

Improving Prosecutorial Supervision Over the Enforcement of Legislation in General Secondary Education: Analysis and Proposals (The Case of Uzbekistan)

Kurbanov Sobir Sultanovich

Independent Researcher of Law Enforcement Academy, Republic of Uzbekistan

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Abstract

The article analyses prosecutorial supervision over the enforcement of legislation in Uzbekistan's general secondary education through the lens of recent Uzbek scholarship. It shows that supervision in schools lacks a statutory subject and rests on a departmental order of 2017 that no longer reflects the institutional landscape, and that the risk-based models proposed by Uzbek authors, though valuable, are not yet reconciled with one another or with procedural safeguards. Testing these proposals against explicit legal criteria, the article formulates an integrated model: statutory recognition of supervision over legislation on minors, a sectoral order of the Prosecutor General, severity-weighted risk classification of schools with differentiated frequency of inspections, lawful data exchange and mandatory follow-up.

Keywords: Prosecutorial supervision; general secondary education; rights of pupils; risk-based supervision; special legal status of minors.

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1. Introduction

General secondary education in Uzbekistan is compulsory, covers grades I–XI and concentrates the largest population of minors under public care outside the family. The Constitution of 30 April 2023 entrusts the Prosecutor General and subordinate prosecutors with supervision over the exact and uniform execution of laws [1]; the Law “On the Prosecutor’s Office” elaborates this mandate [2]; and the Law “On Education” No. ZRU-637 of 23 September 2020 governs schools substantively [3]. None of these acts, however, defines prosecutorial supervision in education.

Uzbek scholarship has begun to fill this gap from different angles.

M. Boboumarova grounds supervision in general secondary, secondary specialised and vocational institutions in the principle of the special legal status of minors [4]; M. Saidaliev treats supervision in school education as an institution of state control ensuring legality and protecting pupils and teachers [5]; I. Djuraev links supervision in higher education to legal culture and prevention [6]; G. Amonova designs a risk analysis system for preschool education [7] and, with R. Amonov, critiques the governing departmental order [8]; G. Burkhanova proposes legal criteria for risk-based

supervision of state administration [9].

2. Method

Saidaliev characterises prosecutorial supervision in schools as a form of state control. This characterisation needs qualification. The Law “On the Prosecutor’s Office” prohibits the prosecutor from interfering in the activity of supervised bodies and from substituting for departmental management and control, while the Law “On Education” assigns quality control to authorised education bodies. Supervision is therefore a second-order guarantee: it reviews the legality of acts and actions of those who manage and control schools, not the quality of teaching. The distinction has practical consequences: it limits the questions a prosecutor may ask during an inspection and justifies the non-duplication rule proposed below.

Boboumarova’s principle of the special legal status of minors explains why this second-order guarantee must nevertheless be intensive in schools. Pupils cannot defend their rights on their own and rarely complain, so a supervisory model that waits for complaints protects them least where they are most exposed.

The Convention on the Rights of the Child [10] and the Law “On Protection of Children from All Forms of Violence” No. ZRU-996 of 14 November 2024, which expressly lists bullying among forms of violence [11], translate this status into concrete obligations of schools. A Law of 11 September 2026 went further, introducing administrative liability of educators for physical violence against or humiliation of a child and a one-year ban on teaching for offenders. Supervision thus has an expanding substantive object but an unchanged procedural toolkit.

Doctrinally, the subject of supervision can be defined as the execution of legislation on education and on the rights of the child, and the conformity with law of legal acts adopted, by bodies and persons responsible for general secondary education, together with the observance of the rights of pupils, parents and teachers. Its objects are the Ministry of Preschool and School Education and its territorial bodies, *hokimiyats* as founders of state schools, state and non-state schools, control bodies acting in schools (as to the legality of their inspections), commissions on minors’ affairs and contractors supplying meals and construction works.

The instruments are the general ones: protest, representation, warning, institution of proceedings and

claims in court. Burkhanova rightly notes that even the warning, the most forward-looking instrument, depends on a particular signal of an imminent violation and is not a tool of systematic risk management.

