

## The Necessity and Importance of Regulating the Prosecutor's Inspection Over the Execution of Laws in Legal Documents

KOMILOV Avazbek Bokijonovich

The Law Enforcement Academy of the Republic of Uzbekistan, Head of Department, PhD in Law

**Abstract:** This article explores the necessity and significance of establishing a clear legal framework for prosecutorial oversight of law enforcement. The author argues that developing and refining the legal basis for prosecutorial inspections is of critical importance today, and the issue remains highly relevant. Uzbekistan's national legislation, along with the internal regulatory documents of its prosecutorial bodies, is in urgent need of comprehensive improvement in this area. Currently, the legal regulation of prosecutorial inspections is still in its early stages. By codifying the procedures for initiating and conducting prosecutorial inspections – through the Law of the Republic of Uzbekistan “On the Prosecutor’s Office” and the directives of the Prosecutor General – several key outcomes can be achieved: a fundamental transformation in how prosecutors approach inspections; the prevention of unjustified interference in the operations of inspected entities; the protection of the rights and interests of those entities; the establishment of a formal right to appeal prosecutorial actions and decisions; and, importantly, the strengthening of personal responsibility and accountability among prosecutors regarding inspection-related decisions. Moreover, such legal regulation would shift the focus of inspections from quantity to quality, thereby significantly enhancing their overall efficiency and impact. To address these challenges, the author presents a set of scientifically grounded and practically applicable proposals and recommendations.

**Keywords:** Prosecutorial supervision over the execution of laws, prosecutor, prosecutorial inspection, legal regulation of prosecutorial inspections, effectiveness of prosecutorial inspections, dilemma, prosecutorial acts, mandatory nature of prosecutor’s demands, comparative-legal analysis, report on the results of the inspection.

### INTRODUCTION

As is known, the right to conduct an inspection is one of the main powers of the prosecutor to identify violations of the law, and the inspection is the decisive legal tool of the prosecutor<sup>1</sup>, and the issue of its legal regulation is of great importance. Therefore, for many years, researchers, scientists and practitioners have expressed various opinions on the need to regulate the procedures for organizing and conducting prosecutorial inspections of the implementation of laws by legislation. In particular, among them are K.Amirbekov, O.Agapova<sup>2</sup>, D.Belousova, S.Byvaltseva, N.Booth, A.Yu.Vinokurov, T.Voevodina<sup>3</sup>, E.Dokuchaeva, O.Deyneko<sup>4</sup>,

Ye.Islamova, O.Kalugina, O. Kapinus<sup>5</sup>, O.Kozuseva, Ye.Nikitin, A.Fedorov, M.Zaprudskaya and P.Gordynets, kazakh scientists S.Nurpeisov, A.Zeynulla and others are especially distinguished.

In particular, A.Yu.Vinokurov notes that for many years the issue of formalizing the requirements for prosecutorial inspections, which are carried out in the order of control over the implementation of laws, has been outside the scope of legal regulation at the legislative level. This was explained, first of all, by the separate legal status of the prosecutor's office, as well as the lack of need for this within the prosecutor's office system. However, in recent years, attempts have been made to clearly regulate the activities of bodies performing control and supervision functions in order to prevent corruption offenses. This has increasingly clearly shown that the activities of prosecutors in the direction of "general control" also need to be clearly regulated (*in such matters as excluding the prosecutors' own approach to the control process, diversifying law enforcement practices, and preventing interested parties from appealing against the prosecutor's illegal decisions and*

<sup>1</sup> Тетерина О. Основы методики проверки исполнения законов при учёте преступлений // Законность, 2014, № 7. – С. 13.

<sup>2</sup> Агапова О.А. Понятие и некоторые особенности прокурорской проверки в досудебных стадиях уголовного процесса // Национальная ассоциация ученых (НАУ), № III (8), 2015 / Юридические науки. – С. 94.

<sup>3</sup> Воеводина Т.Г. К вопросу о правовом регулировании проведения прокурорской проверки исполнения законов // Пробелы в российском законодательстве, 2017, № 6. – С. 338.

<sup>4</sup> Дейнеко О.В. Необходимость совершенствования правового регулирования “общенадзорных” проверок органов прокуратуры // Северо-кавказский юридический вестник, 2014, № 2. – С. 61-62.

<sup>5</sup> Капинус О.В., Рябцев В.В. Перспективы развития правовой регламентации статуса прокуратуры Российской Федерации // Вестник Академии Генеральной прокуратуры Российской Федерации, 2012, № 3. – С. 23.

actions)<sup>6</sup>. Or, according to Yu.Karpysheva, the procedure for conducting prosecutorial inspections was not clearly defined in the legislation either in Soviet times or in modern times. This situation created conditions for the gradual growth of discontent among the inspected persons, who believed that the actions of the prosecutor during the conduct of inspection measures should be brought into a clear procedural form in order to exclude the fact of “unjustified entry” into the objects under control<sup>7</sup>. Thus, the problem of legal regulation of control inspections conducted by prosecutorial bodies has not lost its relevance, and the need for its legal regulation is also inextricably linked with the practical need for it.

However, despite this, as a number of scholars rightly point out, the concept of a prosecutor's inspection, the terms of its conduct, the rights of persons participating in a prosecutor's inspection, and other important issues have not been fully regulated by law to this day. For example, Ye.Nikitin, back in 2008, drew special attention to the fact that: “In comparison with the procedure for a preliminary inspection in a criminal case or an administrative inspection in an administrative case, the procedure for conducting a prosecutor's inspection is not sufficiently regulated by law, which, in turn, leads to uncertainty in determining the obligation and sequence of performing certain legal actions, different approaches to the procedure for performing investigative actions, arbitrariness in determining the terms of the inspection, and ambiguity in determining the rights and obligations of participants in the legal relationship between the prosecutor and the supervisory authority<sup>8</sup>. Similarly, A. Fedorov wrote that the fact that the Law “On the Prosecutor's Office” does not fully regulate all issues is causing problems in law enforcement practice, in particular, causing business entities to appeal to the court against the

actions and decisions of the prosecutor<sup>9</sup>.

The study of about 100 scientific and theoretical sources in the course of the research showed that many scholars tried to justify the need for its regulation by showing the positive results achieved as a result of regulating prosecutorial inspections. For example, as T.Voevodina notes, the strict definition of the terms for conducting prosecutorial inspections in the Law “On the Prosecutor's Office”, the requirements for adopting written decisions on conducting an inspection and other types of decisions (*expanding the subject of the inspection, terminating the inspection, etc.*), taking into account the possibility of interested persons to appeal these decisions to a higher prosecutor or to the court, serves to strengthen the responsibility of prosecutors for making decisions<sup>10</sup>. Similarly, O.Kalugina believes that the clear definition of the procedure for organizing and conducting prosecutorial inspections, as well as the terms of inspections at the regulatory and legal level, will ensure the protection of human rights and freedoms, the legitimate interests of legal entities, and protect them from arbitrary interference in their activities by prosecutorial bodies<sup>11</sup>. Also, the regulation of issues related to prosecutorial inspections in the legislation will protect prosecutorial bodies from unjustified and illegal interference in the operational and economic activities of the entities being inspected<sup>12</sup>.

