

## PROSECUTOR'S OFFICE OF UZBEKISTAN AND TURKEY SYSTEM OF ORGANS, ITS SIMILAR AND DIFFERENT ASPECTS

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### ABSTRACT

This article provides a comparative analysis of the system, directions of activity, functions and tasks of the prosecutor's offices of the Republic of Uzbekistan and Turkey. Also, according to the results of the comparative analysis, scientific conclusions were put forward about the similar and different aspects of the system of prosecution bodies of these two countries.

**Keywords:** prosecutor's office, model, system of prosecutor's offices, prosecutor, radish, organizational structure, General Prosecutor's Office of the Supreme Court of Appeal of the Republic of Turkey .

Integration of Uzbekistan into the world community, taking a worthy place in the system of international relations, effective implementation of its interests in the political, economic, scientific-technical, socio-cultural spheres is determined. Based on this, a new stage has emerged in the cooperation between Uzbekistan and Turkey. The rational approaches in the implemented mutual relations laid the groundwork for the opening of a new page in the foreign policy of both countries. Because Turkey, at the same time, as a country with great opportunities and a high position in the world, the Uzbek and Turkish peoples are very close to each other in terms of religion, language, history and culture. [1].

President of the Republic of Uzbekistan dated 01.28.2022 "On the Development Strategy of New Uzbekistan for 2022-2026" No. PF-60 - "Making the principles of justice and the rule of law in our country the most basic and necessary condition for development" one of its goals is to create a solid legal basis for open and fair prosecutor's activities, which strictly ensures legality, and to make the principle of "Law - priority, punishment - inevitable" the main criterion [2]. Naturally, the

creation of solid legal foundations of the prosecutor's office requires in-depth study of the system, directions of activity, functions and tasks of prosecutor's offices in developed countries. From this point of view, the scientific research of the system of prosecution bodies of the Republics of Uzbekistan and Turkey, the similar and different aspects in it, is one of the current issues.

It is known that the Republic of Turkey is a democratic, secular, social and legal state. In terms of state administration, it belongs to a unique form of a mixed (presidential-parliamentary) republic, and its political regime is a developing democracy. Today, the legal system of the Republic of Turkey is oriented towards the Romano-Germanic legal system.

Before elucidating the system of prosecutorial bodies of the Republic of Turkey, it is necessary to first of all touch on the current models of prosecutorial offices.

The analysis shows that two main models of prosecution bodies have been formed in the international experience. In this case, the entry of the prosecutor's office into the framework of one or another model is interconnected with the legal system of the state and the structure of the state mechanism. In the first model, the prosecutor's office is primarily a prosecution and prosecution office, while in the second model, it is a body that supervises the legislation [3].

Similarly, according to some researchers[4], all prosecution offices and their analogues can be classified into 2 types:

- 1) prosecutor's office - control body ( most CIS member countries, Vietnam, Democratic People's Republic of Korea, Cuba, some countries of Latin America );
- 2) prosecutor's office - criminal prosecution body ( all other countries ).

From the above points, at the same time, taking into account the fact that the country's legal system is built on the basis of the European model, it can be concluded that the prosecutor's office of the Republic of Turkey belongs to the first model.

It should be noted here that when compared to the system of the prosecution bodies of the Republic of Uzbekistan, it is known that the system of the prosecution bodies of the Republic of Turkey (see scheme 1) has a simple appearance.

As mentioned above, the system of prosecution bodies of Uzbekistan has a relatively more complex structure. In particular, according to the Law of the Republic of Uzbekistan "On the Prosecutor's Office", the system of prosecution bodies (see scheme 2) consists of the following:

- Uzbekistan General Prosecutor's Office of the Republic;
- Karakalpakstan Republic prosecutor's office;

regions and Tashkent city prosecutor's offices;

districts and cities prosecutor's offices;

region to the prosecutor's office equalized Uzbekistan Republic Military Prosecutor's Office , Uzbekistan Transport Prosecutor's Office of the Republic;

district prosecutors equalized , territorial military , transport and specialized prosecutor's offices .

