

### **LIMITATION PERIODS FOR BRINGING A JUDGE TO DISCIPLINARY RESPONSIBILITY: LEGISLATIVE AND LAW ENFORCEMENT PROBLEMS**

**Anna V. Nikitina**

*Far Eastern Branch of the Russian State University of Justice, Khabarovsk, Russia*

**Article info**

Received –

2024 August 30

Accepted –

2025 March 20

Available online –

2025 June 20

**Keywords**

Disciplinary responsibility,  
disciplinary punishment, Law on  
the status of judges, constitutional  
and legal responsibility,  
independence of judges,  
inviolability of judges, exemption  
from liability, statute of  
limitations, judge status, legal  
responsibility

The subject. The existence of limitation periods for bringing to any type of legal liability is intended to ensure legal certainty and stability of legal relations, aimed at protecting a person from the threat of being subject to adverse consequences for an unreasonably long time.

The purpose of the study is to analyze the provisions of the Law of the Russian Federation “On the Status of Judges in the Russian Federation” establishing limitation periods for bringing a judge to disciplinary responsibility, and the practice of their application by the Supreme Court of the Russian Federation and qualification boards of judges. Objective of the study is to identify legislative and law enforcement defects of the institute of statutes of limitations for bringing judges to disciplinary responsibility; to formulate proposals aimed at solving these problems.

Methodology. General scientific methods of analysis, synthesis, induction, deduction and specific scientific methods – logical, comparative and systemic were used. The achievement of the set objectives was facilitated by the use of special legal methods – the formal-legal method and the method of legal modeling.

Main results. Statutory limitation periods for bringing a judge to disciplinary responsibility are also an additional guarantee of ensuring their immunity and independence. The lack of uniform law enforcement practice on the issue of calculating these periods and legislatively defined legal consequences of their expiration in the form of termination of disciplinary proceedings, non-application of limitation periods in case of early termination of powers of judges for violation of anti-corruption restrictions, prohibitions and requirements that are not recognized as disciplinary offenses, do not contribute to the implementation of the purpose of the institute of limitation periods in disciplinary proceedings.

Conclusions include the author's proposals for amendments and additions to the Law of the Russian Federation “On the Status of Judges in the Russian Federation” and the Resolution of the Plenum of the Supreme Court of the Russian Federation “On the judicial practice of applying legislation regulating issues of disciplinary responsibility of judges”, the implementation of which will ensure the fairness and predictability of decisions on the disciplinary responsibility of judges, which will ultimately guarantee their independence.

## 1. Introduction.

The institution of exemption from legal liability due to the expiration of the statute of limitations has an intersectoral character; it is known to almost all branches of Russian law, which have protective norms in their arsenal [1, 2], being, however, the most developed in criminal and administrative law [for example.: 3, 4, 5, 6, 7, 8, 9, 10]. The scientific literature notes that "with the help of this institution, the law exempts a participant in legal relations from responsibility or duty, limiting the period of uncertainty to a reasonable period ..., which ultimately guarantees respect for the constitutional rights and freedoms of man and citizen, the interests of the state, as well as the rational organization of law enforcement activities" [11, pp. 36-37]. The existence of limitation periods is designed to ensure legal certainty and stability of legal relations, and to a certain extent is aimed at individualizing and humanizing legal responsibility.

The statutory limitation periods acquire special importance in the case of bringing to justice judges as officials endowed with a special legal status, being an additional guarantee of their inviolability and independence [12, pp. 42-43; 13, p. 168; 14, p. 100].

**2. The problems of applying the statute of limitations for bringing a judge to disciplinary responsibility.** The expiration of certain time limits established by law precludes the application of disciplinary action not only to "ordinary" employees, but also to government civil servants<sup>1</sup>, military personnel<sup>2</sup>, employees of the investigative committee<sup>3</sup>, the prosecutor's office<sup>4</sup>, internal

affairs bodies<sup>5</sup>, and other persons holding positions of state and municipal service. In a similar vein, the Law of the Russian Federation "On the Status of Judges in the Russian Federation" (hereinafter referred to as the Law on the Status of Judges) resolves this issue, paragraph 6 of Article 12.1 of which provides that "a decision to impose disciplinary action on a judge may not be taken after six months from the date of detection of disciplinary misconduct, except for a period of temporary the judge's disability, his being on vacation and the time of the official inspection, and after two years from the date of the commission of the disciplinary offense"<sup>6</sup>.

It would seem that this rule of law has the quality of legal certainty and should not cause problems in the law enforcement process. However, in the practice of judicial qualification boards and courts dealing with administrative cases challenging decisions, actions (inaction) of judicial qualification boards, difficulties often arise due to its interpretation and application.

