

Special Aspects of Recovery of State Duties in Civil Courts

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Abstract: This article discusses the features of collecting state fees in civil courts, namely state fees collected from claims filed in courts, from statements in cases considered in separate proceedings, from appeal, cassation and supervisory proceedings on court decisions, their amounts and various types of fees collected by way of application, that is, counterclaims, from claims collected in connection with participation in the affairs of third parties, as well as the peculiarities of collecting state fees in the courts in connection with the exchange of other persons in the process.

Key words: state duty, counterclaim, succession, state duty rates, property disputes, third parties, refund of state duty.

Observing the policy of our country in recent years, the main goal is to realize the aspiration of our people to build a free, prosperous and powerful New Uzbekistan, to create all the opportunities for each citizen to develop their potential, to raise a healthy, educated and morally mature generation, to become an important link in world production, we see that it is aimed at creating a strong economy that guarantees justice, the rule of law, security and stability[1]. First of all, the main goal of our country was to make ensuring reliable protection of human rights and freedoms the main criterion for judicial reforms.

Violated rights of citizens can be restored only by going to court. Going to court, in turn, imposes obligations on citizens. That is, violated rights are realized by transferring a certain amount to the state budget. Based on this, it can be said that citizens' appeals will be considered only if they are justified and a certain amount of state duty has been paid.

Appeals to civil courts are made in the form of an application, claim and complaint (protest). Of course, all such appeals are determined depending on the type of appellate proceedings. According to the Law of the Republic of Uzbekistan "On State Duty", adopted on January 6, 2020, state duties are collected from complaints in the established manner, as well as on the provision of copies of documents to the courts.

Depending on the nature of civil cases, the nature of the case when collecting state fees may vary. For example, some processes involve two ordinary parties, while some processes involve conflicting issues. For example, when considering individual categories of citizenship, the defendant in the case may file a claim against the plaintiff's claims, third parties other than the parties may participate in the proceedings, the original plaintiff has withdrawn from the case and has been replaced by a successor, the plaintiff or applicant may be exempt from paying the state fee. In such cases, the state fee is collected on the general grounds provided for by law.

Chapter 2 of Article 8 of the Law "On State Duty" contains a list of entities exempt from paying state duty, and when they apply to civil courts for the protection of their violated rights or the violated rights of others, state duty is not charged. them at the initial stage.

There are cases in courts where the number of participants in the process is large. That is, a claim can be filed by several plaintiffs together against one or several defendants. In such cases, the state fee is calculated based on the total amount of the claim and is paid by the plaintiffs in proportion to the share of their claims [2].

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Even if a claim is filed by one plaintiff against several defendants, equal amounts will be collected from the defendants as a result of the case.

Also, when a judge combines several similar claims into one proceeding, the state fee is charged based on the total amount of the claim [3].

In the event of separation of one or several claims, combined by the judge, into separate proceedings, i.e. the judge makes a decision to consider them separately, the paid state fee is not subject to recalculation and is not subject to refund. It is considered as a separate proceeding, the judge draws up a corresponding conclusion on it and attaches it to the case.

In accordance with the law, courts may have cases pending. In this case, the state fee for a repeated application will be paid again on a general basis. If the state fee is subject to return due to the fact that the application was left without consideration, but not returned, if the claim period has not expired in accordance with the legislation on citizenship from the date of transfer of the state fee to the budget, the original document on payment of the state fee may be attached to the repeated application. In this case, the civil case is considered based on the initially paid state fee.

Claims are brought in civil courts where specific rates of stamp duty are not specified and stamp duty is calculated on the basis of the value of the claim.

The state tax on property disputes is calculated on the basis of the total value of the property.

Claims are filed in civil courts in which specific rates of stamp duty are not specified, and the stamp duty is calculated based on the value of the claim.

Claims of both property and non-property nature can be considered within the framework of one process. In such cases, the state fee is paid separately for each application for property and non-property claims at the rates established for property claims and at the rates for non-property claims. These are the features of collecting state taxes.

Also, in addition to its specifics, in the study and practice of the Civil Procedure Code one can see the presence of some problems associated with the collection of state fees.

Based on the appendix to the Law "On State Duty", the state duty for filing in civil courts is determined based on the amount of state duty rates. In the amount of 4% of the value of the claim for claims of a single property nature, but BHM

It is established that the state duty is charged in the amount of at least 1 time. It is desirable that property claims follow from their specific aspects. For example, for property claims under this clause, state duties are paid for any damage caused to citizens, that is, for material damage.

However, the procedural part of material damage is not only property claims. The concept of material damage is not defined by civil legislation. In our opinion, material damage includes not only material damage, but also expenses incurred for causing harm to human health. However, according to the Law "On State Duty", the amount of state duty charged for material damage is not specified. However, if you apply to the court with such a statement, 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 advisable to establish the rates of state duty for material damage in the Law "On State Duty".

Also, this law does not specify a separate clause for the rates of state duty concerning compensation for moral damage. Moral damage is collected in accordance with clause "E" of the appendix to the Law "On State Duty" for claims for changing or terminating a residential lease agreement, for the removal of property and other claims that are not of a property nature (or are not subject to assessment).

Only the last part of this sentence, i.e. non-property (or invaluable), is the basis for compensation for moral damage. However, it would be appropriate to single out the recovery of moral damage in a separate clause.



In conclusion, the features of collecting state fees and problems arising during the consideration of cases were highlighted. Proposals were made to the civil procedural legislation.

REFERENCES:

1. "On the Strategy "Uzbekistan-2030" of the President of the Republic of Uzbekistan dated September 11, 2023.
2. Law of the Republic of Uzbekistan "On State Duty", adopted on January 6, 2020.
3. Decision of the Plenum of the Supreme Court of the Republic of Uzbekistan No. 5 dated February 21, 2020.