Uzbekistan General Prosecutor's Office of the Republic in the presence of Economical to crimes against to fight department and Mandatory execution bureau as well their in places departments activity shows [5].

From the schemes 1 and 2 given above, it can be seen that there are some similarities in the system of prosecution bodies of Uzbekistan and Turkey. In particular, the organizational structure of both state prosecutor's offices consists of a 3-level system based on the subordination of the lower-ranking prosecutor to the higher-ranking prosecutor.

The Military Prosecutor's Office also operates in Turkey, but according to some information, the issue of disbanding this body is on the agenda [6] .

At the same time, the system of prosecutor's offices of Uzbekistan differs from the system of prosecutor's offices of the Republic of Turkey by its relative comprehensiveness.

In particular, in the system of prosecutor's offices of the Republic of Turkey , the Transport Prosecutor's Office of the Republic of Uzbekistan, which is equal to the provincial prosecutor's office, and the regional military, transport and specialized prosecutor's offices, which are equal to district prosecutor's offices, are not provided for.

Also, as in Uzbekistan, the Department of Combating Economic Crimes (Department) or the Enforcement Bureau (Bureau) or their regional divisions do not operate under the General Prosecutor's Office of the Republic of Turkey.

Another difference is that in Turkey, 4 years of legal education are required to be appointed to the position of savci - prosecutor. After that, after 2 years of education at the Turkish Academy of Justice, another 2 years of internship will be completed. After completing the academy, the candidate who has completed 2 years of training is appointed to the position of district attorney-prosecutor, and it is noteworthy that he will settle in the building of the court and conduct his activities there. Even though they are located in the same building, prosecutors operate separately from judges. The most important difference is that the district attorney- prosecutor will have 2-3 secretaries who are

engaged only in copying texts, and the employees subordinate to him are not provided with staff-units.

Prosecutors perform their duties in judicial and administrative court bodies. These duties are performed by professional prosecutors [7].

In Uzbekistan, district, city prosecutor's offices and equivalent prosecutor's offices are headed by prosecutors who operate in a separate building. This prosecutor is appointed and dismissed by the General Prosecutor of the Republic of Uzbekistan. These prosecutors are subordinate to the relevant senior prosecutor and the General Prosecutor of the Republic of Uzbekistan and are accountable to them.

District, city and equivalent prosecutors may have deputies who are appointed and dismissed by the Military Prosecutor of the Republic of Uzbekistan, the Transport Prosecutor of the Republic of Uzbekistan, the Prosecutor of the Republic of Karakalpakstan, regional and Tashkent city prosecutors, in agreement with the Prosecutor General of the Republic of Uzbekistan. Also, prosecutors' senior assistants, assistants, senior investigators and investigators of the prosecutor's office, and trainees work in district and city prosecutors' offices and prosecutors' offices equivalent to them. and will be released from office[8]. These prosecutor-investigative officers report directly to district, city and equivalent prosecutors.

The difference between the systems of the two state prosecution bodies is even more visible at the regional level. For example, the interesting thing is that in Turkey every the regional prosecutor is the Chief Prosecutor. He will have up to 30 deputy and assistant prosecutors under his command. For example, 11 deputies and 35 prosecutors work under the General Prosecutor of the capital Ankara. The position of prosecutor is considered a civil service and can be held until the age of 65.

In Uzbekistan, prosecutors are headed by provincial and equivalent prosecutor's offices. These prosecutors are subordinate to the General Prosecutor of the Republic of Uzbekistan and are accountable to him. They are appointed and dismissed by the Prosecutor General (with the exception of the Military Prosecutor). Provinces and prosecutors equivalent to them lead the activities of district, city and equivalent prosecutor's offices respectively, issue orders, instructions, and orders that are mandatory for subordinate employees based on laws, orders of the Prosecutor General of the Republic of Uzbekistan and for the purpose of their execution.

