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THE NATURE AND DIRECTIONS OF PROSECUTORIAL SUPERVISION OF COMPLIANCE WITH THE LAW BY PRELIMINARY INVESTIGATION BODIES

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Abstract: The article reveals the essence and features of the prosecutor's supervision over the observance of laws in pre-trial criminal proceedings, considered the forms and features of the oversight of evidence, involvement of a person in a criminal case as a suspect or accused, and at the end of the preliminary investigation.

Keywords: prosecutorial supervision, pre-trial proceedings, compliance with laws, forms and features of prosecutorial supervision, engaging a person to participate in a criminal case as a suspect or accused, the end of the preliminary investigation.

The statement of the problem of building a democratic law-governed state and a strong civil society actualizes the increasing requirements for compliance with the law in the activities of law enforcement agencies. Since the rule of law provides for the protection and protection of the rights and interests of a person, society, and the state from crimes by creating conditions for their disclosure, exposing and convicting the guilty with the establishment of guarantees for the realization of individual rights.

International standards for ensuring human rights and freedoms, enshrined in the World Declaration of Human Rights and the International

Covenant on Civil and Political Rights [1], are reflected in the Constitution of the Republic of Uzbekistan [2], according to which the observance of such rights and freedoms as - personal integrity, inviolability is guaranteed home, privacy of correspondence and correspondence, etc.

It should be noted that the Constitution of the Republic of Uzbekistan proclaims that "... the highest value is a person, his life, freedom, honor, dignity and other inalienable rights. Democratic rights and freedoms are protected by the Constitution and laws "[2]. The approach to the individual as a social value protected at the highest level, reflected in the Constitution, required the improvement of the criminal procedure legislation and the practice of its application, aimed at preventing various violations in the criminal procedure sphere, which was reflected in the Strategy for Further Development Republic of Uzbekistan [3]. Among the main directions in the Action Strategy, it is pointed out that it is necessary to solve the problems of ensuring detailed regulation in criminal procedure legislation of legal relations in criminal proceedings, as well as accurate and uniform implementation of legislation. Moreover, compliance with the law is ensured only with the availability of legal instruments and criminal procedural institutions that determine the status and relations between participants in the criminal process, which directly affects the protection of the rights and legitimate interests of citizens.

A study of international experience has shown that in developed countries, special attention is paid to the formation and legal regulation of an effective mechanism for ensuring compliance with human rights at the stage of pre-trial criminal proceedings. In this context, a special role is given to the prosecutor's oversight of the implementation of the requirements of the law by bodies involved in the fight against crime.

In accordance with Art. 118 of the Constitution of the Republic of Uzbekistan, the supervision of the accurate and uniform implementation of laws on the territory of our country is carried out by the Prosecutor General of the Republic of Uzbekistan and prosecutors subordinate to it [2]. Thus, prosecutorial oversight is an activity enshrined at the level of the Constitution aimed at ensuring accurate and uniform enforcement of laws by all state and non-state bodies, legal entities and individuals throughout the country. It should be noted that the prosecutor's office exercises its authority independently of any state body, public association and officials, subject only to the law. In essence, prosecutorial supervision as an institution of responding to any violations of the law performs the tasks of ensuring the rights and freedoms of citizens, protecting public and state interests and is carried out in the manner and form established by law [4. c. 314-315].

Analysis of the legal framework and practice of organizing prosecutorial supervision of the activities of pre-trial proceedings abroad [5. c.14; 6. c.22; 7. c.19] and our country [8. p.33; 9. c.10] showed the existence of complex

problems related to the implementation of the functions of pre-investigation verification, inquiry and preliminary investigation in criminal cases, as well as supervision over the implementation of laws by bodies of inquiry and preliminary investigation. This shows that the functions, powers of the prosecutor at the pre-trial stage and features of the prosecutor's supervision of the activities of the preliminary investigation bodies are constantly in the focus of attention of scientists and practitioners.

In accordance with Art. 382 of the Code of Criminal Procedure of the Republic of Uzbekistan (hereinafter referred to as the Code of Criminal Procedure), the prosecutor is responsible for the supervision of uniform and accurate compliance with laws in criminal investigations. In the legal References:, the methodology of prosecutorial supervision is defined as a set, a set of methods, i.e. ways, means, methods of using legal forms of exercising the powers of prosecutors in order to prevent, identify, eliminate violations of the law, causes and conditions that contribute to them [9. p.13-15; 10. c.29-30].

In our opinion, the features of prosecutorial supervision are as follows:

carried out only by authorized public prosecutors;

directions and branches of activity of prosecutorial supervision are determined by the Law of the Republic of Uzbekistan "On the Prosecutor's Office" and other regulatory legal acts;

prosecutorial supervision is carried out by monitoring the implementation of normative legal acts only within the limits of areas and branches defined by him;

Objects of supervision can be the activities of both state bodies responsible for criminal proceedings, as well as legal entities and individuals involved in criminal proceedings;

prosecutorial supervision is carried out in order to ensure the interests of the individual, society and the state.

