

# The Prosecutor's Office of the Republic of Uzbekistan: A Philosophical Analysis of Its History, Current Role, and Objectives

Mahbuba Xoliyarova

Law Enforcement Academy of the Republic of Uzbekistan, Social and Spiritual Research Institute at the Republican Center for Spirituality and Enlightenment

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\*Correspondence: Mahbuba Xoliyarova

Email: [mahbuba@gmail.com](mailto:mahbuba@gmail.com)

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**Abstract:** This paper explores the philosophical, historical, and legal evolution of Uzbekistan's Prosecutor's Office, tracing its roots from ancient concepts of justice through Soviet influence to modern democratic ideals. Emphasising its dual role as a guardian of the law and a moral custodian, the study analyses the Office's trajectory from a Soviet-era mechanism of control to an institution aligned with the democratic aspirations of an independent Uzbekistan. Through a comparative historical analysis, the research highlights significant stages of development, including the Soviet period's impact on judicial independence and subsequent post-independence reforms aimed at increasing transparency, accountability, and alignment with democratic standards. Additionally, this paper discusses the Prosecutor's Office's responsibilities in upholding the rule of law, enforcing public welfare, and fostering social trust. The findings suggest that Uzbekistan's prosecutorial system has evolved uniquely, reflecting both the nation's historical legacy and its commitment to global legal principles, thus positioning itself as a robust institution of democratic governance and societal welfare.

**Keywords:** Prosecutor's Office, Law, Process, Independence, Constitution, Justice, Military Prosecutor's Office, Prosecutor General

## Introduction

The philosophical interpretation of Uzbekistan's Prosecutor's Office, tracing its historical, political, and legal roots, reveals an institution whose foundations resonate deeply with both ancient concepts of justice and modern ideals of governance. I.A. Karimov, the First President of Uzbekistan, stressed in his address "Justice in the Rule of Law" that the Prosecutor's Office must serve as a bastion of legal protection, safeguarding the values inherent to a democratic society and a rule-of-law state (Makhmudova, 2023). This emphasis implies that the Prosecutor's Office is not only a legal institution but also a moral force, charged with the role of caring for, providing for, and preserving justice for society.

Historically, the role of the prosecutor can be traced to the Roman Empire, where state accusations represented the collective will to uphold societal norms (Djurayeva, 2020). The roots in Roman and French systems emphasize the prosecutor's role in maintaining public welfare and order. In France, as early as the 14th century, the establishment of the

prosecutor's office as a punitive and accusative institution underscored a societal shift toward formalized legal protection. As time progressed, France's legal structures became a model for other nations, including Tsarist Russia, which later influenced the formation of Uzbekistan's legal system. This connection highlights the continuity and adaptation of legal ideals across different cultural and historical contexts, where the role of the prosecutor's office evolves yet remains anchored in fundamental principles of justice and public good.

The Latin roots of the term "prosecutor" ("procuro") reflect the duties of care, management, and leadership – responsibilities that transcend mere law enforcement to embrace a guardianship over society's ethical framework. This etymology encapsulates a dual role: the prosecutor must enforce the law while preserving societal harmony and integrity (Ismatov, 2021). Karimov's 2001 report, which calls for thorough reform and development of the Prosecutor's Office, illustrates the aspiration for a legal system that is not only strong and independent but also deeply rooted in societal needs. Thus, the Prosecutor's Office is envisioned as an embodiment of the state's ethical mandate to foster trust and fairness within the community.

When comparing Uzbekistan's prosecutorial system with those in other countries, we observe a convergence of the fundamental purpose: upholding justice, reinforcing social stability, and aligning legal practices with national values (Holmirzaev, 2020a). The goal of these reforms is to create a robust, transparent, and accountable legal framework, ensuring that the Prosecutor's Office can effectively balance punitive functions with a commitment to fairness. Therefore, the reform of Uzbekistan's prosecutorial system aligns with a universal quest for a just society, where legal institutions reflect not only the letter of the law but also the spirit of societal welfare and equity.

In essence, the history and philosophy of the Prosecutor's Office in Uzbekistan underscore a journey toward a legal institution that is reflective of both the nation's unique heritage and a shared human aspiration for justice. The reforms initiated by Karimov serve as a foundation for a legal system that resonates with historical continuity, yet remains adaptable to modern challenges, fostering a balanced, forward-looking approach to governance and societal development (Ummatov, 2020).