The first problem is related to the calculation of the specified time limits, in particular, with the determination of the date from which the six-month period specified in paragraph 6 of article 12.1 of the Law on the Status of Judges begins to flow. According to the explanation given in paragraph 9 of the Resolution of the Plenum of the Supreme Court of the Russian Federation dated 14.04.2016. No. 13 "On judicial practice of applying legislation regulating issues of disciplinary responsibility of judges", "the day of detection of a disciplinary offense, from which the six-month period begins, is the day when the

<sup>1</sup> Federal Law No. 79-FZ of 27.07.2004 (as amended on 14.02.2024) "On the State Civil Service of the Russian Federation"./ Collection of Legislation of the Russian Federation. 2004. No. 31. Art. 3215.

<sup>2</sup> Federal Law No. 76-FZ dated 27.05.1998 (as amended on 26.02.2024) "On the status of military personnel". Collection of Legislation of the Russian Federation. 1998. No. 22. Art. 2331.

<sup>3</sup> Federal Law No. 403-FZ dated 28.12.2010 (as amended on 12.12.2023) "On the Investigative Committee of the Russian Federation". Collection of Legislation of the Russian Federation. 2011. No. 1. Art. 15.

<sup>4</sup> Federal Law No. 2202-1 of 17.01.1992 (as amended on

25.12.2023) "On the Prosecutor's Office of the Russian Federation". Collection of Legislation of the Russian Federation. 1995. No. 47. Art. 4472.

<sup>5</sup> Federal Law No. 342-FZ of 30.11.2011 (as amended on 26.02.2024) "On Service in the Internal Affairs Bodies of the Russian Federation and Amendments to Certain Legislative Acts of the Russian Federation". Collection of Legislation of the Russian Federation. 2011. No. 49 (part 1). Art. 7020.

<sup>6</sup> The Law of the Russian Federation of 26.06.1992 № 3132-1 (as amended dated 11/27/2023) "On the status of judges in the Russian Federation". Bulletin of the Assembly of People's Deputies and the Supreme Council of the Russian Federation. 1992. № 30. Art. 1792.

chairman of the relevant or higher court, the body of the judicial community authorized to submit, respectively, a submission, appeal and conclusion on bringing a judge to disciplinary responsibility, became it is known that the judge committed a disciplinary offense"<sup>7</sup>.

This interpretation corresponded to the content of part 1 of Article 22 of the Federal Law "On Bodies of the Judicial Community in the Russian Federation" (hereinafter referred to as the Law on Bodies of the Judicial Community), as amended until July 29, 2018, according to which the chairman of the relevant or higher court had the right to initiate disciplinary proceedings against a judge before the qualification board of judges or a body of the judicial community (for example, the Council of Judges of the Russian Federation or the Council of Judges of a constituent entity of the Russian Federation). The current version of this article does not empower court chairmen to apply to the judicial qualification board with a proposal to bring a judge to disciplinary responsibility<sup>8</sup>.

At the same time, it is often the chairman of the court, as an official with organizational and administrative powers in relation to judges, who has the initial information about the commission of a disciplinary offense by a judge and initiates an internal audit before the relevant council of judges. Therefore, in such cases, participants in disciplinary proceedings (primarily the judge being held accountable and his representative), relying on the explanations given in paragraph 9 of the Resolution of the Plenum of the Supreme Court of the Russian Federation dated 14.04.2016. No. 13, it is mistakenly believed that the statute of limitations begins to flow from the moment when the chairman of the court found out about the commission of a disciplinary offense. In this regard, the Supreme Court of the Russian Federation, in its

decisions and rulings on cases of bringing judges to disciplinary responsibility, actually has to provide arguments about the reason why the provisions of the Resolution of the Plenum of the Supreme Court of the Russian Federation, which are mandatory for it, are not applicable.

