



FORMATION AND DEVELOPMENT OF HUMAN RIGHTS PROTECTION BY THE PROSECUTOR'S OFFICE.

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Annotation: The article provides a scholarly analysis of the genesis of the prosecution institution, its role in the legal system, and its significance in human rights protection. The historical formation of prosecution is examined as a response to the necessity of ensuring legality and law enforcement. Special attention is given to its interaction with state structures, functions in safeguarding public interests, and evolutionary development in different legal systems.

Keywords: prosecution, legal system, public interests, state structure, legal oversight, legality, genesis of prosecution.

Аннотация:

Мақолада прокуратура институтларининг тарихий шаклланиши, унинг ҳуқуқий тизимдаги ўрни ва инсон ҳуқуқларини ҳимоя қилишдаги аҳамияти таҳлил қилинган. Прокуратура институтининг пайдо бўлиши ва унинг эволюцияси жамиятда қонунийликни таъминлаш зарурати билан боғлиқлиги таъкидланган. Шунингдек, прокуратуранинг давлат тузилмаси билан ўзаро алоқаси, жамият манфаатларини ҳимоя қилишдаги функциялари ҳамда халқаро стандартларга мослашув жараёни ёритилган.

Калит сўзлар: прокуратура, ҳуқуқий тизим, жамият манфаатлари, давлат тузилмаси, ҳуқуқий назорат, қонунийлик, прокуратуранинг генезиси.

Аннотация: В статье проводится научный анализ генезиса развития института прокуратуры, его роли в правовой системе и значимости в защите прав человека. Рассматривается исторический процесс формирования прокуратуры, обусловленный необходимостью обеспечения законности и правопорядка. Особое внимание уделяется её взаимодействию с государственным устройством, функциям в охране общественных интересов и эволюции в различных правовых системах.

Ключевые слова: прокуратура, правовая система, общественные интересы, государственное устройство, правовой надзор, законность, генезис прокуратуры.

Introduction. The genesis of the prosecutor's office dates back to ancient times, as its formation evolved over centuries in response to society's need to ensure legality, maintain public order, and protect justice. Throughout its historical development, the prosecutor's office underwent significant changes, adapting to transformations in the political, social, and legal spheres of various states. This process of adaptation shaped it into a crucial element of the system of human rights protection mechanisms aimed at safeguarding individual rights. Moreover, the evolution of this institution has been closely tied to the development of state structures, the expansion of civil liberties, and the adoption of international standards in the field of law and order.

Turning to the specifics of this development, it should be noted that the process of establishing and evolving the prosecutor's office in each state had its own unique characteristics. However, despite these differences, its core function—ensuring the protection of the interests of society and the state—remained unchanged. With the emergence of statehood, norms regulating social relations began to take shape, along with mechanisms to oversee their observance, laying the foundation for the subsequent establishment of the prosecutor's office.

To better understand the origins of this institution, it is worth examining historical data. Such analysis reveals the earliest functional analogs of the prosecutor's office in the legal systems of Ancient Greece and Ancient Rome. During this period, functions similar to those of prosecutors were performed by renowned orators who, in judicial proceedings, exposed offenders, thereby contributing to the principle of the inevitability of punishment **(1)**.

Smoothly transitioning to the origin of the term itself, it is worth noting that, from an etymological perspective, the word "prosecutor's office" derives from the Latin "procurare," which translates to "to care for" or "to manage." This meaning reflects the original essence of the institution as a mechanism of oversight and human rights protection **(2)**.

Against this backdrop, the formation of the prosecutor's office in its modern sense in the West began to take shape in Europe, most notably in France between the 12th and 14th centuries. It was during this period that the concept of "royal prosecutors" emerged, with their primary task being to strengthen royal authority. They prepared official documents, represented the monarch's interests in judicial proceedings, and oversaw the functioning of the state apparatus.

Delving deeper into this process, it should be noted that the official establishment of the prosecutor's office in France dates back to 1302, when it was created as a tool to supervise the execution of royal decrees and maintain law and order amid feudal fragmentation. The royal prosecutor, appointed by the monarch, monitored the actions of local authorities, prevented abuses, and facilitated effective state governance. In those times, he was called the "eyes" of the king, as he reported violations and acts of disobedience to the ruler. This institution became a vital part of the centralized governance system and served as a model for similar structures in other European countries.

Despite the transformation of the prosecutor's office functions over time, its core mission—ensuring legality and protecting state interests—remains intact to this day **(3)**. In this context, it is interesting to note that during this historical period, prosecutors were also referred to as "royal commissioners," emphasizing their role in the judicial system. Over time, the scope of the prosecutor's office expanded significantly, moving beyond the exclusive protection of state interests. For instance, in 1790, French prosecutors were granted authority to oversee the enforcement of judicial decisions, and from 1808, they assumed the role of accusers in criminal proceedings **(4)**. Furthermore, their activities began to encompass the protection of citizens' rights, ultimately solidifying the prosecutor's office as a key institution for ensuring law and order and justice **(5)**.

