



COURT COSTS AS AN INTERDISCIPLINARY INSTITUTION OF LAW: THE EXPERIENCE OF LEGISLATION AND LEGAL DOCTRINE

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Received:	26 th August 2025	This article analyzes the legal foundations and practical significance of the institution of court costs in the economic procedural law of Uzbekistan. Court costs play an important role in ensuring a fair trial and are financed from the state budget and the costs of the participants. The concept, composition and mechanisms for reimbursement of court costs in economic courts, as well as their legal and economic essence, are considered. This article contains scientific conclusions and recommendations on the formation and development of the institution of court costs, ways to increase the efficiency of the judicial system.
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In the national legal system of the Republic of Uzbekistan, economic procedural law is an independent branch of procedural law among the branches of procedural law. Economic procedural law, although not as ancient and historical as other branches of law, has its place and its own procedural mechanism in the justice system at present time. Economic procedural law has its own constitutional foundations, and these foundations are reflected in the Constitution of the Republic of Uzbekistan. The relations covered by the subject of economic procedural law are, first of all, the resolution of disputes between business entities related to the implementation of entrepreneurial activities, the resolution of economic disputes arising in the economy of our country, and relations arising in the process of managing the economy of our country.¹

The constitutional strengthening of the right to judicial protection constitutes an important legal and institutional basis for the judicial system of the Republic of Uzbekistan and the legislation on the conduct of judicial proceedings. In particular, it is established that disputes arising between entities participating in economic relations will be resolved on the basis of legal norms, through the judiciary, including economic courts, which have the appropriate powers. The method of resolving disputes through the courts currently serves as an important factor in ensuring legal stability and protecting the rights of investors and entrepreneurs. In this regard, improving the content, structure and mechanism of court costs in order to increase the

efficiency of judicial proceedings and ensure fair trial is one of the urgent issues of economic procedural law.

According to M.V. Nemytina, "making a court decision is a complex process that requires significant expenditure of material, moral and time resources by various links of the state system." One of the most important legal and institutional features of the justice system is that economic disputes are resolved by economic courts, which are an independent branch of state power, solely on the basis of current substantive and procedural law. During the trial, the state guarantees both parties the right to freely and fully express their claims and objections. Decisions issued by an economic court are made independently and openly, and at the same time have binding force for all participants. The execution of such decisions is carried out under the state guarantee, and this guarantee serves not only in relation to the parties to the dispute, but also as an obligation to the general public. Judicial settlement of economic disputes - prevents the parties from using arbitrary and unreasonable force and allows them to find a fair solution through legal mechanisms. Notably, the presence of an efficient and fully functioning judiciary is also economically beneficial. Because in such conditions, court costs are relatively equally distributed among members of society. The emergence and subsequent legal formation of the institution of court costs is directly related, first of all, to the growing need for fair, effective and stable judicial protection in society. This institution was formed as a legal mechanism serving to ensure the organizational,

¹ Z.N. Esanova. Introduction to Economic Procedural Law / Economic Procedural Law. Textbook. Team of authors. – Tashkent: Legal Literature Publishing, 2022 - 9 p.



legal and material and economic complete and uninterrupted functioning of the judicial system. The following words are still relevant today: "If judicial justice were absolutely free, many baseless disputes that began on the basis of luck and risk would never have stopped."²

The emergence and subsequent legal formation of the institution of court costs is directly related, first of all, to the growing need for fair, effective and stable judicial protection in society. This institution was formed as a legal mechanism serving to ensure the organizational, legal and material and economic complete and uninterrupted functioning of the judicial system. The following words are still relevant today: "If judicial justice were absolutely free, many baseless disputes that began on the basis of luck and risk would never have stopped."²

"The state finances the judiciary at its own expense, that is, through taxes, fees and duties paid by all citizens. These judicial bodies were established in order to ensure the general civil order, in particular, to protect the civil rights of individuals... The fairness of the fees and duties in the financing of judicial bodies is that if there were no such fees, all the expenses necessary for the maintenance of judicial bodies and their employees would have to be equally distributed not only among those who use the assistance of these bodies, but also among all citizens who do not use it."³

It is noted that the definitions of court costs generally have a number of important features. First, the subjects to whom these costs should be imposed must be clearly identified. Second, they include the necessary costs of the court proceedings. Third, the structure of court costs is enshrined in legislation and is based on clear norms. At the same time, the main problem in determining the essence and definition of court costs is related to determining their financial source and the procedure for imposing them.

In the scientific literature on civil procedure, court costs are understood as expenses provided for by law incurred by persons participating in a case related to the consideration and resolution of a civil case.⁴

Z.N. Esanova emphasizes: court costs are funds received, collected, paid, distributed and spent for the organization of judicial activity in civil cases, the

formation of the state budget, the smooth implementation of judicial proceedings, the organization of the circulation of judicial documents, as well as ensuring the fulfillment of procedural obligations of those applying to the court, further increasing the procedural responsibility of persons participating in the case, financial incentives for the procedural actions of persons implementing fair justice, and other judicial actions. As noted in the scientific works of E.V. Vaskovsky, if the plaintiff wins the case, his expenses related to the proceedings are included in the legal costs that must be covered by the opposing party⁵.

