

By the Judgement of 30 October 2025 No.36-II, the Constitutional Court assessed constitutionality of Article 35 (item 3) of the Family Code of the Russian Federation

This legal provision was the subject of consideration to the extent that it requires only notarisation of the consent of spouses of military personnel to make deals related to accumulative mortgage housing system (military mortgage), if there are no notarial services available at the places of service where the couple lives together.

The contested legal provision was found to be inconsistent with the Constitution since it does not provide for any method of certifying a military spouse's consent other than in-person notarisation, when the spouses live in remote areas (places where military units are located) without notaries and where notaries do not periodically admit citizens.

Until appropriate changes are made, the commanders (chiefs) of military units shall certify the consent of the spouses of military personnel if such unit is located in remote areas without notaries and where notaries do not hold periodic office hours for citizens. In this case, the spouses of military personnel do not have the right to demand that the deal be declared invalid due to the lack of notarisation of their consent. The other party, when presented with the spouse's consent certified by the commander of the military unit, may raise substantiated objections regarding the non-compliance with the conditions for using this form of certification in a specific case only if it has at its disposal information that is beyond doubt and does not require special investigation or confirmation. This information must demonstrate that notarial services are available on a permanent or regular basis in the service member's place of residence. Furthermore, the other party is not entitled to demand that the service member, their spouse, or the unit commander provide documents confirming compliance with these conditions, except for a copy of the document certifying the authority of the unit commander who certified the consent.

Applicant is entitled to compensation, the amount and form of which should be determined by the court that heard the case at first instance.