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## REQUIREMENTS FOR A STATEMENT OF CLAIM IN CIVIL PROCEDURE: A COMPARATIVE LEGAL ANALYSIS OF FOREIGN LEGISLATION

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**Farziyeva N.M. Requirements for a statement of claim in civil procedure: a comparative legal analysis of foreign legislation.**

The article is devoted to an in-depth comparative analysis of the requirements imposed on a statement of claim in civil proceedings in France, Italy, Turkey, and Azerbaijan. The author has examined the legally established elements that must be included in a statement of claim, the prescribed procedure for its submission, as well as the legal consequences of non-compliance with the established procedural forms. Particular attention has been paid by the author to how each national legal system defines the structure and content of a statement of claim, determines the limits of formalization, and establishes the relationship between formal and substantive requirements.

The author has established that, despite the shared belonging of all four legal systems to the Romano-Germanic (continental) tradition, the regulation of this procedural category exhibits significant differences. It has been demonstrated by the author that these differences are determined both by the historical evolution of national civil procedure systems and by varying approaches to ensuring a balance between procedural efficiency, formal certainty, and the protection of parties' rights.

In particular, the author has examined the considerable variability in the level of detail required for mandatory requisites of a statement of claim, in the procedure for its registration, in the requirements for specifying evidence and legal grounds, as well as in the measures of liability for violating established requirements. The author has demonstrated that these differences have a direct impact on the procedural efficiency of judicial proceedings, the protection of parties' rights, and the timeliness of case consideration.

Thus, the author has established that the analysis allows for the identification of both common features of the formalization of a statement of claim in states belonging to the continental legal family and the individual characteristics of each national system that shape the national specificity of civil procedure. It has been demonstrated by the author that the conclusions obtained contribute to a deeper understanding of procedural regulation mechanisms and can be utilized both for further academic research and for the development of recommendations aimed at improving civil procedure in order to enhance its efficiency, legal certainty, and the protection of participants' rights.

**Key words:** statement of claim, procedural certainty, claim requisites, claim value, structure of the statement, factual circumstances, legal grounds, procedural consequences, procedural flexibility, digitalization of judicial proceedings, procedural discipline.

**Фарзієва Н.М. Вимоги до позовної заяви у цивільному процесі: порівняльно-правовий аналіз законодавства зарубіжних країн.**

Стаття присвячена глибокому порівняльному аналізу вимог, що пред'являються до позовної заяви у цивільному судочинстві у Франції, Італії, Туреччині та Азербайджані. Автором досліджено нормативно закріплені елементи, які мають бути включені до позовної заяви, встановлений порядок її подання, а також юридичні наслідки недотримання встановлених процесуальних форм. Особливу увагу автором приділено тому, як кожне національне законодавство визначає структуру та зміст позовної заяви, встановлює межі формалізації та співвідношення між формальними та матеріальними вимогами.

Автором встановлено, що, незважаючи на спільну належність усіх чотирьох правових систем до романо-германської (континентальної) традиції, регулювання даної процесуальної категорії демонструє суттєві відмінності. Автором доведено, що ці відмінності зумовлені як історичною еволюцією національних систем цивільного процесу, так і різними підходами до забезпечення балансу між процесуальною ефективністю, формальною визначеністю та захистом прав сторін.

Зокрема, автором досліджено значну варіативність у ступені деталізації обов'язкових реквізитів позовної заяви, у процедурі її реєстрації, у вимогах щодо зазначення доказів та правових підстав, а також у заходах відповідальності за порушення встановлених вимог. Автором доведено, що ці відмінності безпосередньо впливають на процесуальну ефективність судового розгляду, забезпечення прав сторін та оперативність розгляду справ.

Таким чином, автором встановлено, що аналіз дозволяє виявити як спільні риси формалізації позовної заяви для держав континентальної правової сім'ї, так і індивідуальні особливості кожної національної системи, що формують національну специфіку цивільного процесу. Автором доведено, що отримані висновки сприяють глибшому розумінню механізмів процесуального регулювання та можуть бути використані як для подальших наукових досліджень, так і при розробці рекомендацій щодо удосконалення цивільного судочинства з метою підвищення його ефективності, правової визначеності та захисту прав учасників процесу.

**Ключові слова:** позовна заява, процесуальна визначеність, реквізити позову, ціна позову, структура заяви, фактичні обставини, правове обґрунтування, процесуальні наслідки, процесуальна гнучкість, цифровізація судочинства, процесуальна дисципліна.

