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CONTENTS

12.00.01 – THEORY AND HISTORY OF STATE AND LAW. HISTORY OF LEGAL DOCTRINES

ESHTURDIYEVA FARANGIZ BAKHODIR KIZI

A comparative legal analysis of national legal policy models4

12.00.05 – LABOR LAW. SOCIAL SECURITY LAW

RAKHIMOV MIRYOQUB AKTAMOVICH

Fundamental principles of labor law of the Kyrgyz Republic 13

AZIMOV AZIMBEK AZIZBEK UGLI

The importance of introducing regional “Roadmaps” in supporting youth employment ... 22

12.00.06 – THE LAW OF NATURAL RESOURCES. AGRARIAN LAW. ENVIRONMENTAL LAW

ABDUSAMADOVA ZARINA SHOBIDDIN KIZI

Legal regulation, practice, and systematic analysis of land servitude in the legislation of Uzbekistan and CIS countries 30

12.00.07 – JUDICIAL BRANCH. PROSECUTOR’S CONTROL. ORGANIZATION OF LAW ENFORCEMENT. ADVOCACY

SOBITOVA UMIDAKHON MUROD KIZI

General supervision in the mechanism of ensuring legality: the theoretical and legal aspect of prosecutorial activity 38

12.00.08 – CRIMINAL LAW. CRIMINAL-EXECUTIVE LAW

ACHILOV IZZAT TULKINOVICH

Causes of crimes against the sexual inviolability of minors and conditions contributing to their commission 46

12.00.09 – CRIMINAL PROCEEDINGS. FORENSICS, INVESTIGATIVE LAW AND FORENSIC EXPERTISE

SULTONOVA LOBAR MAMARAYIM KIZI

Extradition as a mechanism of the inevitability of criminal liability 54

12.00.10 – INTERNATIONAL LAW

TILLABOEV SHOHRUKHBEK MIRZATILLO UGLI

The challenges of legal regulation of human rights in the digital age 67

12.00.12 – CORRUPTION PROBLEMS

MUSASHAYKHOV KARIMJON KHUSANXANOVICH

Analysis of corruption factors related to match-fixing in professional sports 78

AHMADJONOV MURODULLO NURALI UGLI

AI and the future of anti-corruption governance 83



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GENERAL SUPERVISION IN THE MECHANISM OF ENSURING LEGALITY: THE THEORETICAL AND LEGAL ASPECT OF PROSECUTORIAL ACTIVITY

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Abstract. This scientific article is devoted to a comprehensive study of the so-called “general supervision” as a universal and system-forming direction of prosecutorial activity within the mechanism of ensuring the rule of law and constitutional legality. The paper reconsiders the doctrinal content of general supervision, analyzing its legal nature, functional purpose, and place within the system of state and public control. Special attention is paid to the structural elements of the subject of prosecutorial supervision, including compliance with the Constitution, implementation of laws, and conformity of legal acts with legislative requirements, as well as their relationship with other forms of prosecutorial activity. Based on theoretical-legal and formal-legal analysis, the article substantiates the thesis that the universal character of general supervision is manifested not only in the broad scope of supervised entities but also in the ability of the prosecution to exercise oversight regardless of the departmental affiliation of organs and organizations, promptly responding to violations of legality in various spheres of public relations. It is shown that general supervision represents an independent type of legal activity aimed at detecting, preventing, and suppressing legal violations, restoring infringed rights and lawful interests of citizens, and ensuring uniform application of legislation throughout the state territory. The article also identifies and analyzes problematic aspects of implementing general supervision, including normative uncertainty of its content, duplication of control functions with other public authorities, significant workload on prosecutorial bodies, and insufficient development of criteria for evaluating supervisory effectiveness.

Keywords: general supervision, prosecution, constitutional legality, subject of supervision, law enforcement, legality, rule of law state

Introduction

Prosecutorial supervision of the execution of laws is an independent branch of prosecutorial supervision. It consists of monitoring the execution of laws in the administrative and managerial activities of supervised bodies and institutions.

According to the Law of the Republic of Uzbekistan “On the Prosecutor’s Office,” the prosecutor, in the process of supervising the implementation of laws, within the limits of his competence, has the right to:

- Unimpeded entry into the territories and premises of ministries, departments, enterprises, institutions, organizations, and military units.
- Access documents and materials, conduct inspections, and require the production of decisions, orders, and other documentation regarding the state of legality and measures taken to ensure it.
- Mandate heads and officials of state bodies and military formations to conduct inspections or audits of subordinate entities.
- Request the allocation of specialists to assist in departmental or non-departmental inspections.
- Require oral or written explanations from officials and citizens regarding violations of the law.

At the same time, certain researchers highlight the need to distinguish prosecutorial supervision from departmental and administrative control, applying systemic and structural analysis to reveal the specific features of prosecutorial authority.