Continuing this line of thought, it is worth noting that the institution of the prosecutor's office later spread to other countries, including Austria and Germany. By the early 19th century, its establishment had become a dominant method of organizing oversight of legal compliance in Europe. In states of the Romano-Germanic legal tradition, the prosecutor's office acquired various names: "public ministry" (Ministerio Publico, Ministère Public),

“fiscalía,” and in Germany, it was called the “state representative service” (Staatsanwaltschaft). In the Czech Republic, a similar body operated under the name “state defender,” while in the United States, the functions of the prosecutor’s office are carried out by the attorney service, adapted to the peculiarities of Anglo-Saxon law **(6)**.

Shifting to the East, it is noteworthy that in Muslim countries, specialized state structures overseeing legal compliance existed long ago. These institutions emerged well before the formation of the prosecutor’s office within the Romano-Germanic and Anglo-Saxon legal systems, attesting to the ancient traditions of legal oversight in the Islamic world.

One striking example of such structures was the muhtasib (or hisba), which operated from the 10th century until the early 20th century. Its roots lie in Islamic legal tradition, with its origins linked to the time of the Prophet Muhammad. The first mention of such a position is tied to an incident at the Medina market, where the Prophet uncovered a merchant’s deception and appointed an overseer responsible for ensuring the integrity of market transactions. In Central Asia, a similar position was known as the rais **(7)**.

Clarifying the role of the muhtasib, it should be added that the term translates from Arabic as “overseer.” Individuals holding this position regulated trade, monitored the accuracy of pricing, ensured compliance with standards of weights and measures, and oversaw moral conduct in public spaces. Appointments to this role were given to respected and authoritative Muslims with deep knowledge of Sharia law and a reputation as just judges.

The activities of muhtasibs were closely tied to the appellate judicial authority, the Qadi al-Qudat (supreme judge). However, a fundamental distinction existed between these institutions: the muhtasib lacked the authority to conduct full judicial proceedings. His jurisdiction covered minor offenses requiring swift resolution, while more complex cases were referred to judicial bodies.

Expanding on this idea, it is worth noting that during the reign of Amir Temur, strict oversight of legal compliance was enforced, contributing to the maintenance of order and the strengthening of state authority. In various state entities that existed on the territory of modern Uzbekistan, institutions performed supervisory functions similar to those of today’s prosecutor’s office **(8)**.

Amir Temur placed particular importance on the activities of muhtasibs, viewing them as a critical component of the system for ensuring public order and legality. Their appointments were made by sadr—high-ranking religious and state officials vested with authority to oversee law and order in cities and regions. Through their efforts, compliance with legal norms, regulation of trade and social processes, and prevention of offenses were ensured **(9)**.

As an example of the longevity of this system, one can point to Bukhara, where, as sources note, the institution of the muhtasib persisted in its medieval form until 1920. Sources emphasize that due to the enforcement of legality in this city, foreigners were astonished that even during prayers, when shops remained open for 20–25 minutes, nothing was stolen **(10)**.

Turning to the history of Russia, it should be noted that the institution of the prosecutor’s office in this country was established in 1722 by decree of Peter I. Its primary task was to ensure oversight of legal compliance, combat corruption, and strengthen state authority. The creation of the prosecutor’s office reflected the emperor’s aspiration to

centralize governance and enhance the effectiveness of law enforcement mechanisms in the country **(11)**.

The results of this initiative were not long in coming. The prosecutor's office soon yielded tangible outcomes: prosecutors uncovered numerous instances of embezzlement of state funds, illicit enrichment by officials, and unlawful decisions by local authorities. Their work contributed to increased tax collection, reduced corruption, and enhanced discipline among state servants. Fearing accountability, officials began to approach their duties more responsibly.

However, this order changed after the October Revolution of 1917. The tsarist prosecutor's office was abolished by the Soviet authorities, led by the Bolsheviks under V. Lenin's leadership **(12)**. Its functions were transferred to various state bodies, which diminished the effectiveness of crime prevention. The liquidation of the previous governance system was driven by the desire to dismantle structures associated with the tsarist regime and bourgeois state. The Bolsheviks viewed the prosecutor's office as a tool for protecting the interests of the ruling class, which clashed with their ideological principles. In its place, revolutionary tribunals and special commissions were established to suppress counter-revolutionary activities, looting, and sabotage. The primary goal of these transformations was to create authorities reflecting the interests of workers and peasants.

Against this backdrop, following the incorporation of Central Asia into the Russian Empire in the 19th century, imperial laws began to apply in the region, and the imperial prosecutor's office was officially integrated into its judicial system. Subsequently, in 1922, the Soviet authorities established the prosecutor's office of the Turkestan ASSR, endowed with broad powers to oversee law enforcement and maintain public order. Later, the Soviet prosecutor's office performed not only legal but also significant ideological functions, ensuring strict adherence to socialist legislation and aligning law enforcement practices with communist principles **(13)**.