In our opinion, a pressing issue related to prosecutorial inspections and one that has aroused the interest of many researchers and scholars is the dilemma associated with determining the

<sup>6</sup> Винокуров А.Ю. К вопросу о правовой регламентации прокурорской проверки // Административное и муниципальное право, 2017, № 8. – С. 2.

<sup>7</sup> Карпышева Ю.О. Проверка информации о нарушениях закона // Вестник университета прокуратуры Российской Федерации, 2020, № 1 (75). – С. 25.

<sup>8</sup> Никитин Е.Л. Концептуальный подход к определению функций и системы полномочий прокуратуры в России // Вестник Академии Ген. прокуратуры Российской Федерации, 2008, № 6 (8). – С. 58-64.

<sup>9</sup> Федоров А.А. О порядке проведения проверок органами прокуратуры Российской Федерации // Пробелы в российском законодательстве, 2016, № 8. – С. 317.

<sup>10</sup> Воеводина Т.Г. К вопросу о правовом регулировании проведения прокурорской проверки исполнения законов // Пробелы в российском законодательстве, 2017, № 6. – С. 338.

<sup>11</sup> Калугина О.В. Прокурорский надзор за исполнением земельного законодательства Российской Федерации: Дисс. ... канд. юрид. наук. – М.: Федеральное государственное казенное образовательное учреждение высшего профессионального образования “Академия Генеральной прокуратуры Российской Федерации”, 2013. – С. 165.

<sup>12</sup> Докучаева Е.Н. Вопросы организации прокурорской проверки: правоприменительная практика // Вестник университета прокуратуры Российской Федерации, 2020, № 1 (75). – С. 18.

procedure for organizing and conducting prosecutorial inspections in the law or in an internal departmental document of the prosecutor's office. In this regard, belarusian scientists M.Zaprudskaya and P.Gordynets believe that since prosecutorial control is unique in its activities from the activities of control bodies, it is necessary to regulate prosecutorial inspections on the basis of departmental legislative acts and to introduce amendments and additions to the Law "On the Prosecutor's Office" to regulate inspections conducted by prosecutorial bodies<sup>13</sup>. S.Byvaltseva puts forward a proposal that it is necessary to adopt a corresponding order of the Prosecutor General, which would include norms regulating all the main issues related to conducting inspections<sup>14</sup>. O.Kalugina believes that if the general standards for the organization and implementation of control are established at the legislative level, then the methodological instructions should reflect the methodology for implementing each direction of control or recommendations for organizing control<sup>15</sup>. In contrast to the above kazakh scientists: S.Nurpeisov and others believe that the consolidation of issues related to prosecutorial inspections in documents at the departmental level reduces legal guarantees for citizens and

organizations, leads to the violation of their rights, and also creates the basis for abuse of power<sup>16</sup>. In our opinion, based on the fact that prosecutorial inspections in the conditions of Uzbekistan are not properly regulated either in the law or in departmental documents, we conclude that it is expedient to regulate important and primary issues related to them in the Law "On the Prosecutor's Office", and in detail in a sectoral order of the Prosecutor General.

It should be noted that another issue that has attracted the attention of many scholars, especially practitioners, is the question of what aspects of the organization and conduct of a prosecutor's inspection should be regulated. For example, according to O.Kozuseva, a number of measures should be taken to improve the legal mechanisms for conducting a prosecutor's inspection. These include: *first*, to provide a unified explanation of the concept of "prosecutor's inspection" in the Law "On the Prosecutor's Office"; *second*, to define the types of prosecutor's inspections in the law; *third*, to clarify the grounds and reasons for the inspection in a separate article; *fourth*, to clarify what is included in the prosecutor's inspection measures; *fifth*, to clearly define the rights and obligations of experts and specialists involved in the inspection; *sixth*, to indicate the rights and obligations of bodies and officials in charge of conducting the inspection in a separate article; *seventh*, to strengthen the naming, form and requirements of the documents to be formalized at the end of the prosecutor's inspection<sup>17</sup>.

In our opinion, the problem of obstruction of the prosecutor's investigative activities, which is one of the most important issues that should be regulated in the legislation has been discussed in detail by Ye.Islamova and D.Belousova<sup>18</sup>. For

<sup>13</sup> Уголовная юстиция в свете интеграции правовых систем и интернационализации криминальных угроз: сб. науч. тр., приуроч. к 90-летию д.ю.н., проф. И.И.Мартиневич / Белорус. гос. ун-т, юрид. фак., каф. уголовного процесса и прокурорского надзора; ред. кол.: А.А.Данилевич (отв. ред.), О.В.Петрова, В.И.Самарин. – Минск: Изд. центр БГУ, 2017. – С. 137; Надзорно-правоохранительная деятельность прокуратуры в условиях глобальной трансформации систем обеспечения национального правопорядка: сб. материалов Межд. науч.-практ. конф., посвящ. 100-летию со дня образования органов прокуратуры Республики Беларусь (Минск, 14 июня 2022 г.) / ГУ «Науч.-практ. центр проблем укрепления законности и правопорядка Ген. прокуратуры Республики Беларусь»; редкол.: В.В.Марчук (гл. ред.) [и др.]. – Минск: изд. Центр БГУ, 2022. – С. 175.

<sup>14</sup> Бывальцева С. Прокурорская проверка: правовой и практический аспекты // Законность, 2021, № 9. – С. 33, 36.

<sup>15</sup> Калугина О.В. Прокурорский надзор за исполнением земельного законодательства Российской Федерации: Дисс. ... канд. юрид. наук. – М.: Федеральное государственное казенное образовательное учреждение высшего профессионального образования "Академия Генеральной прокуратуры Российской Федерации", 2013. – С. 165.

<sup>16</sup> Нурпеисов С.А., Зейнулла А.З., Мырзагулова Б.К. Настольная книга прокурора в 14-ти томах. Прокурорский надзор за соблюдением конституционных прав и свобод человека и гражданина. Том III. – Кызылорда: Генеральная прокуратура Республики Казахстан прокуратура Кызылординской области, 2013. – С. 46.

<sup>17</sup> Козусева О.А. Пути совершенствования правового регулирования проведения прокурорской проверки // Вестник Университета прокуратуры Российской Федерации, 2019, № 2 (70). – С. 130, 132-133.