Thus, when considering an administrative case on the complaint of a district court judge V.S.Yu. against the decision of the Qualification Board of Judges of the Primorsky Territory on the early termination of her powers, the appeals board of the Supreme Court of the Russian Federation rejected as erroneous the arguments of the administrative plaintiff and her representatives that the decision of the qualification board of judges was taken outside the statute of limitations. The judge was disciplined for the fact of non-procedural communication with a lawyer in a criminal case, who persuaded her to accept a bribe. Having rejected the proposal, the judge, nevertheless, did not take measures to resolve the conflict of interests, and did not notify the authorized authorities about inducing her to commit a corruption offense. According to the administrative plaintiff, the chairman of the Primorsky Regional Court became aware of the fact of her non-procedural communication with a lawyer on July 3, 2020, when this court considered the investigator's request for investigative actions against Judge V.S.Yu. in a criminal case initiated against a lawyer, whereas the decision of the qualification board was made on February 25, 2021, that is, outside the six-month period from the date of the disciplinary misconduct. Since the disciplinary proceedings were initiated by the head of the investigative department of the Investigative Committee of the Russian Federation for the Primorsky Territory, who sent an appeal directly to the qualification board of judges, the appeals board of the Supreme Court of the Russian Federation concluded that February 10, 2021, should be considered the day of detection of disciplinary misconduct, when the commission formed by the KKS of the Primorsky Territory drew up a conclusion on the presence of judges V.S.Yu. signs of disciplinary misconduct, referring to Part 1 of art. 22 of the Law on Bodies of the Judicial Community, which, in its current version, does not grant court chairmen the right to apply to the Judicial Qualification Board with

<sup>7</sup> Resolution of the Plenum of the Supreme Court of the Russian Federation dated 14.04.2016 No. 13 "On judicial practice of applying legislation regulating the disciplinary responsibility of judges". Bulletin of the Supreme Court of the Russian Federation. 2016. No. 6.

<sup>8</sup> Federal Law No. 30-FZ of 14.03.2002 (as amended on 08.12.2020) "On the bodies of the Judicial Community in the Russian Federation". Collection of Legislation of the Russian Federation. 2002. No. 11. Art. 1022.

an initiative to terminate a judge's powers prematurely in connection with a disciplinary offense<sup>9</sup>.

Thus, practice shows that there is a need to bring paragraph 9 of the Resolution of the Plenum of the Supreme Court of the Russian Federation dated 14.04.2016 No. 13 "On judicial practice of applying legislation regulating the disciplinary responsibility of judges" in line with the current wording of Part 1 of Article 22 of the Law on Judicial Community Bodies.

In addition, the Plenum of the Supreme Court of the Russian Federation does not clarify which legal fact should be attributed to the notification of the judicial community body about the commission of a disciplinary offense by a judge. In the practice of judicial qualification boards, it is common to consider the date on which the disciplinary commission of the Council of Judges draws up an opinion on the presence of signs of disciplinary misconduct in the actions of a judge as the day on which disciplinary misconduct is detected<sup>10</sup>. The Supreme Court of the Russian Federation adheres to a similar position in most of the reviewed cases, as demonstrated by the above example<sup>11</sup>.

However, in some cases, the highest court takes a different position, shifting the specified period to a later or earlier date. For example, in the Decision of the Disciplinary Board of the Supreme

Court of the Russian Federation dated 25.05.2023, No. DK23-43, it is stated that the day of detection of violations considered by the Higher Qualification Board of Judges of the Russian Federation as a disciplinary offense should be considered the day the Presidium of the Council of Judges of the Russian Federation issued a resolution dated 28.11.2022 on appeal to the Higher Qualification Board of Judges of the Russian Federation. This appeal was preceded by an audit conducted by the disciplinary commission of the Council of Judges of the Russian Federation from 21.12.2022 to 20.01.2023<sup>12</sup>. A similar opinion was expressed by the Supreme Court of the Russian Federation in the case of termination of the resignation of a judge of the Tenth Arbitration Court of Appeal H.E.G.<sup>13</sup> Recall that the Presidium of the Council of Judges issues a resolution on applying to the qualification board of Judges with an initiative to initiate disciplinary proceedings, based on the results of the audit conducted by the disciplinary commission of the Council of Judges and reflected in its conclusion.

In some rare cases, the Supreme Court of the Russian Federation links the beginning of the statute of limitations with the date on which the Council of Judges receives information from other bodies or officials about the alleged commission of a disciplinary offense by a judge. Thus, in one of the decisions, the Disciplinary Board of the Supreme Court of the Russian Federation noted that "the deadline for bringing a judge to disciplinary responsibility has not expired, since the body of the judicial community became aware of the commission of a disciplinary offense... on the day of receipt of information from the Investigative Department of the Investigative Committee of Russia for the Pskov region"<sup>14</sup>. The appeal ruling in another case states:

<sup>9</sup> Appellate ruling of the Supreme Court of the Russian Federation dated 17.01.2021 no. APL21-6D. The document has not been published. Legal reference system "ConsultantPlus: Judicial practice".

<sup>10</sup> See, for example, the Decision of the Higher Qualification Board of Judges of the Russian Federation dated 23.09.2021. Bulletin of the Higher Qualification Board of Judges of the Russian Federation. 2022. No. 3. pp. 24-27.

