

CHANGES IN THE REGULATORY BASE OF RUSSIA'S BUDGETARY PROCESS IN FEBRUARY 2015

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In February 2015, the Constitutional Court of the Russian Federation approved a judicial act specifying the obligations of the federal budget in the sphere of guarantees of social protection of law-enforcement officers.

By the Resolution on the Case over Testing of Constitutionality of Article 43 (6) of the Federal Law on Police due to complaint No.1-P of 10 February 2015 of individual P.F. Yukhimenko, the Constitutional Court of the Russian Federation has recognized as illegal the refusal to pay out monthly compensations to law-enforcement officers who became disabled as a result of a military injury and were granted long-service pensions.

The Constitutional Court of the Russian Federation recognized as unconstitutional the provisions of the Federal Law on Police to the extent they serve as grounds for refusal in provision of monthly monetary compensation which is paid out in accordance with the above law to law-enforcement officers who were disabled a result of a military injury and were granted a long-service pension. Decision of the Constitutional Court of the Russian Federation recognizes as illegal the norm of Article 43 (6) of the Federal Law on Police under which the amount of the monthly cash compensation as of the day of discharge from the police is reduced by the amount of the disability pension granted.

In justifying its decision, the Constitutional Court of the Russian Federation referring to the instance that law-enforcement officers are obligated in accordance with their duties to fulfill tasks in any conditions, including those related to high risks to their life and health, the state proceeding from a number of provisions of the Constitution of the Russian Federation which determine the rights and freedoms of individuals and citizens is obligated in its turn to guarantee

those persons material support and compensation if injury was caused to their life and health during the period of their service.

Also, the Constitutional Court of the Russian Federation referred to the test case reflected in Resolution No. 13-P of 15 July 2009 where the Constitutional Court of the Russian Federation recognized as unconstitutional the norm – which is similar to that of Article 43 (6) of the Federal Law on Police – of the Federal Law on Militia which has already become null and void to the extent that that norm (Article 29 (4) of the Law on Militia) permitted the internal affairs authorities to deny payment to law-enforcement officers of a monthly cash compensation in reimbursement of such a damage caused by injury or other harm to their health in connection with fulfillment by those officers of their duties as makes it impossible for them to continue their service in case of absence of guilty and illegal actions by internal affairs agencies, other state authorities and their functionaries.

In the decision of 2003 of the Constitutional Court of the Russian Federation, the attention was paid to the following constitutional legal interpretation of the provisions of the Constitution of the Russian Federation on individuals' rights and freedoms as regards law-enforcement officers: the state is to guarantee law-enforcement officers indemnification of the damage caused to their health in connection with fulfillment by them of their duties in the volume which permits to compensate as much as possible the consequences of a change in their material and (or) social status. ●