

Certain Issues in The Formation of a Professional Personnel Corps in The Prosecution Authorities

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Abstract: This article analyzes the legal and organizational foundations of forming a professional personnel corps in the prosecution authorities. The author examines the modernization of the selection, training, and professional development system, as well as the implementation of modern management methods in this field. The article proposes ways to increase the effectiveness of ensuring the rule of law by strengthening human resources potential.

Keywords: Prosecution authorities, professional personnel, personnel policy, professional development, competitive selection, personnel reserve, legal reforms.

Introduction: In recent years, wide-ranging reforms have been carried out in Uzbekistan aimed at improving the functioning of public administration, the civil service, and law enforcement agencies. Among the principal directions of these reforms is the organisation of personnel policy in accordance with contemporary requirements: the introduction of open and transparent competitive selection mechanisms, the formation of personnel reserves, the continuous development of employees' professional competencies, and the strengthening of a results-oriented approach in the public service. This process is of particular significance in the activities of the prosecution authorities, since personnel policy in the prosecutorial system is inextricably linked to such fundamental criteria as legality, justice, impartiality, discipline, professionalism, and devotion to service.

Given the significance of the prosecution authorities in the life of society and the state — encompassing the consolidation of legality, the maintenance of the rule of law, and the protection of the rights and legitimate interests of individuals, society, and the state — the legislature imposes specific requirements on candidates appointed to positions of prosecutors and investigators serving in the prosecution system. The selection of personnel for the prosecutorial system constitutes state personnel policy, which is regarded

not only in relation to the prosecution authorities but as a comprehensive set of strategic and prospective ideas encompassing the principal directions, objectives, principles, concepts, and tasks of the state's personnel policy and personnel management.

Personnel policy in the prosecution offices consists in ensuring the optimal balance of the processes of renewal and retention of the number and quality of employees in accordance with the needs of the organization, the requirements of operative legislation, and the state of the labour market. Personnel policy is sometimes set forth in a clearly defined normative legal instrument; nonetheless, irrespective of the degree to which it is articulated, it must operate within every organization.

In Uzbekistan, personnel policy constitutes one of the priority directions in the organization of the management of the prosecutorial system. Indeed, the effectiveness of the prosecution authorities' activities depends to a considerable extent on the state personnel policy being pursued, and is of critical importance for the performance of law enforcement functions; hence, the personnel policy of a state body — including that of the prosecution authorities — forms an integral component thereof. This is particularly important, as noted above, for the exercise of authority in the sphere of consolidating legality,

maintaining the rule of law, and protecting the rights and legitimate interests of individuals, society, and the state. It is evident that the emergence of shortcomings related to personnel policy in the activities of the prosecution authorities may adversely affect not only the reputation of those authorities, but also the image of the newly emerging Uzbekistan on the international stage — especially given the intensification of national security threats such as cybercrime, terrorism, human trafficking, and drug trafficking, circumstances under which such shortcomings cannot be permitted. Accordingly, the state personnel policy is the principal instrument of public administration and an important element of the mechanism for its implementation through the functions of law enforcement bodies, including the prosecution authorities, and is in turn regulated by a body of normative legal instruments. Experience demonstrates that the private sector does not always assist in resolving all social problems (in implementing policy) but is rather regarded as an auxiliary element, and hence the state organs are at the forefront in performing (implementing) the functions of the state. Prosecutors and investigators are representatives of state power and are afforded state protection. This necessitates the precise regulation and implementation of the entire legal, organizational, and other systemic mechanisms. Only citizens of the Republic of Uzbekistan with a higher legal education may serve as prosecutors in the prosecutorial system. Personnel policy in the prosecution authorities is one of the priority directions in the organization of the management of the prosecutorial system and therefore constitutes an inseparable part of the legal regulation governing the passage of service in the prosecution authorities and the organization of work with personnel. At the same time, issues of personnel selection and ethics in the prosecution authorities constitute an independent group of relations.

Various views exist regarding the concept, content, and substance of state personnel selection policy. For example, in the opinion of G. V. Atamanchuk, personnel selection policy refers to the principal direction, objectives, and methods in the work of training personnel, which exerts influence on the process of forming executive personnel and on the monitoring of their activities. In the view of V. Ya. Yatskov, "personnel policy refers to the definition of strategic and tactical direction, the identification of the producers, the moral character, the defined objectives and tasks, the character, directions, forms, and methods of personnel work, and the requirements of the country's development."² G. Yusupkhanova holds that personnel policy is the foundation of effective personnel management. Personnel policy encompasses all

aspects of work with employees: from search and selection to dismissal and evaluation. A well-developed personnel policy enables an organization to attract and retain the best specialists, increase labour productivity, reduce costs, and create a positive image as an employer.

