

By the Judgement of 26 march 2021 No. 8-II the Constitutional Court of the Russian Federation verified constitutionality of Article 1109, sub-item 3 of the Civil Code of the Russian Federation.

This provision establishes that salary and equal payments, pensions, support, awards, compensation for damages and harm to health, alimony and other payments afforded to citizens as means for living must not be subject to levying as unjust enrichment where a citizen did not act in bad faith and there was no calculation mistake.

The challenged provision was recognised as not contradicting the Constitution of the Russian Federation since it does not provide for levying from the military serviceman (including after his or her discharge from service) the additional stimulation payments received during service and paid regularly in accordance with normative acts at the expense of budgetary funds allocated for military servicemen monetary allowances if after the payment additional circumstances were discovered that have excluded affording relevant allowance, and no bad faith of the serviceman or calculation mistake took place.