

By the Judgement of 27 February 2020 No.10-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 324 of the Criminal Code of the Russian Federation

The challenged provision was the subject of consideration insofar as it serves as a basis to resolve the issue of imposing criminal liability for the illegal sale of state awards of the USSR on the persons who stored them (to whom those awards were transferred) after the death of the awardee.

The Constitutional Court recognised the challenged provision as not contradicting the Constitution of the Russian Federation, since in the system of the current legal regulation it implies the possibility of imposing such responsibility due to the commonality of the legal regime of state awards of the Russian Federation and state awards of the USSR, established by federal laws and normative legal acts of the President of the Russian Federation, by which legislation on state awards of the Russian Federation is extended to USSR state awards, restricting their free circulation.

The challenged provision also implies the need for law enforcement practice to establish both the formal criminal wrongfulness of an act under Article 324 of the Criminal Code of the Russian Federation and the real degree of its social danger, determined taking into account the study of the totality of factual circumstances of a particular case, including evidence of the presence or absence of grounds to release persons from criminal liability or from punishment or to recognise the committed act insignificant.