## Methodology

The study employs a diverse range of materials, including legal texts, policy documents, governmental reports, authoritative books, official websites, and peer-reviewed scientific articles. This multifaceted approach provides a comprehensive foundation for understanding the historical development of the prosecutor's office in Uzbekistan. By analysing these sources through comparative and historical methodologies, the study reveals insights into the evolution of the prosecutor's office system, highlighting its central role, enduring significance, and multifaceted function within Uzbekistan's legal framework.

The use of comparative analysis allows for an understanding of Uzbekistan's prosecutorial system relative to those of other nations, shedding light on both shared principles and unique adaptations. Historicism, on the other hand, enables an exploration of the prosecutor's office as it has evolved over time within Uzbekistan, reflecting broader

socio-political changes. This methodological approach ensures a nuanced perspective that respects both the historical context of the institution and its current function as a safeguard of justice in a rule-of-law state (Kubala, 2021). The study, therefore, serves not only as an exploration of legal history but also as a means to appreciate the prosecutor's office as a pillar of democratic governance in Uzbekistan.

**Result and Discussion**

**1. Stages of development of the first prosecutor's office system in Uzbekistan.**

Yillar	Changes
1923	In accordance with the Regulation "On the Supreme Court of the USSR," the prosecutor's office was included in the Supreme Court. In this case, the prosecutor had the authority to initiate legislation, suspend decisions, judgments, and rulings of the collegium and special collegiums of the USSR court, all other judicial institutions of the former USSR and the union republics, exercise constitutional control, manage the activities of the military prosecutor's office through the military prosecutor's office and the Military Collegium of the Supreme Court of the USSR throughout the USSR, and the military tribunal exercised control over the legality of judicial acts. However, at that time, there was no single centralized system of prosecutorial bodies. Because the prosecutor's office of the union republics was part of the system of the People's Commissariat of Justice. The prosecutor of the republic was simultaneously a member of the government of the republic as the People's Commissar of Justice. This negatively impacted the implementation of the control function. The intervention of the USSR prosecutor in the activities of the courts deprived them of their independence. This stage highlights a paradox within Soviet legal philosophy: while striving for a unified legal system, the structure itself compromised judicial independence, demonstrating the challenges of aligning governance and legal oversight within a centralised regime. The impact of this structure became more apparent with the dissolution of the USSR, prompting post-Soviet states like Uzbekistan to re-evaluate and reform their prosecutorial systems for greater autonomy and adherence to the rule of law.
1933	The Prosecutor's Office of the USSR was established as a separate body. His functions have been specified, and his interaction with the prosecutors of the republic has been clarified.
1936	The republic's prosecutor's office and investigative bodies were removed from the system of the People's Commissariat of Justice of the union and autonomous republics and placed directly under the supervision of the prosecutor of the former union. Thus, the process of centralization and transformation of the prosecutor's office into a single system has been completed. Prosecutors of the union and autonomous republics and regions were appointed by the prosecutor of the former union for a period of 5 years. District and city prosecutors were appointed by the prosecutors of the union republics for 5 years. Their appointment orders were approved by the Prosecutor of the USSR.

1946	A law was adopted to grant the Prosecutor General of the USSR the status of the Prosecutor General.
1950	33.3% of employees of the prosecutor's office had higher education.
December 28, 1955	The "Regulations on Prosecutorial Supervision in the USSR" were approved by the Supreme Soviet and became legally binding.
1956	The Union General Prosecutor approved a new staffing table for the Prosecutor's Office of Uzbekistan. Accordingly, the investigative department was transformed into an investigative department, and a department for the systematization of legislation was established.
May 1959	By the Decree of the Presidium of the Supreme Soviet of the USSR dated February 27, 1959, "On the Establishment of the Prosecutor's Office of the USSR and the Collegium of Prosecutors of the Union Republics," the Collegium of the Prosecutor's Office of the Uzbek SSR was established.
1961	Of the 557 employees in the prosecutor's office system, 508 graduated from higher law schools.
December 20, 1965	In accordance with the order of the prosecutor of Uzbekistan, a methodological council was established under the chairmanship of the first deputy prosecutor of the republic.
November 30, 1979	Based on the 1977 Constitution of the USSR, the Law "On the Prosecutor's Office of the USSR" was adopted, which remained in force until the dissolution of the Prosecutor's Office of the Union republics.

