

THE EVOLVING ROLE OF THE PROSECUTOR'S OFFICE IN SAFEGUARDING RULE OF LAW WITHIN PUBLIC ADMINISTRATION: THE CASE OF UZBEKISTAN

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ABSTRACT

Since 2017, Uzbekistan's Prosecutor's Office has swung between two opposite reforms: from 2017 to 2020 it lost Soviet-era "general supervision" powers deemed incompatible with separation of powers (with business and tax oversight moving to other agencies and staff cut by about 1,200), while since 2023 that trend has reversed, as the revised Constitution embedded the office more firmly in state structure, a 2024 law expanded its court role, and 2025-2026 reforms handed it corruption and other criminal investigations. This article argues that the second wave, though framed as efficiency reform, revives the concentration-of-power risk the first wave sought to reduce, a risk the UN Special Rapporteur flagged in 2019 over the Prosecutor General's appointment procedure, and, drawing on UN and Council of Europe standards and the Venice Commission's opinion on Russia's Prokuratura Law, it proposes safeguards (judicial review of prosecutorial acts outside criminal proceedings and published oversight statistics) to preserve the gains of the expanded mandate without reopening the accountability gap the earlier reforms closed.

KEYWORDS

prosecutor's office, rule of law, prosecutorial oversight, separation of powers, public administration, Uzbekistan, Venice Commission, institutional reform

INTRODUCTION

Few institutions capture the ambiguity of post-Soviet legal reform as clearly as the prosecutor's office. Inherited from a Soviet model in which the procuracy exercised sweeping "general supervision" (*obshchiy nadzor*) over the legality of virtually every public and private act, the institution sits uneasily within a constitutional order built on separation of powers, since a body that investigates, prosecutes, and supervises administrative legality all at once concentrates authority no single branch of government is meant to hold alone. Uzbekistan's Prosecutor's Office has spent the past decade oscillating around this tension, first shedding supervisory functions inconsistent with international standards, then regaining others. This article traces that oscillation and asks what it means for the rule of law in public administration. Section 2 sets out the Soviet-model baseline and the international benchmarks against which reform is measured. Section 3 examines the 2017 to 2020 de-Sovietization wave. Section 4 examines the 2023 to 2026 re-concentration wave. Section 5 proposes safeguards for reconciling the two.

2. The Soviet-Model Baseline and International Standards

2.1 The "General Supervision" Legacy

The broad supervisory function of the Soviet prosecutor's office arose from a system with no constitutional or administrative courts and no ombudsman, leaving the procuracy to perform functions that separation-of-powers systems distribute among courts, legislatures, and independent regulators. Successor states that retained this model inherited its central defect: a hierarchical body, headed by a politically appointed official, empowered to review the legality of almost any administrative act. Law No. 746-XII, "On the Prosecutor's Office," adopted in Uzbekistan on December 9,

1992, carried this general-supervision architecture directly into the post-independence legal order (Republic of Uzbekistan, 1992).

2.2 International Benchmarks

Three instruments define the international standard against which such models are measured. The United Nations Guidelines on the Role of Prosecutors, adopted at the Eighth UN Congress in Havana, require prosecutors to respect the separation of powers and the independence of courts (United Nations, 1990). The Council of Europe's Recommendation Rec(2000)19 sets out safeguards for prosecutorial independence from undue political direction. Most pointedly, the Parliamentary Assembly's Recommendation 1604 (2003) states that prosecutors' powers should be "limited to the prosecution of criminal offences and a general role in defending the public interest through the criminal-justice system," with other functions assigned to separate, appropriately located bodies (Parliamentary Assembly of the Council of Europe, 2003). Applying this standard to the Russian Prokuratura Law in 2005, the Venice Commission recommended stripping the prosecutor's office of its general-supervision powers and transferring them to courts and an ombudsman, warning that the existing model's concentration of authority in a single hierarchical, politically appointed body carried structural corruption risk (Venice Commission, 2005).

3. Uzbekistan's De-Sovietization Wave, 2017-2020

3.1 Institutional Downsizing and Functional Transfer

In January 2017, President Mirziyoyev told prosecutors that the institution needed effective public control to avoid being perceived as repressive, opening a period of sustained downsizing (Sever, 2018). In March 2019, the office's tax and customs department, with 470 staff, moved to the

State Tax Committee, and its business-rights protection department, with 87 staff, moved to the newly created Business Ombudsman; roughly 1,200 positions were cut across the institution in the same period (The Diplomat, 2019). The stated rationale echoed the Venice Commission's diagnosis almost exactly: functions unrelated to criminal prosecution, especially those bearing on business activity, belonged elsewhere.

