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## **THEORETICAL AND PRACTICAL ASPECTS OF SUSPENDING THE PERIOD OF PROSECUTORIAL INSPECTION OVER THE EXECUTION OF LAWS AND APPEALING SUCH INSPECTIONS**

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### **ANNOTATION**

This article highlights the specific features of suspending the period for conducting prosecutorial inspections over the execution of laws and the peculiarities of appealing such inspections. It presents certain official statistical data regarding conducted prosecutorial inspections as well as the results of a sociological survey conducted within the framework of scientific research. The author engages in academic discussion with the views of several legal scholars and presents their own scientific and theoretical position in relation to these perspectives. The experience of several countries, including Kazakhstan, Turkmenistan, and Kyrgyzstan, is comparatively analyzed with national legislation, and a number of theoretical and practice-oriented proposals are put forward.

**Keywords:** prosecutorial inspection over the execution of laws, prosecutorial supervision, suspension of inspection period, extension of inspection period, documents of prosecutorial supervision over the execution of laws, appeal of inspections.

One of the most pressing issues today in building a legal, democratic state based on civil society is ensuring effective prosecutorial oversight over the consistent and uniform implementation of laws. Goal 17 of the “Development Strategy of New Uzbekistan for 2022–2026,” approved by the Decree of the President of the Republic of Uzbekistan No. PF–60 dated January 28, 2022, is dedicated to improving the activities of the prosecution authorities. It sets the task of establishing a strong legal foundation for an open and fair prosecution system that ensures strict adherence to



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the rule of law, promoting the principle of “Law – supreme, punishment – inevitable” as a core standard. This, in turn, highlights the need to further improve the legal provisions related to prosecutorial inspections as reflected in the Law of the Republic of Uzbekistan “On the Prosecutor’s Office.”

In general, prosecutorial inspections concerning the execution of laws are a crucial and integral part of prosecutorial supervision. Without a clear understanding of the essence and intended purpose of these inspections, it is impossible to ensure their full effectiveness.

However, the current Law “On the Prosecutor’s Office” does not provide for the right to appeal prosecutorial inspections. During such inspections, a sequence of legal actions is carried out. If these actions violate legal requirements — for instance, if the inspection lacks a lawful basis, exceeds the prescribed time limits, or is conducted by unauthorized individuals — the law does not clearly define the appropriate legal response to such situations.

In contrast, the experience of some foreign countries shows that the right to appeal prosecutorial inspections is explicitly established at the legislative level. For example, Article 19 of the Constitutional Law of the Republic of Kazakhstan “On the Prosecutor’s Office,” adopted on November 5, 2022 (No. 155-VII), stipulates that decisions to initiate prosecutorial inspections, as well as the actions (or inaction) of prosecution officials, may be appealed in accordance with the procedures established by Kazakhstani legislation.

Similarly, Article 11 of the Law of Turkmenistan “On the Prosecutor’s Office,” adopted on December 2, 2015, regulates the procedure for appealing actions and documents within the scope of prosecutorial supervision. According to this provision, unless otherwise specified by law, complaints against prosecutorial actions or acts may be submitted to a higher-ranking prosecutor within ten days from the date the action was carried out or the prosecutorial act was issued. Filing a complaint does not suspend the execution of the relevant action or document. While exercising their powers, prosecutors are obliged to provide explanations to individuals and legal entities regarding the prosecutorial action or document applied to them, as well as the procedures and deadlines for filing complaints. A higher-ranking prosecutor is required to review the complaint concerning the actions or



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documents of a subordinate prosecutor within one month and must notify the complainant and the relevant prosecutor in writing about the outcome.

Furthermore, according to Article 8 of the Law of the Kyrgyz Republic “On the Prosecutor’s Office,” adopted on September 10, 2021, prosecutorial actions and documents related to the application of prosecutorial measures may be appealed to a higher-ranking prosecutor or to the court. Filing such an appeal does not suspend the enforcement of prosecutorial demands or documents concerning prosecutorial influence measures. However, the court or higher-ranking prosecutor may suspend the execution of the relevant action or document until a final decision on the complaint is made. Based on a citizen’s or legal entity’s appeal, or on their own initiative, a higher-ranking prosecutor may annul (or revoke) a prosecutorial document issued by a subordinate prosecutor in relation to prosecutorial measures.

In this context, we support the opinion of legal scholar A.B. Komilov, who notes that “issues such as the procedure for appealing prosecutorial actions (or inaction) and decisions related to inspections remain entirely outside the scope of legal regulation”<sup>1</sup>.

In our opinion, the right to appeal prosecutorial inspections should be granted in the following cases:

- when an inspection is conducted without legal grounds or in the absence of a formal decision;
- when the legally established time limits for the inspection are violated;
- when unauthorized individuals participate in the inspection process;
- when a prosecutor abuses their powers and acts beyond the scope of the inspection.

If there are objections to the prosecutorial inspection regarding the execution of laws, it should be possible to file a complaint with a higher-level prosecutor’s office or the court. We believe that such a complaint should reasonably include the following elements:

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<sup>1</sup> A.B.Komilov (2025). Actual problems in the process of regulating prosecutor’s inspection over the execution of laws and the ways of eliminating them. The American Journal of Political Science Law and Criminology, 7(07), 13–20. <https://doi.org/10.37547/tajpslc/Volume07Issue07-03>.



