



PROSECUTOR'S SUPERVISION DOCUMENTS IN ENSURING THE LEGALITY OF DECISIONS OF LOCAL REPRESENTATIVE AND EXECUTIVE AUTHORITIES

Oybek Shokirov

Independent researcher

Email: oybekazizovich@mail.ru

Article history:	Abstract:
Received: 26 th July 2025	The article provides a scientific analysis of the role and significance of prosecutorial supervision in ensuring the legality of decisions adopted by local representative and executive authorities. The author examines the activities of the prosecution bodies in connection with the mechanisms of upholding the rule of law enshrined in Articles 143-145 of the Constitution. The types of prosecutorial documents, their adoption and implementation procedures, as well as the legal basis for their application, are discussed in detail. The paper also highlights the necessary conditions for enhancing the effectiveness of prosecutorial measures. Through examples from current practices, the author illustrates the importance of prosecutorial supervision in preventing legal violations committed by local authorities, particularly in the field of land relations. The article further explores the prosecutorial role in safeguarding citizens' rights and legitimate interests through judicial intervention. In conclusion, the author proposes several scientific and practical recommendations, including the mandatory participation of prosecutors in administrative cases related to land disputes, the adoption of a Supreme Court Plenary Resolution on the uniform application of legislation, and the introduction of electronic information exchange among state institutions. The results of the research contribute to improving the effectiveness of prosecutorial activities and ensuring the supremacy of law.
Accepted: 24 th August 2025	

Keywords: Prosecutorial supervision; legality; local authorities; prosecutorial documents; citizens' rights; land relations; prosecutorial measures; administrative proceedings; judicial control; rule of law

In a democratic society, the establishment of prosecutorial supervision over the implementation of laws and the observance of legality plays a crucial role in building civil society and enhancing citizens' legal awareness and culture.

According to Article 143 of the Updated Constitution of the Republic of Uzbekistan, "The supervision over the precise and uniform execution of laws within the territory of the Republic of Uzbekistan shall be carried out by the Prosecutor General of the Republic of Uzbekistan and subordinate prosecutors".

Furthermore, Articles 144 and 145 of the Constitution stipulate that the prosecution bodies, headed by the Prosecutor General, operate as a single, centralized system, independent of any state authority, public association, or official, and act solely in accordance with the law.

The supremacy of law in the country ensures the establishment of a strong, sovereign state capable of protecting its independence as well as guaranteeing the rights and freedoms of its citizens. This is achieved only

through the consistent and strict implementation of legal norms and requirements.

The supervision over the legality of decisions adopted by local representative and executive authorities is entrusted exclusively to the prosecution bodies as the sole state institution authorized for this purpose. Indeed, prosecutorial supervision arises in any legal relationship, regardless of which state institution or official has committed an offense or expressed unlawful actions or inaction.

In this regard, the subject of prosecutorial supervision in monitoring the execution of laws in this sphere is to ensure that the legal acts adopted by local representative and executive authorities fully comply with the Constitution and laws of the Republic of Uzbekistan.

As the President of Uzbekistan has aptly stated, "The prosecutor's office should not exercise supervision over the people, but rather serve them." Accordingly, the primary objective of prosecutors today is to protect the lawful rights and legitimate interests of citizens in every aspect of their professional activity.



The powers vested in the prosecutor enable the timely detection of violations of the law, the drawing of attention by authorized persons to such violations for their elimination, the initiation of legal responsibility against offenders in accordance with the procedure established by law, and the implementation of measures aimed at eliminating the causes and conditions that have led to such violations. The prosecutor's powers in this field are primarily defined in Article 22 of the Law of the Republic of Uzbekistan "On the Prosecutor's Office".

The object of prosecutorial supervision comprises the activities of local representative and executive authorities related to the adoption of decisions within their competence. In this regard, the scope of prosecutorial powers is clearly delineated, referring to the specific jurisdiction of each prosecution body. For instance, a district prosecutor's office exercises supervision and control only over entities and institutions operating within its territorial jurisdiction.

The subject of prosecutorial supervision is the official who carries out prosecutorial oversight namely, the prosecutor (an authorized official of the prosecution body exercising supervisory powers). In other words, the subject of prosecutorial supervision is an official of the prosecution system who, in accordance with the procedure and grounds established by law, performs supervisory functions and fulfills the tasks entrusted to the prosecution within the limits of his or her authority. A prosecutorial document is an official act issued, submitted, or announced by an authorized official the prosecutor within the limits of the powers granted by law and in accordance with the legally prescribed form and procedure.

