

By the Judgement of 18 November 2025 No.39-II, the Constitutional Court assessed constitutionality of Article 242² (item 6) of the Budget Code of the Russian Federation.

The specified legal provision was subject to review to the extent that it serves as the basis for resolving, in cases of insufficient budgetary allocations for the enforcement of judicial acts ordering the recovery of funds from public budgets, the issue of reconciling the obligation to carry out such enforcement within the timeframe it establishes with the necessity for public legal entities to properly exercise their powers.

The contested legal provision is recognized as not contravening the Constitution because, by establishing a special timeframe for the enforcement of judicial acts ordering the recovery of funds from the budgets of the budgetary system of the Russian Federation – a timeframe within which the legislation ensures the possibility of taking measures to reallocate budgetary funds necessary for the enforcement of such judicial acts, both during the budget execution stage and by amending the budget law (decision) – it, according to its constitutional legal meaning within the system of current legal regulation:

implies that courts, when considering cases involving the assessment of a failure to meet the deadline for enforcing such judicial acts, must take into account the possibility of significant negative consequences for the values protected by the Constitution and federal laws in specific socio-economic conditions, should funds necessary for fulfilling other expenditure obligations be reallocated for this purpose;

does not allow, if a court finds unlawful inaction related to missing the deadline for enforcing such judicial acts, the application of coercive enforcement measures for non-property claims provided for by the Federal Law “On Enforcement Proceedings” instead of the procedure for their enforcement established by budgetary legislation;

does not hinder the protection of the claimant’s interests under such judicial acts in case of delayed enforcement, though the mechanism for indexing monetary sums granted by the court, as provided for by procedural legislation.