

## THE HISTORICAL DEVELOPMENT OF THE PROSECUTORIAL SYSTEM OF THE REPUBLIC OF UZBEKISTAN DURING THE INDEPENDENCE PERIOD

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**Abstract:** comprehensive analysis of the historical development of the prosecutorial system of the Republic of Uzbekistan in the period following the acquisition of state independence in 1991. The study seeks to identify the key stages, institutional reforms, and legal transformations that have shaped the structure, functions, and strategic orientation of the prosecutorial authority. Within the broader context of legal modernization and the formation of a democratic state governed by the rule of law, the research emphasizes the interplay between political reforms, constitutional consolidation, and institutional strengthening of prosecutorial functions. Special attention is paid to the evolution of prosecutorial oversight, its expanding role in ensuring legality and justice, and the harmonization of domestic legislation with international legal standards. The article also examines challenges and contradictions faced during reform processes, including the balance between state control and judicial independence, as well as the prosecutorial system's adaptation to the principles of democratic governance.

**Keywords:** Uzbekistan; prosecutorial system; legal reforms; independence period; institutional development; rule of law; judicial oversight; constitutional transformation.

**Introduction:** The declaration of independence by the Republic of Uzbekistan in 1991 marked a decisive turning point in the political, social, and legal evolution of the nation, demanding the establishment of a sovereign legal order capable of supporting democratic governance, protecting fundamental rights, and ensuring the supremacy of law. Within this transformative framework, the prosecutorial system emerged as a central institution, charged with safeguarding legality, supervising the implementation of laws, and maintaining constitutional order. The significance of the Prosecutor's Office in the context of post-independence Uzbekistan cannot be overstated, as it has functioned simultaneously as a guarantor of citizens' rights, an instrument for state authority, and a mediator between inherited Soviet legal traditions and the emerging democratic framework. Its development reflects not only institutional continuity but also adaptive transformation, illustrating the complexities of legal modernization in a transitional society. The legacy of the Soviet prosecutorial system profoundly shaped the initial structure and functions of the Uzbek Prosecutor's Office. Under the USSR, the Prokuratura operated as a centralized body with broad supervisory powers, overseeing legality across public administration, judicial processes, and economic activity. Following independence, Uzbekistan inherited this institutional framework, which was both comprehensive in scope and highly hierarchical in structure. However, the transition to sovereignty demanded significant adaptation to the imperatives of constitutionalism, market-oriented reforms, and democratic governance[1]. The Constitution of the Republic of Uzbekistan, adopted in 1992, codified the legal status of the Prosecutor's Office, defining its

responsibilities and emphasizing its role in upholding the rule of law. Subsequent legislation, including the Law “On the Prosecutor’s Office,” established the procedural and organizational foundations for the Office’s functions, ensuring the continuity of legal oversight while enabling incremental reform in response to the evolving socio-political landscape. During the initial phase of independence (1991–1995), the Prosecutor’s Office focused on consolidating legal order amidst the uncertainties of a newly sovereign state. It retained broad supervisory powers inherited from the Soviet era while engaging in the practical enforcement of new laws governing property rights, entrepreneurial activity, and civil liberties. This period was characterized by the need to maintain stability, prevent legal vacuums, and safeguard the nascent constitutional order. As the state navigated the challenges of economic liberalization and political consolidation, the prosecutorial system served as an essential mechanism for ensuring compliance with legislation and mitigating potential conflicts between emerging private interests and state authority[2]. From 1996 to 2000, the prosecutorial system entered a phase of institutional consolidation. Its supervisory role expanded to encompass the regulation of economic activities, anti-corruption measures, and oversight of administrative legality. The Office also assumed responsibilities in supervising electoral processes, reflecting its dual function as both enforcer of legality and supporter of state legitimacy. In contrast to some other post-Soviet states, such as Russia, where prosecutorial institutions became increasingly politicized, Uzbekistan maintained a balance between central authority and procedural oversight, emphasizing continuity and stability within the framework of independent governance. Between 2001 and 2010, the Prosecutor’s Office diversified its functions to include enhanced protection of human rights, harmonization of domestic law with international legal standards, and oversight of criminal investigations and detention practices. Engagement with international organizations, such as the United Nations and the Organization for Security and Cooperation in Europe (OSCE), introduced new normative frameworks and obligations, prompting the integration of international legal principles into national practice. The prosecutorial system thus evolved from a primarily supervisory body into a multidimensional institution balancing legality, rights protection, and compliance with global norms[3]. The period from 2011 to 2016 highlighted the challenges inherent in balancing centralized authority with democratic accountability. Criticism emerged regarding excessive concentration of prosecutorial power, limited transparency, and insufficient responsiveness to societal demands. Scholars and international observers emphasized the need for institutional reform, underscoring that the effectiveness of the Prosecutor’s Office depends on its ability to operate independently while maintaining constructive engagement with judicial institutions[4]. This tension illustrates the broader dynamics of state-building in transitional societies, where legal institutions must simultaneously enforce authority and ensure protection of fundamental rights. Since 2017, under the reforms initiated by President Shavkat Mirziyoyev, the Prosecutor’s Office has undergone substantial modernization. Reforms have included limiting excessive supervisory functions, strengthening oversight of human rights, enhancing transparency, and fostering collaboration with judicial and civil society actors. The prosecutorial system’s evolving role in supporting entrepreneurship, combating corruption, and safeguarding citizens’ legal rights reflects a broader commitment to constitutionalism, rule of law, and democratic governance.

