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## ORGANIZATION OF PROSECUTORIAL SUPERVISION OVER THE IMPLEMENTATION OF REGULATORY LEGAL ACTS ON THE PROTECTION OF THE HEALTH OF CITIZENS AND ITS MAIN DIRECTIONS

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### ABSTRACT

Organization of prosecutorial supervision over the implementation of regulatory legal acts on the protection of the health of citizens and its main directions.

### KEYWORDS

Prosecutor, prosecutorial supervision, medical legislation, legality, organization of prosecutorial supervision, main directions, national legislation, problems and solutions.

### INTRODUCTION

In order to protect the rights of citizens to health care and qualified medical care, the effectiveness of prosecutorial supervision over compliance with regulatory legal acts in this area largely depends on the proper organization of supervisory activities. After all, any work carried out by the prosecutor's office to supervise the implementation of laws must be properly organized.

By order of the Prosecutor General of the Republic of Uzbekistan dated November 24, 2017 No. 166 “On further improvement of prosecutorial supervision over the implementation of socio-economic legislation”, prosecutors were instructed to ensure the implementation of legal acts aimed at providing qualified medical care, providing the population with affordable medicines and medical purpose products [1].

The organization of prosecutorial activities to oversee the implementation of legal acts that ensure the rights of citizens to health care is a multifaceted system aimed at ensuring a coordinated order in the activities of the prosecution authorities to achieve the above goals and objectives. In the legal literature, the organization of law enforcement is an integral part of the organization of the prosecutor's office as a whole and is understood as a set of interrelated and complementary activities (activities, elements) [2]. On this occasion, legal scholar B.Kh. Pulatov argued that the organization of supervision over the implementation of laws in the activities of state bodies with control and auditing powers is one of the unique methods of prosecutorial supervision, emphasizing that the success of the activities of supervision over the implementation of laws by the prosecutor's office is determined by the degree of organization of this activity in the center and in the field [3].

### **THE MAIN FINDINGS AND RESULTS**

In fact, it is important to have an effective system for obtaining, processing and qualitatively analyzing information about offenses, which will allow determining the actual state of legality in the territory of supervision in order to properly organize the work of the prosecutor's office, supervision over the execution of legal regulations. Also, the effectiveness of the organization of prosecutorial supervision will largely depend on the correct placement of employees of the prosecutor's office, the correct distribution of official powers and duties between them, methodological and logistical support for their activities, the availability of the necessary organizational and administrative documents, the correct organization of forecasting and planning, as well as ensuring interdepartmental interaction.

Also, as rightly noted in the legal literature, without proper legal regulation it is impossible to properly organize the activities of the prosecutor's office to oversee the implementation of legislation on the protection of citizens' rights to health care and qualified medical care [4]. After all, when exercising prosecutorial supervision in this area, prosecutors are guided not only by the Law "On the Prosecutor's Office" and other regulatory legal acts, but also by orders and instructions of the Prosecutor General of the Republic of Uzbekistan. Thus, in the order of the Prosecutor General of the Republic of Uzbekistan dated November 24, 2017 "On further improvement of prosecutorial supervision over the implementation of socio-economic legislation", prosecutors were given instructions on organizing supervision over the implementation of legislation on protecting the health of citizens. However, in our opinion, in order to properly organize prosecutorial supervision over the implementation of laws in this area and determine its main directions, it is necessary to adopt an order of the Prosecutor General of the Republic of Uzbekistan "On the organization of activities to supervise the observance of the rights of citizens to health care". Consequently, the majority of respondents who took part in a social survey conducted as part of the study indicated the absence of an order of the Prosecutor General of the Republic of Uzbekistan "On the organization of activities to supervise the observance of the rights of citizens to health care" and this is a factor that negatively affects the implementation of prosecutorial supervision in this direction.

Prosecutors must systematically check the implementation of legal acts on the protection of the health of citizens, pay attention to the legality, quality and completeness of the medical services provided, the observance by healthcare institutions and other

competent authorities of the right to receive qualified medical care established by the Constitution.

It is necessary to take measures against the perpetrators in cases of illegal receipt of payment for treatment, to take specific measures to ensure proper prosecutorial supervision over the implementation of legislation in the field of healthcare, education, social protection, employment of citizens and housing for children with disabilities.

The prosecutor's office needs to systematically check the implementation of budget legislation, paying special attention to the safety of budget funds allocated to the healthcare sector, funds allocated for the implementation of state programs for these purposes, their targeted spending and timely delivery at the final stage.

The training of special prosecutors who oversee the implementation of regulatory legal acts in the field of healthcare, in other words, involves the assignment of supervisory activities in this area to a specific employee of the prosecutor's office. In turn, this allows a timely and competent approach to assessing the state of legality in the field of legal relations in the healthcare system. Therefore, specialization is one of the conditions for the successful implementation of laws. Specialization allows you to collect all the necessary statistical and other relevant information in a short time, centrally summarize the materials of prosecutorial and judicial practice, save time on getting acquainted with the legislation governing legal relations related to health protection and other regulatory legal acts. Prosecutors will have to take this organizational aspect into account when assigning tasks to subordinates.