Prosecutorial documents must comply with the fundamental principles of legality, substantiation, and motivation. They should contain logically structured and complete information that corresponds to the results of verification, study, analysis, and generalization of materials obtained during the prosecutorial review.

Thus, it follows from this definition that prosecutorial documents may be issued, submitted, or announced in accordance with the procedure established by law. In particular, prosecutors may issue decisions, submit representations or petitions, and make official warnings. According to the requirements of the law, such documents must be signed by the prosecutor or his (or her) deputy, thereby ensuring their legal validity and procedural legitimacy.

The practice of prosecutorial supervision pays great attention to the conditions necessary for ensuring the effectiveness of prosecutorial response documents. The main factors determining their efficiency include:

- the timely submission of the prosecutorial response document;
- the accuracy and reliability of the facts reflected therein;
- the legal and evidentiary substantiation of the prosecutor's proposals contained in the document;
- and the correct choice of procedural form and method for introducing the document.

Moreover, each type of prosecutorial document applied in the supervision of law enforcement has its own specific procedural conditions and grounds. For example, when submitting a protest, the basis must be the identification of a concrete violation of the law committed by an official of the local authority in the process of adopting or issuing a legal act that is, when an official has issued a document that contradicts the law.

When submitting a representation (presentation), it is essential to clearly express the connection between the violation of the law, its causes, and the circumstances that contributed to its occurrence. The prosecutor's proposals must be formulated in a clear, specific, and legally grounded manner. In this context, the unlawful action (or inaction) of a local government official serves as the legal basis for the submission of such a representation.

It should also be noted that when one or several officials have committed unlawful acts (even if they did not formally issue an illegal act), the prosecutorial representation may be aimed at eliminating the identified deficiencies, preventing their recurrence, and applying disciplinary or legal measures against the responsible individuals.

As for the practical application of prosecutorial representations, the following aspects can be emphasized.

According to the studies conducted by the prosecution authorities in 2022, it was revealed that 439 illegal decisions (covering 33,439 hectares of land) were adopted by local governors (hokims) regarding the allocation and withdrawal of land plots, in violation of the requirements of legislative acts.

Meanwhile, in accordance with Presidential Decree No. PF-6243 of June 8, 2021, the authority of local governors to grant, recognize, amend, or revoke rights to land plots was abolished as of August 1, 2021.

Despite this, numerous unlawful decisions were still issued, including: 115 cases in Khorezm region, 51 in Tashkent region, 48 in Syrdarya, 39 in Fergana, 31 in Jizzakh, 28 in Kashkadarya, 27 in Samarkand, 24 in Bukhara, 20 in Namangan, 17 in Surkhandarya, 16 in the Republic of Karakalpakstan, 11 in Tashkent city, and



10 in Andijan, while 2 cases were recorded in Navoi region.

For example, by the decision of the Hokim of Surkhandarya region (T. Bobolov) dated June 29, 2022, a 40.9-hectare land plot belonging to the "Khojanov Ruziboy" farming enterprise was directly reallocated to the "Surkhandarya Regional Agro-Service Center" without being returned to the district land reserve, in clear violation of the law. As a result of prosecutorial and judicial intervention, 182 of these unlawful decisions were canceled by local authorities following prosecutorial representations and protests, and 249 decisions were annulled by the courts. Consequently, 99 percent (421.5 hectares) of the illegally allocated land plots were restored to state ownership. The remaining 8 decisions (covering 17.5 hectares) are currently under review by the justice authorities.

In addition to the aforementioned measures, prosecutors are also authorized to file applications with the courts in order to annul unlawful decisions of local government bodies and thereby protect the rights and legitimate interests of citizens, legal entities, and the state. In such cases, the existence of a specific violation of the law is not necessarily required; rather, this measure is applied to assist citizens in realizing their legally protected interests and to ensure the judicial protection of their rights and freedoms.

For example, it is no secret that in recent years, local government authorities, under the pretext of implementing general development plans of populated areas or fulfilling instructions from higher executive bodies, have frequently violated the legal requirement stipulating that demolition of residential houses, production facilities, and other buildings and structures for state and public needs can only be permitted after the owners have been fully compensated for the market value of the demolished property and for any damages caused by the expropriation.