Despite the breadth of research, doctrinal discussions continue regarding the limits of prosecutorial intervention, the correlation between supervision and control, and the optimal model of prosecutorial oversight in modern legal systems. These unresolved issues confirm the necessity of further scientific analysis, which this article seeks to provide.

Methods

The conducted research is devoted to the analysis of the general supervision of the prosecutor’s office in the mechanism of ensuring legality in the Republic of Uzbekistan from the perspective of the current national legislation.

Within the framework of the research, the constitutional and legal foundations of the activities of the prosecutor’s office of the Republic of Uzbekistan have been analyzed, primarily the provisions of the Constitution of the Republic of Uzbekistan defining the place of the prosecutor’s office in the system of state authorities; the Law of the Republic of Uzbekistan “On the Prosecutor’s Office,” as well as other normative legal acts regulating the forms and directions of prosecutorial supervision; the content and essence of the general supervision as an independent area of prosecutorial activity, its goals, objectives, and limits of implementation; and the theoretical approaches of domestic and foreign scientists to the concept of legality, prosecutorial supervision and their relationship are considered; the practice of general supervision by the prosecutor’s office of the Republic of Uzbekistan, including supervision of the execution of laws by public administration bodies, officials, as well as observance of citizens’ rights and freedoms, is analyzed; problematic aspects and trends in the development of general supervision in the context of legal and institutional reforms.

The study is comprehensive, aimed at revealing the role of the general supervision of the prosecutor’s office as an essential element of the mechanism for ensuring law and order in the modern Uzbek state.

The methodological basis of the research is the dialectical method of cognition, which allowed us to consider the institution of general supervision of the prosecutor’s office in its

developmental stages and its interrelation with other legal phenomena and changes taking place in the legal system of the Republic of Uzbekistan.

In the course of the research, the following general scientific and special methods were used, including:

Analysis and Synthesis: Used to study regulatory acts, scientific concepts, and law enforcement practices to identify the essential characteristics of general supervision.

Formal-Legal Method: Applied to the study of the Constitution and the Law “On the Prosecutor’s Office” to reveal the specific legal content of prosecutorial powers.

System-Structural Method: Utilized to view general supervision as an integral part of the mechanism for ensuring legality and to determine its role within the broader system of state control and supervisory bodies.

Comparative-Legal Method: Employed to compare Uzbek legislation with prosecutorial approaches in other legal systems and to analyze the evolution of general supervision in national law.

Logical-Legal Method: Used to formulate concepts and conclusions, as well as to identify internal contradictions or gaps in the current legal regulation of general supervision.

Results

In prosecutorial practice, the concept of “general supervision” is often used to determine the direction related to the supervision of the execution of laws, namely, the supervision of the execution of laws by ministries, departments, citizens’ self-governing bodies, public associations, enterprises, institutions, organizations, khokims and other officials.

However, it can be noted that this term is also a scientific one. In this regard, it is important to emphasize that the current legislation does not explicitly provide a formal definition of the concept.

The primary essence of general supervision is that the Prosecutor General of the Republic of Uzbekistan and subordinate prosecutors ensure that the actions, decisions, and legal acts issued by state and public entities, including military units and local khokims, strictly comply with the Constitution and laws of the Republic of Uzbekistan.

Traditionally, “general supervision” is understood as a set of supervisory powers aimed at ensuring the uniform and accurate enforcement of laws by all state bodies, organizations, and officials nationwide (Voronin, 2021).

The subject of prosecutorial supervision of the execution of laws and the legality of legal acts in the Republic of Uzbekistan covers three interrelated but independent elements:

- Compliance with the Constitution of the Republic of Uzbekistan;
- Enforcement of laws in force in the country;
- Compliance of legal acts with the requirements of legislation (Voronin, 2013).

Compliance with the Constitution is one of the forms of implementation of the law, expressed in refraining from actions explicitly prohibited by the Basic Law of the State. In the scientific literature, this element is sometimes considered as a “passive form of law enforcement” (Borisenko & Booth, 2020). The separation of compliance with the Constitution into an independent component of the subject of supervision is due to its supreme legal force, the direct effect of its norms, as well as the need for special control over the implementation of constitutional principles that underlie the entire legal system of the country.

The enforcement of laws in the narrower sense presupposes the active activity of state authorities, local governments, organizations and officials aimed at the practical

implementation of the regulations established by law – permits, requirements and prohibitions. Such activity is expressed in the commission of legally significant actions and the adoption of legal acts that entail specific legal consequences.

The conformity of legal acts with laws means that they do not contradict the Constitution and current legislation, both in content and form. Legal acts in this context are understood to mean documents containing authoritative prescriptions – orders, resolutions, orders, instructions and other normative or individual acts capable of changing, establishing or terminating legal relations (Galustyan, 2012).