An indispensable condition for the activity of the city (district) prosecutor's office is a timely and comprehensive analysis of the state of legislation and crime based on information. Therefore, when conducting cases on the basis of the principles of efficiency, completeness, reliability and timeliness of obtaining information, it is an important component of the organization of prosecutorial supervision over the implementation of laws on protecting the health of citizens [5].

Information and analytical work is carried out in two interrelated areas:

- analyzes materials characterizing the implementation of legislation on the protection of the health of citizens by heads and officials of ministries, state committees, agencies, self-government bodies of citizens, public associations, enterprises, institutions, organizations;
- analyzes the data reflecting the state of prosecutor's supervision. In practice, these areas are closely related to each other, since supervisory activities cannot be separated from the subject of supervision.

In turn, information and analytical work is of a continuous nature - the systematic collection and analysis of information; integrated use of various sources and methods of obtaining information; it must meet such important requirements as the presence of feedback, that is, the results of analytical work are used to improve supervisory activities.

According to Article 6 of the Law of the Republic of Uzbekistan "On the Prosecutor's Office", the demands of the prosecutor, made within his competence, on the submission of documents, materials and other information, conducting an audit, inspections, assigning a specialist, appearing in the prosecutor's office and giving explanations about the identified

violations of the law, on eliminating violations of the law, the causes and conditions contributing to them, as well as compliance with the law are binding on all citizens and legal entities.

Information, documents and their copies necessary for the implementation of the functions of the prosecutor's office, are provided at their request free of charge.

Sources of information for prosecutors on the legal status of public health are:

- materials of inspections carried out by previous prosecutors;
- generalization of materials of prosecutorial and judicial practice;
- newsletters, reviews, etc.;
- materials of inspections conducted by the Ministry of Health, regional health authorities, their district and city divisions, the Commissioner for Human Rights and other regulatory bodies;
- appeals (complaints, statements) received from individuals and legal entities, local government bodies and from their officials to higher government bodies;
- reports of the above bodies for the protection of the health of citizens, other official documents;
- statistical data of the prosecutor's office of the Republic of Uzbekistan;
- the results of monitoring data and other information posted on the official websites of state bodies, institutions, organizations and in the media (for example, regional newspapers) in order to search for information about violations of the legislation on protecting the health of citizens.

All relevant information obtained from various sources should be carefully analyzed and summarized by the

prosecutor's office. Information received by the prosecutor is systematized and legally assessed based on the following criteria:

- a) the nature of the violations;
- b) distribution of violations to individual objects;
- c) public danger of committed offenses;
- d) the circumstances that led to the violation of the law.

The collection of information from these and other authorized sources and their comprehensive analysis will allow the prosecutor to get a detailed picture of the actual state of legality in the healthcare sector, to draw timely conclusions about the nature of violations of the law in this area, their distribution and dynamics, and growth or decline trends; allows to rationally and effectively evaluate and plan current and prospective supervisory activities.

In our opinion, the Law of the Republic of Uzbekistan "On the Prosecutor's Office", which will be adopted in a new edition, contains requirements to take action by the prosecutor on the basis of appeals about violations of the law, media and Internet reports and other information, as well as an analysis of the state of law and crime on the advisability of introducing norms providing for the transfer of cases in cases where action is required by the prosecutor.

Planning is an integral part of the organization of prosecutorial supervision over the implementation of legislation on the protection of the health of citizens. After all, planning makes it possible to regulate the activities of the prosecutor's office, to ensure the consistency of the actions of the prosecutor's office.



Supervision measures are included in the current and future work plans of the prosecutor's office. Usually, semi-annual work plans are adopted by the General Prosecutor's Office of the Republic of Uzbekistan, local prosecutor's offices, as well as district (city) prosecutor's offices.

Such work plans reflect: the name of the object of verification; legal acts, the execution of which is planned to be checked; verification period; a list of key issues to be identified; some tactical and methodological methods of investigation; performers: employees of the prosecutor's office, experts; other issues arising from the nature of the audit.

For example, if we focus on the experience of district (city) prosecutor's offices in planning cases, then planning is considered as one of the organizational principles for ensuring activities to exercise the powers provided for by the Law "On the Prosecutor's Office". The state of planning shows not only the level of organization of the case, but also the expediency of the measures taken by the prosecutor's office to ensure the rule of law.

At the same time, the planning of supervision over the implementation of legislation on protecting the health of citizens should be targeted and clear, and the relevant activities and objects of supervision should be determined in advance. Only then will the verification be legally competent and complete. This ensures the stability of the plan. Stability, on the other hand, implies that the planned activities do not change. At the same time, the possibility of adjusting the plan depending on the current operational situation in the region (city) is not ruled out. That is why it is necessary to preserve the possibility of prompt response to information about violations of the law when planning events.

Information about offenses obtained as a result of a preliminary analysis of the situation of offenses is recognized as the basis for inclusion in the plan for the development of specific measures.

The facts of systematic non-compliance with the legal requirements of the prosecutor by officials of public authorities, other officials, including the lack of responses to the prosecutor's submissions about their results, may be the reason for the appointment of an audit.

