



PECULIARITIES OF COLLECTION OF STATE DUTY IN COURTS

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ABSTRACT:

In recent years in our country, in connection with the improvement of mechanisms for collection of state duty in the courts, many laws have been amended and the old ones have been updated. One of the most important such changes was the adoption of the Law of the Republic of Uzbekistan "On State Duty" on January 6, 2020. The main purpose of the adoption of this law is to regulate relations in the field of setting, collecting, returning and exempting from payment of state duty.

Now it has become easier and more understandable to collect state duties in all courts. Below, we want to dwell on the specific features of collecting state duty in courts.

Keywords: state duty, court costs, disputes, exemption from court costs, property.

State duty in courts is collected from lawsuits submitted to courts, from applications for cases handled in a separate procedure, from complaints submitted to courts in cases arising from administrative-legal relations, from appeals against decisions of courts, from appeals in the cassation procedure, as well as for issuing copies of documents by courts.

The collection of state duty in courts shall be paid at the rates established for applications for pre-contractual disputes, regardless of whether the contract has been completed or any part of it is being disputed, for lawsuits to declare contracts invalid, to cancel contracts, or to amend and add to their terms. The state duty is collected on general grounds from counterclaims, as well as from applications that third parties entered the work with independent claims.

In court proceedings, there may be such a situation that the court may replace the original claimant with another person upon his consent. In such cases, the replaced claimant will have to pay the state duty on a general basis.

In cases where the original claimant leaves the case and is replaced by a legal successor, the state duty, if the original claimant has not paid it, is charged to the legal successor in proportion to the amount of satisfied claims. In this case, the main role is played by whether the claim is satisfied or not.

There are cases that can be combined by judges or common cases can be separated separately. There are specific features in collecting the state duty in the consideration of such cases, and when the judge for separate proceedings separates one or more





combined claims, the state duty paid at the time of filing the claim is not recalculated and is not returned. The state duty is not paid a second time in connection with the allocation of separate business.

It is established that the collection of the state duty will be paid again on the general basis for repeated applications regarding cases that were previously left pending with the conduct of court proceedings. In practice, there may be cases when the state duty should be refunded due to the failure to consider the application, but it was not refunded for some reasons, if the statute of limitations has not expired from the date of transfer of the state duty to the budget according to the legislation on citizenship, the preliminary document on the payment of the state duty may be attached to the repeated application.

Another word is important when studying this topic. It is also a claim price. The value of the claim, which is calculated by state duty, is determined by the plaintiff, and in other cases established by law, by the court based on civil procedural legislation.

According to Article 129 of the Code of Civil Procedure, the assessment of the claim is determined as follows:

- 1) on claims for recovery of money - depending on the amount to be recovered;
- 2) according to the claims for requisition of property - depending on the value of the requested property;
- 3) for claims consisting of several independent claims - depending on the total amount of all claims;
- 4) in the case of alimony claims - based on the sum of one-year payments;
- 5) in terms of term payments and claims for giving money - depending on the sum of payments or money given, but not more than the sum of three years;
- 6) for indefinite or lifetime payments and claims for giving money - depending on the sum of payments or money within three years;
- 7) on claims for reduction or increase of payments or giving money - depending on the amount to be reduced or increased, but not more than one year's amount;
- 8) on claims to stop payments or giving money - based on the sum of the remaining payments or money, but no more than the sum of one year;
- 9) on claims for early termination of the property lease agreement - based on the sum of payments for the use of the property during the remaining term of the agreement, but no more than the sum of payments within three years;
- 10) on claims of ownership of buildings belonging to citizens on the basis of private property rights - depending on the market value of the building, but this amount should not be less than the cadastral value, and in the absence of such an estimate,



the mandatory insurance value, and on buildings belonging to organizations - should not be less than the real value of the buildings .

That is, the most important issue in considering such cases is to determine what kind of case will be considered and determine the state duty based on the value of the claim. In practice, there are also cases where the plaintiff does not indicate the amount of the claim in the application. In such cases, the judge, in the process of accepting the claim, must first determine the amount of the state duty to be paid, based on the estimated value of the claim.

In addition, if the total amount of the claim has increased when the court issues a decision, the state tax is calculated based on the increased amount of the claim, that is, additional money is paid to the state tax. The resulting difference should be charged to the budget income from the claimant or, in case the claim is fully satisfied, from the defendant. The state duty is calculated in this manner even if the court departs from the scope of the requirements specified by the plaintiff in the application, depending on the circumstances of the case.

In such cases, if the claim is partially satisfied, the state duty shall be collected from the defendant in proportion to the satisfied part of the claim, and the remaining part of the state duty shall be collected from the plaintiff.

There are also specific aspects in calculating the state duty based on the types of cases in civil courts. In particular, if a decision has to be made on the right to inherit property, the state duty is calculated by the court based on the total value of the property and charged to each heir in proportion to his share.

In the case of claims for ownership rights to property, claiming property, recognizing the right to a share in property, allocating a share from common property, and claiming a share of property belonging to the heirs, the state duty must be paid based on the value of this property or its share.

Also, if the judge has to hear a claim for annulment of marriage and division of property at the same time, a separate state fee is charged for annulment of marriage and for division of property.

If claims of property and non-property nature are considered at the same time, the state fee shall be paid separately for each request according to the rates established for claims of property nature and according to the rates established for claims of non-property nature.

Claims that cannot be evaluated in terms of value, for example, disputes related to vacating arbitrarily occupied places, giving land in kind, forcing to accept the transfer balance are included in the class of non-property claims, and the state duty is collected in the same manner.



According to the legislation, there are cases where some of the applicants are exempted from paying the state duty. In such cases, the collection of state duty is in accordance with the Law of the Republic of Uzbekistan "On State Duty", if the claim in the case is satisfied, the state duty is collected from the defendant in proportion to the amount of the satisfied claims, if the defendant is not exempted from paying the state duty.

In the event that state bodies exempted from payment of state duty and other persons refuse to satisfy the demands expressed in the interests of legal entities and individuals, or they are partially satisfied, the state duty shall be collected from those persons in proportion to the part of the claim that was refused. In cases where the claimant exempted from payment of the state duty does not support his demands due to their voluntary full or partial satisfaction by the defendant, the amount of the state duty shall be collected from the defendant to the budget according to the court decision.

If the party has applied for the issuance of a court order for the first time, and the judge issues a court order, but the court order is canceled for some reasons, the state duty paid by the collector will not be returned. In this case, if the party, i.e., the collector, initiates the case against the debtor in the procedure of litigation, it will be transferred to the account of the state duty to be paid.

Above, we touched on some specific features of the collection of state duty in civil courts. These are just some of them. All these rules, first of all, serve as guidelines for citizens to calculate state duties. It is also a rule for judges.

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