<sup>18</sup> Белоусова Д.С. Дальнейшая процессуализация прокурорской проверки: блажь или необходимость // Вестник университета прокуратуры Российской Федерации, 2021, № 5 (85). – С. 50-53.

example, Ye.Islamova writes that although the Law "On the Prosecutor's Office of the Russian Federation" states that obstruction of the prosecutor's activities entails liability established by law, it is not enough to simply establish liability measures. The prosecutor must also be armed with appropriate means to overcome obstruction/resistance during the inspection, but the prosecutor does not have such means. Often, prosecutors are also faced with cases of refusal to enter the territory and premises of the object of inspection, and despite this, there is no legal mechanism for involving internal affairs officers in prosecutorial inspections. Prosecutors also have problems with ensuring that officials come to the prosecutor's office to provide explanations. Therefore, it would be advisable to enshrine in law the right to make a decision to forcibly bring a person who is not present to give an explanation to the prosecutor's office and refer him to the internal affairs bodies for execution<sup>19</sup>.

It is worth noting that the respondents (prosecutors) who participated in the social survey also admitted that similar problems arise in the practice of supervision. For example, 11 percent of them encountered obstacles or refusals to enter the territory and buildings of the object being inspected during the inspection, 29 percent indicated that persons summoned to the prosecutor's office to clarify questions that arose during the inspection refused to appear without good reason, and 46 percent encountered obstacles to the inspection, such as failure to provide documents and information at the request of the prosecutor, or providing incorrect information.

In addition, a number of other issues related to prosecutorial inspections have not been resolved in the legislation: the duration of the inspection, conducting inspections in cooperation with supervisory authorities, the use of photo and video recording devices during the inspection, the participation of specialists in the inspection, the procedure for working with documents and objects obtained during the inspection and storing them in the prosecutor's office, maintaining the safety of prosecutorial employees during the inspection, the types of final decisions that can be made, and the

<sup>19</sup> Исламова Э.Р. Преодоление противодействия прокурорской проверке исполнения законов: теоретические, правовые и организационно-методические аспекты // Вестник университета прокуратуры Российской Федерации, 2020, № 1 (75). – С. 33-34.

procedure for appealing against the prosecutor's decisions and actions<sup>20</sup>.

It should also be noted that there are few, but not all, scholars who oppose the legal regulation of prosecutorial inspections. For example, such views are found in the scientific works of researchers and scholars such as D.Belousova and K. Amirbekov. For example, according to D.Belousova, excessive regulation of prosecutorial inspections and the procedure for their implementation is inexpedient, since this deprives the prosecutor of the necessary procedural freedom and puts the activity of "general control" within a strict framework. This ultimately leads to its reduction from the level of prosecutorial control to the level of external departmental control<sup>21</sup>. Similarly, according to K.Amirbekov, excessive formalization of prosecutorial inspection activities contradicts the legal nature of the prosecutor's function of supervising the implementation of laws outside the criminal law sphere<sup>22</sup>. However, in our opinion, the above opinions are controversial and cannot be fully agreed with. In particular, our views on the need to regulate issues related to the procedure for organizing and conducting an inspection in the Law "On the Prosecutor's Office" and the sectoral order of the Prosecutor General can be justified by the following: *firstly*, the regulation of issues related to prosecutorial inspections in legislative and departmental documents increases the personal responsibility of prosecutorial officers in organizing and conducting an inspection and their approach to the inspection several times; *secondly*, the regulation of the prosecutorial inspection procedure serves to fully ensure the rights and legitimate interests of the subjects being

<sup>20</sup> Бут Н.Д., Бажанов С.В. Нормативные правовые основы прокурорских проверок исполнения законов о противодействии коррупции в сфере государственных и муниципальных закупок // Российская юстиция, 2015, № 8. – С. 51-54; Исламова Э.Р. Преодоление противодействия прокурорской проверке исполнения законов: теоретические, правовые и организационно-методические аспекты // Вестник университета прокуратуры Российской Федерации, 2020, № 1 (75). – С. 33-34.

<sup>21</sup> Белоусова Д.С. Дальнейшая процессуализация прокурорской проверки: блажь или необходимость // Вестник университета прокуратуры Российской Федерации, 2021, № 5 (85). – С. 55.

<sup>22</sup> Энциклопедия "Прокурорская деятельность" / Университет прокуратуры Российской Федерации; под общ. ред. О.С.Капинус. – М.: ООО «Компания полиграфмастер», 2021. – С. 407.

investigated; *thirdly*, as a result of legal regulation, unjustified interference by prosecutorial bodies in the operational and economic activities of the subjects being investigated is prevented; *fourthly*, Legal regulation reduces the likelihood of future complaints by the subjects under inspection against the prosecutor's actions and decisions related to the inspection; *fifth, and* most importantly, the regulation of inspections leads to a stronger sense of desire by prosecutorial bodies to conduct qualitative inspections rather than to chase after quantity, which in turn increases the efficiency and effectiveness of inspections.

In addition, during the research, the study of the national legislation of the Republic of Uzbekistan and internal documents of the prosecutor's offices on the legal regulation of the procedure for organizing and conducting prosecutorial inspections showed that there is still much work to be done in this regard, or rather, it would not be an exaggeration to say that work on this issue is still at its initial stage.

As is known, some issues related to the prosecutor's inspection are also covered by Article 21 of the Law of the Republic of Uzbekistan "On the Prosecutor's Office" (*Inspection of the Implementation of Laws*) and Section 4 of the "Regulations of the Prosecutor's Office of the Republic of Uzbekistan", approved by Order No.172 of the Prosecutor General of the Republic of Uzbekistan dated 05.12.2017. In particular, according to Article 21 of the Law, the inspection of the implementation of laws is carried out in the manner established by law on the basis of applications and other information about violations of laws, as well as in cases where legality requires measures to be taken by the prosecutor. That is, this article only indicates the grounds for the prosecutor's inspection. Many important issues related to the organization and conduct of an inspection, including the concept and types of a prosecutor's inspection, the purpose and subject of the inspection, the terms of the inspection, the rights and obligations of the investigating and investigated entities, the participation of specialists in the inspection, the suspension and resumption of the inspection, the obligation of relevant persons to appear at the prosecutor's office upon the prosecutor's summons and provide explanations on questions related to the inspection, the documents to be drawn up and decisions to be made based on the results of the inspection, the procedure for appealing against the actions (inaction) and decisions of the prosecutor related to the

inspection, and other such issues are completely outside the scope of regulation of the Law.