<sup>11</sup> Appellate ruling of the Supreme Court of the Russian Federation dated 17.06.2021 № APL21-6D; Appellate ruling of the Appellate Board of the Supreme Court of the Russian Federation dated 08.08.2023 № APL23-7D; Appellate ruling of the Appellate Board of the Supreme Court of the Russian Federation dated 21.12.2023 № APL23-15D; Appellate ruling of the Appellate Board of the Supreme Court of the Russian Federation dated 27.06.2024 № APL24-7D. The documents have not been published. Legal reference system "ConsultantPlus: Judicial practice".

<sup>12</sup> The decision of the Disciplinary Board of the Supreme Court of the Russian Federation dated 25.05.2023 № DC 23-43. The document has not been published. Legal reference system "ConsultantPlus: Judicial practice".

<sup>13</sup> Appellate ruling of the Appellate Board of the Supreme Court of the Russian Federation dated 25.07.2023 № AKPI23-581. The document has not been published. Legal reference system "ConsultantPlus: Judicial practice".

<sup>14</sup> The decision of the Disciplinary Board of the Supreme Court of the Russian Federation dated 21.02.2023 in case no. DG23-9. The document was not published. Legal reference system "ConsultantPlus: Judicial practice".

"It is clear from the materials of the disciplinary proceedings that the violations committed by the judge were reported to the Council of Judges of the Rostov region... It became known on July 12, 2023, from the appeal of the head of the Federal Security Service for the Rostov region, and on July 17, 2023, following an audit conducted by him (i.e., the Council of Judges - approx. an appeal has been submitted to the Qualification Board of Judges of the Rostov region on bringing the judge, chairman of the court B.G.G. to disciplinary responsibility"<sup>15</sup>.

As we can see, the practice of the Supreme Court of the Russian Federation on the issue of the beginning of the limitation period for bringing judges to disciplinary responsibility is not uniform, violating the principle of legal certainty. In this regard, we believe that the Resolution of the Plenum of the Supreme Court should reflect the question of when the body of the judicial community is considered to have been informed of the fact that a judge has committed a disciplinary offense. In our opinion, of the three positions of the Supreme Court of the Russian Federation presented above, the third is the most logical and meets the requirements of the law – that the body of the judicial community becomes aware of the fact of a committed disciplinary offense on the day an official, public authority, citizen or legal entity addresses it with relevant information. Conducting an internal audit can confirm or deny this fact. In the event that the fact of committing a disciplinary offense was confirmed as a result of an internal audit, the time of its conduct is excluded from the six-month period in accordance with paragraph 6 of Article 12.1 of the Law on the Status of Judges.

Another significant law enforcement problem related to the passage of the statute of limitations is caused by the fact that the laws on the status of judges and on the bodies of the judicial community, in the Regulation on the Procedure for the Work of Qualification boards of Judges<sup>16</sup>, there are no legal norms defining what

decision should be taken by the qualification board of judges if disciplinary proceedings are initiated, and the deadline for bringing a judge to disciplinary the period of responsibility has expired. The only thing that is specified in paragraph 7 of art. 28 of the Regulation on the procedure for the work of the qualification Boards of Judges, this means that in the event of the expiration of the statute of limitations, a decision cannot be taken to impose disciplinary action on a judge. Clarifications on this issue are given in the Decision of the Higher Qualification Board of Judges of the Russian Federation dated 17.09.2015, which, in particular, states that "the expiration of the term for bringing a judge to disciplinary responsibility is not a reason for termination of disciplinary proceedings. If the qualification board of judges concludes that the fact that a judge has committed a disciplinary offense has been established, but the time limit for bringing a judge to disciplinary responsibility has expired, ... in the operative part of the decision, the qualification board of judges, recognizing the commission of a disciplinary offense by a judge, indicates that disciplinary action is not imposed on the judge due to the expiration of the time limit for disciplinary responsibility"<sup>17</sup>.

In our opinion, such an approach does not correspond to the essence of the institution of exemption from liability due to the expiration of the statute of limitations. A decision of this kind, adopted by the qualification board of judges, does release a judge from disciplinary action, but does not exclude other adverse consequences for him, similar to the consequences of bringing to disciplinary responsibility. In particular, a judge who has such a decision in his "track record" may not pass the qualification certification and not receive the next qualification class, and a judge applying for a judicial position in another court may be denied

<sup>15</sup> Appellate ruling of the Appellate Board of the Supreme Court of the Russian Federation dated 28.05.2024 № APL24-5D. The document was not published. Legal reference system "ConsultantPlus: Judicial practice".

