

By the Judgement of 25 March 2026 No. 18-II, the Constitutional Court assessed constitutionality of Article 234 (item 3) of the Civil Code of the Russian Federation

The aforementioned legal provision was examined to the extent that, when resolving disputes relating to the acquisition of ownership by way of acquisitive prescription, courts decide on its basis the question of whether it is possible to add to the time during which the person claiming acquisitive prescription held the property also the time when another person held the property and transferred it to the subsequent possessor under a contract.

The contested legal provision was recognised as inconsistent with the Constitution to the extent that, due to the uncertainty of its normative content and in light of the practice of its application, it does not provide an unequivocal answer to the question of whether a person claiming acquisitive prescription may add to their own period of possession also the period during which another person held the property, where the transfer was connected with a contract between them.

Until the appropriate legislative amendments are made, the current regulation cannot be regarded as preventing such a person from alienating property to another person by way of a contract, or as preventing the person claiming acquisitive prescription, in such a case, from adding to their own period of possession also the period during which another person held the property, provided that the possession of each of those persons satisfies the criteria for acquisitive prescription established by law, with the burden of proving this circumstance resting on the person asserting such addition.