**Problem Statement.** In this article, the problem is framed through an analysis of the differences in the regulation of the requirements for a statement of claim in civil procedure across four countries—France, Italy, Turkey, and Azerbaijan—and an examination of their impact on the efficiency, predictability, and accessibility of justice. The core issue lies in the fact that, despite shared roots in the Romano-Germanic legal tradition, national legislations exhibit significant differences in the level of formalization, the detail of claim requisites, the legal consequences of procedural errors, and the degree of digitalization of procedures, all of which affect procedural efficiency, legal certainty, and practical access to courts.

From a scientific perspective, this study allows for the identification of the institutional and conceptual characteristics of the civil procedural systems of the countries under consideration, which is highly relevant for comparative legal analysis. Comparing approaches to the formalization and structuring of statements of claim enables the identification of patterns in the evolution of continental procedural models. Furthermore, the analysis of digitalization offers opportunities to study the impact of technology on the standardization of procedural acts and the reduction of errors committed by participants in the process.

From a practical standpoint, the comparative study contributes to the improvement of national procedural rules, enhancing the predictability and efficiency of judicial proceedings. Determining the level of formalization and the strictness of claim requirements provides lawyers and participants with tools to prepare documents correctly, taking into account the specifics of national law, thereby reducing the risk of claim rejection. Evaluating the role of digital platforms in the submission of claims generates arguments for optimizing e-justice, increasing the efficiency of administrative case management, and improving the accessibility of the judicial system for citizens.

Thus, the problem can be defined as the need for a comprehensive comparison of national approaches to the formation and regulation of the statement of claim as a central institution of civil procedure, aiming both at the scholarly understanding of the operational patterns of legal systems and the practical enhancement of the quality and predictability of judicial proceedings.

**Research Objective.** The objective of this study is a comparative legal analysis of the requirements for a statement of claim in France, Italy, Turkey, and the Republic of Azerbaijan, with a focus on identifying differences in formalization, structure, mandatory elements, and the legal consequences of errors. The study also aims to assess the impact of digitalization on the standardization of procedural documents and the enhancement of efficiency in civil proceedings. The practical goal is to identify opportunities for improving national procedural frameworks and implementing best practices to increase the predictability, accessibility, and quality of justice.

The study employs the method of comparative legal analysis, which allows for a systematic comparison of formal-legal structures, the historical foundations of their development, and the practical

implications of differences in regulation. The application of this method enables a deeper understanding of the conceptual underpinnings of civil procedure and supports the formulation of scientifically grounded conclusions regarding directions for the improvement of procedural legislation.

**State of the Problem.** This issue can be characterized as well-developed at the level of national legislation and judicial practice, where the norms thoroughly regulate the content and form of a statement of claim, as well as the procedural consequences of non-compliance. At the same time, a comparative analysis and synthesis are necessary, as significant differences between legal systems remain, particularly regarding the degree of formalization, the role of the court, the rectification of deficiencies, and digitalization. The problem remains relevant for further research aimed at identifying optimal approaches to the unification of requirements for a statement of claim and enhancing the efficiency of civil proceedings.

#### **Main Section.**

In the Republic of Azerbaijan, issues related to the submission, form, and content of a statement of claim are regulated by Articles 149–155 of the Civil Procedure Code of the Republic of Azerbaijan (hereinafter – CPC of Azerbaijan) [1]. These provisions establish a comprehensive and detailed system of requirements aimed at ensuring the completeness and legal certainty of the information presented by the plaintiff when initiating judicial proceedings. The specified list of mandatory elements reflects a model oriented toward the maximum specification of data necessary for the effective organization of court proceedings and the timely notification of all participants in the process.

According to Article 149 of the CPC of Azerbaijan, a statement of claim must be submitted to the court in written form and signed by the plaintiff or their representative, emphasizing the procedural responsibility of the party in initiating judicial protection. The legislation establishes an extensive list of mandatory information to be included in the statement. In particular, the plaintiff is required to indicate: 1) the name of the court to which the statement is addressed; 2) personal data of the parties – full names of the plaintiff, defendant, representatives, and other participants in the case; for legal entities – their official name; 3) a complete set of identification data, including registration and actual addresses, contact details (telephone, email), and identification numbers (identity card series and number, taxpayer identification number). The provisions also require the inclusion of data on foreign citizens and legal entities participating in the case; 4) the subject matter and value of the claim, as well as a reasoned statement of the plaintiff's demands, describing the factual circumstances relied upon. In cases of disagreement with any circumstances substantiated by the defendant's evidence, the plaintiff must explain the grounds for such disagreement; 5) information on compliance with a pre-claim procedure, if required for the category of disputes being considered; 6) information on participation in mediation procedures, if preliminary mediation is mandatory under the legislation, in particular the Law of the Republic of Azerbaijan "On Mediation"; 7) a list of all documents attached to the statement, including evidence, powers of attorney, and other materials relevant to the case [1].