From the foregoing views it is evident that the state's personnel policy is connected to the principal political activity of the state, and consists in the implementation of the general policy of the state through the selection and formation of personnel in public administration, and through the organization of the practical activities of employees in all spheres of public administration. Its principal objective is the successful pursuit of state policy through selected personnel, with the result envisioning the achievement of effectiveness. All of this pertains fully to the personnel policy of the prosecution authorities. In general terms, the substance and content of the state's personnel policy lies in ensuring cooperation between the state and the individual, and in forming the administrative relations that arise between them. These relations have found expression and are guaranteed at the constitutional level.

The President of the Republic of Uzbekistan's authority encompasses a broad scope of matters in public administration, including personnel policy. Naturally, the President of the Republic of Uzbekistan, as Head of State, holds broad authority pursuant to the Constitution and the laws. The President has the right to coordinate and harmonize all branches of power, including state bodies. The state's personnel policy was first implemented following Uzbekistan's attainment of independence. The first President of the Republic of Uzbekistan, I. A. Karimov, as head of state, proclaimed Uzbekistan a sovereign state; in accordance with the will of the people, all institutions were democratized, Soviet appellations were removed, important innovations appeared in the mechanism of state power, the institution of the presidency was introduced, a bicameral Supreme Assembly (Oliy Majlis) and a Constitutional Court were established, and the process of gradually transforming enterprises, institutions, and organizations existing on the territory of the republic into the property and state bodies of Uzbekistan was initiated. Among the first such measures, by Decree of the President of the Republic of Uzbekistan of 8 January 1992, the Prosecutor's Office of the Uzbek SSR was transformed into the Prosecutor's Office of Uzbekistan.⁴ Subsequently, the Law of the Republic of Uzbekistan "On the Prosecutor's Office" No. 746-XII of 9 December 1992 was adopted.⁵ The reforms associated with the prosecution authorities ultimately aimed at consolidating the sovereignty of the country, protecting the rights and legitimate interests of

individuals and citizens, and exercising supervision over the implementation of the laws, as well as combating crime.

As the prosecution is a centralized body that performs an important function among state organs, numerous reforms have been carried out in this sphere to the present day. In particular, following the adoption of the Basic Law of the Republic of Uzbekistan on 8 December 1992, it may be observed that a dedicated, independent Chapter XXIV devoted to the prosecution authorities was incorporated therein.⁶ It enshrines the prosecution as the body that independently carries out supervision over the precise and uniform implementation of laws on the territory of the Republic of Uzbekistan, over legality and the rule of law, as well as operational search, investigative, and other special functions directed at combating crime on the territory of the Republic of Uzbekistan (Articles 118 and 121 of the Constitution). Thus, these articles reflect the place and role of the prosecution in the state, as well as its principal functions and authority. Reforms relating to the prosecution were continued, and a new version of the Law of the Republic of Uzbekistan "On the Prosecutor's Office" No. 257-II of 29 August 2001 was adopted.

By resolution of the Cabinet of Ministers of the Republic of Uzbekistan of 24 January 1992, the Centre for the Study of Problems of Strengthening Legislation and the Advanced Training of Prosecutorial and Investigative Personnel was established under the Prosecutor's Office of the Republic of Uzbekistan. In addition to advanced training for prosecution personnel, the Centre was designated to conduct scholarly activities; accordingly, pursuant to Order No. 869 of the Prosecutor General of the Republic of Uzbekistan of 20 December 1994, the Scholarly Council of the Centre for the Study of Problems of Strengthening Legislation and the Advanced Training of Prosecutorial and Investigative Personnel was established. The reforms implemented in the Republic over the ensuing years necessitated the improvement of the Centre's activities, and pursuant to Resolution No. PP-727 of the President of the Republic of Uzbekistan of 7 November 2007, the "Higher Training Courses of the Prosecutor General's Office of the Republic of Uzbekistan" were established on the basis of that Centre.

Following the election of President Sh. M. Mirziyoyev as head of state, radical reforms were initiated in society and the state, including matters related to personnel policy. In particular, the Law of the Republic of Uzbekistan No. UZL-414 "On Establishing the Day of Personnel of the Prosecution Authorities of the Republic of Uzbekistan" of 19 December 2016 was

adopted. Since then, 8 January has been annually celebrated as the Day of Personnel of the Prosecution Authorities.

