

Issues Of Appealing Court Decisions Regarding The State Duty

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Abstract: This article analyzes the current legal norms regarding the payment or non-payment of state fees for appeals, cassation, and supervisory complaints filed exclusively concerning the court costs portion of court decisions within the legislation of the Republic of Uzbekistan (specifically within the framework of the Civil Procedure Code (CPC), Economic Procedure Code (EPC), and Code on Administrative Court Proceedings (CACP)). The article identifies similarities and differences among procedural legislation, raises practical issues in judicial practice, and develops constructive proposals based on international experience. The research reveals significant inconsistencies in the treatment of state fee requirements across different procedural codes, particularly highlighting the disproportionate financial burden imposed on parties seeking to challenge cost-related decisions in civil proceedings compared to economic proceedings. The author examines mechanisms such as supplementary decisions and correction procedures as potential alternatives, while drawing upon comparative analysis of practices in the United Kingdom, Germany, and the United States to propose reforms that would enhance access to justice without compromising judicial efficiency.

Keywords: State fees, court costs, procedural law, appellate complaints, access to justice, civil procedure, economic procedure, administrative procedure, judicial reform, comparative law.

Introduction: Ensuring procedural legality in the judicial system requires not only the correct resolution of the main dispute on the merits, but also the fair distribution of auxiliary procedural issues, including court costs (state duty and other expenses related to proceedings). Appealing such a supplementary part of a court decision is an integral part of procedural law, which means the possibility of citizens and legal entities to protect their legitimate interests in higher instances.

In order to fully understand the scope of appeals related to court costs, it is necessary to distinguish between two basic concepts:

1. Complaint regarding the expense part of the court decision: In this case, no objection is made to the essence of the court decision in the case, but only to a higher court regarding the incorrect calculation or distribution of the state fee or other expenses related to the proceedings.

2. Private complaint against rulings on matters related to state duty: These are (private) complaints against court rulings that do not affect the merits of the case

but resolve procedural issues such as deferral, instalment payment, or recalculation of state duty.

In the current legislation, especially in civil proceedings, the procedure for paying the state duty in relation to these two cases differs sharply.

The Law of the Republic of Uzbekistan "On state duty" defines the general procedure for collecting state duty from statements of claim, applications, and complaints submitted to the courts. As a general rule, a fee is charged for an appeal, cassation, or supervisory complaint against a court decision or ruling. This requirement is common to all procedural codes. However, when the main dispute is resolved on the merits and the decision is appealed only in terms of court costs, and not in terms of the main dispute, the issue of paying the state fee requires a specific regulatory approach.

Based on the last paragraph of clause 4 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated 16.12.2024 No. 37 "On the practice of recovering court costs in civil cases,"

explain to the courts that, based on Articles 396, 416 and 41927 of the Civil Procedure Code, based on the mandatory review of court documents by the courts of appellate, cassation, and supervisory instances in full, it is established that the state duty is paid on general grounds on appeals, cassation, and supervisory complaints filed with disagreement with court decisions regarding court costs, except private complaints against rulings issued on issues related to state duty.

It will be easier to reveal the content of this norm by providing the following example: for example, the plaintiff's application for the recovery of 400,000,000 soums from the defendant was partially satisfied, 200,000,000 soums were recovered, and the plaintiff also demanded the amount of 10,000,000 soums paid by the representative for the expenses. The court, taking into account that the plaintiff paid 16,000,000 soums in state duty when applying, mistakenly ordered to recover 16 million soums from the defendant, but the representative forgot about the expenses. In this case, both the plaintiff and the defendant are dissatisfied with the part of the court decision regarding the distribution and recovery of expenses: the plaintiff wants to receive 10 million soums for the representative's expenses, and the defendant wants to pay 8 million soums in state duty in proportion to the satisfaction of the claim. According to the explanations of paragraph 4 of the Plenum decision, both parties must pay a state fee of 8 million soums ($8+8=16$) to file an appeal or cassation complaint against the decision on this issue. Their complaint concerns only 18 million soums. In this case, the citizen is forced to refuse to file a complaint, since the fee payable for recalculating the expenses turns out to be equal to or higher than the disputed amount. This creates a serious financial barrier to the right to appeal to the court aimed at ensuring procedural legality.

