safety" would significantly enhance legal clarity and administrative accountability.

Additionally, the adoption of a unified law on food safety would facilitate the establishment and continuous improvement of an early warning system and a monitoring platform to identify, assess, and manage risks arising from natural and technological disasters, global political and economic crises, pandemics, military conflicts, and other adverse events affecting food security.

Ensuring food safety is a fundamental component of regulatory control over entrepreneurial activities in agriculture and the food industry, covering the entire supply chain from producers to end consumers.

A comprehensive regulatory act would allow for the

harmonization and systematization of legal norms, consolidating food safety regulations into a single document and achieving a holistic legal framework in this field.

This necessity is supported by 55% (2,577 out of 4,680 respondents) of participants in a public opinion survey, who emphasized the urgent need for a unified Law "On Food Safety."

Legal Framework for Prosecutorial Oversight of Food Safety Legislation in Uzbekistan

The legal framework for prosecutorial oversight in food safety in Uzbekistan can be broadly categorized into general and specialized legislation.

• General legislative framework regulating food safety includes:

o The Civil Code of the Republic of Uzbekistan,

o The Tax Code,

o The Land Code,

o Laws "On Competition," "On Consumer Protection," and "On Measures to Ensure Public Access to Certain Types of Food Products."

• Specialized legislative acts in food safety include:

o The Law "On the Quality and Safety of Food Products" (1997),

o The Law "On Breastfeeding Promotion and Requirements for Infant Food Products" (2019),

o Presidential Decrees:

• "On Measures to Further Ensure National Food Security" (2018),

• "On Fundamental Reforms in State Management of Technical Regulation" (2021).

o Resolutions:

• "On Measures to Organize the Activities of the Uzbekistan Technical Regulation Agency under the Ministry of Investments and Foreign Trade" (2021).

Challenges in Government Oversight of Food Safety Legislation in Uzbekistan

We would like to outline several key considerations regarding the role of governmental authorities in ensuring compliance with food safety legislation.

As is known, the Inspection for Supervision of the Agro-Industrial Complex and Food Safety under the General Prosecutor's Office of the Republic of Uzbekistan was established by Government Resolution No. PP-3699 (May 7, 2018), titled "On Measures to Organize the Activities of the Inspection for Supervision of the Agro-Industrial Complex and Food Safety under the General Prosecutor's Office of the Republic of Uzbekistan." However, this document was repealed on March 16, 2019.

Subsequently, by Presidential Decree No. PP-4241 (March 15, 2019), the Inspection for Supervision of the Agro-Industrial Complex under the Cabinet of Ministers was established, effectively transferring responsibilities from the prosecutor's office to the executive branch.

As a result, the function of prosecutorial oversight over food safety enforcement was abolished, leaving the newly created inspection with the limited role of supervising food production and storage rather than ensuring compliance with food safety laws.

Further changes were introduced by Presidential Decree No. PP-5006 (February 24, 2021), titled "On Additional Measures to Improve the System of Agricultural Land Use and Protection." Under this decree:

• State control over agricultural land management and protection was transferred to the Ministry of Agriculture.

• Effective March 1, 2021, the Department of State Control over Agricultural Land Protection and its regional branches were established under the Ministry of Agriculture, replacing 110 positions within the Agro-Industrial Complex Inspection under the Cabinet of Ministers.

Additionally, Presidential Decree No. PF-14 (January 25, 2023), titled "On Urgent Organizational Measures for the Effective Functioning of Executive Authorities," transferred the Inspection for Supervision of the Agro-Industrial Complex from the Cabinet of Ministers to the Ministry of Agriculture.

However, assigning food safety oversight functions to the Ministry of Agriculture, which is also responsible for maintaining the country's food reserves, raises concerns regarding impartiality and independence. Since the same entity is both the regulator and the executor of food security policies, this structural arrangement may lead to conflicts of interest, undermining objectivity in food safety control.

Given that the Ministry of Agriculture and its regional and district offices are responsible for maintaining records on the planting and allocation of food crops, we believe that transferring state control over the use of agricultural land to the Ministry of Agriculture is not advisable. The reason for this is that the ministry lacks the necessary mechanisms to verify the accuracy of its own reports regarding the full-scale planting and cultivation of food crops.

