

Principles of Prosecutorial Control Over Search Activities

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ABSTRACT

This article raises issues related to the principles of prosecutorial control over investigative activities. The principles are explained by the fact that they are aimed at protecting, respecting and respecting people and citizens, and also emphasize the priority of the principles in the activities of the prosecutor's office as an important way of implementing public policy. The importance of principles in the activities of the prosecutor's office and scientific and theoretical views on them were also discussed.

KEYWORDS: *principle, prosecutor, control, goal, person and citizen, law, legality, centralization.*

In order to fully establish the rule of law, strengthen legality and order, respect for socio-economic, political and personal rights and freedoms of man and citizen guaranteed by the Constitution, laws and international legal documents, prosecutorial control over the TRC is established. Prosecutor's control over the Broadcasting Company is explained by the fact that it is aimed at ensuring the rule of law and protecting the rights and freedoms of man and citizen by identifying and eliminating any violations of the law and bringing those responsible to justice. Today, prosecutorial control over the legality of the TRC is an independent area of activity of the prosecutor within the framework of prosecutorial control over the implementation of laws by bodies carrying out a separate branch - operational investigative activities and preliminary investigation.

It should be noted that each prosecutor acts as a representative of a unified system of all prosecutorial bodies in the relevant area or area of legal relations. All prosecutors have the same powers (with some exceptions) and legal means of exercising them. Consequently, any prosecutor has the right to respond to an illegal legal document or action (inaction) taken by a government body within the limits of his powers, and this concerns his duty. To eliminate such deviations from the law, the same legal means are used: protest, decisions, orders, representations, etc. Some prosecutors are vested with only certain powers provided for by law.

The subject of this branch of prosecutorial control is the implementation of many legal documents that are combined with the sphere of regulation of human and civil rights and freedoms.¹

In characterizing this area of prosecutorial control, it is necessary to emphasize the priority of the prosecutor's office as an important way of implementing state policy in the field of protecting human and civil rights and freedoms in Uzbekistan. Violation of these laws has serious, sometimes irreparable consequences for citizens and can cause them irreparable harm.

It should be emphasized that the TRC affects important human and civil rights and freedoms, therefore prosecutorial control over the TRC should be sufficient. The prosecutor monitors the implementation of laws by the bodies carrying out investigative activities, the observance of the rights and freedoms of people and citizens, which may be violated or limited during the investigation, since citizens themselves are sometimes unable to protect their rights due to confidentiality information.

¹ A. Toshpolatov. Criminal law principles: theory and practice. Doctor of Legal Sciences Abstract of the dissertation. T.: 2023. – 35 p.

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If you think about the principles, then, according to A. Toshpolatov, “the principles of law are one of the important mechanisms that express its content and essence, that is, its core (foundation). The principles of law include legal existence, that is, ideas, relationships and norms, and give the entire legal life logic, content - meaning, internal balance, stability and harmony. In other words, the entire global formation of the development of law, the vision of the development of society is reflected in the principles of law. In addition, principles serve as a guiding goal and criterion in the creation and development of law.

The basic principles of prosecutorial control over the implementation of laws by the bodies implementing the TRC are defined in the Constitution of the Republic of Uzbekistan, the Law “On the Prosecutor’s Office”, the Law “On the TRC” and other regulatory documents.

In the science of national law, the importance of legal principles is generally recognized, which is expressed in the fact that they are aimed at achieving a goal as the final result of any activity. This process is, to one degree or another, supported by its basic, initial principles. At the same time, as noted in the literature, the activities of any government body are subordinated to a single goal - ensuring the rights and freedoms of man and citizen. The system of principles and the purpose of such activity are interrelated categories.²

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It should be recognized that issues related to the system of principles of prosecutorial control over the implementation of laws by bodies implementing the TRC have not lost their relevance and scientific and practical significance, and modern scientific literature has its own point of view. We note that some issues of legal regulation of the basic ideas and principles of prosecutorial control over the implementation of laws by the implementing bodies of the TRC remain the subject of scientific discussions.

² Resolution of the President of the Republic of Uzbekistan “On measures to radically improve the system of criminal and criminal procedural legislation”, No. PQ-3723 dated 05/14/2018.

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It should be said that the principles in the process of ensuring prosecutorial control over the TRC can be divided into the following: a) general principles; b) network principles. Mandatory principles of prosecutorial control are enshrined in the Constitution of the Republic of Uzbekistan. These requirements are required to be observed not only by the prosecutor's office, but also by all government and administrative bodies, officials and citizens. The legislation lists the organization of the activities of the prosecutor's office and the basic principles of their activities, but we will consider some of them within the framework of this paragraph. Because it is impossible to cover all the principles in one paragraph. To this end, we will consider some principles of prosecutorial control over the TV and radio company.³

For example, if we talk about the principles of unity and centralization of prosecutorial control. Article 5 of the law provides that the prosecutor's office forms a single centralized system, headed by the Prosecutor General of the Republic of Uzbekistan, and subordinate prosecutors act on the basis of subordination and accountability to superior prosecutors and the Prosecutor General of the Republic of Uzbekistan. This principle is reflected in Article 144 of the Constitution of the Republic of Uzbekistan. E. R. Ergashev emphasizes the principle of unity and centrality, which relates to the departmental category of prosecutorial control. A.F. Smirnov stated that one of the main requirements for the structural construction of the prosecutor's office system and its functional activities is subordination based on a strict hierarchy.

Indeed, unity and centralization are the basis, the basic principles (methods and forms) of public administration. Centralization means that lower-ranking prosecutors report to higher-ranking prosecutors. The principle of centralization allows the Prosecutor General of the Republic of Uzbekistan to manage the entire system of prosecutorial bodies. In addition, he has the right to give orders, instructions, instructions and representations, which must be carried out by all employees of the prosecutor's office and institutions within the limits of his authority. Centralization also aims to ensure unity of the rule of law throughout the country. This is the main purpose of the principle of centralization. The requirements for prosecutorial supervision are the same throughout the country. In addition, if errors and violations are identified in the performance of assigned tasks, senior prosecutors will immediately take appropriate measures by applying disciplinary sanctions to lower-level employees of the prosecutor's office.

The principle of centralization allows for unity in coordinating the activities of the General Prosecutor's Office of the Republic of Uzbekistan and the practical activities of prosecutors. In fact, centralization covers all principles of the organization and activities of the prosecutor's office, since they are subject to uniform legislation and are intended to achieve common goals and objectives. For example, when monitoring the implementation of laws by bodies implementing the Broadcasting Company

As a result of the analysis of current legal documents that defined the principles of organization and centralization of the activities of the prosecutor's office, the following features were identified: 1) requirements and instructions of superior prosecutors to subordinate ones. prosecutors and staff are required; 2) subordinate prosecutors are responsible to their superiors in the performance of their duties; 3) superior prosecutors have the right to cancel or change the documents of subordinate prosecutors; 4) in case of complaints about the actions or inaction of lower-ranking prosecutors, they are resolved by higher-ranking prosecutors on the basis of subordination.

³ Ergashev E.R. Principles of prosecutorial supervisory and protective law and its institutions: dis. ... Doctor of Law Sciences (12.00.11) / Ergashev Evgeniy Rashidovich. -Ekaterinburg, 2008. - 311 p.

⁴ Prosecutor's supervision: textbook and workshop for universities / A. F. Smirnov [etc.]; edited by A. F. Smirnova, A. A. Usacheva. 3rd ed., revised. and additional M.: Yurait, 2021. P. 87