**Source:** Author, prepared based on the literature discussed

## 2. Stages of development of the prosecutor's office system of the independent Republic of Uzbekistan

According to the Law of the Republic of Uzbekistan "On the Prosecutor's Office" (Article 4):

- control over the execution of laws by ministries, departments, self-government bodies of citizens, public associations, enterprises, institutions, organizations, khokims and other officials
- control over the implementation of laws aimed at ensuring the rights and freedoms of citizens
- control over compliance with the law in the Armed Forces of the Republic of Uzbekistan, military structures of ministries and departments
- control over the implementation of laws by the bodies carrying out operational-search activities, pre-investigation check, inquiry, preliminary investigation and coordination of their activities in the fight against crime
- conducting a preliminary investigation of crimes
- supporting the state prosecution when criminal cases are considered in the courts, participating in the consideration of civil cases, cases of administrative offenses and economic disputes in the courts, bringing a protest against judicial acts that contradict the law
- control over the implementation of laws aimed at strengthening tax discipline, combating crimes and offenses in the field of taxation, currency, as well as compensation for economic damage caused to the state

- control over compliance with the law in places of detention of detainees, persons under arrest, during the execution of criminal punishments and other measures of criminal legal influence (Umarova, 2022).
- participate in lawmaking activities and in raising legal culture in society (Law of the Republic of Uzbekistan "On the Prosecutor's Office," 2001).

The history of the development of the prosecutor's office system in the independent Republic of Uzbekistan:

Years	Changes
November 1, 1990	Amendments and additions will be made to the Constitution of the Uzbek SSR, establishing that the Prosecutor General of Uzbekistan is accountable and accountable only to the parliament and the president of the country. Also, the Prosecutor General and his deputies will be appointed not by the Prosecutor General of the USSR, as before, but by the country's parliament on the proposal of the President of Uzbekistan (Konstitutsiya, 2021).
January 8, 1992	In accordance with the Law "On the Fundamentals of State Independence of the Republic of Uzbekistan" and in order to ensure supreme control over the accurate and uniform implementation of laws on the territory of the Republic of Uzbekistan, protect the constitutional rights and freedoms of citizens, the sovereignty of the republic, the Decree of the President of the Republic of Uzbekistan "On the bodies of the prosecutor's office of the Republic of Uzbekistan" was adopted (Decree of the President of the Republic of Uzbekistan "On the bodies of the prosecutor's office of the Republic
January 24, 1992	The Cabinet of Ministers adopted a resolution "On the organization of the activities of the Prosecutor's Office of the Republic of Uzbekistan."
December 9, 1992	The Law of the Republic of Uzbekistan "On the Prosecutor's Office" was adopted. It reflects the main principles of the organization and activities of the prosecutor's office. The principles of unity and centralization of the prosecutor's office, subordination of the lower prosecutor's office to the higher prosecutor's office, and independence from local influence are also expressed.
December 9, 1992	With the entry into force of the Law of the Republic of Uzbekistan "On the Prosecutor's Office," adopted by the Supreme Soviet, the Law "On the Prosecutor's Office of the USSR," adopted on November 30, 1979, lost its force. The Constitution, adopted on December 8, 1992, laid the foundation for the activities of the prosecutor's office and the prosecutor's office.
August 29, 2001	The Law of the Republic of Uzbekistan "On the Prosecutor's Office" was adopted in a new edition. It is known that the Prosecutor General of the Republic of Uzbekistan and the prosecutors subordinate to him exercise control over the accurate and uniform implementation of laws in the territory of the Republic of Uzbekistan (Constitution of the Republic of Uzbekistan, 2023). This control is essentially supplemented by current laws. In the new edition of the Law "On the Prosecutor's Office," unlike

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August 8, 2005	<p>the old edition, citizens were excluded from the scope of prosecutorial supervision.</p> <p>In his report to the joint session of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan on January 28, 2005, the head of state noted that "Uzbekistan, like other democratic states, should transfer to the courts the right to impose sanctions on the detention, detention of a person, as well as the application of other procedural and mandatory measures" (Karimov, Our main goal is democratization and renewal of society, modernization and reform of the country, 2005). The Decree of the President of the Republic of Uzbekistan "On the Transfer of the Right to Sanction Detention to the Courts" served as the basis for ensuring human rights and freedoms. According to the Decree, from January 1, 2008, the right to issue a sanction for the arrest of a person under the authority of the prosecutor's office as a precautionary measure was transferred to the courts. The main goal of this is to democratize, liberalize the judicial system, ensure the legal independence of the courts, achieve their transformation into a real branch of power and raise their authority, and form the courts as a protective body, not as a punitive body.</p>
April 30, 2023	<p>In 1978, the Constitution of the Uzbek SSR was adopted. In contrast to the previous constitutions, a special chapter was allocated to the prosecutor's office. This tradition continues to this day. Chapter XXV of the new version of the Constitution is dedicated to the prosecutor's office. This chapter, consisting of four articles (Articles 143-146), defines the basic norms related to the organization and conduct of the prosecutor's office system (Constitution of the Republic of Uzbekistan, 2023).</p>

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**Source:** Author, prepared based on the literature discussed.

