

## LEGAL ISSUES OF STATE DUTY REFUND UNDER THE LEGISLATION OF UZBEKISTAN

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### Abstract

The article examines the grounds and procedure for the return of state duty under the legislation of Uzbekistan. This legal mechanism ensures the protection of the property interests of persons participating in economic disputes, if there are legal grounds for the return of the amount paid.

**Keywords:** Return of state duty, economic process, legal costs, grounds for return.

### Introduction

The return of state duty is an important element of the judicial process, ensuring the protection of the rights and legitimate interests of participants in economic disputes. State duty is charged for filing claims, appeals and cassation complaints, as well as for performing other procedural actions in economic courts. However, in a number of cases, the law provides for the possibility of returning the amount paid if there are no grounds for withholding it or circumstances have changed that exclude the need to pay it<sup>1</sup>.

Article 115 of the Economic Procedural Code of the Republic of Uzbekistan defines specific cases and the procedure for the return of state fees. This provision is aimed at a fair redistribution of legal costs and the prevention of an unreasonable financial burden for the parties to the process<sup>2</sup>. The introduction of this norm helps ensure accessibility of justice, as well as the formation of transparency of judicial procedures.

The state fee is a mandatory payment collected for the consideration of cases in economic courts. However, in certain cases the law provides for the possibility of its return. This is due to the principles of fairness and protection of the rights of participants in the trial, as well as the need to exclude unjustified expenses.

<sup>1</sup> Сулаймонова Н. Проблемы взыскания судебных расходов в гражданских судах // Общество и инновации. – 2023. – Т. 4. – №. 1/С. – С. 182-185.

<sup>2</sup> Нуриддинов Ж. ЎЗБЕКИСТОН РЕСПУБЛИКАСИ ИҚТИСОДИЙ СУДЛАРИДА ДАВЛАТ БОЖЛАРИНИ УНДИРИШ МЕТОДОЛОГИЯСИНИНГ ЎЗИГА ХОС ХУСУСИЯТЛАРИ // Oriental renaissance: Innovative, educational, natural and social sciences. – 2024. – Т. 4. – №. 8. – С. 233-241.

Article 115 of the Economic Procedural Code of the Republic of Uzbekistan establishes the grounds and procedure for the return of state fees. This mechanism is aimed at restoring legal justice and preventing excessive financial burden on the parties to the trial.

In accordance with the law, a refund of the state fee is possible in the following cases:

- if the amount paid exceeds the established amount;
- if the application was left without consideration or the proceedings on the case were terminated<sup>3</sup>;
- if the plaintiff has withdrawn the claim before the decision has been made;
- if the claim was denied in full and the law provides for compensation for the fee paid;
- if the applicant has mistakenly made a payment without grounds for collecting it.

These rules are aimed at protecting the legitimate interests of persons involved in economic disputes and ensure a reasonable redistribution of legal costs.

To return the state fee, the interested party must file an application with the relevant economic court. The application shall indicate:

- the basis for the return of the fee;
- payment document details;
- information about the parties to the trial.

The court reviews the application, checks for grounds for return and issues a corresponding ruling. After that, the applicant receives the amount back through the state bodies that carry out the return of funds.

In practice, the return of state duty requires careful adherence to established procedures. Errors in payment documents, untimely appeal or insufficient justification may lead to a refusal to return. Therefore, applicants are advised to familiarize themselves with the requirements of the legislation in advance and provide a full set of documents<sup>4</sup>.

Thus, Article 115 of the Economic Procedural Code of the Republic of Uzbekistan plays an important role in regulating legal costs and ensures the protection of the interests of participants in economic proceedings.

The return of state duty is an important procedural mechanism that ensures the protection of the property interests of the parties to economic litigation<sup>5</sup>. Article 115 of the Economic Procedural Code of the Republic of Uzbekistan clearly defines the cases in which the return of the amount paid is possible, as well as the procedure for its return.

An analysis of the legislation shows that a refund of the state fee is possible in situations where the payment was excessive, unjustified or lost its relevance due to the termination

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<sup>3</sup> Сулаймонова Н. Судебные расходы и штрафы в гражданском процессе: сравнительно-правовой анализ законодательства России и Узбекистана //Обзор законодательства Узбекистана. – 2018. – №. 1. – С. 60-63.

<sup>4</sup> Boboqulovna I. F. et al. MEDIATSIYA–SUD JARAYONIDA DAVLAT BOJINI QAYTARIB OLISH VOSITASIMI YOKI NIZOLARNI MUQOBIL HAL ETISH USULI? //SCIENTIFIC ASPECTS AND TRENDS IN THE FIELD OF SCIENTIFIC RESEARCH. – 2022. – T. 1. – №. 4. – С. 86-92.

<sup>5</sup> Сулаймонова Н. Проблемы взыскания судебных расходов в гражданских судах //Общество и инновации. – 2023. – Т. 4. – №. 1/5. – С. 182-185.

of the case. This mechanism promotes compliance with the principles of fairness, reasonableness and legality, preventing unnecessary financial costs for applicants.

In the practical application of the return of state duty, it is important to strictly adhere to the established rules, correctly fill out applications and provide the necessary documents. This will avoid refusal of return and speed up the process of receiving funds.

Thus, regulation of the return of state duty plays an important role in increasing the accessibility of justice, protecting the legitimate interests of citizens and organizations, and ensuring the transparency of judicial procedures.

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