<sup>16</sup> Regulation on the working procedure of the qualification boards of judges: approved The Higher

Qualification Board of Judges of the Russian Federation on 22.03.2007 (as amended on 21.11.2023). The document was not published in this form. Legal reference system "ConsultantPlus: legislation".

<sup>17</sup> The Decision of the Higher Qualification Board of Judges of the Russian Federation dated 17.09.2015 "Answers to colleagues' questions". Bulletin of the Higher Qualification Board of Judges of the Russian Federation. 2015. № 4 (46).

appointment to a position on the grounds of a previously committed disciplinary offense. This approach also does not correspond to the legal position of the Constitutional Court of the Russian Federation, according to which "the basis for setting the limitation period for bringing to responsibility is the provision that no one can be put at risk of possible encumbrance for an indefinite or too long period". In this regard, the approach seems more correct, in which the expiration of the limitation period for bringing a judge to disciplinary responsibility should entail the exclusion of disciplinary proceedings, if they have not yet been initiated, and the termination of disciplinary proceedings that have already begun<sup>18</sup>.

**3. Defects in legal regulation.** The difficulties of applying legal norms on the limitation period in disciplinary proceedings are caused, among other things, by certain defects in legal regulation. The fact is that article 14 of the Law on the Status of Judges provides that early termination of a judge's powers may be applied not only for committing disciplinary misconduct, but also for a number of other violations related to non-compliance with restrictions and prohibitions established by anti-corruption legislation, for example, for violation by a judge or his spouse and minor children are prohibited from having deposits and accounts,

storing cash and valuables in foreign banks outside the Russian Federation, own and (or) use foreign financial instruments (sub-clause 6.1, clause 1, Article 14 of the Law on the Status of Judges) and engage in activities incompatible with the position of a judge (sub-clause 7, clause 1, Article 14 of the Law on the Status of Judges) [more on this: 15]. With regard to these grounds, the position of the qualification boards of judges, supported by the Supreme Court of the Russian Federation, is that responsibility for these violations is not disciplinary, non-compliance with the prohibitions and (or) restrictions provided by law is provided as separate grounds for termination of judicial powers in accordance with subclauses 6.1 and 7, paragraphs 1, art. 14 of the Law on the Status of Judges. judges, and therefore the guarantees established by article 12.1, including the exclusion of liability due to the expiration of the statute of limitations, are not applicable.

Thus, by the decision of the Qualification board of Judges of the Komi Republic dated December 22, 2021, the powers of the judge of the city court F.I. were prematurely terminated on the basis of sub-clause 6.1, clause 1, Article 14 of the Law on the Status of Judges in connection with non-compliance with the prohibition to a judge and her close relatives to own and (or) use foreign financial instruments. Having applied to the Supreme Court of the Russian Federation with an administrative statement of claim for the cancellation of the said decision, the former judge referred to the fact that this decision was made in violation of the six-month period for bringing her to disciplinary responsibility, the measure applied to her was excessively strict and disproportionate to the violation; when making the decision, the qualification board of judges did not take into account the circumstances of the committed disciplinary misconduct, and There are also data characterizing her personality, professional activity, judicial experience and the quality of her work. The Supreme Court of the Russian Federation considered erroneous the reference of the administrative plaintiff to the provisions of Article 12.1 of the Law on the Status of Judges regulating disciplinary liability, noting that "the reason for termination of the judge's powers in this case is not the fact of disciplinary misconduct, for which a judge

<sup>18</sup> Resolution of the Constitutional Court of the Russian Federation dated 20.07.2011 No. 20-P "On the case of Checking the Constitutionality of the Provisions of Paragraph 4 of Article 93.4 of the Budget Code of the Russian Federation, Part 6 of Article 5 of the Federal Law "On Amendments to the Budget Code of the Russian Federation in Terms of Regulating the Budget Process and Bringing Certain Legislative Acts of the Russian Federation into Line with the Budget Legislation of the Russian Federation" and Article 116 of the Federal Law "On the Federal Budget for 2007" in connection with the request of the Supreme Arbitration Court of the Russian Federation" // Collection of legislation of the Russian Federation. 2011. No. 33. Art. 4948; Resolution of the Constitutional Court of the Russian Federation dated 23.09.2021 No. 41-P "In the case of checking the constitutionality of paragraph 4 of the first part of Article 135, Article 401.6 and paragraph 1 of the second part of Article 401.10 of the Criminal Procedure Code of the Russian Federation in connection with the complaint of citizen A.P. Atroschenko". Collection of Legislation of the Russian Federation. 2021. № 40. Art. 6943.

may be disciplined in the form of early termination of the judge's powers, but the revealed fact of non-compliance by the judge and her spouse of prohibitions and restrictions. This circumstance is a sanction for committing a corruption offense and an independent basis for terminating the powers of a judge"<sup>19</sup>.

