

PROBLEMS ARISING IN THE COLLECTION OF STATE DUTIES BY CIVIL COURTS

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Abstract

In connection with the increase in citizens' appeals to the courts in the context of the judicial reform being implemented in our country, some problems began to arise in regulating issues related to legal costs. In particular, there are problems associated with the collection of state duties, starting with going to court and making decisions based on the results of consideration of cases.

This article discusses the problems associated with paying state fees when applying to civil courts, and suggests ways to eliminate such problems.

Keywords: legal costs, state duty, collection, material damage, property disputes, moral damage.

Introduction

The main goals of judicial reform are further democratization of the judicial system, increasing the efficiency of law enforcement agencies, increasing public confidence in justice, ensuring the rule of law in society, and strengthening legitimacy.

According to the Decree of the President of the Republic of Uzbekistan dated January 28, 2022 "On the development strategy of the new Uzbekistan for 2022-2026" No. receiving and submitting to a court of competent jurisdiction, regardless of jurisdiction as well as the introduction of a system for ensuring the resolution of all legal consequences within a specific case, the gradual digitization of the court system, the elimination of bureaucratic confusion and obstacles, and the necessary organizational- creating legal conditions, it was emphasized that it is necessary to further expand the scope of application of the institution of reconciliation, to further increase the role of the bodies of the judicial community in ensuring the true independence of the judiciary, to widely introduce the principle of self-management of judges, and to create effective mechanisms to prevent illegal influence on judges. It can be seen that the role of the courts is increasing year by year, they are charged with responsibility to justify the trust of citizens.

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Justice in our country is administered only by the court. The administration of justice is carried out directly from the state budget. At the same time, due to the fact that payments of state duty collected when applying to the courts constitute a certain part of the state budget, it is important to correctly determine the amount of state duty and collect it in a timely manner. The amount of state duty when filing an application in court, filing a claim and filing an appeal, cassation appeal against court documents, a list of individuals and legal entities exempt from paying state



duty, as well as the procedure for deferment, payment in installments and reduction of state duty by the Law of the Republic of Uzbekistan "On State duty" and established by the norms of the Civil Procedure Code of the Republic of Uzbekistan.

In essence, the judge must ensure the calculation and collection of the state duty. The correct calculation of state tax, in turn, requires the judge to have perfect knowledge of the current legislation and its correct application.

According to the current civil procedural legislation, legal costs are collected by the courts. This category, in turn, is divided into two types: the first is state duty; the second is the costs associated with the consideration of the case.

Issues related to state duty are very extensive and are regulated by the Law of the Republic of Uzbekistan "On State Duty" dated January 6, 2020, and the amount of state duty paid to the courts is also determined. At the same time, a list of individuals and legal entities exempt from paying state duty is provided, as well as grounds for full and partial refund of state duty. But it is clear that there are problems with the study and application of this law and the current Civil Procedure Code.

First, based on the annex to the Law "On State Duties", state duties for applying to civil courts are determined based on the amount of state duty rates. It is established that a state duty is levied in the amount of 4% of the value of the claim, but not less than 1 times the amount of the basic calculation, from claims with a single property nature. It is appropriate to proceed from the specific aspects of proprietary claims. For example, state duties for any damage caused to citizens, i.e., for material damage, state duties are paid for property lawsuits under this item. However, the procedural part of the material damage is not only claims of a property nature.

According to civil legislation, the concept of material damage is not defined. In our opinion, material damage includes not only property damage, but also costs incurred for damage to a person's health. However, according to the Law "On State Duty", the amount of state duty to be charged for material damage is not specified. However, if you apply to the court with such a request, it will be considered as a property claim.

Based on this, it is appropriate to define the concept of "material damage". At the same time, it is appropriate to establish the rates of state duty for material damage in the Law "On State Duty".

Secondly, the state duty rates are not set as a separate item in this law regarding the recovery of non-pecuniary damage. Non-pecuniary damage is charged in accordance with clause "E" of the Annex to the Law "On State Duties" from claims for the amendment or cancellation of the residential lease agreement, from claims for removal of property and other non-property (or non-assessable) claims. Only the last part of this sentence, i.e. non-property (or non-evaluable) is the basis for moral damages. However, it would be appropriate to include the recovery of moral damages as a separate item.

Thirdly, in civil courts, for non-property lawsuits, the state duty is set at 2 times the amount of the basic calculation, while in economic courts, this amount is 10 times the amount of the basic calculation. Now, as for the problem, even when the civil courts are appealed to declare the contracts invalid, the state duty is paid according to the above-mentioned requirement, i.e., from other claims that are not of a property nature (or are not assessable). According to the same Law, in the economic courts, the state fee is charged according to the clause from the



claims of non-property nature based on clause "B". As a proposal, it is appropriate to change the state fees paid to civil courts, that is, to include a separate clause called "lawsuits of a non-property nature".

Based on the above, it can be concluded that if the given proposals are included in the legal norms for practical application, some problems related to the collection of state duty in the Civil Courts would be eliminated and uniformity in the collection of state duties by the courts would be ensured.

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