Critical assessment of the current model. Absence of a statutory direction. Supervision reaches schools only through general supervision and the Order of the Prosecutor General No. 139 of 11 September 2017 on supervision over legislation on minors. Boboumarova proposes to include supervision over legislation on minors among the main directions of the Law “On the Prosecutor’s Office”, with educational institutions as a distinct element. The proposal is justified, but its value lies in a legally defined subject that would bind the scope of inspections, not in the label alone.

An outdated departmental framework. Amonova and Amonov demonstrate three defects of Order No. 139: it names ministries that no longer exist; its paragraph 9 limits the quarterly review of acts of commissions on minors, education bodies and local authorities to guardianship matters; and, in the absence of republic-wide methodological guidance, prosecutors inspect educational organisations in different ways, with planning failures and understaffing as recurrent causes of shortcomings. For schools the problem is sharper still, because the 2024 reform of education governance (Law No. ZRU-957 of 7 September 2024) reallocated functions again.

Reactive supervision and latent violations. Amonova’s empirical observations on preschools, like artificial inflation of attendance to obtain budget funds, recurring videos of cruelty by educators circulated on social networks and misappropriation of budget funds describe precisely the kind of violations that a complaint-driven model detects late. The same risk profile applies to schools, where public procurement of meals and construction and informal levies on parents are additional sources of corruption. Burkhanova shows that Uzbek law already operates a genuinely risk-based model for business inspections under Presidential Resolution No. DP-374 of 13 September 2022, combining risk levels, a unified electronic registry of inspections and review by the Business Ombudsman, and that the “Digital Prosecutor’s Office – 2030” Strategy (Decree No. DP-204 of 3 November 2025) declares a shift to proactive prevention without codifying a methodology.

Fragmented enforcement. Several bodies now act in schools simultaneously. Since February 2024 the

inspector-psychologists for minors have been transferred to the National Guard; according to data presented to the Senate, they identified more than 44,000 cases of failure by parents to fulfil their duties of upbringing and education and sent about 175,000 warning letters to parents whose children did not attend school. Attendance enforcement is thus conducted largely by administrative sanctions against parents, whereas the reasons why schools lose pupils (unlawful exclusion, bullying, lack of inclusive conditions) fall within the prosecutor's field. Without coordination, the system punishes families while leaving institutional causes unexamined.

Weak prevention through legal culture and publicity.

Djuraev argues that legality in educational institutions depends on legal culture and proposes publishing statistics on offences and their consequences on the websites of the Prosecutor General's Office, the ministries and the institutions themselves, as well as involving experienced prosecutors in educational activities. Aggregated results of supervision in schools are still not published, which deprives supervision of its general-preventive effect.

Amonova's model is the most elaborate proposal in the Uzbek literature. It integrates the "Kindergarten" information system of the Ministry of Preschool and School Education with the prosecutor's office; adds staff data (medical certificates, certificates of no criminal record, compliance with professional standards) and a complaints panel with open and closed access levels; draws on information-system data, media reports, inspection results and acts of courts and law enforcement bodies; and classifies institutions as green (no violations), yellow (two to three) or red (four or more). Substantive indicators derived from the Law "On Preschool Education and Upbringing" use percentage thresholds (86–100% green, 71–85% yellow, 70% and below red) and binary indicators such as the employment of persons barred from teaching. An inspection request must state its basis, subject and period and is considered by an authorised body within three working days, and Article 21 of the Law "On the Prosecutor's Office" is to be amended so that data from the risk system become a ground for inspections.

Burkhanova's three cumulative criteria of a genuinely risk-based framework such as explicit, publicly ascertainable risk criteria; a defined correspondence between risk level and the intensity of supervisory measures; and procedural safeguards against arbitrary intervention allow this model to be tested.

The first criterion is largely met. The second is met only partly: the violation-count scale leaves a single violation unclassified and, more importantly, treats a single act of violence against a child as equal to a minor sanitary irregularity. The third is weak: the model does not specify who the "authorised body" approving inspections is, and it is unclear how such approval would be compatible with the prosecutor's constitutional independence; nor does it address the processing of staff criminal-record data.