At the same time, in our opinion, when classifying the types and forms of supervision, it is imperative to take into account the particularities of the activities of the body carrying out it - the prosecutor's office, the direction and branch of prosecutorial supervision. According to the norms of the Law of the Republic of Uzbekistan "On the Prosecutor's Office" (new edition) [12], there are a number of branches of prosecutorial supervision, and each type of branch supervision is not only specifically disclosed in the law, but also reflected in the system of prosecutor's bodies.

So, according to Part 1 of Art. 4 of the Law "On the Prosecutor's Office" of the nine main areas of activity of the prosecution authorities, six are related to the implementation of supervision, and the remaining three cover other areas of activity.

The main goal of prosecutorial supervision of the execution of laws by the preliminary investigation authorities is to resolve issues related to the degree

to which the activities of the preliminary investigation bodies comply with the requirements of the Criminal Code, the Criminal Procedure Code and other laws, the objectivity of the investigation, and ensuring the rights and freedoms of persons involved in the criminal process.

In our opinion, the following should be singled out as forms of supervision of the preliminary investigation in criminal cases:

- familiarization and study of materials of criminal cases;

- hearing information from investigators on the progress of criminal investigations;

- personal participation in the preliminary investigation;

- consideration and resolution of complaints and applications for decisions and actions of investigators.

Based on the fact that the investigator, in carrying out their activities, considers and resolves complaints and allegations of crimes, it is necessary to pay attention to the subject of prosecutorial supervision of this stage of pre-trial proceedings. So, the subject of prosecutorial supervision of the implementation of laws during the pre-investigation check is the monitoring of the exact and uniform implementation of the norms of the criminal procedure legislation establishing the procedure for the adoption, registration, verification and resolution of statements and reports of crimes, as well as the cancellation of illegal or unreasonable decisions of investigators, issuing decisions to institute or refuse to institute criminal proceedings in cases of violation of the law.

It should be noted that the supervision of the pre-investigation inspection of preliminary investigation bodies in accordance with Art. 27 of the Law "On the Prosecutor's Office", being an integral part of the subject of supervision of the enforcement of bodies by the anti-crime authorities, includes the procedural procedure for examining and resolving allegations and reports of crimes, conducting an investigation, as well as the legality of decisions made by the authorities leading the fight against crime. These powers are disclosed by the two parties to the prosecutor's supervision of the pre-investigation check. So, the prosecutor oversees: a) the implementation of the requirements of the law on the adoption, consideration and resolution of applications and reports of crimes committed or being prepared; b) full and accurate compliance with the law by the bodies of the preliminary investigation.

The prosecutor, overseeing the decisions made on the results of the pre-investigation check, carefully checks, examines each material and, if necessary, cancels the illegal and unreasonable decisions of the investigator, i.e., canceling the decision to initiate a criminal case, refuses to initiate a case, cancels the decision on refusal to institute criminal proceedings, initiates criminal proceedings.

The main activities of the preliminary investigation bodies are carried out through the implementation of the evidence process. Prosecutorial supervision

of evidence at the preliminary investigation is carried out in the form of issuing sanctions for investigative actions, participating in various investigative and procedural actions in the case, as well as conducting personal investigative actions.

Prosecutorial supervision over the involvement by the preliminary investigation authorities of a person in a criminal case as a suspect or accused consists of ensuring the accurate and correct execution of the requirements of the legislation provided for when a person is detained or involved in a case as a suspect or accused (Article 47, 48, 220, 221, 224–227, 359–361 of the CPC) [13].

At the same time, prosecutorial supervision over the involvement of a person in a criminal case as a suspect or accused has its own characteristics. Their presence is primarily characterized by applying to a person involved in a criminal case as a suspect or accused, giving them appropriate procedural status, the existence of procedural rights and obligations arising from this, and the possibility of applying state coercion measures and other legal restrictions to them.

On the other hand, the legal status of a person is changing: he may be subject to restrictions of such constitutional rights as personal freedom and inviolability, the inviolability of his home, the secrecy of telephone conversations and correspondence. This without fail requires compliance with the procedural order and legality in the implementation of procedural actions related to involving a person in the case as a suspect or accused. That is why, at this stage, the high efficiency of prosecutorial supervision is required, through which the validity of attracting a person to participate in a criminal case as a suspect and preventing violations of individual rights is ensured. Prosecutorial supervision also serves to ensure that the investigator complies with the grounds and procedure for attracting a person to participate in a criminal case as an accused, as provided for in the Code of Criminal Procedure.

