

LEGAL STATUS OF THE PROSECUTOR IN CIVIL PROCEEDINGS AND PROSPECTS FOR ITS DEVELOPMENT

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Annotation. This article examines the concept of the legal status of the prosecutor in civil proceedings within the framework of current legislation and its significance today, the foundations and forms of the prosecutor's participation in civil proceedings, and the problems related to the legal status of the prosecutor in our national legislation. Also, scientifically based and important practical proposals have been developed, as well as the legislation of developed countries has been analyzed, and relevant scientific conclusions, proposals and recommendations have been developed.

Keywords: civil proceedings, prosecutor, legal status, participant in civil proceedings, application, protest, procedural right, procedural obligation, cases considered in a separate category and state of health, age.

Kirish: The legal status of the prosecutor in civil proceedings and its development prospects are of great importance in strengthening the principles of a legal state today. In the process of deepening judicial and legal reforms in the Republic of Uzbekistan, the improvement of regulatory legal acts regulating the participation of the prosecutor in civil proceedings is one of the pressing issues. The comprehensive reforms implemented in the judicial and legal sphere are aimed at increasing the efficiency of civil proceedings, ensuring justice and raising the protection of state interests to the highest level. To this end, the issue of the role and legal status of the prosecutor's participation in civil proceedings is of urgent importance. The prosecutor plays a special role in protecting state interests and ensuring the legality of court decisions in civil proceedings. Although the legislation of the Republic of Uzbekistan establishes the main criteria and powers of the prosecutor's participation, in practice there are still some shortcomings and difficulties in this process. Therefore, there is a need to improve the legal status of the prosecutor and ensure his effective participation in civil proceedings. At the same time, further expanding the population's access to justice within the framework of the principle of "New Uzbekistan - New Court" requires accelerating the reform of the judicial system and introducing advanced international standards in the field.

II. Methods

This study employs a comprehensive legal and comparative research methodology to examine the legal status of prosecutors in civil proceedings within the context of the Republic of Uzbekistan. It combines generalization, deduction, and systematic analysis to assess legislative changes and their impact on the prosecutor's role. The research also incorporates a comparative legal approach, analyzing the legal frameworks and practices of other countries, including Germany, France, Russia, and the USA, to draw insights that could be beneficial for the development of Uzbekistan's legal system.

Primary materials, such as the Civil Procedure Code of the Republic of Uzbekistan, presidential decrees, and amendments to the Civil Procedure Code, were analyzed to identify existing gaps and challenges in the legal status of prosecutors. Additionally, international legal practices were reviewed to assess potential models for enhancing the role of the prosecutor in civil cases. Qualitative data from scholarly articles, government reports, and legal literature were also incorporated to develop practical

¹ Doctor of Philology (PhD)



Impact Factor: 9.9**ISSN-L: 2544-980X**

recommendations. A systematic approach was used to analyze the evolution of the prosecutor's participation in civil proceedings over recent years, highlighting key legislative changes and their implications.

III. Results

The analysis reveals significant developments in the legal status of prosecutors in Uzbekistan's civil proceedings, particularly following recent amendments to the Civil Procedure Code and the establishment of a specialized corps of prosecutors. The 2023 and 2024 legislative amendments clarify the conditions under which prosecutors may intervene in civil cases, specifically focusing on protecting state interests and ensuring the legality of court decisions.

These reforms are expected to strengthen the impartiality of the judicial system by limiting the prosecutor's participation to cases prescribed by law and based on the protection of public interests. Furthermore, the creation of the specialized corps aims to enhance the effectiveness of prosecutorial involvement in civil cases, ensuring more consistent and transparent participation. The comparative analysis highlights that adopting certain international practices could further improve the prosecutor's legal status and broaden the scope of their involvement in civil proceedings in Uzbekistan, fostering greater public trust in the judicial process.

IV. Literature review

This article is aimed at studying the issue of the legal status of the prosecutor in civil proceedings and its development prospects. This study analyzes the legal status of the prosecutor in the legislation of the Republic of Uzbekistan, his participation in courts and other legal functions. In addition, the experience of the participation of the prosecutor in foreign countries and the possibilities of their integration into the legislation of Uzbekistan are also considered.