This position of the Supreme Court of the Russian Federation can obviously be extended to the chairmen, deputy chairmen and judges of the Constitutional, Supreme Courts of the Russian Federation, cassation and appeal courts, for whom the grounds for early termination of powers are established by art. 14.1 of the Law on the Status of Judges on the basis of the provisions of the Constitution of the Russian Federation, which were amended in 2020 (paragraph "E.3" Articles 83 and paragraph "I" of Part 1 of Article 102 of the Constitution of the Russian Federation provided that the powers of these persons are terminated by the Federation Council on the proposal of the President of the Russian Federation)<sup>20</sup>. In addition to violating prohibitions similar to those listed above, the grounds for early termination of the powers of heads and judges of higher and middle-level courts are: committing an act discrediting the honor and dignity of a judge, non-compliance with the restrictions, prohibitions and requirements established by the Federal Law "On Combating Corruption", as well as prohibitions related to the change of citizenship of the Russian Federation or the acquisition of the right to permanent residence in a foreign country. Without dwelling in detail on the problems of the implementation of these norms, since they have already been the subject of separate scientific research [16, p. 199-205; 17, p. 48; 18, p. 21; 19, p. 227-228], we only note that neither the new provisions of the Constitution of

the Russian Federation nor the Law on the Status of Judges do not call these violations disciplinary offenses and the early termination of a judge's powers for their commission is a measure of disciplinary responsibility, which is generally logical, since such responsibility is precisely of a constitutional and legal nature [20; 21]. At the same time, accordingly, the provisions of paragraph 6 of art. 12.1 of the Law on the Status of Judges, which sets deadlines after which disciplinary action against a judge is excluded, will not be applicable to these cases. And there is no special legislation regulating in detail the mechanism for bringing senior and middle-level managers and judges to responsibility specified in the Constitution of the Russian Federation.

At the same time, the early termination of a judge's powers as an extreme, most severe measure of a judge's responsibility, depriving him of all guarantees, in the absence of legally established limitation periods, the expiration of which is a universal, characteristic of all types of grounds for exemption from legal liability [2, p. 7], cannot but cause concern, since it puts at risk The principle of inviolability is a threat, which is the most important guarantee of the independence of judges and the judiciary as a whole [22, p. 19]. N.V. Vitruk rightly noted: "by setting a certain limitation period, the legislator thereby assumes that during this period the offense has lost its public danger and (or) the offender himself does not pose a public danger; responsibility cannot haunt a person all his life. This is the social meaning of the institution of prescription in public law" [23, p. 329].

Considering cases involving the use of limitation periods, the Constitutional Court of the Russian Federation has developed legal positions that, in our opinion, equally apply to all types of legal liability: "the existence of time limits during which adverse consequences may occur for a person in relations with the state is a necessary condition for the application of these consequences"<sup>21</sup>; "when

<sup>19</sup> The Decision of the Supreme Court of the Russian Federation dated 10.03.2022 in case no. AKPI22-67. The document was not published. Legal reference system "ConsultantPlus: Judicial practice".

<sup>20</sup> The Law of the Russian Federation on the Amendment to the Constitution of the Russian Federation dated 14.03.2020 No. 1-FKZ "On Improving the regulation of Certain issues of the organization and functioning of public power". Collection of Legislation of the Russian Federation. 2020. No. 11. Art. 1416.

<sup>21</sup> Resolution of the Constitutional Court of the Russian Federation dated 20.07.2011 No. 20-P "On the case of Checking the Constitutionality of the Provisions of Paragraph 4 of Article 93.4 of the Budget Code of the Russian Federation, Part 6 of Article 5 of the Federal Law "On Amendments to the Budget Code of the Russian Federation in Terms of Regulating the Budget Process and

regulating liability issues, the legislator is bound by the requirement to maintain a balance of private and public interests and must not only create conditions to ensure the inevitability of responsibility, but also prevent perpetrators from being threatened with prosecution and punishment for an unreasonably long time"<sup>22</sup>. These positions become particularly relevant in connection with the prosecution of judges as holders of independent judicial power, whose special status is guaranteed by the Constitution of the Russian Federation.

In this regard, we believe that the statute of limitations should be established by law for the application of such measures as early termination of a judge's powers on "infringing" grounds other than disciplinary misconduct, which may be similar to those specified in paragraph 6 of Article 12.1 of the Law on the Status of Judges. Relevant amendments may be made to articles 14 and 14.1 of the Law on the Status of Judges.