Departments and departments are established in regional, Tashkent city prosecutor's offices and equivalent prosecutor's offices. Heads of departments and departments, senior assistants of prosecutors are appointed and dismissed by the Prosecutor General of the

Republic of Uzbekistan. These assistant prosecutors, senior prosecutors and prosecutors of departments and departments, senior investigators on special important cases and investigators on special important cases, senior investigators and investigators are appointed and dismissed by the regions and prosecutors equivalent to them.

The General Prosecutor's Office of the Supreme Court of Appeal of the Republic of Turkey ( Turkish General Prosecutor's Office ) has been one of the integral elements of the Turkish justice system since its establishment. It has been playing an active role in the uniform application of laws and the implementation of criminal justice throughout the country [9] .

Above-mentioned organizational structure of the General Prosecutor's Office of the Supreme Court of Appeal of the Republic of Turkey that it has 23 structural branches. The Prosecutor General has 1 deputy.

For information, since 2020, the position of the Prosecutor General of the Supreme Court of Appeal of the Republic of Turkey has been held by Bekir Sahin, and the position of Deputy Prosecutor General Rıdvan Gündoğdu [10] .

As the main structural branches, the Chambers for criminal cases are state prosecutors, administrative prosecutors, the Department of Emergency Appeals, the Department of Political Parties, the Department of Jurisdictional Disputes and Judicial Affairs for the Cancellation of Court Decisions in favor of the Law ( for legal cases arising from civil legal relations), Law Department for annulment of court decisions in favor ( criminal (for litigation arising from legal relations ) , the Department of Criminal Chambers, the Department of Investigation of High Level Civil Servants, the Department of Criminal Investigation, the Department of International Relations and the Department of Education and Social Affairs. The rest of the structural branches perform more auxiliary functions and tasks ( financial and economic support, archival work, work with employees, introduction of information and communication technologies, etc.).

It can be seen that the General Prosecutor's Office of Turkey is the body for ensuring justice and carrying out criminal prosecution.

In contrast to the organizational structure of the General Prosecutor's Office of Turkey, today the organizational-staff structure of the General Prosecutor's Office of the Republic of Uzbekistan has 2 times more, that is, 46 structural branches. 30 of them are the department, 5 are the department, the duty unit, the editorial office of "Huquq" newspaper and the Law Enforcement Academy.

According to the Law of the Republic of Uzbekistan "On the Prosecutor's Office", the General Prosecutor's Office of the



Republic of Uzbekistan is headed by the Prosecutor General of the Republic of Uzbekistan, who is appointed and dismissed by the President of the Republic of Uzbekistan. The Prosecutor General shall have a first deputy and deputies appointed and dismissed by the President of the Republic of Uzbekistan. Senior assistants and assistants of the Prosecutor General, chiefs of general departments, departments, departments, their deputies, senior prosecutors, prosecutors, senior investigators on special important cases and investigators on special important cases are appointed and dismissed by the Prosecutor General [11] .

Analyzing the organizational structure of the General Prosecutor's Office of the Republic of Uzbekistan, it can be seen that its structural branches are organized in accordance with 9 main areas of activity of the prosecutor's office.

In particular, there are 7 deputies of the Prosecutor General (including 1 first deputy), and the structural branches are distributed based on the areas assigned to them. It is noteworthy that 6 structural branches - the Department of Organizational Control and Analysis, the Department of Personnel, the Department of Personal Security, the Department of Analysis of Legality and Law Enforcement Problems, the First Department, and the Department of Public Relations and Legal Information are directly subordinate to the Prosecutor General.

