



Some aspects of organizing prosecutor's supervision over the implementation of legislation in the forestry sphere

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Abstract: This scientific article analyzes the key theoretical, legal, and practical aspects of organizing prosecutorial oversight for the precise and rigorous implementation of legislation in the forestry sector of the Republic of Uzbekistan. Special attention is given to identifying the characteristic features and problematic situations that arise during the execution of supervisory activities in this field. Moreover, the work substantiates relevant proposals and recommendations aimed at further optimizing and institutionally improving the mechanisms of prosecutorial oversight, taking into account the specifics of legal regulation, environmental factors, and strategic objectives of sustainable forest resource management within the context of national legislation and international commitments.

Keywords: Prosecutorial oversight, forestry, oversight activities, planning, legislation, offenses, statistical data.

Introduction: A necessary condition for the effective functioning of any structure is good organization of work. This is of decisive importance for the Prosecutor's Office of the Republic of Uzbekistan. After all, most scientists define the organization of work in the prosecutor's office as a set of interconnected actions aimed at optimizing the activities of the prosecutor's office system to achieve the goals and objectives of the prosecutor's office. Analysis of scientific research on the proper organization of work in the prosecutor's office allows us to identify the following elements:

- collection and analysis of data on violations of legislation;
- forecasting and planning of work;

- preparation and conduct of the inspection;
- control over the execution of inspections, selection, placement and training of personnel;
- distribution of responsibilities among operational personnel;
- inspection of the work of lower-level prosecutor's offices;
- scientific and methodological support;
- analysis and generalization;
- coordination of relations with other law enforcement agencies.

As a result of studying the specific features and challenges of prosecutorial supervision over the implementation of forest protection laws, we concluded that the effectiveness of supervisory measures primarily depends on the prosecutor's knowledge of organizational aspects and the fundamentals of methodology for conducting such supervision. A significant portion of violations in the field of forest protection indicates the need to reform the system of supervisory bodies in this area, analyze the practice of organizing prosecutorial oversight over the enforcement of forest protection laws, and develop proposals for optimizing these processes.

The effectiveness of prosecutorial oversight directly depends on how the work of the prosecutor's office is organized. Proper organization of work enables the prosecutor to fully and maximally utilize the powers granted by law to effectively identify, prevent, and put an end to offenses.

The organization of prosecutorial oversight directly impacts the legality, quality, and effectiveness of the prosecutor's activities. Consequently, related issues are widely discussed, and specialists in the field of prosecutorial oversight consistently pay special attention to this matter. The effectiveness of prosecutorial supervision over the implementation of forest protection laws largely depends on how the prosecutor organizes activities in this supervisory area. This is because a mere set of powers will not yield the desired results without meaningfully constructing a system for their interconnected and consistent implementation. The organization of prosecutorial activities for overseeing law enforcement is based on an analysis of the state of rule of law, legislation, and scientific principles. However, the specific features of organizing prosecutorial activities to oversee the implementation of forest protection laws have not been sufficiently explored in scientific and methodological literature.

The condition of forests and the level of potential threats to them predetermine the state of forests,

taking into account the existing ecological situation during a specific period. These factors directly influence the degree of forest protection and conservation, and the more precisely these circumstances are identified, the more active prosecutorial oversight should be. Furthermore, when planning control inspections, it is necessary to consider the specific characteristics of implementing forest protection policies in the monitored area.

Analysis of the organizational and administrative documents of the Prosecutor General of the Republic of Uzbekistan allows us to distinguish information and analytical work and the delineation of powers among prosecution bodies from the organizational measures specified in them, which aim to enhance the effectiveness of supervision in the area under consideration. For example, information and analytical work is the initial stage of organizing prosecutorial supervision and is carried out in two main directions:

firstly, the internal direction is related to the collection, study, and evaluation of information;

secondly, the external direction is related to determining the state of legality in the territory, at the facility, and in the supervised bodies.

The distinctive feature of obtaining information in monitoring the implementation of forest protection laws allows prosecutors to quickly access relevant data from a wide range of sources, including regulatory bodies and other structures. Prosecutors have sufficient means to obtain statistical and other necessary information that enables them to assess the state of legality in the field of forest protection and conservation. Methods of obtaining information can be divided into three groups:

a) from mass media, including internet information network resources;

b) by sending appropriate inquiries to controlled bodies, organizations, associations, other structures, and officials;

c) by studying, reviewing, and analyzing appeals and reports received by the prosecutor's office regarding forest protection.