The choice of specific objects will depend on the goals and reasons for the inspection. Prosecutors often conduct scheduled inspections, which are included in the current work plans of the prosecutor's office based on an analysis of the state of the law.

Inspections are carried out in the most relevant areas of public health protection (for example, the quality of medical services provided to the population, the material and technical base, the conditions created for patients, the level of use of medical services, free services, the provision of medicines, access to medicines for medical personnel, cases employment, the procedure for hiring) and it is possible to schedule an inspection of the implementation of legal acts in the area under consideration by some state bodies, the healthcare system.

In turn, ignoring the above factors will negatively affect the quality of the organization of supervision of the prosecutor's office over the implementation of legislation on protecting the health of citizens.

The effectiveness of the implementation of the direction of supervision considered by the prosecutors largely depends on the theoretical training and qualifications of employees, proper methodological

support, and the quality and prompt support of prosecutorial checks.

Based on the foregoing, it is necessary to systematically organize the training of specialized specialists of the prosecutor's office to supervise compliance with the legislation on healthcare, combat corruption in the healthcare sector, and special issues of pharmaceutical and medical licensing. Effectively conduct practice under the supervision of specialists who oversee the observance of the rights of citizens in the field of health protection in the higher bodies of the prosecutor's office, involving them in constant inspections.

In order to promptly ensure prosecutorial inspections and improve their quality, it is recommended to listen to law enforcement officers and their leaders at meetings of interdepartmental working groups on healthcare and the fight against corruption, to demand strict implementation of the approved plans for joint targeted activities.

The issue of improving prosecutorial supervision over the observance of citizens' rights to protect health should be considered from the point of view of the shortcomings identified in the activities of the prosecutor's office. Based on the legal situation in a particular "supervised" territory, it is especially important to take comprehensive organizational measures to identify violations of the legislation on protecting the health of citizens, prevent their occurrence and eliminate their consequences.

In our opinion, when organizing prosecutorial supervision and conducting inspections in the field of protecting the health of citizens, it is important to consider the following:

Firstly, one of the important directions is special attention to the implementation of the powers vested in them by law in the field of healthcare by state administration bodies, local governments and institutions related to the healthcare system, and to ensure the rule of law in this area. To this end, at meetings of the Collegium of the General Prosecutor's Office of the Republic of Uzbekistan, it will be necessary to establish a regular discussion of issues of the legality of protecting public health, as well as important areas in this area, such as drug provision, quality of medical care, enforcement of regulatory legal acts in the provision of medical care, construction and commissioning of socially significant facilities and healthcare institutions. Also, one of the important issues in this direction is to verify the compliance of regulatory legal acts of state authorities and local authorities, healthcare institutions in the field of healthcare with the Constitution and laws of the Republic of Uzbekistan.

In addition, drug provision, enforcement of legislation in the field of the quality of medical care and their use, the implementation of state and other regional programs in the field of health care, and oversight of the spending of budgetary funds allocated to health care are also an integral part of this priority area. The Prosecutor's Office, actively using the powers granted by the Law "On the Prosecutor's Office", is obliged to require the implementation of state control and relevant inspections by the competent state bodies in the field of healthcare, as well as in certain areas of production, to monitor compliance with the law in this process.

Secondly, a systematic analysis of the state of legality in the field of healthcare is one of the important directions in the organization of prosecutorial

supervision in the field of protecting the health of citizens.

Use the capabilities of employees who have worked in the system and are well acquainted with this area, specialists in the correct and effective organization of prosecutorial supervision in the field of protecting the health of citizens by the relevant divisions of the prosecutor's office of our country, attach these specialist employees as "mentors" in the careful preparation of lower-level prosecutors for inspections in this domain; the top priority should be a quarterly analysis of the state of prosecutorial supervision in this area, requests for information from district prosecutors on priority tasks aimed at improving the state of legality in the healthcare sector in the "supervised zone" and taking measures to solve them.

Thirdly, it is important to determine the causes and conditions leading to the violation of health legislation. To do this, it is important to have objective information about the state of legality in the healthcare sector. Important ways to obtain such information are monitoring media materials, analyzing criminal and civil cases related to this area, holding meetings with medical personnel and the public and direct communication with patients when examining medical institutions.

In order to prevent violations of legislation in the field of healthcare, it is important to intensify the informing of the prosecutor's office about violations detected by lower authorities.

When conducting inspections by the prosecution authorities, attention should always be paid to the issues of establishing the causes of violations identified by officials of the objects being inspected, the conditions conducive to this, a comprehensive analysis

of the results of the inspection, evaluation of the proposed mechanism and the algorithm for eliminating and preventing violations.

## CONCLUSION

In fact, the document that defines the main directions of prosecutorial supervision over compliance with legislation in the field of healthcare is the adoption of the order of the Prosecutor General of the Republic of Uzbekistan "On the organization of activities to supervise observance of the rights of citizens to health care", which serves to increase the efficiency and efficiency of prosecutorial supervision over compliance with regulatory legal acts. for the protection of the health of citizens.

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