

LEGAL BASIS AND FORMS OF THE PROSECUTION'S PARTICIPATION IN THE CONDUCT OF CIVIL COURT CASES

Khudoykulov Umedillo Ravshanovich

Student of the High School of Judges under the
Supreme Council of Judges of the Republic of Uzbekistan
e-mail: u.xudoyqulov@gmail.com

Abstract:

This article describes the concept, legal bases and forms of prosecutor's participation in civil court proceedings. Specific characteristics of the prosecutor's participation in civil court proceedings are analyzed theoretically and practically based on national legislation. At the same time, the opinions and opinions of the theoretician scientists, experienced practitioners in this field were analyzed.

Keywords: prosecutor, prosecutor's office, protest, judicial authority, civil process participants, parties, society and state interests.

Introduction

There is no doubt that the fundamental reforms implemented in the socio-economic, political and cultural spheres of our society are primarily aimed at ensuring the rights and freedoms of every citizen defined in the Constitution and laws, ensuring and protecting state security, and adequately protecting the rights and freedoms of the individual.

President of the Republic of Uzbekistan Sh. As Mirziyoyev said, "in the years of independent development, our Constitution serves as a solid foundation for the construction of a legal democratic state, a strong civil society, an economy based on free market relations and the priority of private property, a peaceful, prosperous and prosperous life for our people, and a worthy place for Uzbekistan in the international arena." [1].

In the Republic of Uzbekistan, necessary reforms are being implemented to build a legal democratic state and a civil society based on full democratic and social justice. This noble aspiration of the people of Uzbekistan is expressed in the Basic Law of our country - the Constitution. Democratic rights and freedoms are protected by the Constitution and laws.

In particular, according to Article 13 of the newly adopted Constitution, democracy in the Republic of Uzbekistan is based on universal principles, according to which human life, freedom, honor, dignity and other inalienable rights are the highest value.

During the years of independence, the judicial and legal sphere of our country was reformed, legal foundations aimed at ensuring the independence of the judiciary were created, and a legal system based on the supremacy of human rights, freedoms and legitimate interests was



formed [2]. It is worth noting that certain norms in the legislation aimed at ensuring the true independence of the judiciary and ensuring the rights of the parties are determined.

In particular, the participation of the prosecutor in the civil procedural legislation is of great importance in the protection of the rights and interests of citizens and the implementation of justice.

Relevance of the Study

After gaining independence, the Republic of Uzbekistan is gradually entering the market economy. Accordingly, radical changes took place in the socio-economic and political spheres of our country.

A number of reforms were carried out, especially in the field of justice. New laws were passed and existing laws were modified to meet the demands of the new society.

With the adoption of the new version of the Law of the Republic of Uzbekistan "On the Prosecutor's Office", if the rights and freedoms of the prosecutor's office to participate in the hearing of civil cases in the courts, protest against the court documents that are against the law, and the rights and freedoms of the citizen protected in the court procedure are violated, but the citizen is in court due to health, age or other reasons if he does not have the opportunity to personally protect his rights and freedoms, priority is given to the fact that the prosecutor should present the case and defend it in court.

Changes in the legislation, in turn, required a new approach to the improvement of prosecutor's supervision.

In ensuring the participation of the prosecutor in civil courts, the main focus is on ensuring strict compliance with the independence of judges, preventing illegal interference in court cases, and assisting in the implementation of justice on the basis of the principle of mutual dispute. If the prosecutor's participation in the hearing is ensured, the decisions of 269 civil courts are in line with the law based on the prosecutor's protest [3], and the prosecutor's office is carrying out its activities in accordance with the procedure and grounds established by the material and procedural legal documents..

It is important to understand the role of the prosecutor's office on the basis of the current Civil Procedure Code of the Republic of Uzbekistan, to determine the specific features of the prosecutor's participation in civil proceedings, taking into account the expansion of judicial control.

Analysis of Research Results

In order to build a legal democratic state, the prosecutor's office is of great importance in the implementation of important tasks, such as the strict and unwavering enforcement of laws and the protection of the rights and interests of citizens and organizations protected by law [4]. In order to ensure legality and justice in the process of reviewing civil court cases, to protect the constitutional rights and interests of citizens, to increase the effectiveness and efficiency of the prosecutor's activity, it is one of the urgent issues of today [5]. In this regard, the legal regulation of the activities of the prosecutor's office is of great importance.



In fact, in the course of the liberalization and democratization of the judicial system in our country, special attention is paid to the improvement of the activities of prosecutor's offices and their legal status. In recent years, the legal bases defining the activities of the prosecutor's office have been improved, a number of amendments have been made to the legal documents related to their legal status, a number of changes have been made to the legal documents related to their legal status, and priority has been given to strengthening the powers of the prosecutor's office to protect the right. Now the prosecutor's office operates in a new legal capacity as a defender of human and civil rights, society and state interests. It should be noted that the norms regarding the prosecutor's participation in civil cases are improving [6].

It is important to ensure the strict observance of the independence of judges in the conduct of civil court cases, to prevent illegal interference in court cases, and to ensure the participation of the prosecutor in order to facilitate the implementation of justice on the basis of the principle of mutual dispute.

V.N. Yashin, V.V. According to the Akonovs, in order to fulfill the important function of the state, such as prosecutor's supervision, an organization that is as close as possible to the prosecutor's office and compatible with it in terms of structure, forms and methods of operation, and staffing is necessary [7]. Organization of the prosecutor's control over the execution of laws in the conduct of court proceedings in civil cases - serves and supports the implementation of control over the legality, reasonableness and fairness of court decisions.