The CPC of Azerbaijan also allows the plaintiff to combine several related claims in a single statement, which promotes procedural economy and enables the comprehensive consideration of related disputes. Furthermore, the plaintiff may include other information or motions in the statement if deemed necessary for the proper and comprehensive examination of the case by the court.

A distinctive feature of Azerbaijani legislation is the emphasis on the fullest possible specification of the identification data of the participants and their contact information, aimed at optimizing communication between the court and the parties and ensuring the timely protection of their rights. This legislative design aligns with the principles of procedural certainty and contributes to enhancing the overall efficiency of civil proceedings.

**Requirements for a Statement of Claim under the Legislation of the Republic of Turkey.** The requirements regarding the content and form of a statement of claim in Turkey are regulated by Articles 118–119 of the Code of Civil Procedure (Hukuk Muhakemeleri Kanunu, hereinafter – the Turkey Law) [4]. This legislative act establishes a detailed and formalized model for submitting claims, aimed at ensuring procedural certainty and creating the conditions for the efficient adjudication of cases. The legislator seeks to minimize the risks of legal uncertainty; therefore, the list of mandatory elements of a claim is formulated quite strictly, and the procedural consequences of their absence are clearly defined.

According to Article 118 of the Turkey Law, a statement of claim is considered filed from the moment it is registered with the court registry, emphasizing the formal nature of the institution of claim submission. The statement must be accompanied by a number of copies corresponding to the number

of defendants, and the procedures for registration and handling of documents are regulated in detail by subordinate regulations, ensuring uniformity in judicial practice.

Article 119 of the Turkey Law provides an exhaustive list of mandatory elements of a statement of claim. These include: a) the name of the court to which the statement is submitted; b) personal data of the parties – the name, surname, and address of the plaintiff and the defendant; c) the identification number of the plaintiff if they are a citizen of the Republic of Turkey; ç) information on the legal representatives and attorney of the plaintiff (if applicable); d) the subject matter of the claim, and in property disputes, the value of the claim; e) a concise, sequential, and logically structured presentation of the factual circumstances relied upon by the plaintiff; f) evidence supporting each of the stated circumstances; g) legal grounds and references to the applicable norms used by the plaintiff to substantiate the claim; ğ) clearly formulated claims; h) the signature of the plaintiff or their representative [4].

This structure highlights the orientation of Turkey civil procedure toward a formal-logical model of claim formulation, in which the coherence of factual and evidentiary material is a key element.

Since the adoption of the Turkey Law, numerous doctrinal studies have been conducted concerning Article 119, which regulates the content of the statement, the mandatory elements, and the procedure for their evaluation. There are also numerous decisions of the Court of Cassation on this matter. However, the 2024 decision of the Constitutional Court demonstrates that these doctrinal discussions and precedents are not always sufficiently reflected in practice [5, p. 755].

The legislation also provides a mechanism for correcting deficiencies. If a statement of claim lacks several elements, except for the strictly mandatory provisions listed under subsections (a), (d), (e), (f), and (g), the court grants the plaintiff a one-time period of one week to correct the omissions. Failure to make corrections within the prescribed period results in the claim being deemed not filed. In this way, the legislator balances formalization with the possibility of error correction, without allowing unjustified procedural delays.

The high degree of formalization of Turkey requirements for a statement of claim reflects the overall orientation of Turkey civil procedure toward normative rigor, clarity, and discipline in court proceedings. This model reduces the risk of uncertainty during case preparation, promotes procedural economy, and facilitates the administration of justice at the initial stage of proceedings.

**Requirements for a Statement of Claim under the Legislation of the French Republic.** In the French civil procedure system, the initiation of proceedings is carried out through either an *assignation* (a summons delivered to the defendant by a judicial officer) or a *requête* (an application submitted directly to the court). These procedural forms are established in Articles 54–57 of the French Code of Civil Procedure (Code de procédure civile, hereinafter – CPC) and reflect the dualistic approach of French law to the commencement of civil actions, allowing for distinctions depending on the nature of the dispute and the need for prior notification of the defendant [2].

