

By the Judgement of 4 December 2025 No.43-II, the Constitutional Court assessed constitutionality of Article 128¹ (part 2) of the Criminal Code of the Russian Federation.

The aforementioned legal provision was subject to review insofar as it serves as the basis for resolving the issue of applying such an aggravating element of defamation as its public commission using information and telecommunication networks, including the Internet, in cases where a person sends appeals to public authorities, officials, and organisations performing publicly significant functions by using means of communication with them via the Internet.

The contested legal provision was found not to contradict the Constitution, since according to its constitutional legal meaning within the system of current legal regulation, it does not imply assessing correspondence with the indicated authorities and persons through official means of communication with them via the Internet (where the use of this network is merely a method of submitting a written appeal, not implying that its content is accessible to a wide (indefinite) range of persons) as the public dissemination of information, which would provide grounds for qualifying the act under this part of the specified article.

The Constitutional Court also noted that the instruction contained in item 3 of the operative part of this Judgement, regarding the review, in accordance with the established procedure and provided there are no other obstacles, of judicial decisions issued in the applicant's case based on the contested legal provision interpreted in a manner inconsistent with its revealed constitutional legal meaning, implies that when qualifying her actions, the court is obliged to assess (based on the legal positions formulated in this Judgement) the facts of the applicant sending appeals to public authorities using the Internet, as well as the necessity to consider other circumstances of the specific case concerning her sending, to other recipients, allegedly false information discrediting the honour and dignity of the victims or undermining their reputation.