M.Kh. Vafin said that court costs are in any case among the costs incurred by the state, and the parties involved in the case can only partially cover them. According to him, court costs are a part of the costs incurred by the state to ensure justice, and are imposed on the parties, third parties, and applicants in certain special procedure cases within the framework of the law. This procedure, on the one hand, serves to compensate for expenses, on the other hand, encourages voluntary fulfillment of obligations, and on the third hand, helps to prevent unjustified court appeals⁶.

A.V. Markov defines the concept of judicial costs as follows: "Court costs are expenses incurred to partially cover the costs incurred to maintain and organize the functioning of the judicial system of the state, as well as to cover the costs of persons participating in the case and assisting in the implementation of justice, including their remuneration."

Having analyzed the various points of view presented above, we will try to justify the definition of the concept of judicial costs in the economic process and express our personal views on this issue.

It is clear that, like all social institutions, justice requires financial support for its activities. This support is provided mainly from two sources - state financing and the contribution of persons participating in the case. Justice is a type of state activity, financed from the state budget, regardless of whether a person applies to a judicial body with a violated right or legally protected interest.

² Berendts, E.N. Russian Financial Law. Lectures Delivered at the Imperial School of Law. St. Petersburg, 1914. P. 247.

³ Engelman, I.E. Course in Russian Civil Procedure. Yuryev, 1912. P. 176.

⁴ Civil procedural law. Textbook // Authors' team. Edited by Doctor of Law M.M. Mamasiddikov //. Ministry of Justice of

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⁵ Vaskovsky, E.V. Civil Procedure Textbook. Moscow, 2003, p. 365.

⁶ Vafin, M.Kh. Legal Costs in Civil Cases: Cand. Sci. (Law) Dissertation. Moscow, 1984, p. 23.



The judiciary in the Republic of Uzbekistan is an independent branch of state power, and its material and technical support is fully the responsibility of the state. According to Article 140 of the Constitution of the Republic of Uzbekistan, the financing of the activities of the Courts is carried out from the state budget of the Republic of Uzbekistan, which must ensure the full and independent implementation of justice. Therefore, in order to ensure the effective and stable functioning of the judicial system, material financing is carried out at the expense of the state budget.

The financing of the judicial system is carried out in accordance with the requirements of the budget legislation of the Republic of Uzbekistan, including the Budget Codex. These financial resources cover the provision of court buildings and technical equipment, the payment of salaries to judges and court staff, the improvement of information systems, the implementation of security measures, and other necessary needs related to the conduct of judicial proceedings.

Thus, the necessary financial support to ensure the independent and effective functioning of the courts is an important institutional guarantee of the full implementation of justice.

Although the legislation does not provide a precise definition of the concept of court costs, economic procedural legislation pays special attention to court costs as funds formed at the expense of interested parties and forming the material basis of the judicial protection system. In particular, according to Article 112 of the Economic Procedural Code of the Republic of Uzbekistan, court costs, as an independent institution of economic procedural law, include two main components: state duty and expenses associated with the consideration of the case by the Economic Court. These two sub-institutions play an important role in the financial support of the judicial process, and their interaction ensures the stable and effective functioning of the economic judicial system.

The institution of court costs is an important and integral part of the legislation regulating the activities of the judicial system. It is a procedural legal institution located in the general part of economic procedural law and applies to all types and stages of judicial proceedings. Also, each subject participating in economic procedural legal relations is obliged to implement the norms on court costs in accordance with the level of its activity.

Payment of court costs is a mandatory condition for initiating a case in an economic court. At the same time, the requirement for the participants in the judicial process to cover court costs is based on the principles

of dispositive and equal rights of the parties and reflects the need for the independent conduct of their cases in court. This approach ensures fair and effective decision-making in economic judicial proceedings.

It should be emphasized that the procedural goals of economic court proceedings are of primary importance in the legal regulation of court costs. Because the financial support of judicial bodies is one of the constitutional tasks directly assigned to the state.

The legal nature of court costs is the main factor shaping their content, goals and the functions they perform. This factor, in turn, determines the specificity of the legal regulation of this institution, that is, it determines the content of the regulatory legal framework for the regulation of court costs and the system of approaches applied to it.

At the same time, the issue of regulating court costs is resolved within the framework of procedural law. This is due to the fact that the relevant legal relations arise in the course of the case in the economic court and are mainly related to the issues of compensation for material costs between the parties.

Thus, in the process of applying the legal norms that constitute the institution of court costs in economic proceedings, legal relations of both public and private nature arise.

The institution of court costs in the field of economic procedural law of New Uzbekistan is formed from various branches of legislation — including constitutional, economic procedural, financial, budgetary, tax, civil, and labor law norms. It occupies a place among mixed legal institutions that combine elements of both private and public law.

Court costs are monetary expenses incurred by the state and the parties involved in a case in order to ensure the administration of justice in economic courts. The procedure for their implementation and allocation is established by law and applies to all stages and types of proceedings in economic courts.

In conclusion, the institution of court costs in economic procedural law is a mixed, complex, and cross-sectoral legal institution composed of an interconnected system of legal norms belonging to various fields of law. It regulates public and private legal relations concerning the reimbursement of court costs with the aim of preventing the abuse of rights and ensuring the fulfillment of obligations.

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