

**RUSSIAN FEDERATION**  
**FEDERAL CONSTITUTIONAL LAW**  
**On the Judicial System of the Russian Federation**  
31<sup>st</sup> December 1996  
No. 1

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**Chapter 1. General Provisions**

Article 1. Judicial Power

1. Judicial power in the Russian Federation is exercised only by the courts as represented by judges and jurors and commercial court assessors, drawn to the administration of justice in the manner stipulated in law. No other bodies or persons have the right to administer justice.
2. The judicial power is autonomous and acts independently from the legislative and the executive powers.
3. Judicial power is exercised through constitutional, civil, administrative and criminal judicial proceedings.

Article 2. Legislation regarding the Judicial System

The judicial system of the Russian Federation is established by the Constitution of the Russian Federation and this Federal Constitutional Law.

Article 3. Unity of the Judicial System

The unity of the judicial system is ensured by:

- establishment of the judicial system of the Russian Federation by the Constitution of the Russian Federation and this Federal Constitutional Law;
- adherence by all federal courts and justices of the peace to the rules of judicial procedure stipulated in federal laws;
- application of the Constitution of the Russian Federation, federal constitutional laws, federal laws, universal principles and norms of international law and international treaties of the Russian Federation, as well as of constitutions (charters) and other laws of the constituent entities of the Russian Federation by all courts;
- recognition of the obligatory nature of execution of effective judicial decisions on the whole territory of the Russian Federation;
- stipulation in legislation of the unity of status of judges;
- financing of federal courts and justices of the peace from the federal budget.

Article 4. Courts in the Russian Federation

1. Justice in the Russian Federation is administered only by courts established in accordance with the Constitution of the Russian Federation and this Federal Constitutional Law. The establishment of extraordinary courts and of courts not stipulated in this Federal Constitutional Law is not allowed.
2. In the Russian Federation there are federal courts, constitutional (charter) courts and justices of the peace of constituent entities of the Russian Federation, which form the judicial system of the Russian Federation.
3. The federal courts are:
  - the Constitutional Court of the Russian Federation;
  - the Supreme Court of the Russian Federation;

supreme courts of republics, courts of territories, regions, federal cities, courts of an autonomous region and of autonomous circuits, district courts, military and specialised courts that form the system of federal courts of general jurisdiction;

commercial courts of circuits, appellate commercial courts, commercial courts of constituent entities of the Russian Federation and specialised commercial courts that form the system of federal commercial courts.

4. Courts of constituent entities of the Russian Federation are: constitutional (charter) courts of constituent entities of the Russian Federation and justices of the peace, who are judges of general jurisdiction of constituent entities of the Russian Federation.

#### Article 5. Autonomy of Courts and Independence of Judges

1. Courts exercise the judicial power in an autonomous way, independent of anybody's will, obeying only the Constitution of the Russian Federation and the law.

2. Judges, jurors and commercial court assessors participating in the administration of justice are independent and obey only the Constitution of the Russian Federation and the law. Guarantees of their independence are stipulated in the Constitution of the Russian Federation and in federal law.

3. If, when considering a case, a court establishes that an act of a state or other body or of an official does not comply with the Constitution of the Russian Federation, with a federal constitutional law, a federal law, universal principles and norms of international law, an international treaty of the Russian Federation, a constitution (charter) of a constituent entity of the Russian Federation, a law of a constituent entity of the Russian Federation, it adopts a decision in accordance with the legal provisions of higher legal force.

4. Laws and other normative legal acts, cancelling or diminishing the autonomy of courts, the independence of judges cannot be issued in the Russian Federation.

5. Persons guilty of unlawful influence on judges, jurors and commercial court assessors participating in the administration of justice, as well as guilty of other interference in the activities of the court bear liability stipulated in federal law. Misappropriation of the authority of the court is punished in accordance with criminal law.

#### Article 6. Obligatory Nature of Court Judgements

1. Effective judgements of federal courts, justices of the peace and of courts of constituent entities of the Russian Federation, as well as their lawful orders, demands, instructions, subpoenas and other addresses are obligatory for all public authorities, local self-government bodies, public associations, officials, other natural and legal persons without exception and are subject to strict observation on the whole territory of the Russian Federation.

2. Failure to execute a court judgement, as well as another display of contempt of court entail liability stipulated in federal law.