As a result, violations such as partial planting of food crops and falsification of records have become widespread in the country.

For example, during the 2022–2023 autumn-winter

period, an additional 53,000 tons of food products were declared as stockpiled reserves, raising concerns about the accuracy of official data.

The concentration of both executive and supervisory functions within a single ministry and the withdrawal of the prosecutorial authority from its oversight role have negatively impacted prosecutorial control in food safety regulation.

For instance, although the Ministry of Agriculture, which oversees food production, employs 1,485 officials, alongside 9,349 governor's assistants, 644 employees of farmers' councils, and a total of 11,478 inspectors, only five cases of legal violations related to inefficient land use were referred to the prosecutor's office over the past three years.

Among prosecutorial employees who participated in a public opinion survey, 3,557 respondents (76%) expressed support for removing food safety control agencies (agricultural inspection, veterinary, and quarantine services) from the state administration system to enhance independent oversight.

Proposed Reform of the Oversight System

To ensure greater independence and objectivity in oversight, we propose:

1. Transferring state control over the planting, cultivation, and proper use of allocated agricultural lands from the Ministry of Agriculture to "UzAgroInspection".

2. Removing "UzAgroInspection" from the structure of the Ministry of Agriculture and granting it the status of an independent supervisory authority.

This structural reform would:

• Clearly separate executive and supervisory functions,

• Enhance the independence and objectivity of the oversight body,

• Improve the quality of prosecutorial control over regulatory agencies.

Regulatory Gaps and Challenges in Agricultural Oversight

The current legal framework imposes administrative barriers that hinder effective monitoring of agricultural land use.

For instance, under existing legislation, any inspection regarding the targeted and rational use of agricultural land must be notified in advance to the Commissioner for the Protection of the Rights and Legal Interests of Business Entities.

This requirement negatively affects both the prevention of violations and the enforcement of

effective land-use regulations.

In particular:

• Clause 13 of Annex 2 of Presidential Decree No. PF-5490 (July 27, 2018) states that control over the targeted use of land by legal entities and compliance with agricultural production requirements (e.g., cotton, grain) must be conducted with prior notification to the Commissioner.

• Article 83-1 of the Land Code establishes that state control over land registration, unauthorized land occupation, and illegal construction does not qualify as an inspection of business activities.

• However, since only these three types of landrelated violations are explicitly listed, any investigation into the targeted and efficient use of land must still be notified to the Commissioner, creating an administrative burden.

Consequences of the Current Regulatory Framework

Due to the fear of administrative penalties, some regulatory officials avoid identifying, documenting, and addressing violations of food safety legislation.

• In 2022, 815 agricultural inspectors were subject to administrative penalties for violations related to inspection procedures.

• In 2020, a total of 65,700 land-related violations were recorded, but this figure decreased by 87% in the following year to 8,400 cases, likely due to underreporting or reluctance to investigate.

Legislative Amendments Needed

To address these challenges, it is necessary to:

1. Amend Article 83-1 of the Land Code to clarify that assessments of targeted and efficient land use should not be classified as business inspections.

2. Modify Presidential Decree No. PF-5490 to remove notification requirements for land-use investigations, thereby strengthening regulatory enforcement and compliance mechanisms.

These legal amendments would:

• Enable more effective monitoring of agricultural land use,

• Reduce administrative obstacles for regulatory agencies,

• Enhance prosecutorial oversight in food safety and land management.

Legal scholar N.D. But emphasizes in his research that the Constitution of the Russian Federation, federal constitutional laws, presidential decrees, government resolutions, and orders of the Prosecutor General constitute the primary legal framework for prosecutorial oversight. Another researcher, A.I.

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Grebennik, highlights that the main legislative act regulating prosecutorial control is the Federal Law of January 17, 1992, No. 2022 "On the Prosecutor's Office of the Russian Federation," which defines the scope of prosecutorial control, while the second most important documents are the orders of the Prosecutor General.

While we agree with N.D. But that the orders of the Prosecutor General serve as a foundation for the legal regulation of prosecutorial oversight, we do not fully concur with his assertion that instructions issued by the Prosecutor General serve as an independent regulatory mechanism.