**Literature review:** The evolution of the prosecutorial system in post-authoritarian states has been the subject of significant scholarly attention, particularly with regard to its role in consolidating the rule of law, ensuring accountability, and mediating the tension between state authority and individual rights. Among the most influential perspectives is that of David S. Clark, whose research on transitional legal institutions emphasizes the dual function of

prosecutorial bodies as both enforcers of state authority and guarantors of legal oversight in societies undergoing political transformation. Clark argues that prosecutorial institutions, especially in post-Soviet contexts, are uniquely positioned to navigate the competing demands of maintaining public order while safeguarding constitutional principles, and that their effectiveness depends largely on the degree of institutional independence and clarity of legal mandate[5]. His comparative analysis of post-Soviet republics highlights that the balance between centralization and judicial cooperation critically determines the extent to which prosecutorial systems can support democratic consolidation without becoming instruments of political control. Complementing Clark's perspective, Martha K. Huggins offers an extensive examination of prosecutorial reform in transitional states, focusing on the integration of international legal norms into domestic frameworks. Huggins emphasizes that the procedural modernization of prosecutorial institutions is inseparable from broader legal and political reforms, including constitutional codification, anti-corruption measures, and judicial capacity-building [6]. Her analysis demonstrates that countries which retained excessively centralized prosecutorial power often encountered challenges in harmonizing domestic law with international standards, whereas states that implemented incremental reforms, emphasizing transparency and accountability, were more successful in consolidating the rule of law. Huggins' comparative framework provides valuable insight into Uzbekistan's experience, where gradual institutional reform has sought to reconcile inherited Soviet structures with emerging democratic and international legal imperatives[7]. In the context of Uzbekistan, these theoretical insights illuminate the complex interplay between inherited legal frameworks and post-independence reform initiatives. The Prosecutor's Office, as outlined by Clark, has historically functioned with broad supervisory authority, a legacy of Soviet centralization, yet its role has evolved in response to domestic and international pressures. Similarly, Huggins' framework helps explain the phased modernization of prosecutorial functions, including the gradual limitation of executive overreach, the introduction of human rights oversight mechanisms, and the alignment of national criminal procedures with global standards[8]. Together, these scholarly perspectives underscore that the development of the prosecutorial system cannot be understood merely as a legal or administrative process; rather, it constitutes a multidimensional transformation encompassing political, institutional, and normative dimensions.

**Methodology:** This study employs a multidimensional methodological framework designed to capture the historical, institutional, and normative evolution of the prosecutorial system in the Republic of Uzbekistan during the independence period. The research combines legal-historical analysis, comparative law methodology, and systemic institutional study, integrating qualitative and interpretive approaches to ensure a comprehensive understanding of the subject. The legal-historical method is employed to trace the chronological development of the Prosecutor's Office from its Soviet legacy to its contemporary structure, emphasizing the evolution of its legal mandates, organizational reforms, and functional responsibilities. Archival documents, constitutional provisions, legislative acts, and official decrees are systematically analyzed to reconstruct the institutional trajectory and identify critical periods of reform and transformation. Complementing the historical approach, the comparative law method allows for the situating of Uzbekistan's prosecutorial reforms within the broader context of post-Soviet and transitional states. By examining analogous developments in countries such as Russia, Kazakhstan, and the Baltic republics, this study highlights both convergences and divergences in prosecutorial institutional design, supervisory powers, and engagement with international legal norms. Comparative analysis provides insights into the impact of historical legacies,

political culture, and socio-legal environments on the effectiveness and autonomy of prosecutorial bodies, thereby contextualizing Uzbekistan's experience within a broader framework of transitional legal development. The study also employs a systemic institutional approach, which conceptualizes the Prosecutor's Office as a dynamic entity interacting with multiple state and societal subsystems, including the executive, judiciary, civil society, and international organizations. This perspective enables a nuanced assessment of the interplay between centralization, autonomy, and accountability, emphasizing how structural reforms, legislative initiatives, and administrative practices collectively shape the functional capacity of the prosecutorial system. It also facilitates the evaluation of institutional performance in relation to legal compliance, rights protection, and the consolidation of rule-of-law principles. In addition, the research utilizes interpretive and doctrinal analysis to critically examine the normative and conceptual frameworks guiding prosecutorial authority. This involves systematic engagement with scholarly literature, policy documents, and international legal instruments to assess how theoretical principles of legality, proportionality, and accountability have been operationalized within Uzbekistan's prosecutorial system. Doctrinal analysis provides the conceptual lens through which the relationship between legal mandates, institutional practices, and reform trajectories can be evaluated, ensuring that findings are grounded in both empirical evidence and theoretical coherence. The integration of these methodologies ensures a comprehensive and scientifically rigorous investigation. By combining historical reconstruction, comparative contextualization, systemic analysis, and doctrinal interpretation, the study captures the complexity of prosecutorial development in Uzbekistan, allowing for the identification of patterns, contradictions, and transformative dynamics. This methodological approach enables the study to go beyond descriptive accounts, offering explanatory insights into how the prosecutorial system has evolved to balance state authority, legal oversight, and rights protection within the context of post-independence state-building and democratic transition.