3. The obligatory nature of judgements of courts of foreign countries, of international courts and arbitration courts on the territory of the Russian Federation is established in the international treaties of the Russian Federation.

#### Article 7. Equality of All before the Law and the Court

1. All are equal before the law and the court.

2. Courts do not give preference to any bodies, persons or parties participating in the proceedings based on their state, social or political affiliation, sex, race, nationality, language or based on their origin, property or official status, place of residence, place of birth, attitude to religion, convictions, membership in public associations or based on any other grounds not stipulated in federal law.

#### Article 8. Participation of Citizens in the Administration of Justice

1. Citizens of the Russian Federation have the right to participate in the administration of justice in the manner stipulated in federal law.

2. The participation of jurors and commercial court assessors in the administration of justice is a civic duty.

3. Requirements to citizens participating in the administration of justice are stipulated in federal law.
4. Remuneration is paid to jurors and commercial court assessors out of the federal budget for the time of their participation in the administration of justice.

#### Article 9. Publicity in the Activities of Courts

Consideration of cases in all courts is open. Consideration of cases *in camera* is allowed where so stipulated in federal law.

#### Article 10. Language of Proceedings and Records Management in Courts

1. The proceedings and the records management in the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, in commercial courts, military courts are conducted in the Russian language – the state language of the Russian Federation.
2. Proceedings and record management may be conducted by justices of the peace and in other courts of constituent entities of the Russian Federation in the Russian language or in the state language of a republic, on the territory of which a court is located.
3. The right to speak in court and give explanations in one's native language or language of choice, as well as to use the services of an interpreter is guaranteed to persons participating in the case, who do not speak the language of proceedings.

### **Chapter 2. Basic Principles of the Status of Judges**

#### Article 11. Judges

1. Judges are persons vested, in accordance with the Constitution of the Russian Federation and this Federal Constitutional Law, with the powers to administer justice, who carry out their duties on a professional basis.
2. A retired judge with a length of service as judge over 10 years is called honourable judge. An honourable judge may be drawn to the administration of justice as a judge in the manner stipulated in federal law.
3. Judges are provided with material and social welfare support, corresponding to their high status, at the expense of the state. The monthly monetary remuneration and the quarterly monetary reward of a judge cannot be diminished during his whole term of office.

#### Article 12. Unity of Status of Judges

All judges in the Russian Federation have a single status and differ from one another only by their powers and their competence. Features of legal status of certain categories of judges are established in federal laws, and where stipulated in federal laws – also in the laws of constituent entities of the Russian Federation.

#### Article 13. Vesting with Judicial Powers

1. The President of the Constitutional Court of the Russian Federation, his deputy, other judges of the Constitutional Court of the Russian Federation is vested with powers in accordance with Federal Constitutional Law "On the Constitutional Court of the Russian Federation".
2. The Chief Justice of the Supreme Court of the Russian Federation, his deputies, other judges of the Supreme Court of the Russian Federation, presidents, deputy presidents, other judges of supreme courts of republics, of courts of regions, territories, federal cities, of a court of an autonomous region, courts of autonomous circuits, of district courts, military and specialised courts, commercial courts of circuits, appellate commercial courts, commercial courts of constituent entities of the Russian Federation and specialised commercial courts are vested with powers in accordance with the corresponding federal constitutional law and the federal law on the status of judges.
3. Presidents and deputy presidents of courts, referred to in Part 2 of this Article, are appointed for six-year terms. A person may be appointed to the position of a president (deputy president) of one

and the same court multiple times, but not more than two times in a row, unless otherwise stipulated in the corresponding federal constitutional law.

4. Justices of the peace, as well as presidents, deputy presidents, other judges of constitutional (charter) courts of constituent entities of the Russian Federation are vested with powers in accordance with federal laws and laws of constituent entities of the Russian Federation.

5. Candidates are selected to the positions of judges on a competition basis.

#### Article 14. Term of Office of Judges of Federal Courts

The powers of judges of federal courts are not limited by a definite term, unless otherwise stipulated in the Constitution of the Russian Federation, in a federal constitutional law or in the federal law on the status of judges, adopted in accordance with them. The age limit for a judge of a federal court is 70 years, unless otherwise stipulated in the corresponding federal constitutional law.

#### Article 15. Irremovability of Judges

1. A judge is irremovable. A judge cannot be appointed (elected) to a different position or to a different court without his consent.