A further tension arises between the two works of Amonova. The 2026 article proposes that Order No. 139 require quarterly inspections of preschool organisations, whereas the 2025 risk model aims precisely at avoiding unfounded inspections of low-risk institutions. Uniform quarterly inspection of thousands of schools would be neither feasible nor proportionate. The two proposals can be reconciled only if frequency is derived from the risk level. For schools, the model should also be transposed to the school information systems of the same Ministry and supplemented with school-specific indicators: complaints and incidents under Law No. ZRU-996, out-of-school children and chronic absenteeism, accessibility for children with disabilities, audit findings on procurement of meals and construction, licensing of non-state schools and non-execution of earlier prosecutorial acts.

Boboumarova refers to foreign experience, including Scandinavian countries, in support of strong protective powers for minors. The comparison requires care: in the Nordic states children's rights in schools are monitored mainly by independent children's ombudspersons and inspectorates, while the legality of administrative decisions is reviewed by courts. The closer analogue is Russia, where Order of the Prosecutor General No. 744 of 13 December 2021 treats minors' rights in education as a special subject within the direction concerning minors, and Kazakhstan, whose prosecutorial practice has developed risk assessment for planning inspections.

The lesson for Uzbekistan is specialisation within the prosecutor's legality function combined with transparency, not a transfer of quality control to prosecutors.

The UN Committee on the Rights of the Child similarly emphasises institutional prevention, reporting and follow-up in protecting children from violence [12].

Proposals. First, Article 4 of the Law "On the Prosecutor's Office" should list supervision over the

execution of legislation on minors as a main direction, expressly covering educational organisations, and define its subject as stated in section 2, including the rule that pedagogical quality is not a subject of supervision.

Second, the grounds for inspections should include data produced by a risk analysis system, as Amonova proposes, but subject to safeguards: each proactive inspection must be supported by a written risk justification approved within the prosecutorial hierarchy by a higher prosecutor rather than an external body, recorded in the unified electronic registry of inspections envisaged by the “Digital Prosecutor’s Office – 2030” Strategy, and open to review on complaint of the inspected institution.

Third, Order No. 139 should be replaced by a sectoral order on general secondary education that updates the names of bodies, removes the limitation of paragraph 9 to guardianship matters, provides for cooperation with the Ministry of Preschool and School Education, the National Commission on Children’s Affairs and the Children’s Ombudsman and adopts the three-stage inspection methodology of preparation, conduct and response.

Fourth, schools should be classified by a severity-weighted risk score rather than by the number of violations: any established incident of violence, employment of a barred person or systemic denial of access automatically places a school in the high-risk category. High-risk schools are inspected comprehensively, medium-risk schools receive targeted checks, and low-risk schools are subject to data monitoring only. Criteria should be published, recalibrated annually against inspection outcomes and piloted in several regions.

Fifth, the Law “On Education” should oblige education bodies to share data with the prosecutor’s office through interoperable systems, with personal data safeguards limiting access to staff criminal-record information to closed-access users[8]. Each established violation should be followed by a verification of whether its causes were eliminated.

Sixth, supervision of attendance should shift from sanctioning parents to examining institutional causes of dropout, and implementation of Law No. ZRU-996 and the 2026 amendments (anti-bullying procedures, reporting, staff bans) should be a standing priority, with a confidential complaint channel run jointly with the

Children’s Ombudsman.

Seventh, following Djuraev, the Prosecutor General’s Office should publish an annual report on legality in general secondary education, and district offices should have assistant prosecutors specialised in minors and education.

3. Conclusion

Uzbek scholarship already contains the building blocks of a modern model of supervision in general secondary education: the principle of the special legal status of minors, a critique of the outdated departmental framework, a detailed risk analysis system and legal criteria for risk-based oversight. Their synthesis shows, however, that the proposals conflict at important points: the characterisation of supervision as state control, mandatory quarterly inspections and count-based risk scales are inconsistent with the prosecutor’s legality function and with proportionality. The model proposed here resolves these tensions by recognising supervision over legislation on minors in the Law, replacing Order No. 139 with a sectoral order, weighting risk by severity of harm, placing approval of proactive inspections within the prosecutorial hierarchy and making follow-up and publicity mandatory. Its effectiveness should be judged not by the number of inspections but by the reduction of recurring violations of pupils’ rights.

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