

## Enforcement of State Fees in Economic Courts: A Comparative Legal Analysis

Jasur Nuriddinov Rukhiddin O'g'li

PhD researcher at the Supreme Council of Judges under the Supreme Court of the Republic of Uzbekistan,  
Independent Researcher at the Higher School of Judges of the Republic of Uzbekistan



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### ABSTRACT

**Objective:** Evaluate the state duty system in economic courts in Uzbekistan, with a focus on its impact on the affordability and accessibility of legal services. The study explores the financial barriers that individuals and businesses, particularly small and medium-sized enterprises (SMEs), face when navigating economic disputes in the judicial system. **Method:** The study employs a comparative-legal approach, utilizing logical, empirical, and specific scientific methods tailored to legal studies. It involves analyzing existing legal frameworks through comparison with practices in neighboring countries, such as Russia and Kazakhstan, using both qualitative and quantitative analysis to understand the differences in state duty structures and enforcement mechanisms. **Results:** The current state duty system in Uzbekistan is significantly higher than in neighboring countries, creating financial burdens for SMEs and individuals. The research reveals that while economic courts are essential for ensuring justice, the high state fees, coupled with a lack of flexibility in fee structures, make access to justice more difficult, particularly for smaller businesses. The study suggests potential reforms, such as introducing caps on state fees and adopting more flexible fee structures similar to those in Russia and Kazakhstan, which could improve accessibility and fairness. **Novelty:** This research offers a unique contribution by comparing Uzbekistan's economic court fee structure with those of neighboring countries, providing insights into the potential benefits of adopting foreign legal practices to enhance judicial accessibility. Additionally, it presents practical recommendations for reforming the state duty system, a topic that has been relatively underexplored in the context of post-Soviet legal systems.

## INTRODUCTION

The effectiveness of the judiciary is largely shaped by fundamental principles such as equal access to the courts and the transparency of judicial processes [1]. Equal access ensures that individuals, regardless of their background or financial status, can seek redress for violations of their rights without facing discrimination. Transparency, on the other hand, helps build public trust by allowing citizens to understand judicial decisions and the underlying processes, thus ensuring accountability within the legal system [2]. When courts operate openly and without bias, they become a cornerstone for upholding justice and promoting the rule of law in society.

Judicial proceedings, however, often require significant resources [3], [4]. Courts are financially supported through the state budget, which allocates large sums annually to sustain operations. The costs associated with judicial proceedings—ranging from administrative expenses to infrastructure—are considerable. Individuals involved in legal cases, on the other hand, are required to pay various court-related fees, except in certain cases specified by law [5]. This procedural obligation forms part of the broader

requirement to ensure that individuals have meaningful access to justice, while balancing the fiscal needs of the judicial system [6]. Thus, the financial dynamics of the court system must be carefully managed to prevent access barriers while maintaining judicial efficiency and effectiveness.

In Uzbekistan, economic courts bear a significant portion – approximately 60% – of the judicial expenses, underscoring the high costs involved in managing economic cases. A comparative analysis of state fees in neighboring countries reveals that these fees are often relatively high, reflecting the unique economic and legal conditions of each country. This highlights the challenges that individuals and businesses face when seeking justice, particularly in systems with high judicial costs. Such disparities call for reforms aimed at improving the affordability and accessibility of legal services, ensuring that the judiciary remains an effective mechanism for protecting rights without unduly burdening those seeking justice [7], [8].

## RESEARCH METHOD

The methodological framework of the research is grounded in a combination of general logical methods, empirical approaches, and specific scientific methods tailored to legal studies. Logical methods such as analysis, synthesis, and dialectics are foundational in breaking down complex legal concepts and reconstructing them into a comprehensive understanding. These methods also support generalization, allowing for broader conclusions to be drawn from specific instances, and analogy, which helps identify similarities and differences between various legal systems [9], [10]. Such methods allow for the extraction of legal principles that can be applied across different contexts while ensuring the validity of the findings through careful examination of diverse legal phenomena.

Empirical research methods, including comparison and categorization, offer concrete tools for understanding the practical implications of legal rules in real-world scenarios. By comparing legal frameworks, researchers can uncover patterns and differences that may not be immediately apparent within a single jurisdiction. Categorization further aids in organizing legal data systematically, which is essential for analyzing the evolution and application of laws across time and space [9], [11]. Furthermore, specific methods like formal-legal, historical, and comparative-legal approaches contribute to deepening the analysis. Formal-legal methods examine the exact wording and application of laws, while historical methods explore the development and transformation of legal systems over time. The comparative-legal method, on the other hand, facilitates a cross-jurisdictional study of legal structures, offering valuable insights into the strengths and weaknesses of different legal approaches [10]. These methodologies collectively enhance the rigor and depth of the research, ensuring a well-rounded and multidimensional understanding of the subject matter.