2. The powers of a judge are terminated or suspended by virtue of a decision of the corresponding qualification board of judges, except when such powers are terminated due to the end of their term or when a judge reaches the age limit. The decision of the corresponding qualification board of judges regarding early termination of powers of judge for commission of a disciplinary offence may be appealed against before the Supreme Court of the Russian Federation.

#### Article 16. Immunity of Judges

A judge is immune. The guarantees of the immunity of judges are stipulated in federal law.

### **Chapter 3. Courts**

#### Article 17. Establishment and Disestablishment of Courts

1. The Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, established in accordance with the Constitution of the Russian Federation, may only be disestablished by amendments to the Constitution of the Russian Federation. Other federal courts are established and disestablished only by virtue of federal law.

2. Positions of justices of the peace and constitutional (charter) courts of constituent entities of the Russian Federation are established and disestablished by virtue of laws of constituent entities of the Russian Federation.

3. No court may be disestablished, unless the issues of administration of justice within its jurisdiction are simultaneously transferred to the jurisdiction of another court.

#### Article 18. Constitutional Court of the Russian Federation

1. The Constitutional Court of the Russian Federation is a judicial body of constitutional control, exercising judicial power autonomously and independently through constitutional judicial proceedings.

2. The powers, manner of establishment and activities of the Constitutional Court of the Russian Federation are stipulated in a federal constitutional law.

#### Article 19. Supreme Court of the Russian Federation

1. The Supreme Court of the Russian Federation is the highest judicial body in civil cases, economic disputes, criminal, administrative and other cases within the jurisdiction of courts established in accordance with this Federal Constitutional Law.

2. Using the procedural forms stipulated in federal law, the Supreme Court of the Russian Federation exercises judicial supervision over the activities of courts established in accordance with this Federal

Constitutional Law by considering civil cases, economic disputes, criminal, administrative and other cases within the jurisdiction of the aforementioned courts, as a court of supervision and also, within the framework of its competence, as a court of appeal and a court of cassation.

3. The Supreme Court of the Russian Federation considers cases within its jurisdiction as a court of first instance and also based on new or newly discovered facts.

4. In order to ensure the uniform application of legislation of the Russian Federation, the Supreme Court of the Russian Federation gives the courts clarifications on issues of judicial practice.

5. The powers, manner of establishment and activities of the Supreme Court of the Russian Federation are stipulated in the federal constitutional law on the Supreme Court of the Russian Federation.

Article 20. The Supreme Court of a Republic, the Court of a Territory (Region), Federal City, Autonomous Region, Autonomous Circuit

1. Within the framework of its competence, the supreme court of a republic, the court of a territory (region), federal city, autonomous region, autonomous circuit considers cases as a court of first or second instance, as a court of supervision or based on new or newly discovered facts.

2. The courts referred to in Part 1 of this Article are directly the higher judicial bodies as regards district courts, acting on the territories of the corresponding constituent entities of the Russian Federation.

3. The powers, manner of establishment and activities of courts referred to in Part 1 of this Article are stipulated in federal constitutional law.

Article 21. District Court

1. Within the framework of its competence, a district court considers cases as a court of first or second instance and exercises other powers stipulated in federal constitutional law.

2. A district court is directly the higher judicial body as regards justices of the peace, acting on the territory of the corresponding judicial district.

3. The powers, manner of establishment and activities of a district court are stipulated in federal constitutional law.

Article 22. Military courts

1. Military courts are created based on the territorial principle at the places of stationing of military forces and fleets and exercise judicial power in military forces, bodies and formations, in which federal law stipulated military service.

2. Within the framework of their competence, military courts consider cases as courts of first or second instance, as courts of supervision or based on new or newly discovered facts.

3. The powers, manner of establishment and activities of military courts are stipulated in federal constitutional law.

Article 23. *Abrogated*

Article 24. Commercial Court of a Circuit

1. In accordance with federal law, a commercial court of a circuit (a cassational commercial court) considers cases as a court of first instance, as a court of cassation or based on new or newly discovered facts.

2. A commercial court of a circuit is the higher judicial body as regards the appellate commercial courts and commercial courts of constituent entities of the Russian Federation, acting on the territory of the corresponding judicial circuit, unless otherwise stipulated in federal constitutional law.

3. The powers, manner of establishment and activities of a commercial court of a circuit are stipulated in federal constitutional law.