Similarly, the orders of the Prosecutor General of the Republic of Uzbekistan do not fully regulate issues related to prosecutorial inspections. For example, Section 4 of the "Regulations of the Prosecutor General of the Republic of Uzbekistan", approved by the order of the Prosecutor General No. 172 dated 05.12.2017, is devoted only to conducting inspections on the implementation of legislation ( *the purpose, grounds for inspection, issues studied during the inspection, actions taken by the employee responsible for the inspection* ), formalizing the results of the inspection, and preparing documents on prosecutorial supervision.

Also, the issue of regulating in the legislation the prosecutor's inspections of the activities of economic and entrepreneurial entities in the areas of control over the implementation of laws and the implementation of laws aimed at ensuring the rights and freedoms of citizens remains open. In particular, in accordance with Article 2 of the Law of the Republic of Uzbekistan "On State Control over the Activities of Economic Entities", state control carried out in the manner of prosecutorial control is also regulated by relevant legislation. However, the Law of the Republic of Uzbekistan "On the Prosecutor's Office", which regulates the activities of prosecutorial bodies, does not regulate the above issue.

As is known, the Decree of the President of the Republic of Uzbekistan No. PF-184 dated 14.11.2024 "On measures for reliable protection of the rights and legitimate interests of entrepreneurs" and the Regulation "On the procedure for conducting inspections and preventive measures in the activities of business entities by supervisory bodies" approved by this Decree<sup>23</sup> serve as the legal basis for regulating relations in the conduct of inspections and preventive measures in the activities of business entities by supervisory bodies. However, the list of bodies authorized to control the activities of business entities and their areas of control approved by Appendix 1 to this Decree does not include the prosecutor's offices of the Republic of Uzbekistan. Thus, the procedure for conducting inspections (coordination, agreement) in the activities of business entities and business

<sup>23</sup> National database of legislative information of the Republic of Uzbekistan, 11.02.2025, No. 06/25/20/0122. // Date of application 11.03.2025.

entities by prosecutor's offices remains outside the scope of regulation of existing regulatory legal acts in this area.

In this context, one might also think that: “Article 23 of the Law “On the Prosecutor's Office” stipulates that direct interference by the prosecutor in economic and other activities, as well as in the performance of the functions of departmental management and inspection bodies, is not allowed. Therefore, it would be expedient for the prosecutor's offices to transfer the inspections planned to be conducted in the activities of these entities to a specially authorized supervisory body in this area.” Without completely denying these views, it should be noted that they are relatively controversial. After all, the practice of prosecutorial supervision shows that in most cases, individuals and legal entities apply directly to the prosecutor's offices, not to supervisory bodies or judicial bodies, but to them regarding violations of the law committed by one or another economic or entrepreneurial entity. Pursuant to the requirements of Article 23, the prosecutor's office may send the appeal to the authorized supervisory body (for example, the state tax service authorities, etc.), this body may conduct the planned inspection of the business entity after the approval of the authorized body, and send the inspection materials to the prosecutor for a legal assessment. However, in practice, the possibility of situations requiring the direct intervention of the prosecutor, i.e. conducting an inspection under the "prosecutor's supervision" procedure, cannot be denied. In particular, in our opinion, such cases include:

- failure of the supervisory body or official to fully and impartially examine the reasons during the inspection process or to conduct a poor-quality inspection;
- a preliminary study or inspection was conducted on the grounds provided in the appeal, but the violations of the law identified by the supervisory authorities were not adequately assessed, which led to justified objections from citizens;
- the fact that urgent reports and appeals about facts and circumstances related to systematic and serious violations of the rights and legitimate interests of individuals and legal entities, legal requirements, which may lead to a threat to public and state security in the future, and the need to take urgent measures in these circumstances, etc., may be included.

Therefore, in our opinion, in order to prevent various interpretations and misunderstandings in the future, there are 2 solutions to this problem (choose one of two):

- 1) the proposed adoption of the Entrepreneurship Code of the Republic of Uzbekistan or other regulatory legal acts in the field shall include prosecutor's offices as a state body authorized to conduct inspections of the activities of business entities, as well as the areas of prosecutor's control over their implementation of laws and prosecutor's control over the implementation of laws aimed at ensuring the rights and freedoms of citizens;
- 2) based on Article 2 of the Law "On State Control over the Activities of Economic Entities" , it is proposed to include in Article 21 of the Law a provision on the conduct of control measures carried out under the procedure of prosecutorial control only in accordance with the procedure established by the Law "On the Prosecutor's Office" and to regulate the procedure for prosecutorial checks of the activities of economic and entrepreneurial entities in a regulation approved by order of the Prosecutor General ( with registration as a regulatory legal act by the justice authorities).

We believe that, the regulation of the above-mentioned issues will serve to fully implement the tasks set forth in the legislation and Decrees of the President of the Republic of Uzbekistan, eliminate inconsistencies in regulatory legal acts, and prevent cases of illegal inspections of the activities of business entities by prosecutors' offices.

In addition, the research also examined the legislation of the Organization of Commonwealth Countries (CIS), where the function of control over the implementation of laws is preserved. It should be noted that a number of important issues related to prosecutorial inspections are regulated in more detail in the special laws of the Russian Federation, Kazakhstan and Turkmenistan than in Uzbekistan. For example, issues related to prosecutorial inspections are reflected in Articles 7, 9, 26-28 of the Law “On the Prosecutor's Office of Turkmenistan”. For example, according to Article 27 of this Law ( *Procedure for carrying out prosecutorial supervision* ), the prosecutor shall, within the scope of his powers, conduct an inspection of compliance with the laws: 1) on the basis of a work plan; 2) in the presence of an application, complaint, report and other official information on a violation of the law; 3) when signs of a violation of the law are directly identified by the prosecutor; 4) on the basis of an

instruction or request of a superior prosecutor. An inspection of compliance with the laws shall be conducted within a period of up to one month. The prosecutor who appointed the inspection may, with the consent of a higher prosecutor, extend its term for up to three months, and with the consent of the Prosecutor General of Turkmenistan, for up to six months, who shall notify the head of the organization being investigated in writing<sup>24</sup>.

Similarly, issues related to the prosecutor's inspection of the Republic of Kazakhstan It is expressed in Articles 17-19 and 26 of the Constitutional Law "On the Prosecutor's Office". In Article 17 of the Law, this Constitutional Law, the laws of the Republic of Kazakhstan and the documents of the Prosecutor General are recognized as the legal bases of the procedure for appointing and conducting the prosecutor's inspection regarding the observance of laws.

According to Article 18, paragraph 4 of the Law, the authorized prosecutor shall adopt a decision to conduct an inspection of compliance with the laws and register it with the state body for legal statistics and special accounting. The inspection period shall not exceed thirty working days. This article also specifies the grounds for extending the inspection period and suspending the inspection.