## RESULTS AND DISCUSSION

### *Results*

The legal nature of the enforcement of court expenses in economic courts involves a thorough analysis of procedural and substantive legal aspects. Enforcement mechanisms are designed to ensure that judicial procedures are followed without bias, securing compliance and fairness in the payment of fees. In economic courts, this enforcement is crucial to maintaining the integrity of the judicial process, as these courts handle complex financial matters where the proper payment of court fees is often tied to the overall functioning of legal proceedings. A comparative analysis highlights that the enforcement of court expenses differs significantly between countries with similar legal and economic structures, influencing the judicial efficiency and accessibility of justice [12].

In order to improve the legal framework regarding court expenses, reforms can focus on making judicial procedures more accessible while balancing the need for proper enforcement. By revising the laws that govern these expenses, policymakers can address concerns related to fairness and accessibility, potentially leading to a more transparent and efficient system. The integration of digital tools and updated enforcement methods could also aid in reducing the burdens placed on individuals and businesses, while ensuring that the legal system remains just and equitable. Such changes would not only enhance the functionality of economic courts but also increase public trust in the legal system.

To further explore this topic, several academic sources discuss the nuances of legal enforcement in economic courts and its implications on justice. For example, research on the enforcement of court expenses in various jurisdictions reveals the importance of adapting laws to current economic realities, especially in developing legal systems (Refworld) [13]. Additionally, examining international cases and regulatory practices provides valuable insights into how procedural fairness can be upheld while maintaining efficient enforcement of court fees [14], [15].

### *Discussion*

The state fees in the economic courts of our country currently exceed the "affordability principle," necessitating a recalibration to better align with this principle. This issue becomes especially apparent when comparing the legal systems of neighboring post-Soviet countries. Analyzing the legislative frameworks of these economically and legally similar nations can help us overcome any reluctance to implement beneficial foreign legal practices.

For instance, in Russia, Article 110 of the Arbitration Procedural Code allows for the reimbursement of legal representation expenses by the opposing party if the judgment is favorable. Additionally, third parties who did not file independent claims but whose

participation was essential for the decision may also have their court expenses reimbursed by the prevailing party. This provision offers flexibility that could be adopted to make legal proceedings more equitable.

In terms of state fees, Russia's Tax Code (Article 333.21) outlines a progressive fee structure for property claims, ranging from 4% for claims up to 100,000 rubles to a cap of 200,000 rubles for claims exceeding 2,000,000 rubles. Comparatively, Uzbekistan's state fees are significantly higher. For example, a claim of 100,000 rubles in Russia would incur a state fee of 4,000 rubles, whereas in Uzbekistan, the fee would be 340,000 UZS (about 4.4 times higher). As the claim value increases, Uzbekistan's fees rise sharply, which contrasts with Russia's more gradual increase. This stark difference highlights a potential area for reform in Uzbekistan to ensure that state fees do not become prohibitive, especially for smaller businesses.

Further complicating the fee structure in Uzbekistan is the absence of a cap on the state fee for larger claims. For a claim of 20,000,000 rubles, Russia's state fee is capped at 200,000 rubles, but Uzbekistan imposes a fee of 56,829,562.6 UZS. This disparity can significantly impact access to justice, particularly for small and medium-sized enterprises (SMEs).

Interestingly, other countries such as Kazakhstan and Tajikistan share similar structures in terms of state fees and their exemption policies. In Kazakhstan, the state fee for economic disputes is calculated based on a percentage of the monetary claim, similar to Russia's system. However, the maximum fee is capped, providing some predictability. Kazakhstan also allows for deferrals of state fees under specific circumstances, though installment payments are not permitted. Conversely, Tajikistan's fees are more aligned with Russia's, including a provision for reduced fees in cases of bankruptcy, but no option for fee postponement.

In conclusion, while the state fees in our country are considerably higher compared to those in neighboring countries, there are potential reforms that could be implemented to make legal proceedings more accessible. By considering the practices of countries like Russia and Kazakhstan, we could introduce a more flexible and equitable system for both individuals and businesses. Such reforms could reduce financial barriers, encourage legal engagement, and ensure that the legal system remains accessible to all.