At the same time, the enforcement of laws represents the active dimension of legality, manifested in legally significant actions and administrative decisions adopted by public authorities and officials. The conformity of legal acts with legislation ensures vertical coherence of the legal system and prevents normative contradictions.

The conducted analysis allows concluding that general supervision possesses the following key characteristics: systemic coverage of a wide range of public authorities and officials, structural complexity of its subject, combination of passive (constitutional compliance) and active (law enforcement implementation) elements, orientation toward maintaining hierarchical unity of the legal system.

These features confirm that general supervision operates as a universal mechanism of ensuring legality within public administration.

Discussion

The specificity of “general supervision” as a type of supervisory activity is manifested in its wide coverage of supervised entities, the complex and voluminous subject of regulation, as well as in the variety of legal means used. It is noted that within the framework of general supervision, researchers identify more than sixty independent areas of prosecutorial activity, which indicates its high universality and importance in ensuring the rule of law (Sobitova, 2025).

In addition, prosecutorial supervision of the execution of laws has a basic, system-building importance for all other branches of prosecutorial supervision. Practically every area of supervisory activity, including its specialized types, represents the specification and development of general supervision, adapted to the specifics of the legal status of the relevant supervisory authorities and institutions. As a result, the legal means used by the prosecutor in the exercise of general supervision (in particular, acts of reaction and powers (Belyaev, 2017)) are also used in other areas of prosecutorial activity, unless otherwise expressly provided by the Law of the Republic of Uzbekistan “On the Prosecutor’s Office.”

The content and nature of prosecutorial supervision of the execution of laws are determined by its tasks, which are to ensure uniform and strict compliance with legislation by state authorities, local governments, institutions, officials and other entities performing managerial and administrative functions (Davletov, 1999). At the same time, the subject of supervision covers only that part of their activities that is directly regulated by law and related to the fulfillment of its requirements (Gerasimov, 2002).

The main tasks of prosecutorial supervision over the execution of laws and the legality of legal acts include:

1. Identification of violations of legality in the activities of state bodies, citizens’ self-government bodies, organizations and officials;
2. Taking timely measures to eliminate identified violations of the law;
3. Implementation of preventive measures aimed at preventing violations of laws;
4. Identification and elimination of the causes and conditions contributing to the violation of the rule of law;

5. Identification of guilty persons and initiation of their bringing to the types of legal responsibility established by law.

The key importance of law enforcement supervision is to ensure a stable state of legality in the field of public administration and to promptly restore law and order in the event of its violation.

The restoration of the violated rule of law in the Republic of Uzbekistan can be carried out both operationally – through the exercise of the basic powers of the prosecutor provided for by Law and the issuance of acts of prosecutorial response – and in a more complex form, including the initiation of criminal, administrative or other proceedings. The latter option is used in cases where the prompt restoration of legality is hampered by objective circumstances, or when the law itself provides for a special procedural procedure that provides additional guarantees of the legality and validity of the decision being made.

Initially, law enforcement supervision is focused on preventing violations of law and order in the field of public administration and on the timely restoration of the rule of law. This explains its pronounced preventive orientation.

The preventive potential of prosecutorial supervision is manifested in the fact that it contributes not only to ensuring the accurate enforcement of legislation, but also allows detecting legal violations at an early stage, eliminating them before causing significant harm to the rights of citizens or the interests of the state.

The limits of the subject of prosecutorial supervision of the execution of laws are determined by the Law of the Republic of Uzbekistan “On the Prosecutor’s Office” and include supervision exclusively over the legality of actions, decisions and acts of supervised entities, without affecting their operational, economic, organizational and technical activities. In other words, the prosecutor has no right to interfere directly in economic and other activities, and it is also not allowed to substitute the functions of departmental management and control bodies. The use of legal means by the prosecutor to restore the violated legality is allowed, as a rule, only if there is reliable information about the facts of violation of the law received by the prosecutor’s office.

There are two main positions in the scientific literature. The first is classical, considering “general supervision” as a necessity for maintaining the unity of law enforcement and protecting the rights and freedoms of citizens; its representatives emphasize the importance of centralized control and the ability of the prosecutor to act as a “guardian of the law” (Davletov, 1999). The second, critical one, highlights the risks of excessive concentration of supervisory powers in the prosecutor’s office: the potential for interference in the activities of other branches of government, procedural risks and problems of transparency of supervisory acts (Ashurbekov, 2002).

It is also worth analyzing the issue related to the differentiation of control and supervision. In this regard, Professor V.P. Belyaev suggests distinguishing between control and supervision, highlighting a number of fundamental differences between them. Firstly, control presupposes the existence of a relationship of authority and subordination between the controlling and controlled entities, whereas in the field of supervision there are no such relations. Secondly, in the process of verification activities, the supervisory authorities have the right to directly interfere in the operational and economic activities of the inspection object, which is not allowed within the framework of supervisory activities. Thirdly, the subject of supervision is limited to assessing compliance with the rule of law, while control also covers the analysis of the appropriateness of actions or decisions of the controlled entity. Fourth, officials of the control bodies have the right to independently apply liability measures to violators, while the supervisory authorities, in particular the prosecutor’s office, apply to the authorized competent authorities for this (Gerasimov, 2020).