3.2 Persistent Independence Concerns

Downsizing did not resolve the deeper structural question of institutional independence. Following an official visit in September 2019, the UN Special Rapporteur on the independence of judges and lawyers found that "the procedures for the appointment and dismissal of the Prosecutor General do not provide sufficient guarantees to prevent undue political influence from the legislative and executive branches," raising concerns about the institutional independence of the prosecution service as a whole (OHCHR, 2019). Prosecutors, the Special Rapporteur noted, still retained broad powers within criminal proceedings themselves, even as extraneous supervisory functions were being removed. In other words, the 2017-2020 wave narrowed the office's jurisdiction without changing the institutional arrangements that determine whether it acts independently within that narrower scope.

4. The Re-Concentration Wave, 2023-2026

4.1 Constitutional Repositioning and Expanded Court Participation

The constitutional referendum of April 30, 2023, approved by 90.2 percent of voters, embedded the Prosecutor General more firmly in the state's institutional architecture, including a requirement that the Senate consult on the President's nominee for the post (Library of Congress, 2023). A further law of September 30, 2024, expanded the prosecutor's powers to participate in court

proceedings, and Law No. ZRU-1008 of November 29, 2024, amended the underlying 1992 statute to reflect these changes (Koliboyev, 2026). Considered alone, expanded court participation is not inconsistent with international standards, which explicitly endorse a prosecutorial role in defending the public interest through the justice system; the concern lies in what accompanied it.

4.2 Transfer of Corruption and Sexual-Crime Investigation Authority

Between 2025 and 2026, authority over the investigation of corruption offenses and certain other categories of crime, previously held by separate agencies, was transferred to the prosecutor's office, alongside presidential approval of the "Digital Prosecutor's Office - 2030" strategy under Decree No. UP-204 of November 3, 2025 (Koliboyev, 2026). Read against the 2005 Venice Commission diagnosis, this is close to the reverse of the 2017-2020 trajectory: rather than distributing functions away from a single hierarchical body, it recombines investigation, prosecution, and now an expanded court-participation role within the same institution, without the appointment-procedure reform the 2019 Special Rapporteur visit identified as the actual gap.

5. Reconciling Efficiency and Rule of Law: A Proposal

Consolidating corruption investigation and prosecution in one office can plausibly improve coordination and case-referral speed, the efficiency case Uzbekistan's reformers have made. But efficiency gains of this kind are only consistent with the rule of law if paired with the safeguards the 2019 Special Rapporteur visit found missing. Three follow from the standards reviewed above. First, the Senate consultation mechanism introduced by the 2023 Constitution should be given substantive content, published hearings and a public record of objections, directly answering the appointment-procedure gap

identified in 2019 (OHCHR, 2019). Second, prosecutorial acts outside the criminal process, particularly under the newly expanded court-participation and investigative powers, should be made reviewable by an independent court, consistent with the Venice Commission's recommendation that general-supervision-type functions be checked by courts rather than left to internal prosecutorial discipline (Venice Commission, 2005). Third, the Prosecutor General's Office should publish disaggregated annual statistics on corruption cases opened, closed, and referred, letting Parliament and civil society monitor whether the expanded mandate is exercised proportionately. None of these measures would reverse the transfer of authority; they would supply the institutional counterweights the 2017-2020 reforms removed for a narrower office and that a broader one now needs even more.

6. Conclusion

Uzbekistan's Prosecutor's Office has not moved in a straight line toward the internationally recommended model of a narrowly defined, independently accountable prosecution service. It shed Soviet-era general-supervision functions between 2017 and 2020, then reabsorbed investigative and court-participation powers between 2023 and 2026. Neither wave, on its own, is inconsistent with the rule of law; what matters is whether institutional safeguards, independent appointment procedures, judicial review of prosecutorial acts, and public reporting, keep pace with the office's mandate. They have not yet done so. Closing that gap, not reversing the recent expansion of powers, is the unfinished business of Uzbekistan's prosecutorial reform.

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