Political changes in personnel policy in the prosecution authorities were set in motion by the Resolution of the President of the Republic of Uzbekistan No. PP-2833 of 14 March 2017 "On Measures for the Further Improvement of the System of Prevention of Offences and Combating Crime." Pursuant thereto, a Department for the Analysis of Problems of Ensuring Legality and the Rule of Law, consisting of 22 staff positions drawn from experienced employees within the established total staff complement, was formed within the structure of the Prosecutor General's Office of the Republic of Uzbekistan.¹⁰ This envisaged the creation of an effective mechanism for coordinating activities in the prevention of offences and combating crime, and the introduction of modern methods for the early prevention and suppression of violations of law.

Pursuing the personnel policy in connection with the prosecution authorities, the Decree of the President of the Republic of Uzbekistan No. PD-5019 of 18 April 2017 "On Strengthening the Role of the Prosecution Authorities in the Implementation of Socio-Economic Reforms, the Modernisation of the Country, and the Reliable Protection of Human Rights and Freedoms" introduced a new type of state body policy in Uzbekistan — the idea that "not the people should serve the state, but the state bodies should serve the interests of the people" — by consolidating legality in society and exercising effective supervision over the unconditional implementation of laws. At the same time, it was noted that the prosecution authorities must mobilize all of their forces and capabilities in order to implement the principal idea set forth by the head of state. The Decree envisaged the continuation of personnel policy in the prosecution authorities — that is, the improvement of the activities of the prosecution authorities for the purpose of increasing the effectiveness of combating crime and for its early prevention, and the timely identification of its causes and conditions. For the purpose of implementing these tasks, a renewed structure of the Prosecutor General's Office and a renewed organizational and staff structure of the Department for Combating Economic Crimes under the Prosecutor General's Office were established. Pursuant thereto, the total number of managerial personnel of the prosecution authorities was set at 4,986, including 1,131 managerial personnel of the Department for Combating Economic Crimes.

Continuing the personnel policy connected with the prosecution authorities, the Decree of the President of the Republic of Uzbekistan No. PD-5438 of 8 May 2018 "On Measures for the Fundamental Improvement of

the System of Training, Retraining, and Advanced Training of Prosecution Personnel" was adopted. Pursuant thereto, it was acknowledged that the new priority directions for combating offences in a changing world — particularly innovative development in the sphere of science, global threats including cyber threats, drug trafficking, human trafficking, and cyberterrorism — as well as the tasks of ensuring the rule of law and consolidating legality, necessitate the further improvement of the system for organizing the training, retraining, and advanced training of prosecution personnel. To this end, the necessity arose to form a certain educational and scholarly capacity for training prosecution personnel in modern knowledge and skills, and also for the entirely new innovative directions (combating cybercrime) demanded by the activities of the prosecution authorities. For this reason, it is necessary to create a system for forming a fitting personnel composition for the activities of the prosecution authorities — that is, a system capable of performing its assigned tasks. In particular, specific objectives were defined at the Law Enforcement Academy of the Republic of Uzbekistan in the sphere of training, retraining, and advanced training of prosecution personnel. A unified system was established in the Academy to develop knowledge and skills among prosecution employees — including systematic analysis and critical thinking, personal and professional qualities — and to cultivate among them an elevated sense of justice and responsibility for the unconditional respect of laws and of the rights and freedoms of citizens. The Academy was also designated to conduct fundamental, applied, topical, and innovative research; to combine practical and theoretical instruction in accordance with the specific features of the teaching process; to study the moral and psychological climate in the prosecution authorities and to develop recommendations for its improvement; and to exchange experience with foreign states.¹² In sum, this Decree raised prospective issues concerning the introduction of global changes related to personnel policy in the Law Enforcement Academy. Experience demonstrates that the public sector is rarely at the forefront in applying innovative practices in the personnel sphere. With a view to protecting the subterranean and surface resources of Uzbekistan, the Decree of the President of the Republic of Uzbekistan No. PD-5343 of 15 February 2018 "On Additional Measures for Improving the Effectiveness of the Prosecution Authorities' Activities in Ensuring the Implementation of Adopted Normative Legal Instruments" was adopted. Pursuant thereto, the Prosecutor General's Office of the Republic of Uzbekistan was charged with the task — within a two-month period — of filling the newly established units

with qualified personnel capable of performing the assigned tasks at a high level of qualification, for the purpose of ensuring the timely and complete collection of taxes in respect of obligations for payment for energy resources supplied through electricity and gas networks, water supply and drainage systems, and for water supply and drainage services rendered, as well as for the prevention of plunder and the combating of theft and other vices. This personnel policy was, in turn, directed at preventing and combating the plunder and misappropriation of state property, embezzlement, theft, the rational use of natural resources, the timely collection of taxes, and ensuring their implementation.

