

Prospects for Increasing the Effectiveness of the Prosecutor's Supervision Over Compliance With the Legislation on the Execution of Judicial Acts

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Annotation: This article examines the goals and objectives of prosecutorial supervision over compliance with legislation on the execution of judicial acts and acts of other bodies, its role and significance in ensuring legality, the theoretical and legal foundations and features of the institution of prosecutorial supervision over compliance with legislation on the execution of judicial acts and acts of other bodies, the types, methods and methodology of organizing supervisory activities, as well as the prosecutor's powers over the execution of judicial acts and acts of other bodies.

Key words: The activities of the prosecutor, the prosecutor's control over compliance with the legislation on the execution of judicial acts, the use of information technologies in the activities of the prosecutor's office, the Bureau of Compulsory Enforcement, the subject and object of prosecutorial supervision, the role of the prosecutor's office in the state mechanism.

It is known that in our country, systematic measures are being taken by the Enforcement Bureau under the General Prosecutor's Office to ensure the execution of judicial and other acts. In particular, certain work is being carried out in our country to raise a healthy and harmoniously developed generation, protect their rights and interests, and restore divorced families.

According to the analysis, today there are more than 24,000 executive documents related to the collection of alimony and material support in the Namangan regional office of the Bureau and its regional departments. During the enforcement actions carried out in the past period of this year, about 33.5 billion soums of arrears were reimbursed, and in 12 cases, in accordance with the established procedure, arrears in the amount of 1.1 billion soums in monetary and housing form were reimbursed in advance until the children reached adulthood. In direct cooperation with mahalla activists and the general public, 1,998 families were reconciled. Support was provided for the employment of 1,200 unemployed alimony payers who do not have a permanent source of income.

It should be noted that in the practice of monitoring compliance with the legislation on the execution of judicial acts and acts of other bodies, there are many disputes related to alimony obligations. Also, the status of the execution of the enforcement documents on the collection of alimony is the most problematic area of the Bureau and the main area that causes dissatisfaction among the population. More than 60 percent of the appeals received by the Bureau on the issue of enforcement are alimony issues. Execution documents for alimony collection in the republic average 100 execution documents per performer and must be executed monthly until the children reach adulthood. At the same time, due to the presence of other types of enforcement documents in the enforcement proceedings, the state executor is not able to implement and control the execution of 100 enforcement documents per month. As a result, the system has a tendency to consider the issue of alimony collection based on the "residual principle," and this category of documents is dealt with only when an application is received.

Researcher A. Khamidov notes that since the creation of the Bureau of Compulsory Enforcement, the Bureau, as a result of the widespread introduction of ICT capabilities in its activities, has primarily ensured the speed of information exchange with ministries and other government agencies, allowing

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not only officials, but also citizens to access information about the enforcement case, creating time savings².

According to scholar F.Kh. Rakhimov, the use of information technologies in the activities of the prosecutor's office can have both a positive and a negative impact on the work activities of employees and the performance of their official duties³.

In this regard, it is advisable to introduce a single bank account for alimony obligations in the aforementioned situation, as well as to create a system for remote monitoring of alimony obligations. According to it, separate sub-accounts will be opened on a single account for each enforcement document on alimony collection.

The movement of alimony funds is carried out on these sub-accounts. All alimony payments, including deductions from wages, are made through a single account.

Also, the collectors will have the opportunity to receive alimony money from the relevant sub-accounts without restrictions. Currently, the movement of funds for alimony payments is monitored online in a special software created in the Bureau and integrated into a single account.

In this case, it will be possible to monitor the level of fulfillment of alimony obligations by the state executor, the collector and the debtor through the mobile application.

This will partially automate the execution of executive documents on alimony collection and control over alimony collection, create convenience for the parties, establish permanent (remote) control over alimony payers, and drastically reduce citizens' appeals.

It should be noted that the bodies of the Bureau of Compulsory Enforcement under the Prosecutor General's Office, based on executive documents, carry out search activities in order to search for the debtor and their property, as well as children. In particular, another issue is related to the activities of the Bureau of Compulsory Enforcement. It is known that execution sheets issued by courts on claims in favor of the state are sent to the Bodies of Compulsory Enforcement in electronic form.

However, if the plaintiff is a citizen, the execution sheet shall be sent to the citizen himself if the citizen does not specify in his application to send the execution sheet to the EB. It is advisable that all execution sheets issued by the courts be sent electronically to the Bodies of Compulsory Enforcement.

Execution documents in the interests of citizens are sent by the courts to the plaintiff. Then the claimant hands over the execution sheet to the PGO for execution, and there are unnecessary difficulties. In some cases, execution sheets issued remained for months due to misunderstanding of the plaintiff. Therefore, if all execution sheets issued by the courts are sent electronically, unnecessary expenses and difficulties will be avoided.

