

SOME ISSUES OF IMPROVING THE PROSECUTOR'S CONTROL OVER COMPLIANCE WITH THE LEGISLATION REGARDING THE EXECUTION OF COURT DOCUMENTS AND DOCUMENTS OF OTHER AUTHORITIES

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ABSTRACT	KEYWORDS
This article deals with judicial reforms implemented in Uzbekistan, their content, enforcement of court decisions, simplification of enforcement mechanisms. Also, the activities of the Bureau of Compulsory Enforcement and normative legal documents in this direction are analyzed.	Court documents, prosecutor's supervision, enforcement procedures, effective mechanism, non-proprietary dispute, recovered funds.

Introduction

It is known that consistent work is being done in our country to improve the communication of state bodies with the population, to ensure reliable protection of the rights and freedoms of citizens, and to introduce modern mechanisms for solving their problems.

In his address to the Oliy Majlis, the President of the Republic of Uzbekistan, Shavkat Mirziyoyev, once again mentioned that the effectiveness of our reforms today largely depends on four important factors - that is, ensuring the rule of law, fighting corruption, increasing institutional capacity and building strong democratic institutions¹.

It should be noted that the largest and most noteworthy of the reforms implemented in the life of our country are judicial reforms. The central direction of this field is the rule of law in all spheres of society and state life, i.e. economic, social, political and spiritual aspects. In this, the unconditional application and application of existing laws is of particular importance.

For this purpose, special attention is being paid to the issue of further improvement of the system of mandatory execution of court decisions within the framework of judicial reforms being implemented in our country.

Further simplification of enforcement procedures, ensuring the unconditional and timely execution of court documents and documents of other bodies, effective protection of the rights of individuals and

¹ Address of the Oliy Majlis President of the Republic of Uzbekistan Shavkat Mirziyoyev // "Xalq so'zi" newspaper. January 25, 2020

legal entities, and putting an end to censorship in the course of enforcement work are the most important directions of improvement in this area.

At the same time, in order to further strengthen citizens' confidence in justice, to strengthen the authority and effectiveness of the judiciary, it is required to further increase the efficiency of the execution of court documents and documents of other bodies.

In this regard, there was a need to optimize the structure and powers of the Bureau of Compulsory Enforcement under the General Prosecutor's Office, to fundamentally revise its working methods, to strengthen cooperation with interested ministries and agencies, and local state authorities.

Ensuring the reliable protection of the rights and legal interests of citizens and entrepreneurs, introducing effective mechanisms for timely and quality execution of court documents and documents of other bodies, ensuring full enforcement of court documents within legal terms, strengthening the trust of citizens in the courts while increasing the authority of the courts, serving to guarantee the protection of their interests.

Therefore, the question of quality and time is always relevant in the same topic.

At the video selector meeting held under the chairmanship of the President of the Republic of Uzbekistan Shavkat Mirziyoyev on measures to improve the system of execution of court documents, it was determined that work on reducing existing debts will be carried out in a separate system at the level of the country, at the level of regions and districts. Compilation of address lists of debtors in a difficult situation, assistance to them, decision-making on suspension of execution proceedings at the request of the collector was transferred from the courts to the state bailiff. The Chamber of Commerce and the Business Ombudsman was given the right to apply for delaying the execution or partial execution of the debts of the business entities on the execution documents that provide for the recovery of the state income. Priorities were defined regarding the need to create a single electronic platform for debtors, to integrate them into the base of notary, bank, tax, state services, customs, cadastre, internal affairs and other agencies, and to introduce amendments to the legislation on other issues².

According to the 18th aim of the "New Development Strategy of Uzbekistan for 2022-2026", approved by the Decree of the President of the Republic of Uzbekistan No.60 dated January 28, 2022, introduction of effective mechanisms for the execution of documents of courts and other bodies, alternative execution of documents of courts and other bodies, including the expansion of the use of extrajudicial methods, the gradual introduction of international standards into the activities of mandatory executive bodies and the transfer of certain functions (except court documents) to the private sector, reducing the workload of state executives, and others were identified as priority directions for the development of this field.

As we all know, the role of prosecutor's office in ensuring the implementation of the law is very important.

Speaking about the role of the prosecutor's office in state management, the head of state said, "The role of the prosecutor's office in comprehensively strengthening the legal framework and unconditional enforcement of laws, increasing the legal culture of citizens, developing a democratic legal state, supporting the development of private property and entrepreneurship, and ensuring its reliable protection is great."