#### **4. Conclusion.**

Legal certainty regarding the establishment and application of limitation periods when bringing judges to disciplinary, constitutional and other liability in the form of early termination of powers for violations that are not recognized as disciplinary offenses serves as an additional guarantee of their independence and inviolability. At the same time, the lack of uniform law enforcement practice on the calculation of these deadlines and the legally defined legal consequences of their expiration, the non-use of statute of limitations in case of early

termination of judicial powers for violations not recognized as disciplinary offenses, do not contribute to the realization of the purpose of the statute of limitations in disciplinary proceedings. To solve these problems, it is proposed:

- to supplement paragraph 6 of Article 12.1 of the Law on the Status of Judges with a provision on the termination of disciplinary proceedings in the event of the expiration of the statute of limitations for bringing a judge to disciplinary responsibility;

- to fix in articles 14 and 14.1 of the Law on the Status of Judges the limitation periods for the application of early termination of the powers of a judge on grounds related to violations of the law, but not being disciplinary offenses;

- bring paragraph 9 of the Resolution of the Plenum of the Supreme Court of the Russian Federation "On judicial practice of applying legislation Regulating the disciplinary responsibility of judges" in accordance with the provisions of Article 22 of the Law on Judicial Community Bodies regarding the list of persons who initiate disciplinary proceedings;

- in order to correctly calculate the limitation period for bringing a judge to disciplinary responsibility, include in the said Resolution an explanation that the body of the judicial community, as the initiator of disciplinary proceedings, becomes aware of the fact of a committed disciplinary offense on the day an official, public authority, citizen or legal entity addresses him with information containing information about the alleged commission by the judge disciplinary misconduct or obtaining such information in another way.

It seems that these measures will ultimately contribute to strengthening the independence of judges and the judiciary as a whole.

---

Bringing Certain Legislative Acts of the Russian Federation into Line with the Budget Legislation of the Russian Federation" and Article 116 of the Federal Law "On the Federal Budget for 2007" in connection with the request of the Supreme Arbitration Court of the Russian Federation". Collection of legislation of the Russian Federation. 2011. No. 33. Art. 4948.

<sup>22</sup> Resolution of the Constitutional Court of the Russian Federation dated 14.02.2013 No. 4-P "On the case of Checking the Constitutionality of the Federal Law "On Amendments to the Code of Administrative Offences of the Russian Federation and the Federal Law "On Assemblies, Rallies, Demonstrations, Marches and Picketing" in connection with the request of a group of deputies of the State Duma and the complaint of citizen E.V. Savenko". Collection of legislation of the Russian Federation. 2013. No. 8. Art. 868.