The regional departments of the Bureau of Compulsory Enforcement under the General Prosecutor's Office and its territorial divisions are also conducting a number of practical work on the collection of debts in the field of energy resources based on judicial and other documents. In particular, this year, in Surkhandarya region alone, about 2.5 thousand judicial documents on the collection of debts on energy resources were accepted for proceedings, of which more than 2 thousand have been completed, and more than 25 billion soums of debt have been recovered. During the enforcement actions, debtors' property worth 7.4 billion soums was seized in exchange for debt, and 2.8 billion soums of property were put up for sale at electronic online auctions. In addition, 204 executive documents have been identified at the place of work and bank accounts of individuals and legal entities, their wages have been paid, and collection requests have been sent to their accounts. For example, during the enforcement actions carried out by the Termez district branch of the Bureau, the property belonging to

² Hamidov A. Issues of further improving the organizational and legal foundations for ensuring the execution of court decisions. Doctor of Philosophy (PhD) dissertation in Legal Sciences. - Tashkent, 2021. - P.110.

³ Rakhimov F.Kh., Doctor of Law, Associate Professor, D.D. Valijonov. Дальнейшие перспективы развития международного сотрудничества органов прокуратуры в рамках цифровой глобализации // Вестник Академии Генпрокуратуры.2020-2. В-13



the company was inventoried for the debt of "GOLD AGRO FRESH" LLC for natural gas, all accounts were booked, and 1.5 billion soums of debt was actually recovered.

On April 12, 2004, this activity was carried out on the basis of Order No. 5 of the Prosecutor General of the Republic of Uzbekistan on the approval of the Regulation "On the Supervision of Compliance with the Law in the Enforcement of Judicial Decisions and the Detention of Detentioned Persons." Order of the General Prosecutor of the Republic of Uzbekistan dated April 12, 2004 No. 5 "On the Department for Supervision over the Compliance with the Laws in the Execution of Judicial Decisions and the Detention of Prisoners.⁴". Subsequently, the Prosecutor General's Order No. 24 of May 11, 2004, "On Further Improving Supervision over Compliance with the Laws in the Enforcement of Judicial Acts and Acts of Other Bodies, as well as in the Detention of Detentioned Persons" was adopted. Resolution of the Prosecutor General of the Republic of Uzbekistan dated May 11, 2004 "On further improvement of control over compliance with the law in the execution of judicial acts and acts of other bodies, as well as in the custody of detainees."

On December 28, 2015, the next sectoral order of the Prosecutor General on the activities of the prosecutor's office in this direction was adopted, and to date, employees of the prosecutor's office work on the basis of this order, and ensuring the execution of this order is mandatory for all employees of the prosecutor's office.

However, it should be noted that the order of the Prosecutor General of the Republic of Uzbekistan dated December 28, 2015 "On improving the effectiveness of control over compliance with the law in the execution of judicial acts and acts of other bodies, as well as in the custody of detainees" does not cover these issues.

However, in paragraph 5 of the Decree of the President of the Republic of Uzbekistan dated November 26, 2019 No. UP-5883 "On measures to improve the management of water resources of the Republic of Uzbekistan to increase the level of provision of the population with drinking water and improve its quality," from January 1, 2020, the Bureau of Compulsory Enforcement shall ensure the completeness and timeliness of payments for the provision of water supply and sewerage services.

Also, according to the Presidential Decree, the functions of the Bureau of Compulsory Enforcement bodies in the field of electricity and natural gas consumption were terminated. For this reason, it is advisable to exclude from paragraph 1 of paragraph 1: In the field of enforcing judicial acts and acts of other bodies, as well as oversight of compliance with legislation in the field of water, electricity, and natural gas consumption, the words "as well as in the field of water, electricity, and natural gas consumption" should be excluded.

The activities of the prosecutor's supervision over the enforcement of legislation on the execution of judicial acts and acts of other bodies are comprehensive and consist not only of the stage after the consideration of the case in court.

The activities of the prosecutor's supervision over the enforcement of legislation on the execution of judicial acts and acts of other bodies are comprehensive and consist not only of the stage after the consideration of the case in court. In general, the subject of prosecutorial supervision includes the execution of laws by ministries, departments, citizens' self-government bodies, public associations, enterprises, institutions, organizations and military units, military formations of ministries and departments, khokims and other officials, as well as the issue of compliance with the Constitution and laws of the Republic of Uzbekistan.