The use of Internet resources in information and analytical work may align with the established position of the Prosecutor General's Office of the Republic of Uzbekistan. However, only recently, as a result of implementing various organizational and legal measures, have prosecutors gained the ability to quickly obtain statistical data on forest protection from the specified source. As a rule, the mass media covers violations in the field of forest protection, for example, particularly severe cases of forest fires, their frequency,

as well as instances of pests causing damage to large forest areas. There are websites specializing in forest protection issues, and studying these along with the media allows the prosecutor's office to continuously monitor the situation in this field and, consequently, respond promptly to law violations when there are grounds to do so.

Appeals and reports received by the prosecution authorities also serve as a source of information on the state of legality in the field of forest protection. Every year, thousands of appeals are received by the prosecution authorities, which often indicate circumstances requiring immediate response measures from the prosecutor. According to Article 21 of the Law "On the Prosecutor's Office," any information received by the prosecution authorities containing specific facts of law violations that require action by the prosecutor serves as the basis for conducting an inspection of law enforcement. Furthermore, "any information received by the prosecution authorities is analyzed, with its essence being expressed through generalization and evaluation".

Analytical work involves the prosecutor's awareness of the state of laws in the supervised area, establishing connections between events, identifying emerging trends, and planning necessary measures to strengthen the rule of law. During the analytical process, the prosecutor should study not only the organization and direct implementation of prosecutorial supervision but also the processes and phenomena that have served as a basis for offenses or have created (or could create) favorable conditions for them.

In overseeing the implementation of forest protection laws, prosecutors are obligated not only to identify and put an end to violations of laws, rights and freedoms of citizens and legal entities, and interests of the state and society, but also to study measures for eliminating or neutralizing the causes of these violations and the conditions that contribute to them. The use of analytical materials helps to correctly identify negative factors of economic, political, social, organizational, and managerial nature, as well as assists prosecutors in conducting quality supervision over the implementation of laws, strengthening and maintaining the rule of law, and making timely and well-founded decisions.

However, prosecutors often overlook factors that lead to violations of forest protection laws. In particular, systematic implementation of prosecutorial oversight on the execution of forest fire protection legislation has revealed numerous instances of legal violations in

this area year after year. Prosecutors take necessary measures in each case, and both the number of these measures and the number of offenses are increasing annually. This leads to a rise in statistical indicators. The main issues addressed during the investigation involve prosecutors reviewing analytical data on the state of rule of law, information requiring prosecutorial intervention in monitoring the implementation of laws and anti-corruption legislation.

We believe it is necessary to clearly delineate the powers of prosecutors in order to eliminate duplication in monitoring the implementation of forest protection laws. Prosecutors are required to oversee the enforcement of legislation on forestry, as well as laws regarding the use of forests as real estate or as objects of civil rights. Furthermore, the prosecutors of the respective regions and districts carry out continuous supervision over the legality of regulatory legal acts issued by state authorities and administrative bodies, local government authorities, and their officials in this field.

Environmental prosecutors, in turn, oversee the implementation of laws concerning the protection of forests as natural objects and resources. This perspective on the distribution of powers between environmental and territorial prosecutors aligns with the viewpoint of O.V. Kalugina. For instance, the prosecutor of the relevant territory supervises the legality of forest land occupation, while the environmental prosecutor assesses the implementation of standards for protecting forests from pests, the execution of measures to safeguard forests from fires, and other related matters. Simultaneously, during the process of monitoring the aforementioned entities, violations are being uncovered not only in relation to environmental protection legislation but also those associated with the manifestation of corruption by officials of the relevant bodies in the exercise of their authority.

The issue of obtaining statistical data for the prosecution authorities deserves special attention. Typically, this data is requested by prosecutors through written documents sent to agencies directly overseeing the forestry sector, as part of their oversight of compliance with legislation. These written documents specify the deadlines for submitting statistical data to the prosecution authorities, the form and method of submission, as well as the contact information of the requester. In this context, we believe that creating an innovative system of information and legal support for the prosecution authorities of the Republic of Uzbekistan, which would allow for the exchange of positive experiences, will enable more effective acquisition of statistical data.

In our opinion, it is recommended to create a unified automated system that includes a dedicated section called "Prosecutorial Supervision over the Implementation of Forest Legislation," which should contain all relevant databases. Furthermore, it is necessary to establish a subsection that enables access to legal information and publications in electronic format, ensures updates to the legislative framework, and keeps prosecutors informed about the results of legal norm summaries and judicial practice.