The article studies the Civil Procedure Code of the Republic of Uzbekistan and other regulatory legal acts by identifying and analyzing the legal status of the prosecutor in civil proceedings. The experience of foreign countries is analyzed, prospects for improving legislation in the Republic of Uzbekistan are highlighted, and practical recommendations are developed to increase the effectiveness of the prosecutor's participation [1].

The article shows the ways to develop the legal status of the prosecutor in civil proceedings through the analysis of scientific research, legal literature, practical experience and foreign experience. This issue is of great importance not only from a scientific but also from a practical point of view, and determines important directions for specialists in the legal field and legislators. In order to achieve the above goals, this work, in addition to the legislation of the Republic of Uzbekistan, also considers the experience of foreign countries (such as Germany, France, Russia, the USA) [2]. The necessary legal, organizational and practical measures are proposed to make the participation of the prosecutor in civil proceedings more effective. This monograph offers a scientific approach aimed at improving the legal status of the prosecutor in civil proceedings and ensuring his effective participation, and gives important recommendations for improving legislation.

The Order of the Prosecutor General "On further increasing the effectiveness of prosecutor participation in the consideration of civil cases in courts", adopted on November 17, 2015, is aimed at strengthening the participation of prosecutors in civil courts, ensuring that court decisions are legal, justified and fair, and effectively protecting the rights of citizens [3]. The participation of prosecutors becomes an important factor in ensuring the rule of law in society, strengthening social justice and protecting the rights of citizens.

In addition, the participation of the prosecutor in the courts plays an important role in ensuring the fair functioning of the courts and preventing violations of the law. The prosecutor ensures the effective functioning of the court by reviewing court decisions and eliminating identified violations of the law. This, in turn, serves to expand the participation of the prosecutor in civil cases, ensure legal justice and protect the interests of the state [4].



Impact Factor: 9.9**ISSN-L: 2544-980X**

At the same time, ensuring the participation of the prosecutor in court cases and further strengthening his legal status will contribute to the effective functioning of civil courts. By strengthening the legal status of prosecutors, the civil procedural system of Uzbekistan will have taken important steps in protecting the interests of citizens and the state. These laws and regulations will establish clear standards for all parties involved in civil courts, including prosecutors, and will strengthen the credibility of the judicial system [5].

According to some scholars, the reason why the prosecutor is recognized as a person who assists in the administration of justice in civil cases is closely related to his legal status in civil cases [6]. Because the prosecutor, in cases provided for by law and in cases considered through his own claim, directly participates in court and, whichever party is the plaintiff or the defendant, in a legal, reasonable and fair way, the prosecutor helps restore the violated rights of that person.

Decree of the President of the Republic of Uzbekistan dated January 16, 2023 "On additional measures to further expand access to justice and increase the efficiency of the activities of courts" [7] Clause 5 of Decree No. 11 establishes the establishment of a specialized corps of prosecutors to assist in the administration of justice (hereinafter referred to as the Specialized Corps of Prosecutors) in order to fully implement the principles of adversarial proceedings and equality of parties in the conduct of judicial proceedings at all stages of the Prosecutor General's Office and the Supreme Court, and to introduce a new mechanism aimed at ensuring the impartiality of the courts in practice. Paragraph 6 of this decree directly states the main tasks of the specialized prosecutors' corps:

Ensuring the prosecutor's authority in hearing cases in courts in accordance with the procedure established by the Law "On the Prosecutor's Office" and procedural legislation;

to promote the effective implementation of justice activities, using equal rights with other participants in the judicial process, to provide high-quality support for the state prosecution in criminal courts, based solely on the law and maintaining impartiality;

"to ensure effective protection of the rights and legitimate interests of citizens and legal entities through the courts;"

This is in accordance with the Decree of the President of the Republic of Uzbekistan dated January 16, 2023 "On additional measures for the effective organization of the implementation of justice activities" [8] Clause 1 of Decree No. 12 provides for the creation of an information system "Prosecutor Participation in Courts" by September 1, 2023, initially on a trial basis, and its full implementation in practice from 2024.