According to data provided by the Ministry of Justice, in Tashkent city and the regions of Tashkent, Fergana, Kashkadarya, and Namangan, there remains an outstanding debt of nearly 300 billion soums for compensation payments related to demolished residential and non-residential buildings and structures. During prosecutorial supervision, 11 court decisions that imposed on local authorities and cadastral bodies the obligation to register land rights in the state cadastre were found to be unlawful. Following prosecutorial motions, the relevant appeals were submitted to higher courts, which subsequently annulled these decisions.

For instance, according to a ruling of the Tashkent Interdistrict Administrative Court, the Tashkent City

Khokimiyat (Mayor's Office) was obliged to allocate a land plot of 0.038 hectares to the limited liability company "Exclusive Construct". However, upon prosecutorial appeal, this decision was reviewed and canceled by the higher judicial instance as inconsistent with legal provisions.

Similarly, the prosecutor's application challenging the decision of the Asaka District Hokim (Governor) dated September 23, 2020, which had declared the withdrawal of 5.9 hectares of land belonging to the "Asakalik Javlonbek Chorvasi" farming enterprise for the district reserve, was unjustifiably rejected by the Andijan Interdistrict Administrative Court.

Subsequently, this ruling was also overturned by higher judicial authorities, reaffirming the prosecutor's position and ensuring the restoration of legality.

Based on the revealed violations, 88 administrative claims concerning illegal land allocation decisions made by local governors (khokims) covering a total area of 600.6 hectares were filed with administrative courts to declare such decisions invalid.

When an official commits actions contrary to the law, a resolution is issued to initiate administrative, criminal, or disciplinary proceedings against the individual. It is important to note that the prosecutor does not directly impose liability but rather adopts a procedural decision to initiate proceedings based on the established facts of the violation.

In particular, during 2022, due to the deficiencies and procedural violations identified in judicial activities, disciplinary proceedings were initiated against several judges, including L. Zainiddinova, S. Mikhliyev, A. Rakhimov, A. Mukhiddinov, B. Samiev, Z. Tokhtasinov, N. Tozhieva, B. Ablakhatov, G. Rakhimova, A. Kudratov, and A. Buriev.

These measures reflect the growing importance of prosecutorial oversight in ensuring legality, judicial accountability, and integrity in land governance, which are essential components of the rule of law and democratic governance in Uzbekistan.

Summarizing the above-mentioned points, it seems appropriate to present the following conclusions and policy recommendations:

First, in order to increase the effectiveness of adopting fair and lawful decisions in administrative cases related to land relations, it is advisable to develop a draft law stipulating the mandatory participation of the prosecutor in such proceedings.

Second, to eliminate the challenges arising in the application of legislation by courts in land-related cases and to ensure the reliable protection of the rights and legitimate interests of citizens and entrepreneurs, it is necessary to elaborate a draft Resolution of the Plenum



of the Supreme Court "On the Correct Application of Legislative Norms in the Consideration of Land-Related Cases by Courts".

Third, it is essential to improve the knowledge and professional competence of responsible officials of local administrations, cadastral bodies, and legal specialists in resolving land-related issues. For this purpose, it is proposed to organize online professional training courses on the Law "On Administrative Procedures" and other relevant land legislation at the Center for the Training of Lawyers under the Ministry of Justice and the Supreme School of Judges.

Fourth, it is recommended to establish an electronic data exchange system among the State Cadastre Agency, courts, prosecution bodies, and local government authorities concerning the registration of land and property rights, as well as to introduce a quarterly reconciliation mechanism to ensure transparency and consistency of land governance.

REFERENCES:

1. Артюшина О. Н. Предмет прокурорского надзора за исполнением законодательства о местном самоуправлении / О. Н. Артюшина // Вестник Костромского государственного университета им. Н. А. Некрасова, 2013. № 2. С. 123-124.
2. Боев А. А. Полномочия прокуратуры Российской Федерации по обеспечению надзора в сфере местного самоуправления / А. А. Боев // Проблемы в российском законодательстве, 2013. № 2. С. 18-19.
3. Евдокимов А. С. Прокурорский надзор за законностью правовых актов представительных органов местного самоуправления / А. С. Евдокимов // Вестник Поволжской академии государственной службы, 2010. № 1 (22). С. 103-107.
4. Паламарчук А. Актуальные вопросы прокурорского надзора за исполнением федерального законодательства. М.: Ген. прокуратура Рос. Федерации, 2014. 328 с.