

# Organizational Structure of the Prosecutor's Office and Problems of its Improvement

*Makhmudov Alisher*<sup>1</sup>

**Annotation:** The article "Organizational Structure of the Prosecutor's Office and Problems of Its Improvement" examines the current organizational framework of the prosecutor's office, highlighting its significance in the judicial system. It addresses the challenges faced by the institution, including inefficiencies, bureaucratic hurdles, and the need for modernization. The author analyzes various structural models and proposes strategies for enhancing operational effectiveness, accountability, and responsiveness to societal needs. The study aims to provide insights into potential reforms that could strengthen the prosecutor's office and improve its service delivery.

**Key words:** Prosecutor, Prosecutor's Office, Organizational Structure, Efficiency, Bureaucracy, Modernization, Accountability, Reform, Legal Framework.

The organizational structure of these bodies is of great importance for the full implementation of the main areas of activity and powers of the prosecutor's office established by law. It should be noted here that in recent years the prosecutor's office has been assigned additional tasks to ensure legality in important areas of state and public life, to achieve the inevitability of responsibility of persons guilty of offenses, and the increasing workload on the prosecutor's office.

In particular, by the Decree of the President of the Republic of Uzbekistan dated April 27, 2022 "On additional measures to ensure the implementation of legislation on environmental protection in the Jizzakh region" No. 226 a specialized prosecutor's office was created and the scope of its responsibilities was determined [1].

On the other hand, there are many examples of other decisions related to assigning additional tasks to the prosecutor's office.

Of course, on the one hand, in the context of rapidly implemented reforms, the fact that the prosecutor's office is assigned additional tasks to ensure the legitimacy of important areas of society's life indicates a high level of trust in the prosecutor's office and on the other hand, in order to achieve high-quality and complete fulfillment of the tasks assigned to the prosecutor's office, the prosecutor's office must be adequately staffed, and the units must be provided with supplies.

Of course, the complete and high-quality fulfillment of the tasks assigned to the prosecutor's office is directly related to its organizational structure.

The organizational structure of the prosecutor's office is directly related to the content of the category of organizational structure. Therefore, it is advisable to first understand the meaning of the concept of organizational structure. In the literature, there are different views on the theoretical understanding of the organizational structure of a government agency.

From the point of view of management, V.R. Vesnin defines the concept of organizational structure as a set of management bodies (positions, services and divisions) in relationships, subordination and associations [2].

Lawyer B.Z. Milner puts forward the idea that it is appropriate to approach the term "organizational structure" as a general concept, based on the following three aspects: 1) the true interactions between

<sup>1</sup> Independent researcher at Law Enforcement Academy of the Republic of Uzbekistan



people and their tasks, reflected in organizational structure diagrams and job descriptions; 2) the management policies and methods that influence employee behavior; 3) the powers and functions of the organization of employees at different levels of management [3].

Legal scholar Yu.A. Tikhomirov notes that the structure of a government agency should be understood as its internal structures and forms of mutual cooperation [4].

Of course, the given definition by Yu.A. Tikhomirov reflects the general understanding of the structure of a state body, but what is understood by the forms of mutual cooperation remains abstract. Another legal scholar Yu.M. Kozlov asserts that the structure of a state body is understood as a set of elements of a state body endowed with the appropriate powers [5].

According to Lawyer V.B. Averyanov asserts that the structure of a government agency includes its structural divisions, a system of structural connections and the procedure for distributing tasks, powers and responsibilities between structural divisions [6].

At the same time, most authors also put forward the idea that the organizational structure is used in two different forms: “the organizational structure of the management system” and “the organizational structure of the government agency” [7].

In our opinion, the concept of the organizational structure of a government agency includes the organizational structure of the management system. At the same time, it should be noted that it is inappropriate to separate these two concepts from each other.

In our opinion, the organizational structure of a government agency is a direct state-legal phenomenon, and this is a separate state-legal phenomenon with specific goals and objectives, socio-political nature and powers of state administration in society.

From this point of view, when determining the organizational structure of the prosecutor's office, the following aspects should be taken into account:

- a) the organizational structure of the prosecutor's office is distinguished by the fact that it is aimed at ensuring the tasks of these bodies determined by law.

In particular, due to the fact that in recent years, on the basis of regulatory documents, a number of tasks have been assigned to the prosecutor's office, appropriate changes have been made to its organizational structure.

Therefore, the structure of the prosecutor's office will be aimed at performing the tasks directly assigned to these bodies by law.

- b) the organizational structure of the prosecutor's office is directly related to the main activities of these bodies.

It should be noted that Article 4 of the Law "On the Prosecutor's Office" defines the main areas of activity of 9 prosecutor's offices, and the organizational structure of these bodies is aimed directly at implementing these areas of activity.