In conclusion, the effective performance of the tasks assigned to the prosecution authorities depends, above all, on the professional preparedness, legal culture, moral qualities, analytical capacity, and ability to respond to contemporary threats of the employees serving in that system.

The analysis demonstrates that a number of pressing problems exist in the implementation of personnel policy in the prosecution authorities. First, the necessity remains to further strengthen the mechanisms of openness, competition, and transparency in the processes of selecting and placing personnel in positions. In certain cases, the system for evaluating the practical skills, contemporary competencies, and personal-ethical qualities of personnel may not function with sufficient effectiveness. This has an adverse effect on the process of attracting to the prosecution authorities highly capable, proactive, and contemporary-minded personnel.

To resolve this problem, it is advisable to introduce, on the basis of a unified system, mechanisms of open competition, testing, psychological evaluation, identification of professional competencies, situational assignments, and interviews in the appointment and promotion of personnel in the prosecution authorities. Furthermore, in forming the personnel reserve, particular attention should be paid not only to the employee's length of service, but also to his effectiveness, integrity, initiative, analytical capacity, and culture of working with the public.

Second, it is necessary to further strengthen practice-oriented training programs in the system of advanced training and retraining of prosecution employees. Today, cybercrime, economic offences, human trafficking, drug trafficking, terrorism, and violations committed in the digital environment demand of prosecution employees not merely traditional legal knowledge, but also in-depth knowledge of information technologies, digital evidence,

cybersecurity, financial analysis, and international legal cooperation.

As a solution to this problem, it is necessary to further improve the system of continuous professional education for prosecution employees, to review advanced training programs on the basis of real problems encountered in practice, and to expand specialized modules on cyber law, digital forensics, the use of artificial intelligence, data analysis, and international legal standards. In this process, the effective utilization of the scholarly, educational, and practical capacity of the Law Enforcement Academy is of paramount importance.

Third, the evaluation of the activities of prosecution personnel requires a more precise definition of effectiveness criteria. In evaluating the work of an employee, one must not be limited to statistical indicators alone; the quality of work, the contribution to the prevention of violations of law, the culture of work with citizens' applications, initiatives in ensuring legality, and the practical contribution to the consolidation of public trust must also be taken into account.

In this regard, it is necessary to develop comprehensive criteria for evaluating the activities of employees in the prosecution authorities. These criteria should reflect such indicators as professional effectiveness, legal knowledge, discipline, ethics, the culture of communication with citizens, digital skills, analytical capacity, and resilience to corruption risks.

Fourth, increasing the level of digitalization of personnel policy is also one of the pressing tasks. In working with personnel, it is necessary to make full use of the capabilities for systematizing data, monitoring the professional development trajectory of employees, analyzing the results of advanced training, and managing the personnel reserve in electronic form.

For this purpose, it is advisable to introduce a unified digital personnel platform in the prosecution authorities. This platform should encompass the personal and professional data of employees, the history of advanced training, service results, attestation conclusions, incentive and disciplinary measures, the personnel reserve, and prospects for advancement in position. This will increase transparency in personnel work, reduce subjective approaches, and ensure the grounded character of managerial decisions.

Fifth, the matter of strengthening moral and ethical education, service culture, and anti-corruption immunity in the prosecution authorities is also of special significance. This is because the professionalism of a prosecution employee is defined not only by his legal knowledge, but also by such qualities as justice,

impartiality, integrity, responsibility, and devotion to service.

In this direction, it is necessary to intensify continuous training, training sessions, and preventive measures for employees on ethics, professional culture, the prevention of conflicts of interest, service discipline, and the elimination of corruption risks. Furthermore, executive personnel must form a sound moral and psychological climate through personal example, fair management, and open communication.

On this basis, it may be emphasized that the formation of a modern, professional, honest, and digitally competent personnel corps in the prosecution authorities constitutes an important guarantee for ensuring legality, effectively protecting the rights and freedoms of citizens, and strengthening public trust in the prosecution authorities.

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