

By the Judgement of 24 May 2021 No. 21-II the Constitutional Court of the Russian Federation examined constitutionality of Article 293, part one, of the Criminal Code of the Russian Federation.

This legal provision was subject to consideration insofar as it served as basis to resolve the issue of bringing a person to criminal liability for improper carrying out of duties or failure to carry out duties as the result of unconscientious or negligent attitude, where such action (omission) inflicts pecuniary damage depending on its meeting the criterion of severe damage established by the explanatory note to the same article.

The challenged norm in its interconnection with the explanatory note to Article 293 of the Criminal Code of the Russian Federation was recognised as not contradicting the Constitution of the Russian Federation insofar as within the current legal framework it excludes qualification as criminal negligence leading to criminal responsibility on the basis of “significant damage” inflicted to legally protected rights and lawful interests, of an action (omission) resulting in loss or reduction of value of property or property rights in the amount not exceeding severe damage criterion specially established for this article by the current legislation, unless it has been duly established that relevant property or property right, in addition to its pecuniary cost, possessed also non-pecuniary (non-economical) value, in respect of which significant damage was inflicted to rights and lawful interest of citizens or organisations, of legally protected lawful interests of society or state.