

Analysis of the Experience of Foreign Countries in Regulating the Legal Status and Powers of the Prosecutor

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Abstract: The study of the legal status of the prosecutor in foreign countries is of scientific interest, based on the need to develop national legislation. The article examines the experience of foreign countries in regulating the activities of the prosecutor's office, analyzes the opinions and conclusions of scientists, and classifies them based on the author's criteria.

Key points: prosecutor, legal status of the prosecutor, functions of the prosecutor. criminal process.

President of the Republic of Uzbekistan Shavkat Mirziyoyev, at a meeting with employees of the prosecutor's office, noted that earlier "... people knew employees of the prosecutor's office only as representatives of the system of conviction and punishment. We are achieving positive results in the reorganization of activities in this area at the level of international requirements. The Prosecutor's office should serve to ensure the rule of law in our daily lives, protect the legitimate rights of legal entities and individuals, and enhance the legal culture of the population." [1].

An analysis of the experience of developed countries in effectively solving these tasks is important when developing proposals based on them to reform the national prosecutor's office system and turn it into a body for the protection of citizens' rights [2, p.8]/

The activity of a prosecutor in foreign countries is a complex and multifaceted system that varies depending on the legal tradition and the specifics of the state structure of each country. An analysis of international experience shows that the role and functions of the prosecutor's office in different countries may differ significantly, but a number of common trends and key aspects can be identified. The legislative framework of the prosecutor's office in most countries is based on constitutional norms and special laws governing the organization and functioning of prosecutorial bodies.

Depending on the legal regulation of the prosecutor's office, several models can be distinguished:

- a) Constitutional model: In a number of countries, the status and main functions of the prosecutor's office are enshrined in the constitution. For example, in Russia, the status of the prosecutor's office is defined in the Constitution of the Russian Federation, which ensures its independence and a special position in the system of state bodies [3. p.17-18].
- b) Legislative model: In some countries, the activities of the prosecutor's office are regulated by special laws, but not enshrined in the Constitution. For example, in the United States, the activities of federal prosecutors are regulated by federal laws and regulations [4. p.39-40].
- c) A mixed model: In a number of countries, the status of the prosecutor's office is partially enshrined in the constitution, and detailed regulation is carried out by special laws. This model is typical for many European countries, for example, France and Germany [5. p.24-27].

For example, in France, where the institution of the Prosecutor's Office was first born, the activities of prosecutors are regulated by the Constitution and the Ordinance on the Status of Magistracy.

In Germany, the legal status of the Prosecutor's Office is determined by the Law on the Judicial System and the Code of Criminal Procedure. In the United States, where the prosecutor's office has a decentralized structure, its activities are regulated by both federal and state laws. The main areas of work of prosecutors in foreign countries include criminal prosecution, maintaining public prosecution in court, overseeing the legality of the preliminary investigation and inquiry, as well as protecting public interests in civil and administrative proceedings. In some countries, such as France and Italy, prosecutors also supervise the activities of the judicial police. In countries of the Anglo-Saxon legal system, such as the United States and the United Kingdom, prosecutors mainly focus on criminal prosecution and prosecution in court. The interaction of the Prosecutor's Office with various departments is an important aspect of its activities in most countries. Prosecutors work closely with law enforcement agencies, judicial authorities, executive authorities and other government agencies. In some countries, such as Germany and France, the Prosecutor's Office is part of the justice system and reports to the Ministry of Justice, which ensures close coordination with the executive branch. In the United States, federal prosecutors are part of the Department of Justice, which also facilitates effective interaction with other federal agencies.

The analysis of the materials showed that in different countries the powers of the prosecutor's office in the criminal process differ significantly. Based on this, a classification was made according to the powers of the prosecutor in the criminal process::

- a) Full control model: In some countries, the Prosecutor's Office has broad powers at all stages of the criminal process, including preliminary investigation, prosecution in court and supervision of the execution of sentences. This model is typical for Russia and a number of CIS countries [6. p.81-83].
- b) A model of limited participation: In a number of countries, especially with the Anglo-Saxon legal system, the prosecutor's office mainly focuses on maintaining the prosecution in court, and the preliminary investigation is conducted by the police. This model is typical for the USA and the UK [7. p.29-31].
- c) The judicial investigation model: In some countries, for example in France, the prosecutor participates in the preliminary investigation, but the investigating judge plays the main role [81. p.65-67].

The study showed that the legal status of the prosecutor's office in different countries may vary significantly. Thus, the features of the legal status were chosen as a criterion for classifying the status of a prosecutor in foreign countries.:

- a) Independent model: In some countries, the prosecutor's office is an independent body that is not part of any branch of government. This model is typical for Russia and a number of post-Soviet countries [9. p.119-123].
- b) The model of executive power: In a number of countries, the prosecutor's office is part of the system of executive power and is subordinate to the Ministry of Justice. This model is common in the USA and many European countries [10. p.101-103].
- c) Judicial model: In some countries, the Prosecutor's office is considered as part of the judicial system. For example, in France, prosecutors and judges share the status of magistrates [11. p.97-99].

It is important to note that in recent years there has been a tendency towards convergence of different models of the prosecutor's office. Many countries borrow elements from other systems, adapting them to their legal traditions and needs. For example, in a number of Eastern European countries, where traditionally there has been a strong and independent prosecutor's office, there is a gradual restriction of its supervisory functions and an increased role in criminal prosecution [12. p.97-99].

In addition, international cooperation and the globalization of legal systems lead to the formation of common standards of prosecutorial activity. International organizations such as the International

Association of Prosecutors and the Advisory Council of European Prosecutors play an important role in this process [13. p.109-112].

Thus, in recent years, there have been a number of important changes and trends in the activities of the prosecutor's office in foreign countries. One of the key areas of development is to strengthen the independence of the prosecutor's office from the executive branch. For example, in Italy, a reform was carried out aimed at strengthening the autonomy of the prosecutor's office and limiting the influence of the Ministry of Justice on the appointment of prosecutors. Another important trend is the expansion of the powers of the Prosecutor's Office in the field of human rights protection and the fight against corruption. In many countries, prosecutors have received additional tools to investigate corruption crimes and protect the rights of vulnerable groups. In addition, there is a tendency to strengthen international cooperation between the prosecutor's offices of different countries, especially in the field of combating transnational crime and terrorism. Special mechanisms and platforms are being created to exchange information and coordinate the actions of prosecutors at the international level.

In conclusion, it should be noted that despite the differences in the organization and functioning of the prosecutor's office in different countries, the general trend is to ensure the independence of prosecutors, increase the effectiveness of their activities in the field of criminal prosecution and protect the rights and freedoms of citizens. The study and analysis of various models of the prosecutor's office makes it possible to identify the most effective practices and contributes to the improvement of prosecutorial activities on a global scale.

It should be noted that the activities of the prosecutor in foreign countries continue to evolve, adapting to new challenges and needs of society. Despite the differences in legal systems and traditions, the general trend is to improve the efficiency of the Prosecutor's office, strengthen its independence and expand its role in protecting the rule of law and the rights of citizens.

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