Taking into account information obtained from various sources regarding the state of legality in the field of forest relations, the prosecutor's office carries out appropriate processing or generalization in connection with their analysis. The Law "On the Prosecutor's Office" does not contain a provision stating that analytical work is mandatory in the prosecutor's activities, including in the supervision of the implementation of forestry legislation. At the same time, practice shows that there are instances where heads of territorial and other supervised bodies refuse to provide information at the prosecutor's request within the framework of supervisory powers exercised by local prosecutors. Furthermore, the Law "On the Prosecutor's Office" does not define analytical work as a task or area of activity for prosecutors. In this regard, we propose to supplement Article 22 of the Law "On the Prosecutor's Office" with a clause stating the following: "heads and officials of the specified bodies are obliged to submit documents, materials, statistical and other data necessary for conducting analytical work."

If this legal requirement of the prosecutor is not fulfilled, it is proposed to apply the provisions of Article 197 of the Code of Administrative Responsibility of the Republic of Uzbekistan. Such a proposal, firstly, contributes to the actual implementation of information-analytical work, as prosecutors will be personally accountable for the quality of its execution, and secondly, helps to effectively eliminate cases of refusal to provide information.

We believe that the information requested by prosecutors must be accurate and realistically obtainable within the timeframe specified in the prosecutor's inquiry for the entities providing such information. Another crucial element in organizing the activities of the prosecutor's office for overseeing the implementation of forestry legislation is planning. The essence of planning is to define the objectives of the prosecutor's office, formulate specific measures to achieve these goals, and establish deadlines for their implementation. Work on monitoring the enforcement of forestry legislation is also planned, that is, organized in connection with the aforementioned sources of

information. Furthermore, planning ensures organizational order, consistency and coherence of actions, and the rational distribution of available resources in the prosecutor's office. For example, when planning measures for prosecutorial supervision, the prosecutor's office determines the objects of supervision, establishes the sequence of supervisory actions, and sets the timeframe for their implementation. Most importantly, planning helps set goals and achieve intended results.

In the theory and practice of prosecutorial oversight, there are several classifications of plan types. According to their functions, plans are divided into those regulating control and management activities, organizing continuous training, internship plans, plans for inspecting the state of affairs in lower-level prosecutor's offices, coordination plans, and others.

Based on duration, plans are categorized into three types: long-term (for one year or more); current (semi-annual, quarterly, and monthly); and short-term (weekly).

In relation to monitoring the implementation of forest legislation, planning experience shows that the most common practice is the development of semi-annual plans. These plans typically include measures related to inspecting compliance with forest legislation at specific sites. For example, while examining statistical monitoring data on the activities of state institutions or district forestry enterprises, a prosecutor discovered that the actual collection of administrative fines imposed on individuals who violated forest regulations amounted to only 30 percent. In such cases, the prosecutor has the authority to initiate an investigation to determine the reasons for this low effectiveness in applying administrative measures. Furthermore, the repeated receipt of complaints by the prosecutor's office from individuals and legal entities regarding illegal actions and decisions of a particular state body (or its officials) within a relatively short period, and their direct verification, confirms the partial or complete validity of the applicants' claims. Additionally, the basis for formulating work plans is the information obtained by the prosecutor's office.

The results of the prosecutor's analytical activities have undergone a specific processing procedure, and therefore they can rightfully be included in the information that serves as the basis for the prosecutor's inspection. Another element in organizing the activities of the prosecutor's office to oversee the implementation of forestry legislation is the distribution of official duties and the delineation of powers within the prosecutor's office. When monitoring the implementation of forestry legislation, the following

principles of organizing the prosecutor's office activities are distinguished from the perspective of distributing official duties: subject-based, territorial, and mixed. The prosecutor's office often employs the subject-territorial principle of work organization. In this context, the subject refers to the main types of prosecutorial activities and certain spheres of public relations and areas of legislation.

The essence of the territorial principle is the implementation of prosecutorial oversight by conditionally dividing the country's or region's territory into specific areas or groups of objects. It should be emphasized that one of the conditions for successful oversight of forestry legislation implementation is the specialization of expertise, meaning assigning this area to a specific prosecutor's office employee. This allows for a timely and qualified approach to assessing the legality of activities of individual bodies and officials in forestry. Examining the organizational elements of the prosecutor's office's activities in overseeing the implementation of forestry legislation is not possible without considering the scope of prosecutors' powers.

The legislation on the prosecutor's office does not provide sufficient information about the specific duties of prosecutors; however, any powers of the prosecutor enshrined in legislation should be simultaneously considered as obligations for prosecutors. It is legitimate to discuss the prosecutor's duties to carry out certain actions, and, if there are legal grounds for this, to address the powers of prosecutors, particularly their authority to oversee the implementation of forestry legislation.