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- the name of the authority being challenged and specific information about the involved parties;
- a detailed description of the alleged violation (supported by facts);
- the legal basis for the complaint (with reference to relevant normative acts);
- specific demands (e.g., annulment of the act, recognition of the inspection results as unlawful).

Overall, we believe that introducing a legal mechanism for appealing prosecutorial measures—particularly inspections over the execution of laws—to a higher prosecutor or to the court should be incorporated into the Law of the Republic of Uzbekistan “On the Prosecutor’s Office.” This would serve to protect the rights and freedoms of the individuals and officials subject to such inspections. Moreover, the implementation of this proposal would align with Article 40 of the newly revised Constitution of the Republic of Uzbekistan, which guarantees that “everyone has the right, individually or jointly with others, to appeal to state bodies and organizations, bodies of self-government of citizens, officials, or representatives of the people with applications, proposals, and complaints.”

It is worth noting that during the course of this research, a survey<sup>2</sup> was conducted among employees of prosecutorial bodies regarding this very issue. When asked, “Should the right to appeal prosecutorial inspections to a higher prosecutor’s office or the court be established in national legislation?” 3,909 out of 5,437 respondents (71.8%) answered “Yes, it is appropriate, as it helps protect the rights and legal interests of those subject to inspection and ensures the inspections themselves are more lawful and fair.” The results of this social survey further underscore the validity and necessity of the proposed amendment.

At the same time, we also believe that the Law of the Republic of Uzbekistan “On the Prosecutor’s Office” should incorporate not only the time limits for conducting prosecutorial inspections regarding the execution of laws, but also the legal framework for suspending those time limits. For instance, Article 18 of the

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<sup>2</sup> Approved by letter No. 7-4520626/25 of the Prosecutor General's Office of the Republic of Uzbekistan dated September 12, 2025.



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Constitutional Law<sup>3</sup> of the Republic of Kazakhstan “On the Prosecutor’s Office,” adopted on November 5, 2022 (No. 155-VII), provides that the period of an inspection may be suspended in cases where expert examination is required, information and documents need to be obtained from foreign countries, or other circumstances arise that impede the inspection. The calculation of the inspection period resumes from the day it is reinstated.

In our view, the necessity of suspending the time period for conducting prosecutorial inspections over the execution of laws arises under the following circumstances:

- when, due to certain conditions, it becomes impossible to continue the inspection—for example, if the whereabouts of individuals responsible for the legal violation are unknown, or if they are abroad and cannot be questioned;
- when important documents or information are expected—for instance, in some cases, documents or data requested from other organizations or foreign countries are crucial for the inspection, and continuing the inspection without them would be ineffective;
- when expert examinations or special studies are underway—meaning the inspection's outcome depends on an expert opinion, and obtaining such a conclusion requires considerable time.

At the same time, the suspension of the inspection period offers the following advantages:

- Ensures fair and thorough analysis: it prevents hasty and potentially incorrect decisions from being made due to time constraints, allowing for well-considered conclusions;
- Prevents legal errors: by allowing time to obtain necessary evidence, witness testimonies, or documents, it contributes to the quality and objectivity of the inspection, facilitating the evidentiary process;
- Protects individual rights: temporary suspension ensures that the presumption of innocence, personal liberty, and other constitutional rights are not violated;
- Safeguards institutional and state interests: suspension may help prevent harm to institutions or allow more effective planning for damage recovery measures.

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<sup>3</sup> Constitutional Law of the Republic of Kazakhstan «On the Prosecutor’s Office», adopted on 5 November 2022 (No. 155-VII). Electronic source: [https://online.zakon.kz/Document/?doc\\_id=31771762&pos=360;-46#pos=360;-46](https://online.zakon.kz/Document/?doc_id=31771762&pos=360;-46#pos=360;-46).



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Moreover, a survey<sup>4</sup> conducted among employees of prosecutorial bodies also supports this perspective. When asked, *"Do you believe that the grounds and procedure for suspending the period for conducting prosecutorial inspections over the execution of laws should be established in the Law of the Republic of Uzbekistan 'On the Prosecutor's Office'?"* — 4,467 out of 5,437 respondents (82.1%) answered affirmatively. They stated that, *"When there are valid grounds, suspending the inspection period serves to enable fair and in-depth analysis and prevents hasty, erroneous decisions."*

Based on the above, we can draw the following conclusions:

**Firstly**, we propose including in the Law of the Republic of Uzbekistan "On the Prosecutor's Office" a classification of prosecutorial oversight measures over the execution of laws, as well as definitions that clearly explain the nature and key features of these measures.

**Secondly**, we recommend that the Law of the Republic of Uzbekistan "On the Prosecutor's Office" include a legal framework not only for setting the duration of prosecutorial inspections but also for establishing the institution of suspending such durations.

It is worth emphasizing that the legislative framework of Uzbekistan already provides detailed regulation for various legal processes that involve determining facts, holding individuals accountable, and applying legal measures that may restrict rights and freedoms. For instance, the timeframes for inspections conducted by state control bodies over business entities are clearly defined in Article 9 of the Law "On State Control over the Activities of Business Entities," while the deadlines for pre-trial investigations are strictly set forth in Article 351 of the Criminal Procedure Code.

Therefore, it is both necessary and legally appropriate that the timeframes for conducting prosecutorial inspections over the execution of laws—as well as the rules for their suspension and extension—be established directly by law.

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<sup>4</sup> Approved by letter No. 7-4520626/25 of the Prosecutor General's Office of the Republic of Uzbekistan dated September 12, 2025.