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THE SUBJECT OF THE PROSECUTOR'S CONTROL OVER THE ENFORCEMENT OF FOOD SAFETY LAWS

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Abstract

This article explores the enhancement of the scientific-theoretical framework for prosecutorial control over food safety legislation, analyzing legal scholars' views and international legislative experiences. The analysis culminates in substantiated proposals to refine the scientific-theoretical framework of prosecutorial control in food safety legislation.

Keywords Food safety, legislation, prosecutor's control, subject of control, legal bases, foreign experience, improvement.

INTRODUCTION

Following our country's independence, extensive reforms have been initiated in the socio-economic sector to consistently enhance the population's living conditions. Recognizing the importance of rapid development and industrialization, particularly through increased specialization in agriculture, is crucial for these reforms. This reaffirms the commitment to ensuring the price stability of quality food products, creating a guaranteed reserve, ensuring market delivery, with all these aspects under the President's constant supervision.

The prosecutor's office plays a crucial role in both implementing these tasks and ensuring the enforcement of food safety-related legal documents in our country.

It is stated that the Prosecutor General of Uzbekistan and subordinate prosecutors are responsible for overseeing the clear and uniform

application of laws throughout the nation.

As per the "On the Prosecutor's Office" Law of Uzbekistan, overseeing law implementation by various governmental bodies and officials constitutes a primary function of the prosecutor's office (Article 4).

Consequently, the urgent need today is for the prosecutor's oversight of food safety law implementation in Uzbekistan and scientific research into related subjects and objects.

It is important to note that in legal literature, there is no unanimous approach to understanding the subject of prosecutorial control. Legal scholars offer diverse opinions on defining the scope of the prosecutor's control over the enforcement of legal documents across various fields. For instance, according to I.B.Djuraev, prosecutorial control in higher education is distinct and independent, focusing on the consistent enforcement of education-related laws by institutions, thus highlighting its unique role in ensuring educational

quality. M.T.Abduhakimov defines the prosecutor's control in land-related matters as overseeing the rational use of land, soil fertility restoration, natural environment preservation, creation of equitable economic management conditions, protection of legal and individual land rights, detection of land-related violations, and ensuring legal compliance in this sector, involving ministries, administrative bodies, local governments, and their officials, as well as compliance of legal documents with Uzbekistan's laws. However, we believe these definitions do not specify which legislative acts the prosecutor's office should primarily investigate.

Sh.J. Rakhimov described the prosecutor's control over the implementation of legal documents on water as a crucial, highly effective, consistent, and unique state control method, vital for ensuring legislation, law and order, and strict compliance based on the rule of law. He emphasized that its aim is to protect the constitutional rights and legal interests of individuals, society, and the state.

Legal scholar A.B.Komilov suggests in his research that the concept of prosecutorial control should be approached based on Article 20 of the Uzbekistan Law "On the Prosecutor's Office." This article considers law enforcement and the compliance of accepted documents with the Constitution and laws as subjects of control. Komilov posits that prosecutors should focus on both enforcing laws and ensuring the adopted documents' compliance with the Constitution and laws.

We believe A.B. Komilov has provided a more comprehensive definition of prosecutorial control. This definition includes not only the adherence of ministries, offices, organizations, and officials to legal requirements, but also the compliance of their enacted legal documents with these laws.

The Uzbekistan Law "On the Prosecutor's Office" specifies in Article 20 that the subject of prosecutorial control is the enforcement of laws. It

states that the enforcement of laws by various governmental bodies, along with documents they accept, falls under prosecutorial control as per the Constitution and laws of Uzbekistan.

While these scholars assert that law enforcement and the compliance of legal documents with the Constitution and laws are under prosecutorial control, other experts argue that the enforcement of legal documents also falls within this realm.

Numerous foreign scholars have varied opinions regarding the scope of prosecutorial supervision. N.I. Bezrukavaya, referencing traditional definitions, suggests that prosecutorial supervision should cover adherence to the Constitution and laws by state agencies and officials, as well as the legality of their adopted documents.

Yu.E. Vinokurov, a theorist, posits that in prosecutorial control theory, the subject is often seen as a set of social relations regulating the prosecutor's activities. The essence of prosecutorial control lies in regulating social relations to ensure the law's execution.

Scientist A.F. Smirnov posits in his research that the subject of prosecutorial control encompasses the actions or inactions of officials, assessed based on legal requirements. This understanding aids in identifying legal violations and applying prosecutorial control to address them. We believe the scope of prosecutorial control is broader, encompassing not just officials' actions or inactions, but also the legality of the documents they enact.

Currently, some theorists argue that prosecutorial control extends beyond law enforcement to include adherence to non-statutory legal documents. Legal scholar N.N. Karpov suggests including presidential decrees with a regulatory tone in the realm of prosecutorial supervision. Scientist A.K. Kazarina considers legal documents that supplement normative laws by the President and government as part of prosecutorial supervision. Recently, there

have been proposals to expand prosecutorial control to include municipal legal documents and charters of municipal entities.

It is now appropriate to clarify the concept of law in the context of prosecutorial control. As per Article 3 of Uzbekistan's "On Normative-Legal Documents" Law, a normative-legal document is defined as an official document that sets, modifies, or annuls legal norms and is universally binding. Article 7 of the same law states that the Constitution, laws of Uzbekistan, and decisions of the Oliy Majlis chambers are legal documents. Decrees and decisions by the President, Cabinet of Ministers, ministries, state committees, agencies, and local authorities of Uzbekistan are statutory documents. Therefore, it would be fitting to define the prosecutor's control as ensuring compliance with mandatory laws and regulations.

In practice, the execution of minutes from Cabinet of Ministers' meetings often falls under prosecutorial supervision. However, Article 35 of the "On the Cabinet of Ministers" Law of Uzbekistan, dated December 10, 2019, specifies that the Cabinet of Ministers makes decisions and issues orders, but does not mention protocols.

Therefore, it is fitting to include within the prosecutor's supervision the adherence to legal documents issued by the Cabinet of Ministers, government members, the Prime Minister and deputies, the Cabinet Secretariats, and various permanent commissions and their officials.

In our country, it is common for the Prime Minister, Deputy Prime Minister, Heads of Departments, Secretariats of the Cabinet of Ministers, and commissions under the Cabinet to accept and distribute legal documents for mandatory execution to ministries, departments, and local governments, even when these contradict legal requirements. Specifically, in critical areas, standard administrative permitting procedures are often substituted with minutes

from commission meetings led by the Prime Minister or deputies.

However, as Article 20 of the "On the Prosecutor's Office" Law of Uzbekistan focuses prosecutorial control starting with ministries, it excludes the assessment of legality for documents accepted by the aforementioned entities by prosecutors. Therefore, it would be fitting to extend prosecutorial control to encompass the activities of the Prime Minister, deputies, and government commission officials, including the legality of their adopted legal documents.

Prominent legal scholars in our country, including B.Kh.Polatov, F.Kh.Rakhimov, Z.S.Ibragimov, M.Rustambaev, and O.M.Madaliyev, have formulated complementary and non-contradictory definitions of prosecutorial supervision.

However, despite these unified definitions, differing opinions arise regarding the subject of prosecutorial control in the execution of legal documents within specific fields.

This variation is natural, as the diversity of social relations governed by each legal document necessitates differing subjects of prosecutorial control.

Consequently, the development of definitions for the subject of prosecutorial control by legal scholars, tailored to their specific research areas, is crucial for delineating boundaries and criteria within prosecutorial control.

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