## REFERENCES

1. Toropkin S.A. *Prescription in Russian Law: Problems of theory and practice*, Cand. Diss. Thesis. Nizhny Novgorod, 2004. 29 p. (In Russ.).
2. Tikhonenko I.N. *Grounds for exemption from legal liability*, Cand. Diss. Thesis. Moscow, 1995. 21 p. (In Russ.).
3. Endol'tseva A.V. *The institute of exemption from criminal liability: theoretical, legislative and law enforcement problems*, Doct. Diss. Thesis. Moscow, 2005. 50 p. (In Russ.).
4. Endol'tseva A.V., Endol'tseva Yu.V. *The legal consequences of the expiration of the statute of limitations of the committed crime: Russian and foreign experience*, Monograph. Moscow, MGIMO University Publ., 2017. 184 p. (In Russ.).
5. Dugenets A.S. *Procedural deadlines in the proceedings on administrative offenses*, Cand. Diss. Thesis. Moscow, 1995. 26 p. (In Russ.).
6. Efremova I.A. *The Institute of exemption from punishment in the theory of criminal law, legislative and judicial practice*, Doct. Diss. Thesis. Saratov, 2018. 56 p. (In Russ.).
7. Kuz'mina O.N. *The Institute of exemption from criminal liability: the genesis of formation, current state, prospects for optimization*, Cand. Diss. Thesis. Krasnodar, 2020. 24 p. (In Russ.).
8. Malikov S.V. *The doctrine of time and deadlines in criminal law*, Doct. Diss. Thesis. Moscow, 2019. 48 p. (In Russ.).
9. Makhmudova M.A. *Limitation periods in criminal law*, Cand. Diss. Thesis. Mahachkala, 2011. 28 p. (In Russ.).
10. Meshcheryakova T.R. *Terms in the legislation on administrative offenses*, Cand. Diss. Thesis. Chelyabinsk, 2011. 24 p. (In Russ.).
11. Arkhipov A.A. *Deadlines in tax law*, Monograph. Moscow, Statut Publ., 2011. 199 p. (In Russ.).
12. Petuhov N.A., Mamykin A.S. Legal regulation of disciplinary responsibility of judges in the Russian Federation. *Rossiiskoe pravosudie = Russian Justice*, 2013, no. 10, pp. 38–51. (In Russ.).
13. Ovcharenko O.M. The problem of determination of the limitation period for bringing judges under responsibility for violation of the judicial oath. *Problemy zakonnosti = Problems of legality*, 2013, no. 124, pp. 168–176. (In Russ.).
14. Tuganov Yu.N. Limitation periods of bringing to the judges as disciplinary responsibility: problems and ways of solving them. *Sovremennoe pravo*, 2011, no. 3, pp. 95–100. (In Russ.).
15. Glazunova I.V., Nikitina A.V. Early termination of a judge's powers as a measure of legal responsibility: problems of legal regulation and law enforcement. *Pravoprimerenie = Law Enforcement Review*, 2023, vol. 7, no. 4, pp. 126–135. DOI: 10.52468/2542-1514.2023.7(4).126-135.
16. Kiryushchenko I.I. Early termination of the powers of judges in the context of constitutional reforms. *Pravovoe gosudarstvo: teoriya i praktika = The rule-of-law state: theory and practice*, 2021, vol. 17, no. 4, pp. 196–209. DOI: 10.33184/pravgos-2021.4.13. (In Russ.).
17. Koroleva E.V. Early termination of authorities of the presiding judge of a court by the Federation Council upon a recommendation of the president of the Russian Federation. *Rossiiskii sud'ya = Russian judge*, 2021, no. 10, pp. 45–48. (In Russ.).
18. Koshel A.S., Shishkina O.E. Early termination of powers of the heads and judges of the highest courts as a measure of responsibility (based on the legal positions of the Constitutional Court of the Russian Federation). *Zhurnal konstitutsionnogo pravosudiya = Journal of Constitutional Justice*, 2022, no. 7, pp. 12–22. (In Russ.).
19. Nikitina A.V. Amendments to the Constitution of the Russian Federation 2020 as a new stage in the development of legislation on judicial responsibility, in: Volkov K.A. (ed.). *Konstitutsiya Rossiiskoi Federatsii: vchera, segodnya, zavtra* (on the 30th anniversary of its adoption), Materials of the International scientific and practical conference, Khabarovsk, Pacific State University Publ., 2024, pp. 223–228. (In Russ.).
20. Ocheredko V.P., Safronova K.A. Constitutional and legal responsibility in the system of legal responsibility of judges. *Vestnik Moskovskogo universiteta MVD Rossii*, 2021, no. 4, pp. 52–57. DOI: 10.24412/2073-0454-2021-4-52-57. (In Russ.).
21. Kleandrov M.I. On modern problems of the mechanism of judges' responsibility for disciplinary misconduct; law enforcement practice, general approaches. Part 1. Termination of the powers of a judge for a serious offense after the constitutional innovations of 2020 – constitutional or disciplinary responsibility?. *Gosudarstvo i pravo =*

*State and Law*, 2024, no. 3, pp. 39–59. DOI: 10.31857/S1026945224030044. (In Russ.).

22. Lebedev V.M. Guarantees of judicial independence in the Russian Federation: concept, history of formation and current state. *Zhurnal rossiiskogo prava = Journal of Russian Law*, 2019, no. 11, pp. 5–24. DOI: 10.12737/jrl.2019.11.1. (In Russ.).

23. Vitruk N.V. *General theory of legal responsibility*. Moscow, Norma Publ., 2009. 432 p. (In Russ.).

#### INFORMATION ABOUT AUTHOR

**Anna V. Nikitina** – Doctor of Law, Associate Professor; Professor, Department of Civil Law Far Eastern Branch of the Russian State University of Justice  
49, Vostochnoe shosse, Khabarovsk, 680014, Russia E-mail: A\_Nikitina@inbox.ru  
RSCI SPIN-code: 8657-1647; AuthorID: 395573

#### BIBLIOGRAPHIC DESCRIPTION

Nikitina A.V. Limitation periods for bringing a judge to disciplinary responsibility: legislative and law enforcement problems. *Pravoprimerenie = Law Enforcement Review*, 2025, vol. 9, no. 2, pp. 97–107. DOI: 10.52468/2542-1514.2025.9(2).97-107. (In Russ.).

