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## IMPROVING THE INSTITUTION OF COURT COSTS THROUGH THE EXPERIENCE OF FOREIGN COUNTRIES

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### **Abstract**

This article aims to examine the problems currently arising in the recovery of court costs in civil proceedings, to analyze and evaluate them, and to explore possible solutions by studying the experience of foreign countries, in particular Germany and Japan. In addition, the article identifies existing shortcomings in the legislation of the Republic of Uzbekistan and proposes relevant recommendations, including amendments and additions to legal acts aimed at improving the regulation of court costs.

**Keywords:** State duty, litigation-related expenses, refund of state duty, court hearing, expedited court.

### **Introduction**

As is well known, in the territory of our republic justice is administered exclusively by courts. This principle is enshrined in Article 130 of the Constitution of the Republic of Uzbekistan as well as in Article 1 of the Law “On Courts.” In order to ensure the full and independent administration of justice, it is necessary to finance the activities of courts, and such financing is carried out from the State Budget of the Republic of Uzbekistan. This is stipulated in Article 140 of the Constitution and Article 90 of the Law “On Courts.”

Therefore, the institution of court costs is recognized as one of the fundamental institutions of the judicial system and as an integral component of legislation regulating the functioning of this system. At present, national legislation does not contain a legal definition of court costs. Neither the Civil Procedure Code of



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the Republic of Uzbekistan, nor the Law “On State Duty,” nor the Resolution of the Plenum of the Supreme Court dated December 16, 2024, “On the Practice of Recovery of Court Costs in Civil Cases,” provides an explicit definition of court costs, but merely indicates that they consist of state duty and litigation-related expenses.

Undoubtedly, the administration of justice requires significant material support, which may be ensured through financing by the state and contributions from participants in proceedings. However, as noted above, justice is primarily financed from state budget funds. Consequently, a certain portion of the expenses incurred by the state in administering justice is covered by the parties interested in the case.

In conclusion, the primary purpose of introducing court costs is not to reimburse the state for expenses related to administering justice, but rather to prevent the initiation of unfounded disputes in courts. Having discussed the role of the institution of court costs within the judicial system, we now proceed to a detailed analysis of its types using the example of Uzbekistan.

As mentioned above, court costs consist of state duty and litigation-related expenses. Therefore, the analysis begins with the state duty. State duty is a mandatory payment charged for performing legally significant actions and/or for issuing documents by authorized bodies and officials. Since justice is financed directly from the state budget, and state duty payments collected when applying to courts constitute a certain portion of budget revenues, the correct determination and timely collection of state duty is of great importance. The grounds and procedure for payment, exemption from payment, and refund of state duty are regulated by the Law “On State Duty” and the provisions of the

### **Civil Procedure Code**

Litigation-related expenses include the following:

1. amounts payable to witnesses, experts, specialists, and interpreters;
2. expenses related to on-site inspections;
3. expenses incurred in searching for the defendant in cases предусмотренные by Article 165 of the Civil Procedure Code;
4. postal expenses related to sending court notices and court documents;



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5. expenses associated with conducting court hearings via videoconferencing;
6. other necessary expenses recognized by the court.

The amount of postal expenses is determined by the court but may not exceed one-tenth of the base calculation amount and must be deposited into the court's deposit account.

A comparative analysis of court costs applied in the judicial system of Uzbekistan and those in foreign countries is conducted using Germany and Japan as examples. The reforms implemented in Germany in the field of optimizing court costs may serve as a model for other countries. These include the widespread introduction of electronic justice systems, automation of court procedures, and mechanisms for prompt adoption of court decisions. Germany has a strict system and clear requirements regarding the recovery of court costs. The implementation of electronic court systems contributes to efficiency and transparency of proceedings and reduces paperwork and excessive formalities.

In Japan, a different approach has been adopted, focusing on reducing court costs through simplification and acceleration of judicial procedures. In particular, special expedited courts have been established to handle small claims, which helps reduce overall court costs. These courts not only lower litigation expenses but also allow general courts to focus on complex and time-consuming cases.

In many developed countries, court costs may be so high that for citizens with average income, hiring a lawyer and participating in court proceedings becomes nearly impossible. This undermines public confidence in the justice system and intensifies perceptions of social injustice. Germany and Japan are no exception in this regard, as court costs in both countries are relatively high.

On the one hand, high court costs may prevent unfounded claims from being filed, thereby reducing the number of cases and improving the quality of judicial review. On the other hand, such costs may restrict citizens' constitutional right of access to justice.

Turning to the problems related to court costs in the judicial system of Uzbekistan, Article 129 of the Civil Procedure Code clearly defines the price of a claim depending on its type. However, the exact scope and minimum amount of litigation-related expenses are not clearly established. It would be appropriate to determine their minimum amount and scope in a manner similar to the



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determination of the claim price, provided that such regulation is fair and beneficial for the parties.

Another issue concerns the refund of litigation-related expenses when they are incorrectly recovered. While Article 18 of the Law “On State Duty” regulates the procedure for refunding state duty, it does not address the refund of improperly collected litigation-related expenses. Establishing such a mechanism would increase transparency and accountability in court costs recovery and strengthen public trust in judicial proceedings.

In conclusion, this article highlights issues such as the absence of a clearly defined minimum amount of litigation-related expenses and the lack of a mechanism for refunding improperly collected expenses. If the proposed recommendations are incorporated into legislation, certain problems related to the recovery of court costs could be resolved, and uniform judicial practice would be ensured.

Furthermore, the experience of Japan in establishing expedited courts for small claims demonstrates both advantages and disadvantages. Introducing similar courts in Uzbekistan could allow general courts to focus primarily on complex and time-consuming cases. By learning from best international practices and exchanging experience, states can introduce innovative solutions and jointly address challenges, thereby contributing to the development of fair judicial systems and expanding access to justice for every citizen at a global level.

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