



# **NATIONAL AND FOREIGN EXPERIENCE: IMPROVING THE LEGAL FRAMEWORK FOR ENSURING PROSECUTORIAL SUPERVISION OVER THE IMPLEMENTATION OF LAWS ON THE LEGAL PROTECTION OF MILITARY SERVICEMEN OF THE ARMED FORCES (ON THE BASIS OF THE EXPERIENCE OF LITHUANIA, LATVIA AND ESTONIA)**

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<b>Article history:</b>	<b>Abstract:</b>
<b>Received:</b> 10 <sup>th</sup> March 2026 <b>Accepted:</b> 8 <sup>th</sup> April 2026	The article analyzes the role and significance of prosecutorial supervision in ensuring the legal protection of military servicemen of the Armed Forces, examining the functions of prosecutorial bodies in upholding the rule of law. It also provides a comparative study of the specific reforms in the military justice systems of the Baltic states (Lithuania, Latvia, and Estonia). In addition, the study presents scientifically grounded proposals aimed at strengthening the socio-legal status of military servicemen, improving mechanisms for preventing violations of their rights, and implementing positive aspects of foreign experience into national legislation in this field.

**Keywords:** Armed Forces, state, law, military serviceman, legal protection, prosecutorial supervision, military justice, disciplinary liability, Uzbekistan, Lithuania, Latvia, Estonia

The sovereignty, territorial integrity, and constitutional stability of any state are primarily linked to its security system, at the center of which stands the military serviceman. A military serviceman is not merely an executor of orders, but also a subject possessing a special legal status who directly protects state sovereignty and fulfills service duties even under conditions of extraordinary danger and threats. Therefore, although military service is characterized by discipline, subordination, and service interests, this does not mean that the constitutional rights and legitimate interests of military personnel remain without protection or limitation. On the contrary, since military service itself is associated with additional risks, physical and psychological burdens, as well as family and social restrictions, it also requires stronger legal guarantees from the state. It should be emphasized that the legislation of our country also regulates military service as a special type of public service.

In recent years, large-scale efforts have been carried out in Uzbekistan to protect and support servicemen of the Armed Forces. The President of the Republic of Uzbekistan and Supreme Commander-in-Chief of the Armed Forces, Shavkat Mirziyoyev, emphasized that strengthening the combat readiness, physical fitness, and moral preparedness of our brave military personnel is an urgent task. He also stressed the necessity of taking measures to support military servicemen, veterans of the sector, and their family members, as well as to improve their material welfare and provide them with housing<sup>1</sup>. In the President's holiday congratulatory message delivered in January 2026 on the occasion of the 34th anniversary of the establishment of the Armed Forces of the Republic of Uzbekistan and the Day of Defenders of the Motherland, it was noted that "the social protection of military servicemen, their family members, and veterans will continue to remain in the center of attention." This political approach has also been reflected at the level of

<sup>1</sup> Speech by Shavkat Mirziyoyev at the Joint Session of the Chambers of the Oliy Majlis Dedicated to the Solemn

Inauguration Ceremony of the President of the Republic of Uzbekistan - <https://president.uz/uz/lists/view/4743>



normative legal acts: in 2023, by Presidential decree, tasks were assigned to draft the laws "On the Status and Social Protection of Military Servicemen" and "On Pension Provision for Military Servicemen." These draft laws are currently being considered by the chambers of the Oliy Majlis. It is also worth noting that in 2025 additional social guarantees were expanded for military personnel, including mortgage and housing support, as well as assistance for the families of servicemen who became disabled or died during military service.

It should also be emphasized that the legal protection of military servicemen is ensured not only through social benefits, but also through the establishment of effective, systematic, and influential oversight over the implementation of laws. Indeed, for the rights of military personnel to be genuinely guaranteed, actions violating those rights must be promptly identified, investigated, eliminated, and, where necessary, followed by the application of liability measures. It is precisely here that prosecutorial supervision acquires particular importance. According to the Law of the Republic of Uzbekistan "On the Prosecutor's Office"<sup>2</sup> the subject of supervision over the observance of citizens' rights and freedoms also extends to the activities of military units and military formations of ministries and agencies. The prosecutor examines and investigates applications and complaints concerning violations of citizens' rights and freedoms and explains the procedures for protecting such rights. If violations of the law are identified, the prosecutor introduces supervisory acts such as protests, resolutions, and submissions. Therefore, within the Uzbek model, prosecutorial supervision constitutes a fully functioning institution in the military sphere as well.