According to Article 54 CPC France, the initial recourse to the court may be executed either via a summons or by submitting an application to the court registry, the latter being permissible either unilaterally or jointly by the parties. The law sets out an exhaustive list of information that must be included in the initial application under penalty of invalidity. The mandatory elements include: 1) designation of the specific court to which the application is addressed; 2) specification of the subject matter of the claim; 3) information concerning the parties: a) for natural persons – surname, given name, profession, address, nationality, date and place of birth; b) for legal entities – legal form, name, location, and the body authorized to represent them; 4) if necessary – information relating to real estate, required for cadastral registration; 5) data on any prior attempts at alternative dispute resolution (conciliation, mediation, or participatory procedure), if such procedures precede the court application, or justification for the absence of such attempts [2].

Article 57 CPC France regulates the *requête*, i.e., an application submitted without prior notification of the other party. Such an application may be filed individually by the plaintiff or jointly by the parties and must contain a statement of their claims, the issues in dispute, and the relevant arguments [2]. In addition to the elements listed in Article 54 CPC France, it must include: – information concerning the person against whom the application is filed (surname, given name, and address for an individual, or the name and legal address for a legal entity); – a list of documents on which the claimed demands are based.

Despite a comparatively high degree of flexibility in formulation and structure, French procedural law imposes strict requirements regarding the precision of the statement of the claim's substance and the



factual circumstances on which it is based. Failure to comply with the formal requirements may have serious procedural consequences, including the declaration of the act as null, the impossibility of its consideration, or the necessity of resubmission.

Thus, the French model demonstrates a combination of formal rigor concerning mandatory elements and procedural requirements with a certain degree of flexibility, aimed at ensuring access to justice and adapting procedural forms to various categories of disputes. This system serves as an example of the balance between legal certainty and procedural efficiency, making it an important object for comparative legal analysis.

**Requirements for a Statement of Claim under the Legislation of the Italian Republic.** In the Italian civil procedure system, proceedings may be initiated through either an *atto di citazione* or a *ricorso*, with the choice of form depending on the type of procedure, the nature of the claims, and the type of legal protection sought. This dualistic structure is reflected in the Italian Code of Civil Procedure (Codice di procedura civile, hereinafter – CPC Italy), which clearly distinguishes the circumstances for using each procedural instrument [3]. Articles 163–164 CPC Italy establish detailed requirements regarding the structure and content of a statement of claim, aimed at ensuring legal certainty and effective judicial oversight.

According to Article 163 CPC Italy, the *atto di citazione* constitutes a summons to appear, through which the plaintiff not only formulates their claims but also notifies the defendant of the date and place of the first court hearing [3]. This feature emphasizes the notificatory nature of the Italian procedural mechanism and highlights the importance of adhering to formal procedures to ensure proper adversarial proceedings. In accordance with the annual decree issued by the court president, approved by the first president of the appellate court, the days and times for hearings intended for the initial appearance of the parties are established in advance, thereby increasing the predictability of court workload and promoting procedural discipline.

Article 163 CPC Italy also specifies an exhaustive list of mandatory elements for the *atto di citazione*. Under penalty of nullity, the summons must include: 1) the designation of the court to which the application is addressed; 2) complete information regarding the plaintiff and the defendant, including their full name, place of residence, and tax identification code (*codice fiscale*). For legal entities, associations, or committees, the name, legal form, and authorized representative must be indicated; 3) a precise definition of the subject matter of the claim (*petitum*), allowing the court and the defendant to clearly determine the scope of the proceedings; 4) a statement of the factual circumstances and legal grounds (*causa petendi*), including a logically coherent justification of the claimed demands; 5) a specification of the evidence that the plaintiff intends to submit, including a list of documents to be attached to the case files; 6) information about the representative (lawyer), if a power of attorney has already been issued, including an indication of their powers [3].

Special importance in Italian law is attached to the logical coherence of the statement of claim, the sequential presentation of arguments, and the completeness of legal justification. Italian doctrine traditionally regards the *atto di citazione* not only as a procedural initiation document but also as a document that sets the framework for all subsequent judicial activity. Consequently, the law imposes high standards regarding the quality of legal argumentation, internal consistency, and completeness of factual material.

