

By the Judgement of 25 April 2022 No 17-II/2022 the Constitutional Court assessed constitutionality of Article 1102 and Article 1109, subitem 3 of the Civil Code of the Russian Federation.

The said interconnected provisions became subject to examination insofar as they served as basis to decide the issue of recovery from a military serviceman, including after his dismissal from military service under a contract funds which are additional payments within his salary and are defined as unjust enrichment received by this military serviceman during the period of service, regardless of the actual reason for their incorrect accrual (payment in the increased amount).

The challenged provisions were recognized as not contravening the Constitution of the Russian Federation because they do not imply such recovery of money if the real reason for its incorrect accrual (payment in an increased amount) was the actions (inaction) of the persons providing the accrual and transfer of money to military servicemen, in the absence of bad faith on the part of the military serviceman or a counting error.