The history of the prosecutor's office in Uzbekistan reflects a complex process of transformation of the state legal system under the influence of both external and internal factors. Initially, following the adoption of the Judicial Statutes of 1864, the Russian Empire began gradually extending its legal norms to the territory of Turkestan. This process involved adapting local legislation to imperial standards, leading to the formation of new law enforcement mechanisms **(14)**.

Continuing this trajectory, during the Soviet period, the establishment of the Prosecutor's Office of the Uzbek SSR in 1924 became part of a broader strategy of centralizing power aimed at ensuring uniform application of socialist legislation. At this stage, the prosecutor's office performed not only supervisory but also ideological functions, which later contributed to its involvement in the state's repressive apparatus. Under the strict control of the central authorities of the USSR, its activities focused on ensuring compliance with Soviet legality and maintaining socialist order. Over time, the significance of the prosecutor's office in Uzbekistan grew, and its functions expanded to include, among other things, the protection of citizens' rights and the fight against corruption. These tasks gained particular relevance, though the prosecutor's office remained under the control of party and state structures.

However, its operation under the ideological dominance of a single political party inevitably entailed shortcomings that undermined trust in supervisory bodies. The situation changed dramatically with Uzbekistan's independence. On January 8, 1992, by the Decree of

the President of the Republic of Uzbekistan “On the Prosecutor’s Office of the Republic of Uzbekistan,” the Prosecutor’s Office of the Uzbek SSR, previously subordinate to Union authorities, was transformed into an independent entity. The first General Prosecutor of sovereign Uzbekistan, B.M. Mustafayev, marked the final break with the Soviet prosecutorial system and the formation of a national legal institution oriented toward the interests of an independent state (15).

Reinforcing this transition, the legal foundations of the prosecutor’s office were enshrined in the Constitution of the Republic of Uzbekistan and the Law “On the Prosecutor’s Office.” This became a crucial step in shaping a modern national prosecutorial system. In its establishment, the experience of the Soviet period was taken into account, while new approaches tailored to national realities were introduced. These changes contributed to strengthening law and order, ensuring stability, and protecting citizens’ rights.

From the early years of independence, active efforts were made to restore national statehood, form new state institutions, and reform the judicial and legal system. This process aimed to create effective law enforcement mechanisms aligned with the principles of a sovereign state.

Conclusion. Based on the foregoing, the chronology of the emergence and development of the prosecutor’s office of the Republic of Uzbekistan can be divided into four key stages:

The first stage—the roots of the prosecutor’s office in Uzbekistan stretch back to the distant past. As early as the 10th to 20th centuries, Central Asia had the institution of the muhtasib (hisba), which oversaw law enforcement. During the time of Amir Temur, the state apparatus included structures performing functions similar to those of the modern prosecutor’s office: oversight of officials, trade, and compliance with law and order.

The second stage—covers the period up to 1991, when the prosecutor’s office of Uzbekistan was part of the unified Soviet system. During this period, its activities were governed by Soviet legal norms, and its functions were aimed at ensuring the execution of state decisions and maintaining socialist order. Studies of this stage focus on analyzing the influence of the Soviet legal system on the subsequent development of the national prosecutorial institution.

The third stage—begins with the adoption of the Constitution of the Republic of Uzbekistan in 1992, which laid the foundation for the formation of an independent prosecutorial body. During this period, the process of creating an autonomous legal framework and institutional structure for the prosecutor’s office of Uzbekistan began.

The fourth stage—starts in 2017, with the rise to power of President Sh.M. Mirziyoyev. One of the key events was the issuance of Presidential Decree No. PF-5019 on April 18, 2017, which launched a large-scale reform of the prosecutor’s office, ongoing to the present day.

For example, this period is characterized by a priority focus on improving the legal system. On one hand, measures were taken to enhance the independence of prosecutors in decision-making and ensure their accountability to parliament, strengthening the principles of the rule of law and justice. A key task became intensifying the fight against corruption within the system and expanding supervisory functions aimed at protecting citizens’ rights. Additionally, the modern stage of the prosecutor’s office development is marked by the active introduction of digital technologies and the modernization of management processes, enhancing its efficiency and transparency.

Furthermore, the question arises: why study the genesis of the prosecutor's office development?

As G.R. Malikova notes in her monograph, "A people that forgets its history loses its identity." It is important not only to study the evolution of the prosecutor's office but also to consider national values and the specifics of law enforcement practices, rather than mechanically borrowing foreign experiences. Moreover, understanding the past allows for a deeper comprehension of the reasons behind certain legal transformations. Analyzing the historical path of the prosecutor's office enables the identification of patterns in its development, the determination of factors influencing changes in its functions, and the extraction of lessons necessary for improving the modern institution.

Thus, it can be asserted that the prosecutor's office has always played a key role in ensuring legality and law and order. In Uzbekistan, its evolution has progressed from a Soviet model to an independent institution adapted to national realities. Studying its history not only helps avoid past law enforcement mistakes but also serves as a foundation for the effective development of the prosecutorial system in modern conditions. Scientific analysis of its functions and operational mechanisms is a vital tool for adapting this institution to current challenges and societal needs.

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