Orders of the Prosecutor General in the Field of Food Safety Oversight

Several orders of the Prosecutor General explicitly outline the objectives of prosecutorial oversight in ensuring compliance with food safety legislation in Uzbekistan.

For instance, Clause 7 of the Regulation "On the Department for Supervision over the Implementation of Legislation on the Development of the Agricultural and Food Sectors of the General Prosecutor's Office of the Republic of Uzbekistan," approved by Order No. 233 of the Prosecutor General of Uzbekistan (May 25, 2021), assigns the Department the responsibility of ensuring strict compliance with legal acts governing the agricultural and food sectors. This includes monitoring the execution of decisions and work plans of the General Prosecutor's Office, orders, resolutions, and instructions of the Prosecutor General, as well as developing and implementing comprehensive measures to enhance food safety.

Similarly, under Order No. 261 of the Prosecutor General (March 10, 2022), direct oversight of compliance with agricultural and food safety legislation in the city of Tashkent was assigned to the Department for Supervision over the Implementation of Legislation on the Development of the Agricultural and Food Sectors of the General Prosecutor's Office.

Furthermore, several normative legal acts, including Resolution No. 85/8 of the Cabinet of Ministers (February 23, 2023), delegate responsibility to the Department within the General Prosecutor's Office for:

• Establishing food reserves,

• Preventing panic and food shortages in markets,

• Ensuring the stability of food supply chains.

Additionally, Presidential Decree No. PF-5446 (May 23, 2018), titled "On Measures for the Fundamental Improvement of Budget Efficiency and the Enhancement of Mechanisms for Combating Economic

Crimes," authorizes measures to:

• Identify and suppress unlawful activities related to artificial price inflation on socially significant food products (e.g., locally produced vegetable oil, flour, meat, sugar), as well as cotton meal and husk.

• Counteract market shortages and artificial demand surges.

• Combat corruption in the procurement, supply, and distribution of food products, cotton meal, and husk from centralized resources.

• Investigate violations of legal mechanisms for food pricing and distribution.

• Conduct systematic research on food market trends.

However, since these requirements are not explicitly reflected in the orders of the Prosecutor General, we consider it necessary to clearly define the procedures and scope of control functions assigned to the Department responsible for enforcing food safety legislation through an official order of the Prosecutor General.

Strengthening Prosecutorial Oversight of Regulatory Agencies in Food Safety

An essential aspect of prosecutorial oversight in food safety legislation enforcement is enhancing control over the activities of regulatory bodies in this sector.

In a public survey, 1,024 respondents rated the performance of food safety regulatory bodies as low, while 1,532 respondents assessed it as average.

Clause 8.3 of Order No. 160 of the Prosecutor General (November 7, 2017), titled "On Further Increasing the Effectiveness of Prosecutorial Oversight in Agriculture," explicitly instructs prosecutorial authorities to strengthen control over regulatory bodies in the agricultural sector.

Under Resolution No. 575 of the Cabinet of Ministers of Uzbekistan (July 12, 2019), the agricultural inspection agency is tasked with ensuring compliance with requirements for forming agricultural and food product reserves in volumes aligned with state procurement plans.

However, as outlined earlier, without addressing gaps in legislation and enforcement practices, agricultural inspection agencies will remain unable to fully execute their supervisory functions.

The Role of Digitalization in Prosecutorial Oversight

Digitalization plays a crucial role in strengthening prosecutorial oversight over the enforcement of food safety legislation in the agricultural sector.

The introduction of digital monitoring systems,

automated data collection, and blockchain-based traceability mechanisms can significantly:

• Enhance transparency in food safety regulation,

Improve the efficiency of land-use monitoring,

• Prevent data manipulation in agricultural reporting,

• Facilitate real-time detection of violations in the food supply chain.

By integrating modern digital solutions into prosecutorial oversight, Uzbekistan can increase the effectiveness of legal control mechanisms and align its food safety governance with international best practices.

In recent years, several legal frameworks have been established to enhance prosecutorial oversight in food safety regulation.

For instance, on December 17, 2020, the Cabinet of Ministers of the Republic of Uzbekistan adopted Resolution No. 794, titled "On Measures for the Development of the Agro-Industrial Complex and the Digitalization of Agriculture." This resolution mandated the creation of the Agro-Industrial Digitalization Center LLC under the Ministry of Agriculture.