In the organizational structure of the General Prosecutor's Office of the Republic of Uzbekistan :

– structural branches in the direction of control over the implementation of legislation ( sh.j., Department of supervision over the implementation of legislation in the social sphere, Department of supervision over the implementation of legislation in the economic sphere, Department of supervision over the implementation of legislation related to the development of agrarian and food sectors, Armed Forces, State Security Service Department of supervision over the implementation of legislation in customs bodies, Department of supervision over the implementation of legislation in internal affairs bodies, Department of supervision over the implementation of legislation on minors, etc.);

- some structural branches in the direction of ensuring the authority of the prosecutor in the courts (sh.j., Department of ensuring the authority of the prosecutor in conducting economic court cases, Department of ensuring the authority of the prosecutor in conducting administrative court cases );

- structural branches specializing in organizational control, information-analytical activities, personal security (s.j., organizational-control and analysis, analysis of legality and law enforcement problems, and personal security departments, Information-Analytical

Department) of the General Prosecutor's Office of Turkey is not found in the structure.

At the same time, the Department for Political Parties in the organizational structure of the General Prosecutor's Office of Turkey does not exist in the organizational structure of the General Prosecutor's Office of the Republic of Uzbekistan.

In the organizational structure of the General Prosecutor's Office of the Republic of Uzbekistan, the Department for Ensuring the Prosecutor's Authority in Conducting Criminal Court Cases, the Department for Ensuring the Prosecutor's Authority in Conducting Civil Court Cases, the Department for Investigating Serious Crimes, the Department for Combating Organized Crime and Corruption, the Department for the Implementation of Information and Communication Technologies and Ensuring Information Security , International Legal Department, Affairs Department and Law Enforcement Academy are also present in the organizational structure of the General Prosecutor's Office of Turkey.

This point, it should be noted that the image of the prosecutor's office has changed radically in recent years at the initiative of the President of the Republic of Uzbekistan Sh.M. Mirziyoev. As an example of the high trust expressed by the head of state to the prosecutor's office, new tasks and functions are being assigned to the system. In turn, a number of structural structures and state units are being introduced in the system. It should be noted that these structural branches are not found in the system of the General Prosecutor's Office of the Supreme Court of Appeal of the Republic of Turkey.

For example, according to the Decree No. PF-6199 [12] of the President of the Republic of Uzbekistan dated April 6, 2021 "On measures to further improve the state management system in the fields of tourism, sports and cultural heritage" , in the organizational-staff structure of the General Prosecutor's Office, Sports, Culture , the department of supervision over the implementation of legislation in the fields of cultural heritage and tourism was established, and the positions of senior assistants of regional prosecutors in supervision over the implementation of legislation in the above areas were introduced.

According to the Decision of the President of the Republic of Uzbekistan dated December 10, 2021 "On additional measures to strengthen control over the implementation of the social and production infrastructure development program of the Republic of Uzbekistan and other state programs" [13] in the structure of the Department of Supervision over the implementation of legislation in the field of construction and

departments of supervision over the implementation of legislation in the field of construction are established in the regional prosecutor's offices, and they are responsible for the formation and implementation of state programs financed from the social and production infrastructure development program, consolidated budget funds and other centralized sources, as well as these programs the task of monitoring the intended use of funds.

With the Decision of the President of the Republic of Uzbekistan dated December 30, 2021 "On the approval of the investment program of the Republic of Uzbekistan for 2022-2026 and the introduction of new approaches and mechanisms for the management of investment projects"[14] in the organizational and staff structure of the Prosecutor General's Office, Foreign Trade, established the department of supervision over the implementation of legislation in the fields of investments and entrepreneurship.

Similarly, PF-81 No. 15 of the President of the Republic of Uzbekistan dated March 1, 2022 "On measures to improve the system of working with family and women, neighborhood and clergy" [15] and "Family and wife" dated March 7, 2022 On the basis of Decree No. PF-87 [16] "On measures to further accelerate work on systematic support of girls", the Department of Supervision over the implementation of legislation in the fields of ensuring the rights of women and girls and protecting them from harassment and violence was established.