In economic proceedings, on the contrary, state duty is not levied on complaints filed against the state duty. In particular, Clause 20 of Resolution No. 36 of the Plenum of the Supreme Court of the Republic of Uzbekistan dated December 19, 2020, "On the practice of recovering court costs in economic cases," states that if a court decision is appealed only in the part concerning the state duty, the state duty is not paid. Thus, if you disagree with the part of the state duty of the court decision in economic cases, you do not pay the state duty for filing an appeal, but in a civil case, you pay. In fact, considering that the issue of state duty should be resolved by the court, it seems illogical and unfair to collect a state duty when appealing the state duty part of the decision. In the example above, let's say both the plaintiff and the defendant filed a complaint paying

$8+8=16$ million soums in state duty - by the final decision of the appellate or cassation instance, from whom will the expenses be recovered to whom, or should they be returned from the state!? Of course not, it won't be collected from anyone.

Regarding administrative proceedings, the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated 25.10.2019 No. 20 "On the practice of recovering court costs in administrative cases" left this issue open. That is, when appealing the administrative court decision only in terms of court costs, the issue of payment or non-payment of the state fee was not clarified. Therefore, if the decision is appealed in the expense part, the general appeal procedure and duty requirement may apply.

A comparative analysis of the three types of procedural procedures (CPC, EPC, Code of Administrative Responsibility) shows that there is a lack of clarity and uniformity regarding complaints regarding court costs.

The requirement to pay the state duty on a general basis when appealing court decisions only in terms of expenses, as well as the requirement to correct them specifically through appeal, creates several serious problems in practice:

- **Access to justice is restricted.** A person's right to claim procedural justice is terminated through a financial barrier. This situation leads to the prioritization of the fiscal goal of recovering court costs over the principle of justice. As a result, the person is forced to accept a possible error of the court in the distribution of expenses, which contradicts the principle of procedural legality.

- **leads to inefficient use of judicial resources.** Although it is important to retain the right to appeal the amount of minor expenses in relation to the claim, the courts of appellate or cassation instance (three judges) will have to spend procedural resources even to consider a dispute over an expense of 50,000 soums. Regardless of whether the fee is small or disproportionate, higher courts must fulfil the obligation to thoroughly examine case materials. This contradicts the principle of procedural economy, forcing the judiciary to allocate the time and resources allocated for the consideration of main cases to small cost disputes.

Foreign experience. The procedural legal systems of developed countries use different, but constructive approaches to controlling court costs and ensuring the right to appeal them.

In the civil courts of the UK, the distribution and calculation of court costs are carried out through separate "detailed cost assessment proceedings." Importantly, even in the UK, although a high fee is

charged for appealing the substantive part of a court decision, these general appeal fees do not apply to appeals against the detailed cost estimate decision [1].

German procedural law stipulates that appeal fees are also calculated proportionally to the value of the dispute [2]. If a party objects only to a court decision on the distribution of expenses, the value of the appeal will be exactly equal to the amount of the disputed expenses. If the system of collecting state duties is maintained in Uzbekistan even when filing a complaint regarding the portion of court costs, this experience may be useful and relatively suitable. The problem arising here is that if the complaint is satisfied, from whom will the expenses incurred in the higher instance be recovered?

In the USA, a specific rule (American rule) applies, according to which each party is obliged to cover its own legal expenses, regardless of the winner[3]. Therefore, disputes over the allocation of expenses and the issue of appealing them are of less importance. We consider it inappropriate to introduce such an experience in Uzbekistan.

Additional decision. According to Article 262 of the Civil Procedure Code, the court that made the decision in the case, at the request of the persons participating in the case, or on its own initiative, may issue an additional decision if the decision does not specify the distribution of court costs. Objections to the court decision regarding court costs can also be resolved by issuing an additional decision. Article 261 of the Civil Procedure Code also provides for the procedure for correcting errors in the writing of the decision and obvious arithmetic errors, which can also be resolved through this mechanism. A mechanism for correcting additional decisions and errors in the decision entry, as well as obvious arithmetic errors, can be very convenient in terms of saving time and material resources.

In addition, the introduction of a simplified procedure for reviewing complaints filed with disagreement with court decisions only in terms of court costs from higher instances can also be discussed.

conclusion

In conclusion, the above analysis demonstrates that procedural legislation, particularly civil procedure, requires improvement in the process for disputing court decisions related to court costs.

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