For example, the prosecutor for criminal cases in the organizational structure of the Prosecutor General's Office, in order to implement the main direction of ensuring the state prosecution when considering criminal cases in the courts specified in the above Law, participates in the consideration of civil cases, cases of administrative offenses and economic disputes in courts, challenging court documents that contradict the law. Department for Ensuring the Powers of the Prosecutor, Department for Ensuring the Powers of the Prosecutor in Conducting Civil Court Cases, Department for Ensuring the Powers of the Prosecutor's Office. Prosecutor in conducting economic cases, the Department for Ensuring the Powers of the Prosecutor in Conducting Administrative Cases operates [8].

In addition, the organizational structure of the prosecutor's office to a certain extent reflects other areas of activity of the prosecutor's office established by law.



c) Legislative documents provide for the organization of the organizational structure of the prosecutor's office.

In particular, on the basis of the Resolution of the Cabinet of Ministers No. 324 of July 30, 1998 "On the establishment of the Internal Security Inspectorate in the structure of the Prosecutor's Office of the Republic of Uzbekistan", the Internal Security Inspectorate was created in the city of the structure of the Prosecutor's Office of the Republic of Uzbekistan.

It is worth noting that one of the other important aspects of the organizational structure of the prosecutor's office is its ability to improve proportionally to the reforms implemented in the country. It should be noted that this process is distinguished by its universality. At the same time, some structures are included in the organizational structure of some prosecutor's offices, and over time, some structures are separated from the prosecutor's offices.

Another example of a situation related to the improvement of the organizational structure of the prosecutor's office is the system of criminal-legal statistics.

In particular, in accordance with the Decree of the President of the Republic of Uzbekistan dated October 31, 2018 No. PF-5566 "On measures to radically improve the system of criminal statistics and increase the efficiency of systemic analysis of crimes" in the structure of the Prosecutor General's Office - the Department of Criminal Statistics of the Republic of Karakalpakstan, in the structures of the regional and Tashkent city prosecutor's offices, departments of criminal statistics have been created [9].

Later, in order to improve the maintenance of legal statistics by the Ministry of Internal Affairs, increase its role in analyzing the crime situation and forecasting the dynamics of crime, Decree of the President of the Republic of Uzbekistan dated March 26, 2021 "Measures to improve the activities of internal affairs bodies to a new qualitative level in the field of ensuring public safety and combating crime" by Order No. 6196, the Department of Criminal and Legal Statistics of the Prosecutor General's Office and its regional divisions were abolished, and the Center for Legal Statistics and its regional divisions were created in the Ministry of Internal Affairs [10].

In turn, many examples can be given as cases similar to those given above.

Taking into account the above circumstances, characteristic of the organizational and staffing structure of the prosecutor's office, it is proposed to give the author's definition of the concept of "organizational structure of the prosecutor's office" as follows:

The organizational structure of the prosecutor's office - the main purpose of which is the implementation of the tasks and areas of activity of these bodies in accordance with regulatory documents, subordinate prosecutors endowed with the necessary powers, acting on the basis of subordination and accountability to a superior. Prosecutors and the Prosecutor General's Office of the Republic of Uzbekistan are interconnected, represent a set of management structures.

It should be noted that the organizational structure of the prosecutor's office is aimed, first of all, at exercising control over the clear and uniform execution of laws on the territory of the Republic of Uzbekistan.

After all, an analysis of the current organizational structure of the prosecutor's office, approved by the Decree of the President of the Republic of Uzbekistan dated April 18, 2017 No. 5019, shows that it is aimed at this goal. In particular, the said Decree approved the organizational and staffing structure of the Prosecutor General's Office of the Republic of Uzbekistan, and the organizational structure of regional prosecutor's offices is directly based on the organizational and staffing structure of the Prosecutor General's Office [11].

When analyzing the organizational structure of the Prosecutor General's Office, it should be noted that the activities of almost all of its divisions are directly aimed at ensuring control over the implementation of legal acts in the relevant area.

S. P. Matveyev attributes the following features to the general features of civil service:



- the state body acts as the employer of both the employee of the prosecutor's office and the civil servant;
- the direct state body is the place of service in the prosecutor's office and organizations, as well as in other state services;
- the rules for entering service, changing the terms of service or leaving service in the civil service and in the prosecutor's office are regulated by legislative documents;
- employees of the prosecutor's office have the same powers as other civil servants;
- legal documents clearly define the legal status of employees of the prosecutor's office, as well as civil servants, the restrictions, prohibitions and state guarantees applied to them.

At the same time, S. P. Matveyev notes that there are the following features of service in the prosecutor's office and organizations:

- a) the procedure for service in the prosecutor's office is regulated by a number of legal documents;
- b) According to the Constitution, the task of clear and uniform control over the implementation of laws is assigned to employees of the prosecutor's office and organizations;
- c) special requirements for the qualifications and specialization of a candidate for employment in the prosecutor's office;
- d) persons hired for the first time in the prosecutor's office take an oath;
- e) employees of the prosecutor's office are issued a special service ID confirming the right to carry weapons;
- f) employees of the prosecutor's office are provided with a special uniform or military uniform at the expense of the state budget [12].