In our opinion, one of the positive aspects of the above Law is that it fully reflects the rights and obligations of the prosecutor and the inspected entities during the inspection process. In particular, according to paragraph 5 of Article 18 of the Law, the prosecutor, during the inspection of compliance with legislation, has the right to: 1) demand the provision of documents and information if they are not related to the subject of the inspection; 2) exceed the established deadlines for checking compliance with legislation; 3) impede the normal activities of the inspected entity

Article 19 of the law stipulates the rights and obligations of the entities being inspected, and when inspecting the entities being inspected or their authorized representatives, prosecutors must:

1) has the right not to allow persons who come to check compliance with the law to the object in the following cases:

<sup>24</sup> The law of Turkmenistan "On the Prosecutor's Office" (new edition) // [Электрон маъна: https://mejlis.gov.tm/single-law/144?lang=ru](https://mejlis.gov.tm/single-law/144?lang=ru). // (time of application: 27.02.2025).

if a decision on the appointment of an inspection regarding compliance with the laws is not presented to the inspected entity ;  
is carried out without registration with the state body for legal statistics and special accounting ;  
the terms specified in Clause 4 of Article 18 of this Constitutional Law have passed ;  
is conducted by persons not specified in the decision on the appointment of an inspection regarding the observance of laws ;  
Failure to provide a document confirming permission to work with state secrets in cases stipulated by the laws of the Republic of Kazakhstan ;

2) has the right not to provide the following information and documents: does not relate to the subject of the inspection for compliance with the law or the period specified in the decision to appoint the inspection;

Information and documents containing state secrets or other secrets protected by law, unless there is an appropriate permit or document granting the right to familiarize yourself with such information and documents;

3) has the right to appeal against the decision to appoint an inspection regarding the observance of laws, as well as the actions (inaction) of the officials of the prosecutor's office in accordance with the procedure established by the laws of the Republic of Kazakhstan.

When conducting an inspection of compliance with laws by the inspected entities or their authorized representatives, prosecutors:

1) to ensure the unhindered access of the officials of the prosecutor's office to the territory and buildings of the subject under inspection. The access of the officials of the prosecutor's office to the territory and buildings of the regime objects is provided taking into account the requirements established in the regime of access and internal objects in the organization under inspection;

2) provide documents (information) or copies thereof on paper and electronic media to officials of prosecutor's offices for inclusion in the report on the results of the inspection conducted for compliance with the law, in compliance with the requirements for the protection of state secrets or other secrets protected by law;

3) to familiarize yourself with the decision to appoint an inspection of compliance with the law and the report of its results and to receive it under signature;

4) in accordance with safety and labor protection regulations, they are obliged to ensure the creation of the necessary conditions for the persons conducting inspections on compliance with laws.

Article 26 of the law gives a special place to the legal guarantees of the prosecutor's activity, which states that no one has the right to disclose inspection materials and cases without the permission of the prosecutor in which they are working<sup>25</sup>.

According to Article 6 of the Law of the Russian Federation “On the Prosecutor's Office of the Russian Federation”, statistical and other information, documents (*including electronic documents signed with an electronic signature*), references and other materials or copies thereof necessary for the performance of the functions assigned to the prosecutor's office shall be provided free of charge within five working days from the moment the prosecutor's request is received by the head or authorized representative of the body (organization), and in the course of conducting an inspection of compliance with the laws, within two working days from the moment the prosecutor's request is submitted. The prosecutor's request may establish longer terms for the provision of documents. If the inspected body (organization) notifies the prosecutor in writing within the period specified in the request of the impossibility of providing the requested statistical and other information, documents and materials or copies thereof within the specified period, indicating objective reasons, the prosecutor shall make a decision to establish a new term for provision. At the same time, the prosecutor is not entitled to request from the body (organization): 1) information, documents and materials that are not covered by the purpose of the inspection and (or) do not relate to the subject of the inspection, or copies thereof; 2) information, documents and materials that were submitted to the prosecutor's office in connection with a previously conducted inspection or that were officially published in the media or posted on the official website of the body, or copies thereof<sup>26</sup>.

<sup>25</sup> Constitutional Law of the Republic of Kazakhstan “On the Prosecutor's Office” // [Electronic source: https://online.zakon.kz/Document/?doc\\_id=31771762&pos=599;-57#pos=599;-57](https://online.zakon.kz/Document/?doc_id=31771762&pos=599;-57#pos=599;-57). (time of application: 27.02.2025).

<sup>26</sup> Federal law of Russian Federation “On the Prosecutor's Office of Russian Federation” // [Electronic source: https://www.consultant.ru/document/cons\\_doc\\_LAW\\_2](https://www.consultant.ru/document/cons_doc_LAW_2)

In connection with the above issue, it is regrettable to note that the Law of the Republic of Uzbekistan “On the Prosecutor's Office” does not sufficiently regulate the issue of providing documents, materials and other information at the request (demand) of the prosecutor. In particular, Article 6 of the national Law only states that it is obligatory for all citizens and legal entities to fulfill the requirements of the prosecutor within the scope of his powers to provide documents, materials and other information, and that the prosecutor's offices shall provide information, documents and copies thereof necessary for the performance of their duties free of charge in accordance with the request of these bodies. In our opinion, the gaps in the legislation on this issue create serious problems in the practice of control. This was also confirmed by the results of the public opinion poll. For example, respondents stated that during the conduct of prosecutor's inspections, they encountered such problems and obstacles as refusal to provide documents and information at the request of the prosecutor in 10 percent of cases, concealment of the necessary documents requested in 18 percent of cases, and provision of incorrect and unreliable information. Accordingly, recognizing Article 6 of the Law “On the Prosecutor's Office of the Russian Federation” as an undoubtedly good practice, we believe that it would be appropriate to supplement Article 6 of the Law of the Republic of Uzbekistan “On the Prosecutor's Office” with norms of the same content. In our opinion, regulating the issue of providing documents, materials and other information at the request (demand) of the prosecutor in this way would serve to create full-fledged grounds for bringing to administrative responsibility in the future persons who fail to comply with the prosecutor's requirements under Article 197 of the Criminal Procedure Code, and at the same time clearly define the obligations that the prosecutor's office employees must comply with in this regard.

It is important to emphasize, 21 of Chapter 1 of the Law “On the Prosecutor's Office of the Russian Federation” (*Control over the Execution of Laws*) fully regulates the prosecutor's inspection and important issues related to it. In particular, in accordance with paragraph 3 of this article, the decision to conduct an inspection is made by the

[62/?ysclid=m8yr6z9f63262442322](https://www.consultant.ru/document/cons_doc_LAW_262442322). (time of application: 27.02.2025).

prosecutor or his deputy and is communicated to the head of the body (organization) being inspected or another authorized representative no later than the date of commencement of the inspection. The decision to conduct an inspection must indicate the goals, grounds and subject of the inspection. If, during the inspection, the prosecutor receives information about the existence of other violations of the law in the activities of the body (organization) being inspected that cannot be confirmed or denied without conducting an inspection, the prosecutor or his deputy shall make a reasoned decision to expand the subject of this inspection or conduct a new inspection and shall notify the body (organization) being inspected of the decision made no later than the date of its adoption.