Formal deficiencies affecting essential elements of the document are classified as *nullità* and may result in the declaration of the document as invalid. This, in turn, obliges the plaintiff to submit a corrected application. Such a sanction underscores the strictness of the Italian procedural model, which prioritizes compliance with established forms to ensure legal certainty, effective adjudication, and protection of the parties' rights.

Thus, the Italian legal system demonstrates a high level of formalization in civil proceedings. The structured, detailed, and rigorous requirements for the *atto di citazione* reflect the deep traditions of continental legal culture, which places significant emphasis on formal-legal technique and clarity in expressing legal positions. This approach makes the Italian model an important reference point for comparative legal analysis of civil procedure systems in other states.

**Comparative Legal Analysis of Legislation.** Despite France, Italy, Turkey, and Azerbaijan belonging to the Romano-Germanic legal family, their approaches to regulating the content and significance of a statement of claim in civil proceedings demonstrate substantial differences. These differences are shaped both by historically established models of civil procedure and by contemporary legislative priorities,

particularly those balancing formalism and procedural flexibility. They are primarily manifested in the degree of formalization of claim requirements, the level of detail in the claim's structure, the legal consequences of procedural errors, and the understanding of the court's role in determining the facts of the case.

The French model is characterized by a low level of formalization. Articles 54–57 of the French Code of Civil Procedure (CPC France) establish mandatory elements, but considerable flexibility is maintained due to the active role of the court, which may remedy deficiencies in the submitted materials. As a result, formal gaps in a claim rarely entail severe sanctions. In this context, Italian legislation occupies an intermediate position. Articles 163–164 CPC Italy require a structured statement of claim (*petitum*, *causa petendi*, competent court, appointment of hearings), yet judicial practice allows for clarification of claims during proceedings while preserving the essential elements, thereby creating a model of moderate formalization.

The Turkey model is the strictest. Article 119 of the Turkish Code of Civil Procedure (HMK) establishes a closed list of mandatory elements, and the absence of any of them requires correction; otherwise, the claim is considered not filed. This approach emphasizes procedural discipline and predictability. As Professor Muhammet Ozekes notes, preparing a statement of claim constitutes one of the key procedural obligations of a party. The importance of this document necessitates its precise and structured preparation, which explains the legislator's effort to define in detail the information and elements that must be included. Clear regulatory guidance ensures legal certainty, facilitates the work of the court, and guarantees the proper exercise of the right to judicial protection [7, p. 267–268].

Azerbaijani legislation in this regard follows a model close to the Turkey one. Articles 149–155 of the CPC RA provide a detailed list of requisites for the statement of claim, including a wide range of identification and procedurally relevant information. Noncompliance with formal requirements results in the claim being left without action, incentivizing the parties to ensure the completeness and accuracy of their submission. This model is oriented toward formal procedural order and ensures high legal certainty at the stage of initiating proceedings.

Despite their shared Romano-Germanic legal tradition, France, Italy, Turkey, and Azerbaijan interpret the role of the statement of claim in civil proceedings differently. Differences are evident in the degree of formalization, the structure of the claim, the legal consequences of errors, and historically established approaches to the role of the court and the parties.

In the context of comparative legal analysis, noticeable differences also emerge in the choice of the form of claim submission provided by the legislation of France, Italy, Turkey, and Azerbaijan. These differences reflect the conceptual characteristics of the respective civil procedure systems and demonstrate diverse legislative strategies for initiating proceedings. French law employs a dualistic model of procedural documents – *assignation* and *requête* – allowing consideration of the nature of the dispute and the procedural situation: the former is used for most cases and presupposes prior notice to the defendant, whereas the latter is applied when notification is not required or joint submission by the parties is allowed. This construction ensures high procedural flexibility.

In Italy, a similar distinction is made between *atto di citazione* and *ricorso*: the former is used in ordinary proceedings, the latter in expedited or special procedures, reflecting a combination of classical adversarial principles and procedural optimization.

By contrast, Turkey and Azerbaijan operate a single form of statement of claim, codified in the Turkish Law and the CPC RA, respectively. This model ensures procedural standardization and predictability but significantly limits flexibility in adapting procedural documents to the specifics of particular categories of cases.