PF-77 Decree of the President of the Republic of Uzbekistan dated May 24, 2023 "On the improvement of state control mechanisms in the fuel and energy sector and the introduction of the "digital energy control" system" the position of the responsible Deputy Prosecutor General was introduced, and the Department of Control over the Implementation of Legislation in the Fuel and Energy Sector was established in the organizational and staff structure of the Prosecutor General's Office.

In addition, according to the Decree of the President of the Republic of Uzbekistan dated May 31, 2023 "On measures to transform the field of ecology and environmental protection and organize the activities of an authorized state body" No. PF-81 [18], ecology, environment - the position of the Deputy Prosecutor General responsible for the supervision of compliance with the legislation in the field of environmental protection and forestry and its implementation was introduced, and the department of supervision over the enforcement of legislation in the field of ecology, environmental protection and forestry was established in the organizational and staff structure of the General Prosecutor's Office.



In general, according to the results of the study of the system of prosecution bodies of Uzbekistan and Turkey, it will be possible to put forward the following conclusions:

First of all, **The system of prosecutorial bodies of Uzbekistan and Turkey is a system** of prosecutorial bodies headed by the Prosecutor General, which performs interrelated functions and tasks aimed at ensuring the rule of law, strengthening legitimacy, protecting the rights and freedoms of citizens, the interests of society and the state protected by law, the legal order and state system, and is a single and centralized set of institutions;

secondly, the prosecutor's office of the Republic of Turkey is considered to be a body for ensuring justice and carrying out criminal prosecution (investigation) organized on the basis of the European model. The Prosecutor's Office of the Republic of Uzbekistan is a state body that exercises control over the precise and uniform implementation of laws on the territory of the country.

thirdly, compared to the system of the prosecution bodies of the Republic of Turkey, the system of the prosecution bodies of the Republic of Uzbekistan has a comprehensive and more complex structure;

fourthly, the system of prosecution bodies of Uzbekistan and Turkey **has the following similarities:**

- the organizational structure of both state prosecutor's offices consists of a three-tier system based on the subordination of subordinate prosecutors to the Prosecutor General;

- The existing structural branches in the organizational structure of the General Prosecutor's Offices of Uzbekistan and Turkey are organized in accordance with the main directions of activities of the prosecutor's offices;

- The Military Prosecutor's Office operates in Turkey, as in Uzbekistan ;

- to a number of structural branches in the organizational structure of the General Prosecutor's Office of the Republic of Uzbekistan (s.j., ensuring the authority of the prosecutor in conducting criminal and civil court cases, investigating serious crimes, fighting against organized crime and corruption, introducing information and communication technologies and ensuring information security departments ) similar networks exist in the organizational structure of the General Prosecutor's Office of the Republic of Turkey.

fifthly, the system of prosecution bodies of Uzbekistan **differs** from the system of prosecution bodies of Turkey in the following respects:

- In the system of prosecutor's offices of the Republic of Turkey , regional military, transport and specialized prosecutor's offices are not provided for;

There are no specially authorized state bodies ( Department or Bureau ) under the General Prosecutor's Office of Turkey, as in Uzbekistan;

- Unlike Uzbekistan, in Turkey, the district attorney-prosecutor works in the court building, but they work separately from the judges;

- the district attorney- prosecutor does not have staff units subordinate to him;

- Unlike Uzbekistan, in Turkey, the provincial prosecutor - Başsavcı, that is, has the status of the Chief Prosecutor;

- In Turkey, the position of prosecutor is part of the state civil service;

- departments in the organizational structure of the General Prosecutor's Office of the Republic of Uzbekistan in the direction of control over the implementation of legislation, some departments in the direction of ensuring the authority of the prosecutor in the courts, organizational control, information-analytical activities, structural branches specializing in ensuring personal security are not found in the organizational structure of the General Prosecutor's Office of Turkey;

- The Department for Political Parties in the organizational structure of the General Prosecutor's Office of Turkey does not exist in the organizational structure of the General Prosecutor's Office of the Republic of Uzbekistan.

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