V. Discussion

"Court Decisions" of December 25, 2023 **On amendments and additions to the Civil Procedure Code of the Republic of Uzbekistan in connection with the improvement of the procedure for verifying the legality, validity and fairness of"the"** [9] In accordance with paragraph 5 of the law, Article 50 of the Code of Civil Procedure was amended as follows: "A prosecutor may participate only in cases provided for by law or in cases initiated on the basis of a statement of claim (application) of the prosecutor. A prosecutor may not participate on his own initiative in the consideration of a case initiated on the basis of applications of other persons.

If a citizen is unable to personally defend his rights, freedoms and legitimate interests in court due to his health condition, age or other reasons, the prosecutor has the right to apply to the court with an application for protection of the violated rights, freedoms and legitimate interests of the citizen.

In civil cases, a claim (application) shall be submitted to inter-district, district, and city courts by prosecutors of the Republic of Karakalpakstan, regions, Tashkent city, districts, cities, and prosecutors equivalent to them, or their deputies; to the court of the Republic of Karakalpakstan, and to the courts of regions and Tashkent city by prosecutors of the Republic of Karakalpakstan, regions, and Tashkent city, or their deputies.



Impact Factor: 9.9**ISSN-L: 2544-980X**

The Prosecutor General of the Republic of Uzbekistan or his deputies have the right to submit a statement of claim (application) to all civil courts of the Republic of Uzbekistan.

The amendments to the law of December 25, 2023 also more clearly define the participation of the prosecutor in civil cases. In the new version, the prosecutor may participate only in cases provided for by law or in order to protect the interests of the state, which ensures the independent and impartial participation of the prosecutor in the judicial process. Such changes, on the one hand, serve to increase the impartiality of the courts, and on the other hand, strengthen the trust of citizens in the courts and the prosecutor's office.

"On Amendments and Addenda to Certain Legislative Acts of the Republic of Uzbekistan Aiming to Ensure the Powers of the Prosecutor in Hearing Cases in Courts" dated September 30, 2024 [10] Article 1, paragraph 1 of the law amended Article 50 of the Code of Civil Procedure as follows: "A prosecutor may participate only in cases provided for by law, as well as in cases related to legal relations related to land, state property, compensation for damage caused to the state and collections from the state budget, or in cases initiated on the basis of a statement of claim (application) of the prosecutor [11]. A prosecutor may not participate on his own initiative in the consideration of a case initiated on the application of other persons.

"The prosecutor may file a petition with the court to protect the interests of the state."

Also, the Resolution of the President of the Republic of Uzbekistan dated January 28, 2022 "On the Development Strategy of the New Uzbekistan for 2022-2026" [12] Decree No. PF-60, as Goal 17, sets forth "Creating a solid legal framework for open and fair prosecutorial activities that strictly ensure legality" as one of the main goals [13].

Within the framework of the new development strategy of Uzbekistan, implemented on the basis of this Decree, special attention is paid to making the activities of the prosecutor's office transparent and fair, creating new mechanisms in the judicial system, and protecting the rights and legitimate interests of citizens. These changes will significantly increase the role and importance of the prosecutor in civil courts, as well as effectively protect the legitimate interests of the state [14].

Changes in the legal status of the prosecutor in civil proceedings in the Republic of Uzbekistan and its development prospects, especially the regulatory legal acts adopted in recent years, play an important role in the process of reforming the judicial system. The Decree of the President of the Republic of Uzbekistan "On additional measures to further expand access to fair trial and increase the efficiency of the activities of courts", adopted in January 2023, and the establishment of a specialized corps of prosecutors included as an appendix to it, create a new mechanism aimed at effectively ensuring the participation of the prosecutor in civil cases [15]. These changes provide for the strengthening of the participation of the prosecutor in the judicial system, protecting the interests of the state, ensuring the impartiality of the courts, as well as protecting the rights of citizens and legal entities.

