

THE LIMITS OF PROSECUTOR'S SUPERVISION OF THE OBSERVANCE OF CITIZEN'S RIGHTS AND FREEDOMS: THEORETICAL AND LEGAL ANALYSIS

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Abstract: This scientific article examines the theoretical and practical aspects related to determining the boundaries of prosecutorial supervision in the field of ensuring the rights and freedoms of citizens. Special attention is paid to the criteria that limit the prosecutor's interference in the activities of state authorities, organizations, and officials. The article emphasizes the importance of maintaining a balance between effectively protecting the interests of individuals and preventing an excessive expansion of the prosecutor's supervisory powers. The article concludes that it is necessary to improve the regulatory framework and the practice of prosecutorial supervision as an important condition for strengthening the guarantees of citizens' rights and freedoms.

Keywords: rights and freedoms; citizen; prosecutorial supervision; limits; boundaries; level.

ПРЕДЕЛЫ ПРОКУРОРСКОГО НАДЗОРА ЗА СОБЛЮДЕНИЕМ ПРАВ И СВОБОД ГРАЖДАНИНА: ТЕОРЕТИКО-ПРАВОВОЙ АНАЛИЗ

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Аннотация: В научной статье рассматриваются теоретические и практические аспекты, связанные с определением границ прокурорского надзора в сфере обеспечения прав и свобод граждан. Особое внимание уделено критериям, которые ограничивают вмешательство прокурора в деятельность органов государственной власти, организаций и должностных лиц. Подчеркивается важность соблюдения баланса между эффективной защитой интересов личности и предотвращением чрезмерного расширения надзорных полномочий прокуратуры. Делается вывод о необходимости совершенствования нормативной базы и практики прокурорского надзора как важного условия укрепления гарантий прав и свобод граждан.

Ключевые слова: права и свободы; гражданин; прокурорский надзор; пределы; границы; уровень.

As is well known, the institution of prosecutorial supervision occupies a special place in the system of guarantees for ensuring the rights and freedoms of individuals and citizens. In the context of building a legal state, the activities of the prosecutor's office acquire particular significance, as it is designed to act as a mechanism for balancing the interests of individuals, society, and the state. However, the issue of establishing the limits of prosecutorial supervision is equally important. A clear definition of the scope and boundaries of the prosecutor's office's activities helps to avoid arbitrariness, duplication of functions by other government agencies, and violations of the principle of separation of powers.

The limits of prosecutorial supervision are the legally established boundaries of the prosecutor's office's intervention in the protection of citizens' rights, which are expressed in the forms, methods, and means of prosecutorial activity. In other words, these are the legal and organizational barriers that define the scope of the prosecutor's authority and prevent them from exceeding the limits set by law.

Prosecutors should clearly distinguish between the legality and limits of prosecutorial intervention. The limits of intervention are always limited by the legality, and the legality of intervention, in turn, is determined by strict criteria of objective grounds [1].

It is necessary to analyze the scientific opinions of scientists. For example, V.G. Daev and M.N. Marshunov note that the concept of "limits of prosecutorial supervision" reflects the competence of the prosecutor and the scope of his powers [2]. According to A.Kh. Kazarina, the limits of prosecutorial supervision as a legal category outline the boundaries of what is permissible, possible, and unacceptable in the process of the prosecutor's selection of objects for inspection, as well as in the use of his powers and means of responding to identified violations of the law [3]. This concept is most fully presented in the works of Professor A.D. Berenzon, who reveals the limits of general supervision through a combination of the following components: a list of organizations and institutions subject to general supervision; a range of regulations that are subject to supervision by prosecutors; the nature of actions within the framework of general supervision; the responsibilities of prosecutors to identify factors that contribute to violations of the law; and the extent of the prosecutor's intervention in the activities of bodies, organizations, and officials in response to identified violations [4].

Next, let's consider the levels of limits identified by the scientific doctrine:

1. The regulatory level is the list of the Prosecutor's Office's powers enshrined in the Constitution and laws.

2. The organizational level is the procedure for the Prosecutor's Office's interaction with other authorities and citizens.

3. The procedural level is the procedures for implementing the powers that ensure the rights of citizens from unjustified interference [5].

