

By the Judgement of 2 April 2026 No. 20-II, the Constitutional Court assessed constitutionality of Article 39⁵ (sub-item 6) of the Land Code of the Russian Federation, Article 16 (items 4-6 of part 1) of the Federal Law «On General Principles of Organisation of Local Self-Government in the Russian Federation», as well as Article 9 (part 2) of the Law of Irkutsk Oblast «On Free Provision of Land Plots to Citizens for Ownership»

These legal provisions were examined to the extent that they serve as a basis for resolving the issue of participation, including in the form of co-financing, of public authorities of the constituent entities of the Russian Federation in the organisation of clearing land plots of greenery – which, under the law of the constituent entity, are provided by local self-government bodies free of charge into ownership to citizens with three or more children – and in the creation of the necessary utilities and transport infrastructure.

The contested provisions of the Land Code of the Russian Federation and of the Federal Law «On General Principles of Organisation of Local Self-Government in the Russian Federation» were recognised as not contradicting the Constitution since, in their constitutional legal meaning, they do not relieve public authorities of the constituent entities from the obligation to participate in the organisation of clearing the said land plots of greenery and in the creation of the necessary utilities and transport infrastructure, both at the stage of preparing such land plots for provision to these citizens and after their provision, including the obligation to co-finance the said measures.

At the same time, the contested provision of the Law of the Irkutsk Oblast «On Free Provision of Land Plots to Citizens for Ownership» was recognised as inconsistent with the Constitution since it imposes the obligation to clear the said land plots of greenery on the basis and in accordance with the procedure provided for by this Law, and to create the necessary utilities and transport infrastructure, exclusively on local self-government bodies and, as a result, does not establish an obligation to co-finance the said measures and does not determine the procedure for such co-financing.

The judicial acts adopted in the case involving the applicant are subject to review only in the part concerning the resolution of claims against the Government of the Irkutsk Oblast.