VI. Conclusion

Therefore, it is necessary to implement all legislative changes and new mechanisms in order to further increase the effectiveness of the prosecutor's participation in civil proceedings and improve his legal status. Such changes, in turn, will further increase confidence in the judicial system of Uzbekistan and serve to ensure the protection of the interests of citizens, entrepreneurs, as well as the state. The creation of a specialized corps of prosecutors in this process will help to ensure more effective and impartial practical participation of prosecutors in civil cases, as a result of which the courts will be able to make fair and lawful decisions. This will further strengthen the legal and democratic system of Uzbekistan. This, in turn, Due to the relevance and importance of the legal status of the prosecutor as a participant in civil court cases, it is necessary to study reforms in this area and further improve the norms aimed at regulating related relations.

List of used literature:



1. Law No. 257-II of the Republic of Uzbekistan "On the Prosecutor's Office" of August 28, 2001, <https://lex.uz/ru/docs/-106197>.
2. Law of the Republic of Uzbekistan dated October 16, 2006 "On Arbitration Courts" No. ORQ-64. <https://lex.uz/uz/docs/-1072079>.
3. Civil Procedure Code of the Republic of Uzbekistan dated January 22, 2018. <https://lex.uz/uz/docs/-3517337#-3524404>.
4. Labor Code of the Republic of Uzbekistan dated April 30, 2023. <https://lex.uz/ru/docs/-6257288>.
5. Family Code of the Republic of Uzbekistan dated September 1, 1998. <https://lex.uz/docs/-104720>.
6. Civil procedural law. Textbook. Authors. Responsible editors: yfd, prof. MMMamassiddiqov, yfn, prof. DY Khabibullayev. –“ Lesson press ”publishing house. 2020. -607 p (158 pages).
7. Gadiyatova, Maria Vitalevna. District prosecutor's examination of the civil court in 2005 - candidate of legal studies. <https://Dissercat.com>
8. Maslova, Tamara Nikolaevna (candidate of juridical studies). Problemy uchastiya prosecutora v grajdanskom sudoproizvodstve: autoreferat dissertatsii na soiskanie uchenoy stepi candida uridicheskikh nauk: spetsialnost 12.00.15. <https://www.prlib.ru/item/468814>
9. Konstitutsionno-pravovoy status prokuratury v Rossii i v zarubezhnyx stranax (sravnitelno-pravovoe issledovanie): monograph / E. N. Primova i dr.- Moscow: Academy of the General Prosecutor's Office of the Russian Federation, 2017. – 200 p.
10. Constitution of the Republic of Uzbekistan. <https://lex.uz/uz/docs/-6445145>.
11. Decree of the President of the Republic of Uzbekistan No. PF-11 dated January 16, 2023 "On additional measures to further expand access to justice and increase the efficiency of the activities of courts." <https://lex.uz/uz/docs/-6358976>.
12. Decree of the President of the Republic of Uzbekistan No. PF-12 dated January 16, 2023 "On additional measures for the effective organization of the implementation of justice activities." <https://lex.uz/docs/-6358913>.
13. Law of the Republic of Uzbekistan No. O'RQ-887 dated December 25, 2023 "On Amendments and Additions to the Civil Procedural Code of the Republic of Uzbekistan in connection with improving the procedure for verifying the legality, validity and fairness of court decisions." <https://lex.uz/uz/docs/-6708694>.
14. Law of the Republic of Uzbekistan No. O'RQ-968 dated September 30, 2024 "On Amendments and Addenda to Certain Legislative Acts of the Republic of Uzbekistan Aimed at Ensuring the Powers of the Prosecutor in Hearing Cases in Courts". <https://lex.uz/uz/docs/-7121954>.
15. Decree of the President of the Republic of Uzbekistan No. PF-60 dated January 28, 2022 "On the Development Strategy of the New Uzbekistan for 2022-2026". <https://lex.uz/uz/docs/-5841063>.