The role of the prosecutor in civil litigation has been the subject of scholarly debate for many years. Opinions of scientists and practitioners, in particular, representatives of the prosecutor's office, differ from each other. On the one hand, it is emphasized that state bodies should not interfere in private relations between citizens, on the other hand, the prosecutor appears as a defender of the law, a person working within the interests of citizens, the state and society [8]. In this regard, it would be appropriate to dwell on the legal basis of the prosecutor's participation in civil courts.

In particular, according to Article 143 of the Constitution of the Republic of Uzbekistan adopted in the new version [9], "Control over the clear and uniform implementation of laws in the territory of the Republic of Uzbekistan is carried out by the Prosecutor General of the Republic of Uzbekistan and the prosecutors subordinate to him", as well as in Article 145 "The Prosecutor's Office of the Republic of Uzbekistan bodies shall exercise their powers independently of other state bodies, other organizations, and officials, subject only to the Constitution and laws of the Republic of Uzbekistan" and is considered the main and fundamental legal basis of the activity of prosecutor's bodies and is defined at the level of the constitutional norm.

Also, the Law of the Republic of Uzbekistan "On the Prosecutor's Office" [10] is a special legal document aimed at regulating the activities of the prosecutor's office. This Law defines the duties and functions of the prosecutor's office, the main directions of its activity, rights and obligations.

According to Article 2 of this Law, the main tasks of the prosecutor's office of the Republic of Uzbekistan (hereinafter referred to as the prosecutor's office) are to ensure the rule of law, strengthen legality, protect the rights and freedoms of citizens, the interests of society and the



state protected by law, the constitutional system of the Republic of Uzbekistan, and the prevention of violations. prevention and prevention. The prosecutor's office performs its activities based on these tasks. At the same time, the conduct of court proceedings in civil cases carries out its activities in order to ensure legality.

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Powers of the participating prosecutor when the cases are heard in the courts are determined by the procedural laws.

The prosecutor must use the same rights as other participants in the court proceedings and follow the principle of independence of judges and strict adherence to the norms of procedural legislation.

It is clear from this article that the prosecutor participates in the court in order to protect the rights and interests of individuals and legal entities through the court, and his powers are determined by procedural legal documents.

The participation of the prosecutor in conducting civil court cases is regulated by the Civil Procedure Code of the Republic of Uzbekistan.

During the trial of civil cases in court, all participants of the process shall resolve civil cases substantively, observing the relevant procedural discipline. Ensuring the execution of the rights and obligations specified in the procedural code requires deep responsibility, reasonable time and efficiency from each subject. These requirements are considered mandatory for the judge and other participants in the process [11]. Accordingly, along with the participants in the proceedings, the prosecutor must also follow the rights and obligations set forth in the procedural legal documents.

In particular, Article 51 of the Civil Procedural Code of the Republic of Uzbekistan [12] defines the procedural rights and obligations of the prosecutor, according to which the prosecutor who submits the application uses all procedural rights of the plaintiff and assumes all procedural obligations, including the right to conclude a settlement agreement or mediation agreement and the court excluding the obligation to pay expenses.

The right to completely or partially withdraw from the application made by the prosecutor, to give explanations to the court regarding the demands made by him in order to protect the rights and interests of other persons, to express his opinion on the content of the case, as well as on some issues that arose during the discussion of the case, to protest against the court document have.

If the claimant does not agree, the prosecutor does not have the right to change the basis or subject of the claims submitted by him, to make additional claims, to increase or decrease the amount of claims.



The claimant's refusal of the claim submitted by the prosecutor to protect the claimant's rights, if it does not affect the rights, freedoms and legal interests of third parties, leads to leaving the claim (application) without consideration.

A prosecutor's withdrawal from his claim (application) submitted to protect the interests of another person does not deprive this person of the right to demand a substantive consideration of the case.

It should be noted that the duties assigned to the prosecutor's office are carried out by participating in the hearing of civil cases in the courts, which are one of the main directions of their activity, and by protesting the court documents that are against the law. The importance of the prosecutor's participation in the consideration of civil cases in courts is expressed in the order of the Prosecutor General of the Republic of Uzbekistan dated November 17, 2015 No. 124 "On improving the effectiveness of the prosecutor's participation in civil cases in courts". According to him, the main tasks of the prosecutor's office of the Republic of Uzbekistan in the trial of civil cases in the courts are to achieve legal and reasonable justice of court decisions through the powers established by law, and to strengthen legality, ensure the rule of law, the rights and freedoms of citizens, and the interests of society and the state protected by law. is determined to be [13]. It can be seen from this that the norms for the participation of the prosecutor in civil cases are determined by the socio-political significance of the cases provided for by the legislation of our country, the right of citizens to privacy and the need to protect the legal interests of the future generation.

Summary

According to the above, the legal grounds for the participation of the prosecutor in the conduct of civil court cases are sufficient, and they ensure legality and justice in the processes of consideration of civil court cases, protect the constitutional rights and interests of citizens, and provide legality in the country by protesting court documents that contradict the law. At the same time, by taking part in civil proceedings, in which the participation of the prosecutor is mandatory, according to the procedure established by the law, they help the legal and fair adoption of court decisions.

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