The issue of the claim's monetary value occupies a central place in civil proceedings and exhibits substantial differences between France, Italy, Turkey, and Azerbaijan, reflecting the peculiarities of national procedural models and the functions that the claim value serves in each system. In France, specifying the claim's value is not mandatory for all case categories and depends on the nature of the claim and jurisdiction, emphasizing the material-legal aspect of the dispute. In Italy, the claim value also has a functional character: it is considered for determining jurisdiction and procedural costs but is not a universal requisite, corresponding to a model of moderate formalization.

In contrast to Azerbaijani legislation, Turkish law treats the claim value as an imperative element of procedural documents. According to Article 120 HMK, its absence constitutes a substantial procedural defect preventing the claim from being accepted for consideration; in Turkey, the claim is left without

action [4]. This approach highlights the importance of accurately assessing the dispute's value to determine state fees and the subsequent procedural course.

A comparative analysis of the requirements for stating factual circumstances and legal grounds in the statement of claim in France, Italy, Turkey, and Azerbaijan reveals considerable variability in formalization and party responsibility. French legislation primarily emphasizes the factual narrative, whereas strict legal qualification is not obligatory. The court actively applies the principle of *iura novit curia*, determining the applicable law independently, which reduces formal requirements for the plaintiff and ensures flexible access to justice. In Italy, a more structured model operates: the plaintiff must sequentially present facts and legal grounds, clearly distinguishing between *causa petendi* and *petitum* (Articles 163–164 CPC Italy) [3]. While the court retains the right to legal qualification, the plaintiff's responsibility for completeness is higher than in the French system.

In Turkey, requirements are highly formalized. The plaintiff must detail the facts, substantiate them with evidence, and explicitly state the legal position (Article 119 HMK) [6, p. 139; 8, p. 505]. The system is based on the hierarchy “fact – evidence – legal basis – claim,” and deficiencies in presentation are treated as obstacles to case progression.

Although procedural law formally separates the statement of facts and presentation of evidence as two independent structural elements, their analysis collectively is methodologically justified. Evidence does not exist autonomously – each item serves to establish or corroborate a specific fact, so the interrelation of facts and evidence forms a unified logical-legal complex, ensuring the reasonableness and internal consistency of the claim [7, p. 267–268]. A similar approach applies in Azerbaijan, where CPC RA norms require strict correlation of facts, evidence, and claimed demands (Articles 150–155 CPC RA) [1]. Unlike the French model, the court does not remedy gaps in reasoning, and the responsibility for completeness rests entirely with the plaintiff. Thus, French and Italian systems demonstrate greater flexibility, whereas Turkish and Azerbaijani systems exhibit a high degree of formalization and strictness regarding the logical-evidentiary structure of the claim.

The legislation of France, Italy, Turkey, and Azerbaijan demonstrates both common features of the continental legal tradition and significant differences in the consequences of errors in a statement of claim. These differences affect both the criteria for procedural admissibility and the procedures for remedying deficiencies. In France, defects in a statement of claim are evaluated flexibly: despite the possibility of invalidation, courts generally allow the plaintiff to correct deficiencies, relying on procedural economy and access to justice principles. In Italy, invalidation is also possible, but a clear distinction is made between material and immaterial violations, allowing the plaintiff to remedy certain deficiencies without procedural consequences, balancing formal certainty with effective judicial protection.

Turkish legislation follows a strict formalist model: the absence of any mandatory element leads to the claim being left without action, a deadline for correction, and return of the claim if deficiencies are not remedied (Articles 119–122 HMK) [4]. Compliance with form is considered a prerequisite for initiating proceedings. A similar approach is established in Azerbaijani law, where noncompliance with Articles 152–153 CPC RA may result in the return of the claim or refusal of acceptance. The formal structure of the claim is viewed as a key element in ensuring legal certainty and orderly proceedings [1].

The digitization of civil proceedings in France, Italy, Turkey, and Azerbaijan significantly affects the standardization of claim requirements and reduces procedural errors. However, the level of development of electronic platforms and their regulatory effects differ across these countries. In France and Italy, electronic justice systems are highly integrated and include automated mechanisms for verifying the correctness of submitted documents. These algorithms ensure uniformity of procedural acts, reduce formal violations, and increase transparency in judicial proceedings.

The Turkish *UYAP* system features the strictest digital regulation: the platform does not allow submission of a statement of claim if even a single mandatory element is missing. This approach substantially reduces the risk of defective claims and ensures a high level of procedural discipline. In Azerbaijan, the “e-court” (*e-məhkəmə*) system is developing but retains a lower level of automation, leaving room for procedural variability and errors.