The normative limits of prosecutorial supervision. The limits are based on the provisions of constitutional and sectoral legislation. The constitutions of most countries explicitly establish the objectives of the prosecutor's office and its independence. At the same time, the laws on the prosecutor's office contain detailed provisions regarding the scope of supervisory activities.

For example, a prosecutor does not have the right to interfere in the operational and economic activities of organizations, but can only check compliance with the law when these bodies make decisions. The prosecutor is also limited in the scope of supervision: he can only respond to violations of the law, not to issues of the expediency of management decisions.

Organizational limits of prosecutorial supervision. Organizational limits include the delineation of powers between the prosecutor's office and other government agencies. For example, special control bodies are responsible for monitoring the activities of executive authorities, the financial and economic sector, or the professional activities of certain categories of specialists (such as lawyers, doctors, and teachers).

Thus, the prosecutor's office should not duplicate their functions, but should act only within the scope of its tasks: to ensure the rule of law, protect the rights and freedoms of citizens, and safeguard the interests of the state.

Procedural limits of prosecutorial supervision. Procedural limits are expressed in strict adherence to the procedures for responding. For example, prosecutorial inspections can only be conducted if there are legal grounds, within a specified timeframe, and with mandatory notification of the results to the subjects being inspected.

Prosecutor's response measures are also limited by law: protest, statement, submission, warning, and decree. Any other forms of influence are beyond the permissible limits.

Practical aspects of the limits of prosecutorial supervision. In practice, the limits of prosecutorial supervision manifest themselves in the need to take into account: 1) the principle of proportionality — intervention is permissible only to the extent necessary to restore the violated right; 2) the priority of individual rights — the prosecutor's office should not replace the activities of state bodies, but it must promptly respond to the threat of violating citizens' rights; 3) consistency with the judicial authority — the prosecutor does not have the right to review court decisions, but may initiate a review of the legality of court acts in the forms established by law.

Let us reveal important aspects related to the limits of prosecutorial supervision on the example of supervision over compliance with citizens' rights to health protection:

1. According to the circle of regulatory instructions. The Prosecutor oversees compliance with the constitutional rights of citizens to health care, as well as compliance with the laws that specify these rights, including the Law on Health Care, the Law on Sanitary and Epidemiological Welfare of the Population, the Law on Licensing of Certain Activities, the Law on Medicines and Pharmaceutical Activities, and other acts in the field of healthcare.

2. By the range of bodies and officials subject to prosecutorial supervision. In accordance with the Law of the Republic of Uzbekistan "On the Prosecutor's Office", prosecutorial supervision covers:

a) state authorities and local self-government bodies (their officials), whose powers are enshrined, among other things, in the laws "On the Protection of Citizens' Health" and "On the Sanitary and Epidemiological Well-Being of the Population";

b) executive authorities that carry out state control functions and provide public services in the field of healthcare, including the Ministry of Health of the Republic of Uzbekistan and its territorial divisions;

c) authorities and officials with administrative and jurisdictional powers, including the compilation of protocols and the consideration of cases of administrative offenses in the field of public health;

d) heads of state, commercial, and non-profit organizations operating in the field of healthcare.

3. In terms of the range of prosecutorial measures of response. Within the limits defined by the Law of the Republic of Uzbekistan "On the Prosecutor's Office", the prosecutor has the right to bring protests, submissions, issue resolutions and warnings on the elimination of violations of the law, as well as apply other measures of prosecutorial response.

4. In terms of the range of persons in relation to whom decisions are made. The subjects of prosecutorial response may be officials of state and local government bodies, heads and employees of organizations of any form of ownership, who violate the rights of citizens in the field of health protection.

Thus, the limits of prosecutorial supervision in the Republic of Uzbekistan over compliance with the rights of citizens to health protection have legally established boundaries. They allow for the differentiation of this area of supervisory activity from other forms of prosecutorial supervision, as well as from the competence of specialized control and supervisory bodies of the state.

Consequently, the limits of prosecutorial supervision are a key element of the legal system that ensures a balance between the effective protection of citizens' rights

and the prohibition of arbitrary interference by the prosecutor's office in the activities of other bodies and organizations. Additionally, the boundaries of authority established by law should serve as a guarantee that prosecutorial supervision will be carried out strictly within the framework of the principle of legality, without excessive pressure on participants in civil circulation.

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