Paragraph 4 of the above article establishes the terms of the inspection, and the term of the inspection should not exceed 30 calendar days from the date of the start of the inspection. In exceptional cases related to the need to conduct additional investigative measures within the framework of the inspection conducted by the prosecutor, the term of the inspection may be extended by decision of the prosecutor or his deputy. The term of the inspection may be extended for a period not exceeding 30 calendar days. If necessary, the decision on a subsequent extension for a period not exceeding 30 calendar days shall be made only by the Prosecutor General or the Deputy Prosecutor General authorized by him.

Another positive aspect of the law is its strict regulation of issues related to the suspension and resumption of an inspection. In particular, according to Article 21, paragraph 6 of the Law, an inspection may be suspended several times by decision of the prosecutor or his deputy if the following grounds exist: 1) if there is a need to conduct complex and/or long-term studies, tests, special examinations to obtain additional information that may affect the conclusions of the inspection, if the period for their conduct exceeds the period of the inspection being conducted; 2) if the actions (inaction) of the inspected body (organization) that impede the conduct of the inspection lead to the impossibility of completing the inspection within the period for its conduct; 3) failure to provide the requested information, documents and materials or copies thereof within the time limits established for their provision has made it impossible to complete the inspection within the time limit for its conduct. The total

period for which the prosecutor or his deputy may suspend the inspection shall not exceed six months. If it is impossible to complete the measures specified in paragraph 6 of this Article or obtain the necessary information, documents and materials or copies thereof within these six months, the period for which the inspection may be suspended may be extended by a decision of the Prosecutor General or a Deputy Prosecutor General authorized by him for a period not exceeding six months (paragraph 7). Provided that, in the event that the grounds specified in paragraph 6 of this Article cease to exist, the inspection shall be resumed by a decision of the prosecutor or his deputy (paragraph 8). The head of the inspected body (organization) or another authorized representative shall be notified of the extension (suspension, resumption) of the inspection period within two days from the date of adoption of the decision to extend (suspension, resumption) the inspection period (paragraph 11).

The most important point is that the actions (inaction) and decisions of the prosecutor related to the conduct of the inspection may be appealed in accordance with the procedure established by law (Article 15)<sup>27</sup>.

In addition, as a result of the comparative legal analysis, it was also revealed that there are many other advanced experiences in the legislation of some CIS countries. First of all, this is related to the issue of ensuring the mandatory fulfillment of prosecutorial requirements. In our opinion, it is precisely in the national legislation of the Republic of Belarus, the Kyrgyz Republic, Kazakhstan, Tajikistan and Turkmenistan that this issue is regulated along with the mechanism for its implementation, while such norms are not found in the legislation of the Republic of Uzbekistan at all. For example, Article 6 of the Law of the Republic of Uzbekistan "On the Prosecutor's Office" establishes that it is mandatory for all citizens and legal entities to fulfill the requirements of the prosecutor within the scope of his powers to submit documents, materials and other information, conduct inspections, inspections, assign specialists, come to the prosecutor's office and provide explanations on identified violations,

<sup>27</sup> Federal law of Russian Federation "On the Prosecutor's Office of Russian Federation" // [Electronic source: https://www.consultant.ru/document/cons\\_doc\\_LAW\\_262/?ysclid=m8yr6z9f63262442322](https://www.consultant.ru/document/cons_doc_LAW_262/?ysclid=m8yr6z9f63262442322). (application time: 27.02.2025).

eliminate violations, the causes and conditions that create opportunities for them, as well as comply with the law, but its mechanisms have not been fully clarified. Since the requirement of mandatory nature of prosecutorial demands is not provided with mandatory enforcement force, in many cases this norm remains a declaratory norm<sup>28</sup>.

For comparison, in criminal proceedings (*Articles 97, 261 of the Criminal Procedure Code of the Republic of Uzbekistan*), the obligation to appear upon summons, the procedure for submitting a summons and its delivery to the person summoned, and the consequences of failure to appear without an excuse are established, but the regulation of the above issue in the direction of prosecutorial control over the implementation of laws is still neglected. However, it is no secret that in practice there are many cases of unexcused failure to comply with or evasion of the prosecutor's request to appear at the prosecutor's office upon summons and provide explanations on issues related to the ongoing inspection. In particular, almost 30 percent of respondents stated that they had encountered exactly this problem during prosecutorial inspections.

In the above-mentioned countries, this issue is regulated by law. For example, the Law "On the Prosecutor's Office of Turkmenistan" According to Article 9, officials and citizens are obliged to appear at the prosecutor's office upon the prosecutor's summons and provide explanations on issues related to the prosecutor's inspection. Failure of officials and citizens to comply with the prosecutor's lawful requests without good reason, as well as refusal to appear upon summons, shall entail liability established by the legislation of Turkmenistan. If a person summoned in accordance with the established procedure refuses to appear at the prosecutor's office without good reason, he may be forcibly brought by the prosecutor's decision<sup>29</sup>.

A similar provision is found in Article 8 of the Law "On the Prosecutor's Office of the Republic of Tajikistan". According to it, officials and citizens who do not appear at the prosecutor's

office without a valid reason upon summons shall be forcibly brought by the internal affairs bodies based on the decision of the prosecutor or investigator<sup>30</sup>. Similarly, according to Article 6 of the Law "On the Prosecutor's Office of the Kyrgyz Republic", officials and citizens are obliged to appear at the prosecutor's office at the time specified by them upon a written request from the prosecutor or investigator of the military prosecutor's office to provide explanations or give testimony. The written request must indicate the issue on which the person or citizen is being summoned. The prosecutor has the right to issue a decision on compulsory appearance in relation to officials and citizens who do not appear or evade appearing without a valid reason, which shall be executed by law enforcement agencies within 24 hours<sup>31</sup>. Article 26 of the Constitutional Law of the Republic of Kazakhstan "On the Prosecutor's Office" establishes the categories of persons who cannot be forcibly brought and that forcibly brought shall not be carried out at night<sup>32</sup>. Article 10 of the Law "On the Prosecutor's Office of the Republic of Belarus" even stipulates that persons summoned to the prosecutor's office during working hours shall be guaranteed to retain their job and average salary, and that the fact that a person was summoned to the prosecutor's office during working hours and the period of his stay at the prosecutor's office shall be confirmed by a summons or other document issued by the prosecutor<sup>33</sup>. Based on advanced foreign experience, it is proposed to establish in the law the authority to forcibly bring persons who refuse to give an explanation or appear at the prosecutor's

<sup>30</sup> Constitutional Law of the Republic of Tadjikistan "On the Prosecutor's Office of Republic of Tadjikistan" // [Electronic source: https://www.prokuratura.tj/legislation-rus/49-the-constitutional-law-of-the-republic-of-tajikistan.html](https://www.prokuratura.tj/legislation-rus/49-the-constitutional-law-of-the-republic-of-tajikistan.html). (time of application: 27.02.2025).