In this regard, ensuring prosecutorial supervision over compliance with the legislation on the execution of judicial acts and acts of other bodies may also be carried out during the consideration of cases in court. An example of this is the participation of the prosecutor in the consideration of cases in court in cases of appeals and cassation against the execution of a judicial act. In other words, in order to ensure effective judicial protection of the rights and legitimate interests of citizens, enterprises, institutions

⁴ Order of the General Prosecutor of the Republic of Uzbekistan dated April 12, 2004 No. 5 "On the Department for Supervision over the Compliance with the Laws in the Execution of Judicial Decisions and the Detention of Prisoners."



and organizations, the prosecutor participates in the consideration of cases in all instance courts in the manner prescribed by law. According to the current legislation, the prosecutor is obliged to follow the principle of independence of judges and strict adherence to the norms of procedural legislation, enjoying equal rights with other participants in the judicial process.

However, there is a caveat that this is related to the fact that the prosecutor participates in the court session in departmental uniform. In other words, taking into account the specifics of the official duties assigned to the prosecutor's office by the Decree of the President of the Republic of Uzbekistan No. PP-4394 dated July 15, 2019, it is established that they will participate in court sessions in formal uniforms. It should be noted that while the prosecutor participated in the trial in a special uniform, the defense attorney does not have such a special uniform. This, in our opinion, can place psychological pressure on a judge in the administration of justice by participating in uniforms in ensuring the execution and control of legislation on the execution of judicial acts and acts of other bodies, and in general, in ensuring prosecutorial supervision in the consideration of cases in courts. Research on this topic shows that in England, a judge, state prosecutor, and defense attorney participate in court proceedings in special mantles.

In the United States, the prosecutor and attorney participate in court proceedings in civilian dress, while in Austria, attorneys participate in special mantles⁵. In our view, it is advisable to abolish the practice of the prosecutor participating in a court session in special clothing and to establish the obligation to participate in civilian clothing. Scholars who have conducted research in this field have also noted that attending court sessions in uniforms affects the administration of justice⁶.

The prospects for increasing the effectiveness of the prosecutor's oversight over compliance with the legislation on the execution of judicial acts require further increasing the responsibility of officials in ensuring the execution of judicial acts. In this regard, in our view, it is also advisable to improve the legal framework for strengthening the administrative responsibility of officials of state bodies for failure to ensure the execution of executive documents.

In this regard, it is planned to increase administrative liability for failure to ensure the execution of executive documents by officials of state bodies. The task of developing a draft law on amendments to Article 1982 of the Code of Administrative Responsibility of the Republic of Uzbekistan was also provided for in the Decree of the President of the Republic of Uzbekistan dated January 3, 2024 No. DP-1 "On additional measures to reform the system of execution of judicial acts and acts of other bodies and digitalization of the sphere."

REFERENCES

1. Hamidov A. Issues of further improving the organizational and legal foundations for ensuring the execution of court decisions. Doctor of Philosophy (PhD) dissertation in Legal Sciences. - Tashkent, 2021. - P.110.
2. Rakhimov F.Kh., Doctor of Law, Associate Professor, D.D. Valijonov. Дальнейшие перспективы развития международного сотрудничества органов прокуратуры в рамках цифровой глобализации // Вестник Академии Генпрокуратуры.2020-2. В-13
3. Order of the General Prosecutor of the Republic of Uzbekistan dated April 12, 2004 No. 5 "On the Department for Supervision over the Compliance with the Laws in the Execution of Judicial Decisions and the Detention of Prisoners."
4. Baker, J. H. (2002). An Introduction to English Legal History. Oxford University Press.; Hayward, M. (2009). Dress at the Court of King Henry VIII. Maney Publishing.; Evetts, J. (2003). The

⁵ Baker, J. H. (2002). An Introduction to English Legal History. Oxford University Press.; Hayward, M. (2009). Dress at the Court of King Henry VIII. Maney Publishing.; Evetts, J. (2003). The sociological analysis of professionalism: Occupational change in the modern world. *International Sociology*, 18(2), 395-415.;

⁶ Forsythe, S. M. (1990). Effect of Clothing on Perceptions of Intelligence and Scholastic Achievement. *Journal of Educational Research*, 83(6), 355-362.; Capers, B. (2006). Crime, Legitimacy, and Testifying. *Indiana Law Journal*, 83(2), 835-883.



sociological analysis of professionalism: Occupational change in the modern world. *International Sociology*, 18(2), 395-415.;

5. Forsythe, S. M. (1990). Effect of Clothing on Perceptions of Intelligence and Scholastic Achievement. *Journal of Educational Research*, 83(6), 355-362.; Capers, B. (2006). Crime, Legitimacy, and Testilying. *Indiana Law Journal*, 83(2), 835-883.