The authority of military prosecutors, transport prosecutors, and prosecutors of protected facilities to oversee the implementation of forestry legislation also extends to the objects under their supervision, including specialized environmental protection bodies established within paramilitary structures, transportation systems, and other protected facilities. Regarding the cooperation between territorial and specialized prosecutors on matters of overseeing the implementation of forestry legislation, despite the generally resolved issues of supervision over subjects and specific objects, it appears appropriate for prosecutors to conduct joint activities.

Another element of work organization in the prosecution bodies is monitoring and verifying execution, which involves obtaining, summarizing, evaluating, and ensuring the use of information on the work carried out to achieve the goals set for the prosecution. The essence of the monitoring process is to oversee the implementation of orders issued by the Prosecutor General of the Republic of Uzbekistan and

to obtain information on the actual execution of planned activities and other tasks.

Typically, monitoring is categorized into current (interim) and final types, planned and unplanned, continuous and selective, direct and indirect, as well as permanent and periodic forms.

The primary form of oversight in the prosecutor's office is the verification of implementation. During inspections, the actual state of affairs is determined, the activities of employees are evaluated, and measures are taken to address identified shortcomings. One of the crucial aspects of the organizational activities of the prosecution authorities, including in monitoring the implementation of laws on forest protection, is to ensure direct cooperation with state authorities and administration bodies, as well as local government bodies that exercise powers in this field.

The criterion uniting the joint activities of the prosecutor's office, state authorities, local government bodies, and civil society institutions for implementing the cooperation under consideration should be the same goals for these entities in ensuring legality and order in the forestry sector. Positive results in improving the environment can be achieved only when all bodies, officials, and other individuals, especially specialized environmental control agencies, work actively and at full capacity. Prosecutors acting individually cannot achieve significant final results in enhancing the natural environment.

According to Article 9 of the Law "On the Prosecutor's Office," the Prosecutor General of the Republic of Uzbekistan and the Prosecutor of the Republic of Karakalpakstan have the right to participate in the meetings of state authorities and administrative bodies of the Republic of Uzbekistan and the Republic of Karakalpakstan, respectively, in the prescribed manner. Prosecutors of regions, the city of Tashkent, districts and cities, as well as prosecutors of equivalent rank, have the right to participate in the meetings of the relevant and subordinate bodies of state power and administration in the prescribed manner.

It was previously noted that illegal logging of forest plantations is one of the common violations in this area. Notably, the legislation of the Republic of Uzbekistan lacks a definition for the concept of "illegal tree cutting," while the law establishes criminal and administrative liability for this act. Prosecutor's offices, in cooperation with local government bodies, are implementing a comprehensive set of organizational and practical measures aimed at ensuring their interaction, as well as developing the practice of concluding agreements that provide for various forms of cooperation.

The cooperation between the prosecutor's office and

civil society institutions in the field of forest relations is characterized by each entity having its own objectives while simultaneously working towards common goals - protecting human rights and freedoms, and ensuring stable law and order. The main forms of interaction between prosecutors and civil society institutions in the field of forest relations consist of regular participation in developing and implementing joint comprehensive programs, conducting joint activities, and exchanging information.

Participation in the development and implementation of joint comprehensive programs envisions the existence of permanent "support platforms" to facilitate dialogue for the comprehensive and forward-looking resolution of issues impeding active cooperation.

Conducting joint events is one of the most popular forms of collaboration. Such events include scientific and practical conferences, roundtable discussions, seminars, debates, open court sessions, inviting representatives of the public and media to prosecutorial inspections, conducting sociological surveys on the state of legality, joint monitoring studies, and others.

When conducting legal consultations on compliance with forestry legislation, prosecutors should direct citizens' attention to the legal foundations for problem-solving and explain to them the social significance and specific content of forest legislation. In the collaboration between the prosecutor's office and state authorities and administrative bodies on issues of strengthening the rule of law in forest protection, naturally, in our opinion, difficulties arise due to the independence of separate participants and varying interpretations of the term "interaction." Often, conflicting situations in this field occur precisely due to the confusion of semantic meanings and the lack of a clear distinction between the concepts of "state control" and "prosecutorial supervision." Interaction is understood as the coordinated activity of two or more entities with shared goals and objectives.

The cooperation between the prosecutor's office and state and local authorities on forest protection issues aims at a common goal - ensuring the rule of law in this sphere. Based on the Law "On the Prosecutor's Office," ensuring the rule of law constitutes the main content of the prosecutor's office's activities.

In turn, for the authorities and local government bodies, issues of legality are only a part of their activities.