The issuance of a decision to bring a person to a criminal case as an accused means the beginning of the process of bringing a person to criminal liability. In this regard, prosecutorial oversight should be aimed at organizing and ensuring that conclusions on the existence of a criminal offense and on the commission of this offense by a given person are based on sufficient evidence substantiating these findings. In addition, evidence must be collected, verified and evaluated in accordance with the law. All doubts about the guilt of the person in the case must be eliminated, i.e. in order to attract a person to participate in a criminal case, all elements of the *corpus delicti* must be established as the accused, and the fact of the commission of the crime by this person must be established by the evidence gathered in the case.

The main task of prosecutor's supervision over the involvement of a person in a criminal case as an accused is to ensure that this decision is made

only after evidence has been gathered confirming the person's guilty of committing a crime. When supervising the involvement of a person as an accused, the prosecutor must be guided by the requirements of Art. 2 of the CPC, according to which everyone who commits a crime must be punished with fair punishment and not a single innocent person will be prosecuted and convicted.

The main task of prosecutor's supervision over the involvement of a person in a criminal case as an accused is to ensure that this decision is made only after evidence has been gathered confirming the person's guilty of committing a crime. When supervising the involvement of a person as an accused, the prosecutor must be guided by the requirements of Art. 2 of the CPC, according to which everyone who commits a crime must be punished with fair punishment and not a single innocent person will be prosecuted and convicted.

The prosecutor should focus on ensuring that the preliminary investigation authorities do not attract a person as an accused in the event of insufficient collected evidence of a person's guilt.

A study of the practice of investigating criminal cases showed that investigators, when deciding on the involvement of a person in the case as an accused, send a copy to the prosecuting supervisor. It should be noted that the Code of Criminal Procedure does not contain such a requirement, however, the existing practice can be adopted as a way to ensure the rights and legitimate interests of persons involved in the case as an accused, as well as legality in attracting a person as an accused at the preliminary investigation. The prosecutor, through the study of the decision on the involvement of a person in a criminal case as an accused, exercises supervision of the prosecution. Thus, the prosecutor, as the guardian of the law and responsible for ensuring the rights of the suspect and the accused, within the limits of his authority, directly exercises the oversight function specified in the CPC and other regulatory legal acts for the exact and full compliance with the law by the preliminary investigation authorities.

Another of the main areas of prosecutorial oversight of the activities of the preliminary investigation bodies is the organization, monitoring and ensuring full compliance with the requirements of the procedural legislation at the end of the preliminary investigation.

In the process of supervising the preliminary investigation, the prosecutor should pay particular attention to the completeness, comprehensiveness and objectivity of all evidence collected, which indicate the guilt of the person or exclude the proceedings, conduct and execution of investigative actions, in accordance with the requirements of the Criminal Procedure Code, aimed at checking and evaluating evidence, security the rights and legitimate interests of the participants in the process, the formulation of the conclusions of the

preliminary investigation. The peculiarities of prosecutorial supervision over the completion of the preliminary investigation include verification of the ensuring by the investigator of the rights and legitimate interests of the participants in the process. So, the prosecutor supervises how the investigator notifies the participants in the trial about the end of the preliminary investigation, explains to them their rights at this stage and carries out familiarization of the case materials with interested parties, draws up an indictment or other procedural act that marks the end of the preliminary investigation.

Based on the foregoing, it should be noted that supervision of the activities of the preliminary investigation bodies is one of the main activities of the prosecutor's office and is aimed at fulfilling the tasks of ensuring compliance with the law during the preliminary investigation. The prosecutor is an official who occupies an important and specific place in the mechanism of public administration, is responsible for the implementation of one of the main functions enshrined in the theory of the criminal process - the function of the prosecution. If the prosecutor in the process of supervising the investigation finds a wrong, unreasonable or illegal decision of the investigator, he makes a decision to cancel this procedural act and recognizes the decision of the investigator as null and void.

As a conclusion, it should be noted that prosecutorial oversight of the implementation of legislation by the preliminary investigation authorities, as a sub-sector of oversight of the accurate and uniform application of laws by crime control authorities, is an activity aimed at ensuring the legality of decisions and actions of the investigator starting from the stage of consideration and resolution.

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LEGAL BASIS FOR LICENSING IN THE REPUBLIC OF UZBEKISTAN

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Abstract: The article discusses the legal basis for licensing in the Republic of Uzbekistan, analyzes the regulatory legal acts, and on the basis of a study of the opinions of scientists gives recommendations for its improvement.

Keywords: license, licensing, legal regulation, licensing.

In accordance with the Constitution of the Republic of Uzbekistan, the Cabinet of Ministers, within the limits of constitutional norms and in accordance with the legislation in force, issues decisions and orders binding