

By the Judgement of 26 October 2021 No. 45-II the Constitutional Court assessed constitutionality of Article 151, part one of the Civil Code of the Russian Federation.

This norm was subject to consideration insofar as within current legal regulatory system it serves as basis to decide on the right to compensation of moral harm inflicted to citizen by a crime against property committed against him or her.

The challenged norm was recognised as not contradicting the Constitution of the Russian Federation since it does not in itself exclude compensation of moral harm (non-pecuniary damage) if a citizen became victim of crime against property that attacks not only his or her property rights, but also personal non-pecuniary rights or assets (including personal dignity), if such crime also causes physical or moral suffering to this person.

The challenged norm was also recognised as not being in conformity with the Constitution of the Russian Federation insofar as under its meaning attributed by courts' interpretation (including in connection with Article 1099 item 2 of the Civil Code of the Russian Federation) it serves as basis to refuse compensation of non-pecuniary damage in such situations only due to qualification of criminal act as attacking property rights of victim without examining on the basis of factual circumstances whether the victim of this crime suffered from physical or moral suffering because of it due to infringement of his or her personal non-pecuniary rights or assets.