F.M.Kobzarev associates the interaction of the prosecutor's office with government bodies, local government bodies, and supervisory bodies with the

external type of relationships.

The practice of prosecutorial oversight shows that enforcement proceedings are often terminated by court bailiffs due to the impossibility of recovery because of the debtor's lack of property, absence from their place of residence, and other reasons. At the same time, all measures, such as sending inquiries to registration authorities to identify the debtor's property or initiating a search by court bailiffs, are often not implemented.

In this regard, we consider it necessary to organize and ensure closer cooperation between the prosecutor's office, the bailiff service, and their territorial subdivisions. At the same time, to more effectively compensate for damages caused to the forest fund of the Republic of Uzbekistan, it is necessary to establish systematic monitoring of court decision enforcement. Otherwise, the prosecutor's office's work in submitting applications to the court becomes meaningless due to debtors' failure to actually comply with court decisions.

It should be noted that while the prosecutor's office only oversees the implementation of laws, these other bodies exercise state control not only over the implementation of laws, but also over compliance with legislation regulating forest protection, as well as local government oversight.

In the presence of signs of a crime, state forest supervision bodies forward relevant materials to internal affairs agencies or the prosecutor's office. In turn, to address the issue of holding offenders administratively liable, the prosecutor's office sends decisions on initiating administrative offense cases for violations of forest protection legislation requirements to the supervisory bodies.

Prosecution authorities, in accordance with the powers granted to them by law, have the right to demand that supervisory bodies conduct inspections in organizations and allocate specialists to identify existing issues in the process of carrying out supervisory activities. At the same time, the prosecutor personally verifies the legality and completeness of the decisions and measures taken by these bodies.

The purpose of prosecutorial supervision over the implementation of forest protection laws and the purpose of state forest supervision are the same - to provide the primary means of creating a favorable environment for the precise implementation of these laws by all parties.

The concept of "cooperation between prosecutors and state authorities on issues of strengthening the rule of law in the field of forest protection and conservation" is defined as equal and mutually beneficial cooperation aimed at strengthening the rule of law in the forestry

sector. This can also be observed from the results of the conducted survey. 71% of survey participants concluded that the Prosecutor's Office needs to regularly exchange information with the governing bodies in this field to protect forests. In order to improve the interaction between prosecutors and state authorities and administration on issues of strengthening the rule of law in the field of forest protection, we consider it expedient to systematically implement the following organizational measures:

strengthening cooperation in ensuring the rule of law; concluding agreements on mutual cooperation;

adhering to the requirements of legislation in mutual relations that prohibit any form of influence on the prosecutor's decisions or obstruction of their activities; eliminating cases of unjustified requests for information by prosecutors from state bodies and local government authorities;

intensifying the search for new effective forms of cooperation.

We believe that the following forms will help enhance the level of cooperation between prosecutors and state authorities on matters of strengthening the rule of law in the field of forest protection:

firstly, jointly organizing seminars, conferences, and roundtable discussions dedicated to strengthening the rule of law in the field of forest protection;

secondly, the participation of representatives from these bodies in open meetings of the prosecutor's office to summarize the results of work in the field of forest protection and conservation;

thirdly, joint participation in legal consultations and lectures aimed at drawing attention to the issue of forest protection;

fourthly, publishing joint collections and books devoted to the problems of forest protection.

Establishing cooperation between the prosecutor's office and state authorities on forest protection issues allows for the following:

- Enhancing their information base, especially regarding the state of forest protection in regions, the status of law enforcement, and the implementation of measures taken by these bodies to eliminate and prevent violations;

- Coordinated actions both at the planning stage and during the implementation of planned activities, ensuring timely execution of work plans;

- Avoiding duplication of work carried out by another body;

- Improving the qualifications of employees, including

their ecological and legal awareness, as a necessary condition for achieving positive results in forest protection;

- Achieving efficiency in effort and resources, i.e., attaining good results with less labor and material resources;

- Fostering transparency, trust, respect, and readiness to provide comprehensive assistance between employees of the prosecutor's office and state authorities in forest protection, ensuring an understanding that both employees, as civil servants, must fulfill their obligations.

In addition, we consider it necessary to define the importance of cooperation between prosecutors and the public in monitoring the implementation of forest protection laws.

The situation regarding the state of the forest fund demonstrates that the tendency to disregard social forces leads to citizens' indifference, as well as the emergence and intensification of conflicts in the use and protection of forests and other natural resources.

Thus, the task of forest protection can only be successfully addressed through the combined efforts of representative and executive authorities at all levels, local government bodies, law enforcement agencies, environmental protection organizations, and other institutions, along with the active involvement of the public and citizens.

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