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Problems of Recovery of Court Costs in Civil Courts

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Abstract: *Currently, one of the main forms of human rights protection is legal protection. The implementation of these rights, in turn, implies the importance of creating a mechanism for the recovery of court costs by the state. Although public relations associated with legal costs are not a new relationship, they are considered to be an institution that has not yet been fully studied in practice. During the study of the topic, judicial practice and legislation were studied.*

Keywords: *court costs, state duty, exit, exemption from court costs, tax.*

First of all, it should be said that the state duty relations in our country are regulated by the current Tax Code, Civil Procedure Code and other legal documents "On State duty". Article 328 of the Tax Code specifies which documents and on what basis state duty is levied. State duty is a fee charged for a number of services performed, in particular, for the court's acceptance of lawsuits and other documents, registration of civil status documents, issuance of a number of documents, as well as for the granting of a special right.

There is a responsibility to clarify many problems encountered in practice, especially those related to the collection, exemption, and installments of court costs.

The Law of the Republic of Uzbekistan "On State Duty"[1] defines the amount of state duty rates, which includes the grounds for levying state duty, including: claims submitted to courts in civil cases, state administration bodies, other bodies authorized to carry out administrative and legal activities, from petitions (complaints) about the decisions, actions (inaction) of citizens' self-government bodies and their officials, from petitions about cases conducted in a separate procedure, decisions of courts on civil cases, on termination of proceedings, on leaving the claim without hearing, court fines from appeals, cassation appeals and appeals in the control procedure, from applications for disputes over the decisions of the arbitration court, from applications for issuing a writ of execution for the compulsory execution of the decisions of the arbitration court, for cases about disputes over the decisions of the arbitration court, for issuing a writ of execution for the compulsory execution of the decisions of the arbitration court appeals, cassation appeals and appeals in the control procedure, applications for recognition and enforcement of the decision of a foreign court and a foreign arbitration court (arbitration), decisions of a foreign court and a foreign arbitration court (arbitration) appeals against court rulings in civil cases in connection with the recognition and enforcement of the decision, from cassation appeals and appeals in the control procedure, as well as collection by civil courts for providing duplicates and copies of documents.

According to Article 8 of the Law "On State Duty", the range of persons exempted from paying state duty is given, and it is established that 42 types of persons are not charged state duty. However, at the end of this article someit is specified that the satisfaction of the demands of individuals may be refused in whole or in part, and if it is refused, the state duty shall be charged from these persons in proportion to the amount of the refusal of satisfaction of the demands. That is, it follows that subjects may not be fully exempted from state duty even in all cases specified in this norm. It is noted that the state duty is paid by the person whose interest is being protected.

According to Article 133 of the Civil Procedure Code, the rules for delaying the payment of court costs, paying them in installments and reducing their amounts are given. According to the provisions of this article, delay in payment of state duty is allowed only in cases specified by law. Depending on the property situation of the parties, the court may allow delaying or partial payment of court costs charged to the state income of one or both of them, as well as reduce the amount of these costs. Due to the lack of a clear trend in this rule, it is almost impossible to solve the issue of delayed payment of court costs in courts. In particular, according to the Civil Procedure Code, the type of court costs is calculated the collection of expenses related to the consideration of the case shall be collected by court decisions. That is, court costs are collected only after the case is considered.

Approximately, according to statistics, 95% of court costs are collected by court orders. Therefore, in practice, the collection of court fees is particularly important there are many problems in collecting sums due to witnesses, experts, specialists, translators. Despite the fact that the collection of court costs payable to a single expert is carried out by a court decision, in practice, court costs for services rendered to an expert are paid before the expert gives an opinion. This, in turn, causes problems. Therefore, it is appropriate to create norms based on specific proposals in this regard.

At the same time, there is currently no approximate list of documents confirming the financial status of a citizen. That is, in this case, the court personally cannot decide the issue of delaying and paying court costs in respect of which citizens. It would be appropriate to form an approximate list of such documents.

Also, in order to adapt some norms of the Civil Procedure Code to the requirements of the time, it is appropriate to consider the following issues.

In particular, standardization of the process of exemption from court costs: adoption of standards for exemption from payment of court costs and wide dissemination of information about them; development of model forms of application for exemption from payment of court costs and court ruling; harmonizing the norms of the Tax Code and the Civil Procedure Code on court costs; determining the minimum value of the amount of state duty to be paid when submitting a claim (application) to the court and making changes to the procedural legislation; it is necessary to determine the minimum value of the amount of other court fees that must be paid at the appointment of the case and to make changes to the procedural legislation in this regard.

Therefore, if changes are made to the civil procedural legislation on the basis of the recommendations given above, it would be possible to achieve a lot of delay in the collection of court costs and avoid problems arising in practice.

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