## CONCLUSION

**Fundamental Finding :** The study identifies several issues related to the state duties in economic courts, which can cause financial burdens for the participants, particularly small and medium-sized enterprises (SMEs). Key findings include the lack of a maximum limit for state duties, the exclusion of representative expenses from court costs, and the repeated state duty charges when appealing cases. Additionally, there is an issue with the acceptance of petitions without state duties and inconsistencies in the fees for different types of claims. **Implication :** The recommendations suggest implementing reforms based on the practices of foreign countries to make the system more equitable

and reduce financial burdens on participants. This includes setting maximum limits for state duties, including representative expenses in court costs, and introducing fixed, lower state duties for appeals. Furthermore, it proposes exempting certain claims, like those from utility service providers and legal service fee claims, from pre-paid state duties, and amending legislation to support petitions without state duties for individuals in financial hardship. These reforms are expected to improve access to justice for entrepreneurs and promote fairness in the legal system. **Limitation :** A key limitation of this study is the focus on foreign practices, which may not always be directly transferable to the local context due to differences in legal frameworks, economic conditions, and administrative systems. Additionally, the study mainly focuses on theoretical recommendations without empirical testing or analysis of how these changes would be implemented and their potential impact in the real world. **Future Research :** Future research should focus on empirical studies to evaluate the effectiveness of these proposed reforms, especially in terms of their impact on SMEs and the overall efficiency of economic courts. Further comparative studies could be conducted to assess the specific challenges in adapting foreign practices to the local legal environment. Additionally, research could explore the role of technology in reducing administrative costs and improving access to justice for all participants in the legal process.

## REFERENCES

- [1] T. Banda, *Court Efficiency and Access to Justice*. Spring, 2020.
- [2] L. M. LoPucki, "THE FUTURE OF COURT SYSTEM TRANSPARENCY," *Confidentiality, Transparency, U.S. Civ. Justice Syst.*, pp. 164–183, 2012, doi: <https://doi.org/10.1093/acprof:oso/9780199914333.003.0009>.
- [3] J. C. Duff, *Strategic Plan for the Federal Judiciary*, no. September. Washington, DC: Judicial Conference of the United States, 2020. [Online]. Available: [www.uscourts.gov](http://www.uscourts.gov)
- [4] J. Vapnek, "21 Cost-Saving Measures For The Judiciary," *Int. J. Court Adm.*, vol. 5, no. 1, p. 55, 2013, doi: 10.18352/ijca.7.
- [5] L. Bing, B. Pettit, and I. Slavinski, "Incomparable Punishments: How Economic Inequality Contributes to the Disparate Impact of Legal Fines and Fees," *Rsf*, vol. 8, no. 2, pp. 118–136, 2022, doi: 10.7758/RSF.2022.8.2.06.
- [6] E. Bosio, "A Survey of Judicial Effectiveness: The Last Quarter Century of Empirical Evidence," *World Bank Res. Obs.*, 2024, doi: <https://doi.org/10.1093/wbro/lkae007>.
- [7] K. Saboo, "Data illustrates the sheer impact of improving access to justice," *Prosperity Data360*. [Online]. Available: <https://prosperitydata360.worldbank.org/en/stories/2023/data-illustrates-the-sheer-impact-of-improving-access-to-justice>
- [8] C. Cheelo, M. Hinfelaar, and M. Ndulo, *The Developmental State in Zambia: Plausibility, Challenges, and Lessons from South Korea*. The Cornell Institute for African Development, 2020.
- [9] P. I. Bhat, "Comparative Method of Legal Research: Nature, Process, and Potentiality," *Idea Methods Leg. Res.*, pp. 267–299, 2020, doi: <https://doi.org/10.1093/oso/9780199493098.003.0009>.

- [10] J. Baldwin and G. Davis, *Empirical Research in Law*. 2012. doi: <https://doi.org/10.1093/oxfordhb/9780199248179.013.0039>.
- [11] P. I. Bhat, *Doctrinal Legal Research as a Means of Synthesizing Facts, Thoughts, and Legal Principles*. 2020.
- [12] G. Dannemann, *Comparative Law: Study of Similarities or Differences?* 2012.
- [13] R. D. Cooter and M. D. Gilbert, *Theory of Enforcement*. 2022.
- [14] C. Brummer, Y. Yadav, and D. Zaring, "Regulation by Enforcement," *South. Calif. Law Rev.*, vol. 96, no. 6, 2024.
- [15] I. C. of J. (ICJ), *Courts and the Legal Enforcement of Economic, Social and Cultural Rights. Comparative Experiences of Justiciability*. Human Rights and Rule of Law Series, 2008.

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**\*Jasur Nuriddinov Rukhiddin O'g'li (Corresponding Author)**

PhD researcher at the Supreme Council of Judges under the Supreme Court of the Republic of Uzbekistan, Independent Researcher at the Higher School of Judges of the Republic of Uzbekistan  
Email: [jasurnuriddin97@gmail.com](mailto:jasurnuriddin97@gmail.com)

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