The strength of the current model in Uzbekistan lies in the fact that prosecutorial supervision, as a general instrument of the constitutional and legal order, also extends to military structures. Article 24 of the Law "On the Prosecutor's Office" applies supervision over the observance of citizens' rights and freedoms to military units and military formations of ministries and agencies. According to Article 25, the prosecutor examines applications, complaints, and other information concerning violations. Furthermore, pursuant to Article 40, the prosecutor submits a motion to the relevant body or official demanding the elimination of violations

of the law, as well as the causes and conditions that enabled them. From a theoretical perspective, these provisions provide a sufficiently effective mechanism for preventing violations of the rights of military servicemen and eliminating their consequences. However, the current normative framework still appears fragmented, as guarantees relating to military service, pensions, insurance, housing, social protection, and rehabilitation are dispersed across various regulatory legal acts. The fact that the 2023 Presidential Decree assigned the task of drafting a separate law "On the Status and Social Protection of Military Servicemen" also indicates the need to eliminate this fragmentation<sup>3</sup>.

The experience of Lithuania demonstrates for Uzbekistan that the protection of the rights of military servicemen should not be limited solely to the powers of the prosecutor's office. According to Article 118 of the Constitution of Lithuania, prosecutors support the state prosecution in criminal cases on behalf of the state and, in cases provided by law, also protect the rights and legitimate interests of individuals, society, and the state.<sup>4</sup> Thus, in Lithuania, the prosecutor's office participates in legal protection, but unlike the Soviet-era model, it does not function as a body of "general supervision" in every sphere; rather, it operates mainly within the framework of criminal prosecution. At the same time, the institution of the Seimas Ombudsperson (an ombudsman appointed by parliament) examines complaints concerning abuse of power, bureaucratic misconduct, and human rights violations committed by officials of state bodies; it also performs the functions of a national preventive mechanism. This means that, under the Lithuanian model, when the rights of military servicemen are violated, the matter may be considered not only through prosecutorial channels, but also through the parliamentary ombudsman, thereby creating a dual system of protection.

The experience of Latvia also contains noteworthy aspects. On the one hand, the Prosecution Office functions as a separate institution that supervises compliance with the law within its powers, carries out criminal prosecution, oversees the execution of sentences, and protects the legal interests of individuals and the state<sup>5</sup>. According to official information, both the Saeima and the Cabinet of Ministers may request the Prosecutor's Office to conduct investigations in

<sup>2</sup> The Law of the Republic of Uzbekistan "On the Prosecutor's Office" - <https://lex.uz/docs/-106197>

<sup>3</sup> On Amendments and Additions to Certain Acts of the President of the Republic of Uzbekistan in Connection with Strengthening the Social Protection of Family Members of Military Servicemen and Employees Who Died in the Defense of the Motherland and the Peace of the Nation — Decree of the President of the Republic of Uzbekistan - <https://lex.uz/uz/docs/-6605386>

<sup>4</sup> Constitution of the Republic of Lithuania, Article 118, Prosecutor General's Office of Lithuania.-

<https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/41201/LTU-41201.pdf>

<sup>5</sup> Prosecution Office - <https://www.prokuratūra.lv/en/par-mums>



cases where signs of legal violations are identified. The Prosecutor General is also obliged to inform them about serious violations of national significance. This model shows that, while preserving the independence of the prosecution service, it is integrated into a system of constitutional checks and balances. On the other hand, in Latvia, the Ombudsman protects the rights and legitimate interests of individuals in cases where state and local authorities violate human rights. Importantly, this institution is also active in matters related to military service: in 2025, the Ombudsman publicly stated that the pension rights of soldiers under the national defense service in cases of loss of a breadwinner should not be restricted<sup>6</sup>. This demonstrates that, in practice, the protection of military servicemen's rights is not treated solely as an internal matter of defense institutions, but as part of the broader system of human rights oversight.

The experience of Estonia is particularly notable for the clear codification of procedural safeguards in the protection of military servicemen's rights. Under Article 139 of the Constitution of Estonia<sup>7</sup> and the Chancellor of Justice Act<sup>8</sup>, the Chancellor of Justice is an independent constitutional institution that reviews the compliance of legal acts with the Constitution and laws; every person has the right to apply to it, and the service is free of charge. Explanations published on the official website of the Chancellor of Justice also emphasize that individuals are protected against arbitrariness by state authorities and officials. In addition, in Estonia, military matters are not excluded from ombudsman-type oversight. Official statements indicate that, in the absence of a separate military ombudsman, these functions are performed by the Chancellor of Justice, who also conducts inspection visits to military units<sup>9</sup>. Another important feature is that Estonia's Military Service Act<sup>10</sup> provides for judicial review of certain severe disciplinary measures, such as disciplinary arrest, with the aim of assessing their legality without delay by an administrative court. The court examines the measure, and if it is found unlawful, the serviceman is immediately released; in such cases, both the General Inspector and the Chancellor of Justice are informed, and compensation for damages is provided under the State Liability Act<sup>11</sup>. At the same time, the Defence Forces Organisation Act<sup>12</sup> establishes a system of layered oversight over servicemen, including external

supervision by the Minister of Defence, internal command control, and the institution of a General Inspector. In this system, legal protection is not concentrated in a single body but is distributed among the courts, internal control mechanisms, ombudsman-type oversight, and the higher command structure.