<sup>31</sup> Constitutional Law of the Kyrgyz Republic "On the Prosecutor's Office of the Kyrgyz Republic" // [Electronic source: https://cbd.minjust.gov.kg/112293/edition/1380/ru?ysclid=lu58dp30za22410383](https://cbd.minjust.gov.kg/112293/edition/1380/ru?ysclid=lu58dp30za22410383). (time of application: 27.02.2025).

<sup>32</sup> Constitutional Law of the Republic of Kazakhstan "On the Prosecutor's Office" // [Electronic source: https://online.zakon.kz/Document/?doc\\_id=31771762&pos=599;-57#pos=599;-57](https://online.zakon.kz/Document/?doc_id=31771762&pos=599;-57#pos=599;-57). (time of application: 27.02.2025).

<sup>33</sup> Law of Republic of Belarus " On the Prosecutor's Office of the Republic of Belarus" // [Electronic source: https://pravo.by/document/?guid=3871&p0=H10700220](https://pravo.by/document/?guid=3871&p0=H10700220). (time of application: 27.02.2025).

<sup>28</sup> Белоусова Д.С. Дальнейшая процессуализация прокурорской проверки: блажь или необходимость // Вестник университета прокуратуры Российской Федерации, 2021, № 5 (85). – С. 53..

<sup>29</sup> The law of Turkmenistan "On the Prosecutor's Office" (new edition) // [Электрон манба: https://mejlis.gov.tm/single-law/144?lang=ru](https://mejlis.gov.tm/single-law/144?lang=ru). // (application time: 27.02.2025).

office on another necessary issue, based on the prosecutor's decision. 20 percent of respondents noted that this proposal would be sufficiently effective in eliminating problems arising in the activities of control over the implementation of laws.

A comparative legal analysis of internal departmental documents of prosecutors' offices in some CIS countries has shown that most of the relevant issues related to the organization and conduct of prosecutorial inspections, which are not regulated by special laws, are strictly regulated by orders of the Prosecutor General, which, in turn, is considered an advanced practice compared to Uzbekistan.

Without exaggeration, the experience of the prosecutor's offices of Kazakhstan can be cited as an example in this regard. It should be noted that the procedure for organizing and conducting prosecutorial inspections in Kazakhstan is regulated by a special order of the Prosecutor General. For example, by the order of the Prosecutor General of the Republic of Kazakhstan dated 17.01.2023 No. 32 "On certain issues of organizing prosecutorial supervision", the "Rules for the appointment and conduct of inspections by prosecutorial offices of compliance with laws, the analysis of the state of legality, as well as the assessment of documents that have entered into legal force" (*hereinafter referred to as the Rules*) were approved. These Rules determine the procedure for conducting inspections by prosecutorial offices of compliance with laws, the analysis of the state of legality, as well as the assessment of documents that have entered into legal force.

According to paragraph 4 of these Rules, the basis for the appointment of an inspection is: 1) an order of the President of the Republic of Kazakhstan; 2) an order of the Prosecutor General; 3) decisions of the Deputy Prosecutor General, Chief Military and Transport Prosecutors, prosecutors of regions, cities of republican significance and the capital, districts, cities, interdistrict, specialized prosecutors, as well as military prosecutors of territorial and garrisons, interregional transport prosecutors, on the grounds provided for in paragraph 7 of the Rules (5 categories of persons: persons unable to exercise the right to self-defense due to physical disabilities, mental disorders or other circumstances, minors, private entrepreneurs, etc.); 4) decisions of the Chairman of the Committee for Legal Statistics and Special

Accounting of the Prosecutor General's Office and the heads of its territorial bodies.

The decision to conduct an inspection shall be registered with the state body for legal statistics and special accounting before the start of the inspection. The decision to conduct an inspection shall be handed over to the inspected entity for familiarization upon arrival at the object of inspection or shall be sent through the procedural information system of the Prosecutor General's Office (paragraph 11). One of the important requirements is set out in paragraph 12 of the Rules, according to which the inspection shall be carried out only by the persons specified in the decision to conduct an inspection.

Also, according to paragraph 13 of the Rules, the period for conducting an inspection shall not exceed thirty working days from the date of the order to conduct it. Provided that if there is a need to request additional materials, as well as due to the large volume of the inspection, the period for conducting it may be extended for a period of no more than thirty working days. The period for conducting the inspection shall be extended by the person who issued the decision to appoint the inspection or his/her substitute.

Another positive aspect worth noting is noted in paragraphs 14-15 of the Rules, which strengthen the issues of suspension and resumption of the inspection. Thus, the inspection may be suspended in the following cases: 1) when an expert examination is appointed – until the expert's conclusion is obtained; 2) when there is a need to obtain information and documents from foreign states, state bodies, institutions and other organizations, regardless of their form of ownership – until they are obtained; 3) when circumstances arise that impede the conduct of the inspection (*illness of a person participating in the inspection, force majeure, search for persons related to the subject of the inspection being conducted, evasion by the inspected entity of the relevant decision or refusal to allow entry to the inspected object, performance of procedural actions, submission of a request for an inspection or conclusion*) – until they are eliminated.

The calculation of the period for conducting a suspended inspection shall continue from the date of its resumption. In cases where the inspection is extended, suspended or resumed, or the composition of the inspection personnel, the subject of the inspection or the period has changed, a reasoned decision shall be issued and the state

body for legal statistics and special accounting and the inspected entity shall be notified of it within three working days from the date of its issuance. The inspection period is extended at least three working days before its expiration.

Paragraphs 16-17 of the Rules cover the issues of involving specialists in the inspection and conducting operational-search measures. In particular, in necessary cases, specialists from state and law enforcement agencies, organizations regardless of their form of ownership, may be involved in the inspection, upon the request of the prosecutor, in order to draw up a conclusion. The procedure for involving specialists from private organizations in the inspection shall be carried out in accordance with the procedure established by the Civil Code of the Republic of Kazakhstan or other legislative acts. In the event of a threat to the life and health of the prosecutor, as well as obstruction of the prosecutor's lawful activities, law enforcement officers may be involved to ensure the safety of persons conducting the inspection (clause 16).