The main difficulty lies in the fact that when trying to extend these criteria to the activities of specific control and supervisory authorities, it is impossible to identify exclusively control or exclusively supervisory features. This fully applies to the activities of the Prosecutor's Office.

Thus, the question of the expediency of a strict distinction between the concepts of "control" and "supervision" remains debatable. It should be emphasized that the activities of the prosecutor's office are multifaceted, and the term "prosecutor's supervision" has a historically established meaning reflecting its special nature and implementation exclusively by the prosecutor's office.

In the social sphere, prosecutorial inspections are traditionally aimed at detecting violations in the field of protecting the rights of children, women, the disabled and pensioners, as well as monitoring the implementation of legislation on healthcare and social assistance. Therefore, in 2025, the prosecutor's office, together with the citizens' self-government bodies, identified cases of early marriages among minors, which served as the basis for initiating administrative cases and carrying out preventive measures. In addition, the prosecutor's office checked the legality of the accrual of social benefits and compensations, revealing numerous facts of abuse by officials and violations in the allocation of budget funds. These measures clearly demonstrate the social and protective aspect of general supervision aimed at ensuring the implementation of citizens' constitutional rights (Natura & Pikhov, 2007).

Nevertheless, the Prosecutor's Office actively monitors compliance with legislation on education and public health protection. For example, during inspections, facts related to illegal collection of funds from parents, violation of sanitary and hygienic standards in educational institutions, as well as untimely provision of medical care in public clinics are mainly revealed. As a result of the intervention of the prosecutor's office, the guilty officials were brought to disciplinary and administrative responsibility, measures were taken to eliminate violations and protect citizens' rights to free education and medical care (Mezinov, 2011).

Regarding the economic direction of general supervision, it can be noted that it is manifested in the supervision of the legality of the use of public funds, the implementation of tax legislation, as well as the observance of the rights of entrepreneurs (Volevodz, 2002). According to the Prosecutor General's Office, cases of illegal spending of budget funds and abuse in the implementation of government programs have been identified in recent years. In particular, prosecutors have initiated cases of misuse of subsidies and loans allocated to support small businesses and agriculture. The prosecutorial response included making submissions, sending materials to investigative authorities, and filing claims for damages (Shiptyuk, 2012).

An important area of general supervision is the supervision of the implementation of environmental legislation. This year, the Prosecutor's office of the Tashkent region found violations in the handling of industrial waste and unauthorized landfills, which led to the introduction of submissions and the initiation of cases of administrative offenses. Such measures are aimed at preventing damage to the environment and restoring violated environmental rights of citizens. The activities of the Prosecutor's Office in this area contribute to the implementation of state environmental policy and the sustainable development of territories (Voronin, & Mezinov, 2016).

Conclusion

The conducted study confirms that general supervision of the prosecutor's office in the Republic of Uzbekistan constitutes a system-forming legal institution ensuring the supremacy of the Constitution, uniform enforcement of legislation, and protection of

citizens' rights and legitimate interests. Its fundamental role lies in maintaining stability of legality within public administration while preserving the institutional balance between supervisory and executive bodies.

The research demonstrates that the effectiveness of general supervision is determined not solely by the breadth of prosecutorial powers, but primarily by the quality of procedural mechanisms, clarity of legal boundaries, preventive orientation, and the professional competence of prosecutorial personnel. The preventive and restorative functions of supervision provide its adaptability across social, economic, and environmental spheres.

At the same time, the study reveals the necessity of further conceptual and institutional development of this supervisory institution. In order to enhance its effectiveness and transparency, the following proposals are substantiated:

1. Normative clarification of the concept and limits of general supervision in legislation to eliminate doctrinal ambiguity and ensure legal certainty.

2. Strengthening procedural guarantees that balance supervisory authority with the principles of separation of powers and non-interference in operational activities of supervised entities.

3. Development of interagency coordination mechanisms, particularly with executive authorities and parliamentary oversight structures, to improve systemic prevention of violations.

4. Expansion of public accountability instruments, including transparent reporting practices, to reinforce societal trust in prosecutorial activity.

5. Improvement of professional training and analytical capacity of prosecutors to enhance the preventive potential of supervision.

Thus, general supervision retains its central role as a universal mechanism for safeguarding legality in diverse sectors of state and public life. Its further modernization should be directed toward strengthening preventive effectiveness, institutional transparency, and legal certainty, thereby contributing to the sustainable development of the rule of law in the Republic of Uzbekistan.

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