**Results:** The historical and institutional analysis of the prosecutorial system in Uzbekistan during the independence period reveals a complex trajectory characterized by phases of continuity, reform, and functional diversification. The results indicate that the Prosecutor's Office has maintained a central role in the consolidation of legal order, the protection of citizens' rights, and the establishment of procedural and institutional frameworks necessary for a sovereign democratic state. During the foundational period (1991–1995), the Prosecutor's Office preserved much of its Soviet-era organizational structure while simultaneously implementing legislative measures to align its operations with the requirements of the newly independent state. This continuity facilitated legal stability and ensured the enforceability of newly enacted laws, particularly those regulating private property, entrepreneurial activity, and civil liberties, thereby preventing institutional vacuums that could have undermined state legitimacy. In the subsequent phase of institutional consolidation (1996–2000), the Prosecutor's Office expanded its supervisory and regulatory functions, integrating anti-corruption initiatives, economic oversight, and electoral supervision into its operational scope. The results indicate that during this period, the system became increasingly embedded within the framework of state governance, reflecting both the centralization of authority and the capacity to maintain nationwide legal compliance. Comparative analysis with other post-Soviet states demonstrates that Uzbekistan's prosecutorial development was distinguished by a measured approach to reform, which prioritized institutional stability and functional continuity over abrupt structural changes. The period of functional diversification and internationalization (2001–2010) yielded further significant results. The Prosecutor's Office increasingly



incorporated human rights protection into its mandate, reflecting both internal reform pressures and the demands of international legal standards. Oversight of criminal investigations, detention practices, and judicial compliance became integral components of prosecutorial activity. The results demonstrate that these reforms enhanced the system's capacity to operate in alignment with global legal norms, thereby reinforcing Uzbekistan's international legal engagement and contributing to the harmonization of domestic legislation with multilateral commitments. Analysis of the pre-reform period (2011–2016) highlights persistent challenges associated with centralization and limited transparency. The results suggest that although the Prosecutor's Office continued to exercise broad supervisory powers effectively, these powers were occasionally exercised in ways that limited judicial independence and constrained civil oversight. The findings underscore the inherent tension in transitional societies between maintaining authoritative legal enforcement and adapting institutions to democratic norms. Nonetheless, the institutional resilience demonstrated during this period laid the groundwork for the comprehensive reforms of the subsequent phase. Since 2017, reforms under the "New Uzbekistan" agenda have yielded tangible results in terms of transparency, rights protection, and institutional balance.

**Discussion:** The evolution of Uzbekistan's prosecutorial system during the independence period invites a nuanced discussion regarding the balance between centralized authority and democratic accountability in transitional states. In scholarly debates, David S. Clark emphasizes that prosecutorial institutions in post-authoritarian societies often face inherent tension between enforcing state authority and safeguarding legal norms, suggesting that excessive centralization risks undermining judicial independence and civil oversight[9]. From Clark's perspective, the Uzbek Prosecutor's Office exemplifies this duality: while historically inheriting broad Soviet-era supervisory powers, it has gradually adapted to incorporate mechanisms for rights protection and procedural transparency, reflecting the dynamic interaction between legacy structures and reform imperatives. Clark further contends that the legitimacy of prosecutorial institutions hinges upon their capacity to exercise authority impartially, an insight that aligns with observed reforms in Uzbekistan, particularly those aimed at enhancing accountability, limiting overreach, and fostering collaboration with the judiciary and civil society. In contrast, Martha K. Huggins presents a more prescriptive view, arguing that the gradual integration of international legal norms into domestic prosecutorial practice is essential for consolidating the rule of law in transitional contexts[10]. Huggins asserts that without procedural modernization and alignment with global standards, prosecutorial bodies risk perpetuating authoritarian legacies and inhibiting democratic consolidation.

**Conclusion:** The historical and institutional analysis of the prosecutorial system in the Republic of Uzbekistan during the independence period demonstrates a trajectory characterized by continuity, adaptation, and phased reform. From the foundational years following 1991, when the Prosecutor's Office largely inherited the centralized and hierarchical structures of the Soviet Prokuratura, to the contemporary era marked by comprehensive modernization under the "New Uzbekistan" reforms, the institution has consistently functioned as a pivotal guarantor of legality, constitutional order, and citizen rights.

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