Summarizing the experience of Lithuania, Latvia, and Estonia leads to an important conclusion: in the Baltic model, the protection of military servicemen's rights is not centered on "prosecutorial supervision alone," but rather on a multi-layered system of legal protection. In Lithuania, the Ombudsman and the Prosecutor's Office operate in parallel. In Latvia, alongside the Prosecutor's Office, the Ombudsman also plays an active role. In Estonia, protection is ensured less through prosecutorial supervision and more through the Chancellor of Justice, administrative courts, and internal control mechanisms. These approaches are also significant for Uzbekistan. Although Uzbekistan has a legal framework for prosecutorial supervision, it would be more appropriate to develop it not as a separate, independent, and sole supervisory instrument, but as a model integrated and coordinated with other oversight institutions.

In the Republic of Uzbekistan, there is a solid legal basis for prosecutorial supervision over the implementation of laws related to the protection of the rights of military servicemen. The Law "On the Prosecutor's Office" directly provides for supervision over the observance of citizens' rights and freedoms in military units and military formations. However, the main issue in the current system is that the status of military personnel, the procedure for filing complaints, procedural guarantees, social protection measures, and mechanisms for restoring violated rights are not comprehensively consolidated in a single unified law. This may also complicate the exercise of prosecutorial supervision based on clear objects, criteria, and standards. Therefore, as a primary recommendation, it is advisable to adopt a separate Law "On the Status and Legal and Social Protection of Military Servicemen" in Uzbekistan. This law should directly define the subject matter of prosecutorial supervision, the right of servicemen to appeal, the time limits for inspections, and mandatory procedures for implementing their results. In this regard, it would also be appropriate,

<sup>6</sup> About Ombudsman's Office - <https://www.tiesibsargs.lv/en/about-us/about-ombudsmans-office/>

<sup>7</sup> The Constitution of the Republic of Estonia - <https://www.riigiteataja.ee/en/eli/521052015001/consolide>

<sup>8</sup> Chancellor of Justice Act - <https://www.riigiteataja.ee/en/eli/507042016001/consolide>

<sup>9</sup> Chancellor of Justice's speech in Second international conference of the ombuds institution of armed forces in

Vienna - <https://www.oiguskantsler.ee/en/opinions-and-initiatives/speeches-articles-and-interviews/chancellor-justices-speech-second>

<sup>10</sup> Military Service Act - <https://www.riigiteataja.ee/en/eli/519092014003/consolide>

<sup>11</sup> State Liability Act - <https://www.riigiteataja.ee/en/eli/507062016001/consolide>

<sup>12</sup> Estonian Defence Forces Organisation Act - <https://www.riigiteataja.ee/en/eli/520062017002/consolide>



following the example of Lithuania and Latvia, not to limit legal protection solely to the prosecutorial system, but to provide for institutional cooperation mechanisms with the Commissioner of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman), thereby ensuring a more integrated system of safeguards.

As a second recommendation, drawing on the experience of Estonia, it is necessary to strengthen judicial oversight over severe disciplinary measures imposed on military servicemen, particularly those restricting personal liberty. Disciplinary sanctions should not remain solely within the scope of internal military subordination; instead, a mechanism should be established that allows for the prompt review of their legality by an independent authority. If such a system is introduced, prosecutorial supervision would also become significantly more effective and result-oriented. On the one hand, this would ensure that command authority operates strictly within legal boundaries, and on the other hand, it would provide real protection of a serviceman's honor, liberty, and procedural rights.

As a third recommendation, it is necessary to strengthen internal analytical monitoring within the activities of military prosecutors or prosecutors specializing in the defense sector. In particular, a systematic mechanism should be introduced for regularly summarizing the most common types of violations of military servicemen's rights, along with a structured reporting system that is not necessarily public but ensures institutional accountability and analysis. The experience of the Baltic states shows that legal protection is strengthened not only through the resolution of individual complaints, but also through the identification of systemic institutional deficiencies.

Studying the experience of advanced foreign countries and conducting a deep analysis of their practices, with a view to adopting aspects compatible with the current legislation of our country, is also of great importance. It should be emphasized that the study of foreign experience shows that the legal protection of military servicemen in the Armed Forces functions effectively when it is based on multi-layered supervisory mechanisms. In this system, independent complaint channels and Ombudsman institutions do not weaken prosecutorial supervision; rather, they enhance its effectiveness. In our view, if such approaches are reasonably applied within the national legislation, they would contribute to the further strengthening of the protection of the rights of military servicemen in the Armed Forces and their family members.

In conclusion, it can be stated that the most appropriate approach to ensuring the protection of the rights and legitimate interests of military servicemen of the Armed Forces and their family members is the effective organization of prosecutorial supervision. Such an approach not only helps eliminate violations in the

military sphere, but also ensures justice, strengthens the rule of law, and contributes meaningfully to enhancing the country's defense capability and overall potential.



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