

By the Judgement of 17 December 2025 No.46-II, the Constitutional Court assessed constitutionality of Article 2 (paragraph 5), Article 126 (paragraphs 7, 9 and 10 of item 1), Article 213¹¹ (paragraphs 3 and 5 of item 2), Article 213²⁵ (paragraph 4 of item 5) of the Federal Law «On Insolvency (Bankruptcy)»; Article 47 (item 7 of part 1), Article 69¹ (part 4), Article 103 (part 1 and part 15) of the Federal Law «On Enforcement Proceedings»; Article 86 (part 3) of the Criminal Code of the Russian Federation; Article 115 (parts 1, 3, 7 and 9) and Article 115¹ of the Criminal Procedure Code of the Russian Federation; Article 31 (parts 1 and 2) and Article 32 (parts 2 and 3) of the Executive Criminal Code of the Russian Federation

The indicated provisions were subject to review insofar as they are applied as the normative basis for resolving the issue of lifting an arrest imposed within a criminal case to secure the execution of a court sentence regarding a civil claim on the property of a legal entity declared bankrupt, as well as the issue of the priority order for satisfying a claim for the collection of a fine imposed by a court sentence as an additional punishment on a citizen declared bankrupt.

The contested provisions were found inconsistent with the Constitution insofar as they, in their interrelation within the system of current legal regulation, do not ensure: a proper legal mechanism for lifting such an arrest; clarity on the priority order for satisfying the claim for the collection of the specified criminal fine.

The issue of lifting an arrest imposed within a criminal case to secure the execution of a court sentence regarding a civil claim on the property of a legal entity declared bankrupt is resolved taking into account the following.

After a legal entity is declared bankrupt, the arbitration court hearing the bankruptcy case, upon the application of the bankruptcy trustee or any of the bankruptcy creditors, shall, in the manner established for considering separate disputes, issue a ruling to include in the register of creditors' claims, the claims of the person who filed a civil suit in the criminal case, in connection with which the arrest was imposed on the property of the legal entity declared bankrupt. This ruling may be adopted regardless of the consent of the person who filed the civil claim in the criminal case. This decision must specify the priority group of creditors' claims into which the claim of the person who filed the civil claim in the criminal case is to be included, the amount of this claim, information about the existing bankruptcy estate, including the property under arrest, the total volume of creditors' claims against the debtor, including the claims of the person who filed the civil suit in the criminal case.

Upon the application of the bankruptcy trustee and based on the decision adopted in accordance with the above by the arbitration court hearing the

bankruptcy case, the lifting of the arrest is carried out within the procedures of criminal proceedings by the court before which the criminal case is pending or to which it should be sent based on the jurisdiction established by the Criminal Procedure Code of the Russian Federation. The participation of the official who petitioned for the arrest of the property (or the person authorised to petition for such arrest at the time of resolving this issue), the prosecutor, the bankruptcy trustee who submitted the said application, and the person who filed the civil claim in the criminal case, in connection with which the corresponding arrest was imposed, is required; the court may also deem it necessary for other persons, including the accused (defendant), to participate in considering this issue.

The court may decide to maintain the arrest on part of the property of the legal entity declared bankrupt, in an amount sufficient to satisfy the substantiated claims of the victim (the person who filed the civil claim in the criminal case), if, taking into account the amount of such claims, the significance of the contribution of the arrested property to the bankruptcy estate, and other relevant circumstances related to the possibility of subsequently satisfying within the bankruptcy case the claims included or to be included in the register of creditors' claims based on this paragraph, it concludes that, based on the corresponding ruling of the arbitration court adopted within the bankruptcy case, the person harmed by the crime will be classified among the creditors of the third priority and, at the same time – considering the statutory priority order for satisfying creditors' claims, information about the existing bankruptcy estate, and the total volume of creditors' claims against the debtor – will be completely or to a significant extent deprived of the opportunity to have their claims satisfied within the bankruptcy case.

If it is impossible (based on the composition of the property under arrest) to allocate in kind a part on which the arrest could be maintained in accordance with the previous paragraph, the arrest is lifted simultaneously with the court decision establishing the obligation of the bankruptcy trustee to transfer to the deposit account of this court an amount determined as part of the proceeds from the sale of this property.

The arbitration court hearing the bankruptcy case of a legal entity whose property was arrested within a criminal case has the right, including in cases where the court did not adopt a decision to maintain the arrest on part of the property or on the amount to be transferred to the deposit account of this court as part of the proceeds from the sale of this property, to suspend the proceedings in the arbitration court on the bankruptcy case until the court sentence in the criminal case enters into legal force or until amendments arising from this Judgement are introduced into the legal regulation. If the proceedings in the arbitration court are suspended until the court sentence enters into legal force, then after the sentence

enters into legal force, the bankruptcy proceedings are resumed, and the claims of the persons who filed civil suits in the criminal case are satisfied within the bankruptcy case in accordance with the established priority order for satisfying creditors' claims. If the proceedings in the arbitration court are suspended until amendments arising from this Judgement are introduced into the legal regulation, then the satisfaction of the claims of the persons who filed civil suits in the criminal case is carried out in the manner established by the legal regulation, taking into account the corresponding amendments.

A criminal fine imposed as an additional punishment is collected among the claims of creditors included in the register of creditors' claims, in the third priority.