Thus, differences in digital infrastructure determine the degree of standardization in claim structure: the most advanced platforms (France, Italy, Turkey) help minimize errors, whereas the Azerbaijani system requires further development to achieve a comparable level of standardization and efficiency.

**Conclusion.** The comparative legal study of the regulation of requirements for a statement of claim in the civil procedure of France, Italy, Turkey, and the Republic of Azerbaijan demonstrates the

existence of distinct models of procedural formalization, reflecting the characteristics of national legal systems and their institutional priorities. These differences manifest not only in the scope and nature of mandatory requisites but also in the conceptual understanding of the role of the statement of claim within the civil procedure framework.

The French legal system demonstrates a model of minimal formalization, relying on the expansive application of the principle *iura novit curia* and the active role of the court in establishing legally relevant circumstances. This structure reduces barriers to access to justice and allows a certain gradual development in the content of procedural documents. The Italian model, while more structured, maintains a degree of flexibility, combining a high level of normative regulation with the possibility of correcting individual elements of the statement of claim during the proceedings.

The legislation of the Republic of Turkey and the Republic of Azerbaijan represents a different approach, oriented toward strict formalization at the initial procedural stage. In these legal systems, the statement of claim is treated as a central act that not only defines the framework of judicial proceedings but also determines the admissibility of initiating the process. Failure to comply with established requirements results in procedural sanctions aimed at ensuring legal certainty and discipline among the parties.

Significant differences are also observed in the emphasis placed on factual presentation versus legal argumentation. The approaches of the French legislature, and to a certain extent the Italian legislature, prioritize the factual component with relatively flexible legal qualification, whereas the Turkish and Azerbaijani models require a strict structural unity of facts, evidence, and legal norms.

The digitization of civil proceedings further accentuates these differences. French and Italian electronic systems provide a high level of control and corrective mechanisms, whereas the Turkish *UYAP* platform represents the most rigid digital model, effectively preventing the submission of defective claims. The Azerbaijani “e-court” (*e-məhkəmə*) system is still in development, which limits its standardizing function compared to foreign counterparts.

Overall, the comparison of procedural models shows that the degree of formalization, normative strictness, and level of digital integration are key parameters determining the content and function of the statement of claim in different legal systems. France and Italy demonstrate a tendency toward flexible mechanisms ensuring access to justice, while Turkey and Azerbaijan focus on enhancing the predictability and discipline of judicial procedures. The findings highlight the need for further development of digital tools and the harmonization of standards for filing procedural documents to improve the efficiency of civil justice.

## REFERENCES:

1. Civil Procedure Code of the Republic of Azerbaijan (adopted by the Law of the Republic of Azerbaijan No. 780-IQ of December 28, 1999) <https://e-qanun.az/framework/46945>.
2. Code of Civil Procedure France. [https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000006070716/LEGISCTA000006135864/#LEGISCTA000006135864](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070716/LEGISCTA000006135864/#LEGISCTA000006135864).
3. Codice di Procedura Civile Italy. [https://www.tuttocamere.it/files/dirsoc1/Codice\\_Procedura\\_Civile\\_Altalex\\_08\\_2019.pdf](https://www.tuttocamere.it/files/dirsoc1/Codice_Procedura_Civile_Altalex_08_2019.pdf).
4. Law of Civil Procedure Turkey. <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.6100.pdf>.
5. Hayran Merve Polat. “Procedural Consequences of Failing to Notify the Defendant’s Address under Article 119/1-b of the Code of Civil Procedure and the Right of Access to Justice.” *Necmettin Erbakan University Faculty of Law Journal*, vol. 8, no. 2, 2025, pp. 734–758. <https://dergipark.org.tr/en/download/article-file/5159841>.
6. İyilikli A.C. “A Study on the Cause of Action in Civil Proceedings.” *TBBT* 2013/106.
7. Özekes Muhammet. “Actions to Be Taken in Case of Deficiencies in the Statement of Claim under the Code of Civil Procedure.” *Dokuz Eylül University Faculty of Law Journal*, vol. 16, July 2014, pp. 263–300. <https://hukuk.deu.edu.tr/wp-content/uploads/2015/09/MUHAMMET-%C3%96ZEKES.pdf>.
8. Pekcanitez H., Atalay O., Özekes M. *Civil Procedure Law*, 14th ed., Ankara, 2013.