

By the Judgement of 22 April 2020 No. 20-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 17, Section 3 of the Federal Law “On Insurance Pensions”

The challenged provision was the subject of consideration to the extent that, being in normative unity with other provisions of the aforementioned Federal Law, it serves as the basis for deciding on the right of the parent of a person disabled from childhood, when this person reaches adulthood and declaring this person legally incompetent, to receive increased fixed payments to the old-age insurance pension, despite the fact that the parent continues to carry out constant care and assistance (supervision) necessary for this person disabled from childhood.

The challenged provision was found to be inconsistent with the Constitution of the Russian Federation to the extent that, due to the uncertainty of the normative content, which in practice gives rise to its ambiguous interpretation and, accordingly, the possibility of arbitrary application, it allows a different approach to solving this issue in the current system of legal regulation.

A norm recognised not complying with the Constitution of the Russian Federation shall cease to be effective from the moment the new legal regulation enters into force.