Furthermore, Cabinet Resolution No. PP-257 (August 2, 2023), titled "On Measures for the Implementation of Advanced Digital Technologies in the Agro-Industrial Complex," introduced the AgroPlatform information system, which aims to:

• Establish a unified register of agricultural producers,

• Generate an electronic passport for each land user and assign a unique identification number,

• Update agricultural producer data annually by March 15,

• Digitally map and approve crop placement plans for the upcoming harvest season,

• Transition all document exchanges between agricultural producers and service providers to electronic formats.

Additionally, Cabinet Resolution No. 330 (August 3, 2023), titled "On Additional Measures for the Implementation of Advanced Digital Technologies in the Agro-Industrial Complex," approved Regulations on the Use of the IT System 'AgroPlatform.' These regulations define:

• The functions and objectives of the system,

• Information exchange protocols among system participants,

Registration procedures,

• Rules for electronic document exchange and technical service provision.

Clause 7 of the Regulation on the Department for Supervision over the Implementation of Legislation on the Development of the Agricultural and Food Sectors of the General Prosecutor's Office of Uzbekistan, approved by Order No. 233 of the Prosecutor General (May 25, 2021), assigns the Department the responsibility of overseeing the implementation of legislation related to accelerating digitalization in the agricultural sector.

As a result of these legal initiatives, several digital information systems have been developed for the agroindustrial complex and food security, including:

- AgroPlatform
- UzCad
- Argis
- Electronic Land Monitoring
- Geo-Information System
- Electronic Leasing
- Electronic Decision-Making System
- Electronic Auction
- AgroSubsidies

Challenges in Implementing Digital Solutions in Food Security Oversight

Despite their potential benefits, none of these electronic systems have been fully implemented in practice. A key issue has been the failure to timely upload primary data into these digital platforms, resulting in difficulties in crop placement planning and forecasting food production levels.

To overcome these challenges, it is necessary to amend existing legal frameworks to:

• Ensure integration between different information systems in the food security sector.

• Connect these systems to the prosecutorial information network for improved oversight.

Prosecutorial Oversight and Legal Gaps in Monitoring Food Safety Compliance in Farms

One of the primary challenges in prosecutorial oversight of food safety compliance is the lack of a comprehensive legal framework for monitoring food safety practices in farms and agricultural enterprises.

Over the past three years, under two Presidential Resolutions:

• Resolution No. PP-20 (November 23, 2021), "On Measures for the Development of Family Entrepreneurship in Horticulture and Viticulture and

User rights and responsibilities, The American Journal of Political Science Law and Criminology

Increasing the Share of Smallholder Farms in Agricultural Production,"

Resolution No. 373 (September 10, 2022), "On Additional Measures to Increase Household Incomes by Supporting the Establishment of Smallholder Farms,"

approximately 200,000 hectares of fertile cotton and grain lands have been leased to smallholder farms through an open electronic auction system for the cultivation of food crops.

However, due to legal loopholes in the regulation of electronic auctions and the verification of uploaded data, these reforms have presented significant challenges for prosecutorial oversight.

Prosecutorial Investigations and Fraudulent Practices in Electronic Auctions

In 2023, the prosecutor's office initiated 61 criminal cases involving fraudulent practices in electronic agricultural land auctions. These cases involved auction winners who submitted deliberately false information into the electronic bidding system, including individuals:

Falsely claiming eligibility for land allocation, •

Not registered in any of the four categories of social benefit records,

• Not classified as labor migrants.

Recommendations for Strengthening Digital Oversight in Agricultural Land Allocation

To prevent such violations, we propose amending the existing legal framework to:

Mandate the verification of applicant data 1. using an electronic digital signature issued by the mayor's assistant or a youth leader.

Establish stricter 2. digital authentication mechanisms to reduce fraudulent submissions.

By enforcing stricter verification measures, cases of data falsification in electronic land auctions can be significantly reduced. As a result, this will:

Improve transparency in land allocation, •

Strengthen prosecutorial oversight at the local level.

• Enhance the overall effectiveness of food security governance.

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