Article 24.1. Appellate Commercial Court

1. Within the framework of its competence, an appellate commercial court considers cases as a court of appeal or based on new or newly discovered facts.
2. The powers, manner of establishment and activities of an appellate commercial court are stipulated in federal constitutional law.

#### Article 25. Commercial Court of a Constituent Entity of the Russian Federation

1. Within the framework of its competence, a constituent entity of the Russian Federation considers cases as a court of first instance or based on new or newly discovered facts.
2. The powers, manner of establishment and activities of a commercial court of a constituent entity of the Russian Federation are stipulated in federal constitutional law.

#### Article 26. Specialised Federal Courts

1. Specialised federal courts created for the consideration of civil and administrative cases within the jurisdiction of courts of general jurisdiction, as well as of economic disputes and other cases considered by commercial courts are established by virtue of amendments and additions to this Federal Constitutional Law.
2. The powers, manner of establishment and activities of specialised federal courts are stipulated in federal constitutional law.

#### Article 26.1. Intellectual Property Rights Court

The Intellectual Property Rights Court is a specialised commercial court that considers, within the framework of its competence, cases on disputes pertaining to the protection of intellectual property rights as a court of first instance and as a court of cassation.

#### Article 27. Constitutional (Charter) Court of a Constituent Entity of the Russian Federation

1. A constitutional (charter) court of a constituent entity of the Russian Federation may be created by a constituent entity of the Russian Federation for consideration of issues of compliance of the laws of a constituent entity of the Russian Federation, of normative legal acts of public authorities of a constituent entity of the Russian Federation, of local self-government bodies of a constituent entity of the Russian Federation with the constitution (charter) of a constituent entity of the Russian Federation, as well as for the purposes of interpretation of the constitution (charter) of that constituent entity of the Russian Federation.
2. The constitutional (charter) court of a constituent entity of the Russian Federation is financed out of the budget of the corresponding constituent entity of the Russian Federation.
3. The constitutional (charter) court of a constituent entity of the Russian Federation considers issues within its competence in the manner stipulated in the law of the constituent entity of the Russian Federation.
4. A decision of a constitutional (charter) court of a constituent entity of the Russian Federation, adopted within the framework of its competence, cannot be reviewed by a different court.

#### Article 28. Justice of the Peace

1. Within the framework of his competence, a justice of the peace considers civil, administrative and criminal cases as a court of first instance.
2. The powers and manner of activities of a justice of the peace are stipulated in federal law and in the laws of constituent entities of the Russian Federation.

### **Chapter 4. Closing Provisions**

#### Article 29. Bodies of the Judiciary

1. Bodies of the judiciary are formed in the manner stipulated in federal law in order to represent the interests of judges as holders of judicial power.
2. The superior body of the judiciary is the All-Russia Congress of Judges, which forms the Council of Judges of the Russian Federation and the High Qualification Board of Judges of the Russian Federation.
3. The competence and the manner of establishment of bodies of the judiciary are stipulated in federal law.

#### Article 30. Support of Activities of Courts

1. The activities of the Constitutional Court of the Russian Federation and of the Supreme Court of the Russian Federation are supported by the staff of those courts.
2. The activities of other courts established in accordance with this Federal Constitutional Law are supported by the Judicial Department at the Supreme Court of the Russian Federation.
3. *Abrogated*

#### Article 31. Judicial Department at the Supreme Court of the Russian Federation

1. The Judicial Department at the Supreme Court of the Russian Federation and bodies that are parts of its system provide organisational support to the courts established in accordance with this Federal Constitutional Law and to bodies of the judiciary, put the necessary resources at their disposal.
2. The head of the Judicial Department at the Supreme Court of the Russian Federation is appointed and removed by the Chief Justice of the Supreme Court of the Russian Federation with consent of the Council of Judges of the Russian Federation.
3. Staff members of the Judicial Department at the Supreme Court of the Russian Federation are state servants. Class ranks and other special ranks are conferred upon them.
4. The Judicial Department at the Supreme Court of the Russian Federation is a legal person.
5. The structure, powers and manner of activities of the Judicial Department at the Supreme Court of the Russian Federation and of bodies that are parts of its system are stipulated in federal law.

#### Article 32. Court Staff

1. The court staff supports the work of the court and is subordinate to the president of the corresponding court.
2. Members of the court staff are state servants. Class ranks and other special ranks are conferred upon them.

