

By the Judgement of 31 March 2023 No. 13-II the Constitutional Court assessed the constitutionality of paragraph "b" of Part Two of Article 158 of the Criminal Code of the Russian Federation.

This provision was the subject of consideration since it served as basis to decide upon qualification as theft aggravated by illegal entering the living premises or other storage the deed consisting of stealing from such premises or storage committed by their owner (or holder of another deed) in respect of property of persons who are temporarily lawfully using these premises or storage.

The contested legal provision was found not to be inconsistent with the Constitution of the Russian Federation, since within the current regulatory framework its meaning implies that illegality of entry into premises or storage as a qualifying feature of theft should be understood as absence of lawful, contractual or other basis for a person to access an object owned by him or her which falls under the characteristics of premises or other storage defined under paragraph 3 of the notes to Article 158 of the Criminal Code of the Russian Federation, that has been transferred for temporary possession and use to another person, regardless of whether the proper civil-law form of such transfer was observed.