During the inspection, the question of the need to conduct operational search measures is resolved if there are no other possibilities to identify hidden violations of the law that are important for the inspection. The decision shall indicate the grounds for conducting search and rescue operations, the form and terms of submission of the results obtained (paragraph 17) .

In addition, the report on the results of the inspection and the requirements for its formalization are also reflected in a separate paragraph 25 of the Rules. According to it, after the completion of the inspection, a report on the results of the inspection (*hereinafter referred to as the report* ) will be drawn up, in which:

- 1) the date, place and grounds of inspection of the report;
- 2) the name of the inspected subject, the subject of inspection;
- 3) general information on the subject of the inspection (statistical data, *measures taken by the subject of the inspection* , *information on budget funds spent, the practice of executing judicial documents or other information on the subject of the inspection*);
- 4) assessment of compliance with the legislation on the subject (subject) of the inspection (*the essence of the identified violations, the reasons for the inaction of the competent bodies, the legality of the legal documents of the state bodies, the state of*

*compliance with the legal documents related to the fight against corruption, the prevention of violations and administrative violations, etc.*);

5) analysis of reasons contributing to the commission of violations;

6) the mechanism for eliminating the determined violation of the law, its causes and the conditions that make it possible;

7) conclusions and proposals based on the results of the inspection (*documents of the prosecutor's control and measures of influence, initiation of pre-trial inspection, proposals for improving the legislation of the Republic of Kazakhstan and other measures*);

8) the signature of the official (persons) who conducted the inspection is indicated.

The report shall be issued to the person being inspected within five working days after the completion of the inspection. Information on the receipt or refusal to receive the report by the head (representative) of the inspected entity shall be reflected at the time of issuance of the report. If there are objections to the report, the audited entity has the right to submit them in writing within three working days from the date of submission of the report.

## CONCLUSION

based on the study of the necessity and importance of regulation of the prosecutor's review of law enforcement in the legislation, the following conclusions and proposals are presented:

*Firstly*, the need to develop and improve the legal framework regulating prosecutorial inspections is of paramount importance today, and this problem has not lost its relevance. In this regard , the national legislation of the Republic of Uzbekistan and internal departmental documents of the prosecutor's offices require serious improvement. The processes related to the legal regulation of prosecutorial inspections are still at their initial stage;

*secondly*, as a result of regulating the issues related to the procedure for organizing and conducting prosecutorial inspections by the Law of the Republic of Uzbekistan "On the Prosecutor's Office" and the Order of the Prosecutor General: the approach of prosecutorial officers to organizing and conducting inspections will radically change, unjustified interference by prosecutorial officers in the activities of the entities being inspected will be prevented, their rights and interests will be ensured, the entities

being inspected will have the right to appeal the prosecutor's investigative actions and decisions, and naturally, this will strengthen the prosecutorial officers' sense of personal responsibility and accountability for making decisions related to the inspection, and most importantly, the fact that prosecutorial officers pay attention to quality, not quantity, in organizing and conducting inspections will automatically increase the efficiency and effectiveness of inspections;

*thirdly*, today, Article 21 of the Law of the Republic of Uzbekistan "On the Prosecutor's Office" and the "Regulations of the Prosecutor General's Office of the Republic of Uzbekistan", approved by Order No. 172 of the Prosecutor General dated 05.12.2017 does not allow for full regulation of all issues related to the organization and conduct of a prosecutorial inspection. Most important and relevant issues related to the organization and conduct of an inspection, including the forms of prosecutorial control measures, the concept and types of prosecutorial inspection, the purpose and subject of the inspection, the terms of the inspection, the rights and obligations of the investigating and investigated entities, the participation of specialists in the inspection, the suspension and resumption of the inspection, the involvement of law enforcement officers in the inspection process to ensure the safety of the investigating persons, the documents issued as a result of the inspection, the decisions taken, the procedure for appealing against investigative actions and decisions, should be covered in detail in the Law "On the Prosecutor's Office" and in a sectoral order of the Prosecutor General;

*fourthly*, on the issue of regulation of the procedure for organizing and conducting prosecutor's inspections in the activities of economic and business entities in legal documents:

1) the planned adoption of the Entrepreneurship Code of the Republic of Uzbekistan or the current regulatory legal acts in the field (Presidential Decree, etc.) should include prosecutor's offices as a state body authorized to conduct inspections of the activities of business entities, as well as prosecutor's control over the implementation of laws and the areas of prosecutor's control over the implementation of laws aimed at ensuring the rights and freedoms of citizens;

2) or, it is necessary to include in Article 21 of the Law a provision on the conduct of control measures carried out under the procedure of prosecutorial control only in accordance with the procedure established by the Law "On the Prosecutor's Office", and to regulate the procedure for prosecutorial checks of the activities of economic and entrepreneurial entities in a regulation approved by order of the Prosecutor General (*with registration as a regulatory legal act by the justice authorities*).

*Fifthly*, recognizing as a good practice the fact that in some CIS countries, in particular the Russian Federation and Kazakhstan, where the function of control over the implementation of laws is retained, the procedure for organizing and conducting prosecutorial inspections is regulated in legislation, as well as in Kazakhstan by a separate special order of the Prosecutor General, and its implementation in national legislation and law enforcement practice will lead to positive results;

*Sixth*, based on some problems arising in the investigative activities of the prosecutor's offices of Uzbekistan (*obstruction of the prosecutor's investigative actions, evasion of appearance upon summons by the prosecutor, etc.*) and advanced foreign experience (*Russian Federation, Belarus, Kyrgyz Republic, Kazakhstan, Tajikistan and Turkmenistan*), the following proposals are made:

1) supplement Article 6 of the Law of the Republic of Uzbekistan "On the Prosecutor's Office" with the norms contained in Article 6 of the Law "On the Prosecutor's Office of the Russian Federation";  
 2) strengthen the authority in the Law "On the Prosecutor's Office" to make decisions on the compulsory appearance of persons who, upon the prosecutor's summons, fail to appear before the prosecutor's office without good reason to provide explanations in order to clarify questions arising during the inspection;  
 3) Supplement the disposition of Article 197 of the Criminal Procedure Code of the Republic of Uzbekistan (*Obstruction of the lawful activities of the Prosecutor and failure to comply with his requirements*) with a norm providing for liability for obstruction or unjustified refusal of unhindered access to the territories and premises of ministries, departments, enterprises, institutions, organizations, military units.

**Source of support:** Nil; **Conflict of interest:** Nil.

**Cite this article as:**

KOMILOV,A.B. “The Necessity and Importance of Regulating the Prosecutor's Inspection Over the Execution of Laws in Legal Documents..” *Sarcouncil journal of Arts humanities and social sciences* 4.7 (2025): pp 1-14.