² A video selector meeting was held under the chairmanship of the President of the Republic of Uzbekistan Shavkat Mirziyoyev on "Measures to improve the system of execution of court documents". February 16, 2021.

In connection with the liberalization of ownership, business activity and contractual relations, the practice of collecting debts from legal entities on executive documents has become somewhat complicated. Due to the possibility of uncontrollable profits, the problem of collecting debts from individuals has escalated. In order to eliminate such problems, the Decree of the President of the Republic of Uzbekistan No.3406 dated March 11, 2004 approved the "Structure of the General Prosecutor's Office of the Republic of Uzbekistan" and established the "Department of Control over Compliance with the Laws in the Execution of Court Decisions and Detention of Detainees" of the General Prosecutor's Office and Regional departments have been established and their main activities have been defined.

In order to further increase the effectiveness of the prosecutor's control over the observance of laws in the execution of court documents and documents of other bodies, 128 - was adopted (subsequently amendments and additions were made to this order) and the main directions of the prosecutor's control in the field were indicated.

Order No. 128 of the General Prosecutor of the Republic of Uzbekistan dated December 28, 2015 "On improving the effectiveness of control over compliance with laws in the execution of court documents and documents of other bodies and custody of prisoners" (subsequently amended and supplemented), the prosecutor in the field the main directions of control are indicated. This document was adopted in order to further increase the effectiveness of the prosecutor's control over compliance with laws in the execution of court documents and documents of other bodies.

In this order, it is indicated that special attention should be paid to the following by the prosecutor's office in ensuring the control over the clear and uniform execution of the Law of the Republic of Uzbekistan "On the Execution of Court Documents and Documents of Other Bodies" and other legal documents related to the field:

- that court documents and documents of other bodies are executed in accordance with the established procedure and general conditions;
- compliance with the law of grounds and measures of mandatory execution;
- the reasonableness of focusing the collection on the debtor's property or wages and equivalent payments;
- that measures have been taken to secure and realize the debtor's property;
- that the property of the debtor has been evaluated and realized in the prescribed manner, transparently and at the market value;
- compliance with the terms of execution of executive documents for non-property disputes;
- compliance with the strict order of distribution of collected sums of money and satisfaction of the demands of the collector.

One of the interrelated aspects of the field of enforcement proceedings with the prosecutor's control is that, first of all, in the process of enforcement proceedings, a comprehensive control is established over the observance of the rights and interests of individuals and legal entities.

The main task of the prosecutor's office is to supervise the observance of laws by state executives in the field of executive proceedings, the timely implementation of each executive action in accordance with the law, and the effective protection of the rights and freedoms of citizens in this regard.

It is worth noting that it is impossible to determine the exact limits of prosecutor's supervision over compliance with laws in the execution of court documents and documents of other bodies. Because if the state of compliance with the law is not studied regularly in any field, the conditions for violation of

the law will arise. The directions of the prosecutor's control in the field of executive proceedings mentioned above are the directions that need to be paid the most important attention in practice at the moment. For this reason, we can study the directions of the prosecutor's supervision in the field of executive proceedings on a wider scale.

In his address to the Oliy Majlis and the people of Uzbekistan, the President of the Republic of Uzbekistan Shavkat Mirziyoyev stated that "reliable protection of human rights and freedoms should be defined as a constitutional obligation of the state, that a lot of work has been done to establish justice in the legal system in recent years, at the same time, there are still enough problems to ensure justice that there are cases of non-execution of court decisions.

In fact, the problem of non-execution of the court decisions highlighted by the Head of State in the Address also shows that the prosecutor's control in this area is not sufficiently established.

This, in turn:

First, to introduce effective (effective) prosecutor control mechanisms in the field of execution of court documents and documents of other bodies;

Secondly, institutional and functional reform of the enforcement system;

Thirdly, to optimize the structure and powers of mandatory executive bodies;

Fourthly, to fundamentally revise the working methods of mandatory executive bodies;

Fifth, to strengthen the cooperation of mandatory executive bodies with interested ministries and agencies, local state authorities;

Sixth, it requires the need to reduce the workload of state executives by gradually introducing international standards to the activities of mandatory enforcement agencies and transferring certain functions (except court documents) to the private sector.

In conclusion, it can be said that only by increasing the effectiveness of the execution of court documents and documents of other bodies, it is possible to further strengthen citizens' trust in justice, increase the authority and effectiveness of the judiciary.

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