#### Article 33. Financing of Courts

1. Financing of courts must ensure the possibility of full and independent administration of justice in accordance with federal law.
2. The financing of the Constitutional Court of the Russian Federation, of the Supreme Court of the Russian Federation, of courts of general jurisdiction, of commercial courts and justices of the peace is performed on the basis of norms stipulated in federal law and is indicated in separate lines in the federal budget.
3. The Government of the Russian Federation elaborates the draft federal budget in the part regarding the financing of courts in cooperation with the President of the Constitutional Court of the Russian Federation, the Chief Justice of the Supreme Court of the Russian Federation, the head of the Judicial Department at the Supreme Court of the Russian Federation and with the Council of Judges of the Russian Federation. If there is disagreement, the Government of the Russian Federation attaches the suggestions of the corresponding courts, of the Judicial Department at the Supreme Court of the Russian Federation and of the Council of Judges of the Russian Federation to the draft federal budget, together with its own conclusion.
4. Representatives of the Constitutional Court of the Russian Federation, of the Supreme Court of the Russian Federation of the Council of Judges of the Russian Federation, the head of the Judicial Department at the Supreme Court of the Russian Federation may participate in the discussion of the federal budget in the Federal Assembly of the Russian Federation.

5. The amount of budgetary funds, allocated for the financing of courts in the current financial year or subject to allocation for the next financial year, may only be diminished with the consent of the All-Russia Congress of Judges or of the Council of Judges of the Russian Federation.

#### Article 34. Symbols of State Power in Courts

1. The State Flag of the Russian Federation is displayed over court buildings; the State Flag of the Russian Federation and the image of the State Coat of Arms of the Russian Federation are placed in courtrooms. The flag of a constituent entity of the Russian Federation may also be displayed over a court building; the flag and the image of the coat of arms of the constituent entity of the Russian Federation may be placed in a courtroom.

2. During the administration of justice judges wear gowns or have a different distinguishing mark of their position.

### **Chapter 5. Enactment of this Federal Constitutional Law**

#### Article 35. Term of Enactment of this Federal Constitutional Law

1. This Federal Constitutional Law is enacted from 1 January 1997.

2. The Law of the RSFSR "On the Judiciary in the RSFSR" of 8 July 1981 with later amendments and additions is applied in the part that does not contradict this Federal Constitutional Law.

3. The regulations on military tribunals, as amended by the Law of the USSR of 25 June 1980 are applied in the part that does not contradict this Federal Constitutional Law.

4. Part 2 of Article 33 of this Federal Constitutional Law as regards the financing of courts based on norms is enacted from the day the corresponding federal law enters into force.

5. Until the federal constitutional law on military courts enters into force, the financing and material and technical support of military courts is performed in the manner stipulated in Federal Law "On Certain Issues of Organisation and Activities of Military Courts and Bodies of Military Justice".

#### Article 36. Features of Judicial Proceedings in Courts of General Jurisdiction after the Enactment of This Federal Constitutional Law

1. District (city) courts formed before the enactment of this Federal Constitutional Law are considered district courts.

2. Courts that consider cases in appeal or cassation are considered as higher courts regarding the courts of first instance. Courts that consider cases in supervision are considered as higher courts regarding the courts that earlier adopted decisions in the case.

3. The enactment of this Federal Constitutional Law does not entail any changed in the composition of courts in earlier initiated cases.

#### Article 37. Terms of Office of Judges and Commercial Court Assessors

With the enactment of this Federal Constitutional Law, judges of all courts of the Russian Federation, as well as commercial court assessors preserve their powers until the expiration of terms for which they were elected (appointed).

#### Article 38. Financing of Measures Aimed at Judicial Reform

1. The expenses incurred by measures aimed at judicial reform are indicated in a separate line in the federal budget.

2. From 1 January 1997, the workforce of structural units of the Ministry of Justice of the Russian Federation, proportionate to the volume of their work pertaining to the financing and support of the courts, except for military courts, is transferred to the Judicial Department at the Supreme Court of the Russian Federation. At the same time, financing is opened for the Judicial Department at the Supreme Court of the Russian Federation directly from the federal budget in the volume of funds that



become available as a result of the downsizing of the corresponding units of the Ministry of Justice of the Russian Federation.

President of the Russian Federation  
Boris Yeltsin

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