A "Museum of the History of the Prosecutor's Office of Uzbekistan" has been established in Uzbekistan in order to truthfully and fully convey the long history of the prosecutor's office to the population, young lawyers and foreign guests, to further enrich citizens' perceptions of the work of the prosecutor's office, and by visiting this museum, one can get a broader idea of the historical development of the prosecutor's office in Uzbekistan. The museum houses 36 main exposition stands, which showcase the activities of all branches of the prosecutor's office from ancient times to the present day (Kuchmenko, 2024). The museum consists of a total of 7 sections:

- History of statehood and law of Uzbekistan.
- The history of the prosecutor's office of Uzbekistan (history of the prosecutor's offices of the Turkestan ASSR, the USSR during the period of Uzbekistan's independence).
- The history of the prosecutor's office of each region of Uzbekistan.
- "Memory is sacred" (an example of high courage and courage).
- International cooperation of the prosecutor's office.
- Activities of the Prosecutor's Office of New Uzbekistan.



- The part "The Wall of Honor." It contains information about employees who participated in World War II, international fighters, and those who died while performing their duties.

The Museum's collection of prosecutorial history contains about 5,000 documents, more than 7,000 photographs and video materials, and about 2,000 exhibits (Photo tour of the Museum of the History of the Prosecutor's Office of Uzbekistan, 2022)

### 3. Prosecutor's duties

According to the definition given in the Recommendation of the Committee of Ministers of the Council of Europe on the role of public trial in the law enforcement system Rec (2000), prosecutors should fulfill the following tasks: "On behalf of the state, on behalf of society and in the public interest, ensure the application of the law that violates the law, which leads to criminal liability, taking into account both the rights of the individual and the necessary effectiveness of the criminal justice system" (European judicial systems CEPEJ Evaluation Report., 2020).

The prosecutor is an independent person who does not receive instructions and instructions from the government, international organizations and (or) other external sources. The structure includes the prosecutor, the head of each department appointed by the prosecutor, and other qualified employees ensuring the activities of the office (Dorzhu, 2021).

According to the Constitution of the Republic of Uzbekistan, the Prosecutor General of the Republic of Uzbekistan and the prosecutors subordinate to him shall exercise control over the accurate and uniform implementation of laws on the territory 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 (Constitution of the Republic of Uzbekistan, 2023).

The main tasks of the prosecutor's office of the Republic of Uzbekistan 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 order of the Republic of Uzbekistan, prevent and prevent offenses (Law of the Republic of Uzbekistan "On the Prosecutor's Office," 2001). According to Article 53 of the Rome Statute, the prosecutor may terminate prosecution if it is in the interests of justice. The interests of justice differ from the interests of peace, but they can have many common grounds and goals (Guarda, 2022). Based on the Rome Statute, the court must administer objective justice, so only negotiations for peace between the parties are not enough to stop criminal prosecution in any case (The Rome Statute of the International Criminal Court, the year of 1998).

The human rights guidelines for prosecutors define prosecutors as follows: Prosecutors are officials of state authorities who, acting on behalf of society, ensure the implementation of the norms provided for by the laws of the country and the rights of citizens, as well as serve to implement the effectiveness of the criminal justice system (Human Rights Guidelines for Prosecutors, n.d.)

This document also provides that prosecutors in all criminal justice systems:

- Deciding whether to start or continue the pursuit;
- Execution of the accusation before the court
- can file a lawsuit against all or some of the decisions made by the judiciary.

In some criminal justice systems, prosecutors also:

- Implementation of national criminal law policy, if necessary, adaptation to regional and local realities
- direct investigation or control of the investigation process
- Effective assistance to victims
- Decision-making on the application of alternative measures of persecution
- etc. (Human Rights Guidelines for Prosecutors, n.d.)

## Discussion

The purpose of this study was to reveal historical facts about the introduction of the prosecutor's office system in the Republic of Uzbekistan. Based on collected sources and literature, the history of the first appearance of the prosecutor's office system and the processes of its penetration into Uzbekistan have been studied. Specifically, based on the research findings, we have divided this historical period into three parts:

- the period of the emergence of the first prosecutor's institute
- Stages of development of the first prosecutor's office system in Uzbekistan
- History of the development of the prosecutor's office system in the independent Republic of Uzbekistan.

