

By the Judgement of 22 December 2025 No.47-II, the Constitutional Court assessed constitutionality of Article 28 of the Civil Procedure Code of the Russian Federation.

The indicated provision was subject to consideration insofar as it serves as the basis for resolving the issue of the territorial jurisdiction of lawsuits filed in civil proceedings by a person recognised as a victim and civil claimant in a criminal case concerning the theft of funds from his bank account. These lawsuits seek to recover unjust enrichment from the person whose account (bank card, other payment instrument) received the transfer of the stolen funds, or to seek compensation from the person accused of committing the crime for the property damage caused to the victim, provided that the said claim was not filed or was not resolved during the criminal proceedings.

The contested legal provision was found inconsistent with the Constitution insofar as, within the system of current legal regulation, including in normative unity with the provisions of Article 29 of the Civil Procedure Code, it does not ensure, by establishing a non-alternative rule on the jurisdiction of a lawsuit at the defendant's place of residence, proper conditions for accessible judicial protection of the rights of a person recognised as a victim and civil claimant in a criminal case concerning the theft of funds from his bank account when he files the aforementioned lawsuits in court.

Until appropriate legislative changes are made, lawsuits by a victim of a crime related to the theft of funds from his bank account for the recovery of unjust enrichment from the person whose payment instruments were used in committing the crime, as well as for compensation for the caused property damage, when the said claim was not filed or was not resolved during the criminal proceedings, may be filed in court either at the defendant's place of residence, at the plaintiff's place of residence, or at the place where the criminal proceedings for this crime were conducted, including in case of their suspension.