Another legal scholar, V. Yu. Shobukhin, analyzing the specifics of service in the prosecutor's office, focuses on the disjointed regulation of issues related to the service. Emphasizing this situation as one of the main problems of service in the prosecutor's office, he notes that some state services are directly regulated in detail by legislation. He tries to justify his position by the fact that all issues related to the service of judges are defined in the law regulating the activities of the courts. At the same time, V. Yu. Shobukhin puts forward the following two proposals as a solution to this problem:

1. put an end to the practice of regulating all issues related to service in the prosecutor's office by means of several disjointed legislative documents, defining them in a single law;
2. The Law "On the Prosecutor's Office" singles out important issues related to service in the prosecutor's office in a separate section [13].

The current legislation defines strict grounds for termination of service in the prosecutor's office. According to it, at the initiative of the Prosecutor General, the Prosecutor of the Republic of Karakalpakstan, prosecutors of the regions, the city of Tashkent and prosecutors equivalent to them, the grounds for dismissal are: fees, loss of citizenship of the Republic of Uzbekistan by an employee of the prosecutor's office, etc.

It should be noted that the list of cases of termination of service in the prosecutor's office is strictly defined by law, and dismissal for other reasons is not allowed.

It should be noted that only the main features of service in the prosecutor's office are listed above.

Issues related to service in the prosecutor's office are regulated by a number of documents. According to their hierarchy, such documents can be conditionally divided into the following three groups:

- a) legal documents regulating service in the prosecutor's office;
- b) legal documents regulating service in the prosecutor's office;
- c) Orders of the Prosecutor General regulating service in the prosecutor's office.



Based on the above, the following is proposed:

- generalization of these provisions in a single document by reviewing the procedure for service in all bodies included in the prosecutor's office system, from the point of view of unification;
- development of a draft Law of the Republic of Uzbekistan "On the procedure for service in the prosecutor's office", providing for the establishment of rules for service in bodies included in the system of all prosecutor's offices, in a single legal document, based on international standards and legislative experience of advanced foreign countries.

## References

1. Decree of the President of the Republic of Uzbekistan dated April 27, 2022 "On additional measures to ensure the implementation of legislation on environmental protection in the Jizzakh region" No. 226. <https://lex.uz/docs/5984625>.
2. Веснин В.Р. Менеджмент. — М.: ТК Велби, Изд-во «Проспект», 2006. – 327 с.
3. Мильнер Б.З. Теория организации. - М.: ИНФРА-М, 2012. - 848 с.
4. Тихомиров Ю.А. Административное право и процесс.: полный курс. М., 2001.
5. Тихомиров Ю.А. Административное право и процесс.: полный курс. М., 2001.
6. Чернышова С. А. Понятие структуры государственных органов управления социальным обеспечением. Бизнес в законе, №6, 2012 г. – С. 97. <https://cyberleninka.ru/article/n/ponyatie-struktury-gosudarstvennyh-organov-upravleniya-sotsialnym-obespecheniem>.
7. Чернышова С. А. Понятие структуры государственных органов управления социальным обеспечением. Бизнес в законе, №6, 2012 г. – С. 97. <https://cyberleninka.ru/article/n/ponyatie-struktury-gosudarstvennyh-organov-upravleniya-sotsialnym-obespecheniem>.
8. The organizational and staffing structure of the Prosecutor General's Office of the Republic of Uzbekistan, approved by Appendix 1 to the Decree of the President of the Republic of Uzbekistan No. 5019 dated April 18, 2017. <https://lex.uz/docs/3177796#4251358>.
9. Decree of the President of the Republic of Uzbekistan dated October 31, 2018 No. PF-5566 "On measures to radically improve the system of criminal statistics and increase the efficiency of systemic analysis of crimes". <https://lex.uz/docs/4034449?ONDATE=02.11.2018%2000#4036953>.
10. Decree of the President of the Republic of Uzbekistan dated March 26, 2021 "Measures to improve the activities of internal affairs bodies to a new qualitative level in the field of ensuring public safety and combating crime" by Order No. 6196. <https://lex.uz/docs/5344118>.
11. Decree of the President of the Republic of Uzbekistan dated April 18, 2017 No. 5019, "On strengthening the role of the prosecutor's office in the implementation of socio-economic reforms, modernization of the country, ensuring reliable protection of human rights and freedoms". <https://lex.uz/docs/3177796>.
12. С. П. Матвеев Организация государственной службы в органах прокуратуры Российской Федерации. Вестник ВГУ. 2021, №4. <https://doi.org/10.17308/vsu.proc.law.2021.4/3707>.
13. Владимир Юрьевич Шобухин Некоторые проблемы правового регулирования службы в органах и организациях прокуратуры Российской Федерации. Российское право. Образование Практика Наука. 2017. №2. – С. 8-13. <https://cyberleninka.ru/article/n/nekotorye-problemy-pravovogo-regulirovaniya-sluzhby-v-organah-i-organizatsiyah-prokuratury-rossiyskoy-federatsii/viewer>.