The employees of the prosecutor's office, with their high professional qualifications and high human qualities, should be an example for employees of state bodies, always protect justice and legality. The work of prosecutors requires great responsibility, dedication, and honesty. He must feel that the fate of a person is at the heart of every decision made (Galushkin, 2020). Today, in order to understand how effectively the prosecutor's office system in the Republic of Uzbekistan is established and operates independently in the full implementation of its functional tasks, it will be possible to compare it with some countries.

### *Sweden.*

The Swedish Prosecutor's Office is an independent organisation. It is an autonomous agency that is responsible to the government and is independent of both the police and the judiciary. Autonomy is guaranteed by the Swedish Constitution. The Swedish Prosecutor's Office, like all state bodies in the Swedish judicial system, falls under the responsibility of the Ministry of Justice. The prosecutor has three main functions: to lead the investigation; to initiate a criminal case; to participate in the trial (Swedish Prosecution Authority, n.d.).

### *Denmark.*

In Denmark, the prosecutor's office is subordinate to the Minister of Justice alongside the police and the prison service. Article 98 of the Code of Procedure states that the Minister of



Justice may intervene in individual cases and require any prosecutor to initiate or suspend proceedings (Tkeshelashvili, 2022).

#### *Italy*

The prosecutor's office is an independent institution. First of all, every prosecutor is independent. Such independence is guaranteed by the Constitution. Prosecutors are judges because they exercise judicial power together with judges. Their independence was protected by the Consiglio Superiore della Magistratura (CSM - High Council of Courts). Secondly, it has full authority over the appointment, transfer to other positions, career and discipline of judges and prosecutors (Portella, 2019). The Supreme Judicial Council consists mainly of magistrates (judges and prosecutors) elected by the vote of all judges and prosecutors (Consiglio superiore della magistratura, 2018).

#### *France.*

The prosecutor conducts a criminal investigation and applies alternative punishments that are consistent with the criminal act of the accused. It oversees the activities of the police and the process of investigating criminal cases. The head of the prosecutor's office is the Prosecutor General. The Prosecutor General is not subordinate to the Minister of Justice. On the other hand, deputy attorneys have full carte blanche in their activities. One of the main tasks of the prosecutor's office is to ensure the compliance of legislation with the interests of society, to establish control over its correct and uniform implementation. They should also ensure the unity of the right of precedent, both in the cassation court and in the court of other instance (Penereiro, 2022). The prosecutor's office adheres to three main principles: subordination, indivisibility, and undeniable legality. It should also be noted that prosecutors and judges receive the same education and study in the same schools (Aguilera, 2012).

#### *Republic of Uzbekistan.*

The Constitution of the Republic of Uzbekistan, which is our Basic Law, defines the similarities and differences between the prosecutor's office of Uzbekistan and other states. Articles 143-144 of the Constitution provide for the rule that the Prosecutor General of the Republic of Uzbekistan and subordinate prosecutors shall exercise control over the accurate and uniform implementation of laws in the territory of the Republic of Uzbekistan and be headed by the Prosecutor General, which is applied in the same way as in other states (Poernomo, 2024).

Article 146 prohibits the creation and operation of private organizations, public associations and their divisions that independently perform operational-search, investigative and other special tasks in the fight against crime in the territory of the Republic of Uzbekistan, as well as the provision of assistance to law enforcement agencies in the protection of legality and legal order, the rights and freedoms of citizens (Constitution of the Republic of Uzbekistan, 2023).

## **Conclusion**

The research underscores that the prosecutor's office in Uzbekistan, far from being a recent establishment, has undergone a long trajectory of historical development, shaped by

varying political and legal contexts. While its origins trace back to external influences and structures set by colonial and Soviet regimes, the institution has evolved significantly during Uzbekistan's years of independence (Holmirzaev, 2020b). Judicial and legal reforms have shifted the prosecutor's office towards principles of democratisation and liberalisation, marking a substantial transformation in its character and role.

Since independence, Uzbekistan has sought to redefine its prosecutor's office within a framework that aligns with democratic ideals, aiming to enhance transparency, accountability, and the protection of citizens' rights. This modernised approach signifies not only a break from past authoritarian controls but also a commitment to creating a system grounded in the rule of law. In doing so, Uzbekistan has established a governance model that aspires to meet global standards in state power organisation, with particular strengths in creating a centralised yet responsive legal system.

The transformation of the prosecutor's office in Uzbekistan demonstrates the country's commitment to evolving its legal framework, placing it on par with developed nations in terms of state power organisation. This evolution presents advantages in fostering a legal environment where public trust, rule of law, and judicial independence can flourish within an Uzbek model, tailored to national values and responsive to global legal advancements.

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