

RUSSIAN FEDERATION

FEDERAL LAW

On Justices of the Peace in the Russian Federation

17 December 1998

No. 188

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Article 1. Justices of the Peace in the Russian Federation

1. Justices of the peace in the Russian Federation (hereinafter – justices of the peace) are general jurisdiction judges of constituent entities of the Russian Federation and part of the unified judicial system of the Russian Federation. The powers, manner of activities of justices of the peace and the manner of creating positions of justices of the peace are stipulated in the Constitution of the Russian Federation, Federal Constitutional Law “On the Judicial System of the Russian Federation”, other federal constitutional laws, this Federal Law and other federal laws, and the manner of appointment (election) and activities of justices of the peace is also stipulated in the laws of constituent entities of the Russian Federation.

2. Justices of the peace administer justice in the name of the Russian Federation. The manner of administration of justice by justices of the peace is stipulated in federal law.

3. Effective judgements of justices of the peace, as well as their lawful orders, demands, instructions, subpoenas and other addresses are binding for all federal public authorities, public authorities of constituent entities of the Russian Federation, 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.

Article 2. Guarantees of Status of Justices of the Peace

1. Guarantees of judicial independence and immunity, as well as of material support and social security, stipulated in Law of the Russian Federation “On the Status of Judges in the Russian Federation” and other federal laws apply to justices of the peace and their family members.

2. Abrogated

Article 3. Competence of a Justice of the Peace

1. A justice of the peace considers, in first instance:

1) criminal cases on crimes, the maximum punishment for which does not exceed 3 years of deprivation of liberty, over which he/she has jurisdiction in accordance with the first part of Article 31 of the Criminal Procedure Code of the Russian Federation;

2) cases regarding the issue of a court order;

3) cases on dissolution of marriage, unless there is a dispute between the spouses regarding the children;

4) cases on division of marital property in which the amount of claim does not exceed 50 000 rubles;

5) abrogated

6) cases on property disputes in which the amount of claim does not exceed 50 000 rubles and excluding cases on inheritance of property and cases arising from relations regarding the creation and use of results of intellectual activity;

6.1) cases on property disputes in the sphere of consumer protection in which the amount of claim does not exceed 100 000 rubles;

7) abrogated

8) abrogated

9) cases on administrative offences referred to the competence of a justice of the peace by the Code of the Russian Federation on Administrative Offences and the laws of constituent entities of the Russian Federation.

1.1. In addition to cases listed in Item 1 of this Article, federal laws may also refer other cases to the jurisdiction of a justice of the peace.

2. A justice of the peace considers, due to newly discovered facts, the cases regarding effective decisions adopted by her/him in first instance.

3. A justice of the peace considers cases referred to her/his competence by this Federal Law sitting alone.

Article 4. Judicial Sub-Districts

1. Justices of the peace engage in their activities at judicial sub-districts within the borders of a judicial district.

2. The total number of justices of the peace and the number of judicial sub-districts in a constituent entity of the Russian Federation are established in a federal law adopted upon the legislative initiative of the corresponding constituent entity of the Russian Federation approved by the Supreme Court of the Russian Federation or upon the initiative of the Supreme Court of the Russian Federation approved by the corresponding constituent entity of the Russian Federation.

3. Judicial sub-districts and positions of justices of the peace are established and disestablished by virtue of laws of constituent entities of the Russian Federation.

4. Judicial sub-districts are created based on a population estimate of 15 000 to 23 000 people per sub-district. A single judicial sub-district is created in administrative-territorial entities with population below 15 000 people.

5. A judicial sub-district or the position of a justice of the peace cannot be disestablished, unless the cases referred to the competence of this justice of the peace are simultaneously transferred to the jurisdiction of another judge or court.

6. In order to ensure a balanced workload of justices of the peace where the workload of a justice of the peace is higher than the average workload of a justice of the peace within the judicial district, the president of the district court may issue a motivated decree to transfer a share of the criminal, civil cases, cases regarding administrative offences, statements of claim and court order applications regarding claims for recovery of obligatory payments and sanctions received by a justice of the peace of one judicial sub-district to a justice of the peace of another sub-district within the same judicial district.

Article 5. Requirements to Justices of the Peace and Candidates for the Office of a Justice of the Peace

Justices of the peace and candidates for the office of a justice of the peace have to meet the same requirements as stipulated in Law of the Russian Federation “On the Status of Judges in the Russian Federation” for judges and candidates for the judicial office, with due regard to the provisions of this Federal Law.

Article 6. Manner of Appointment (Election) of Justices of the Peace

1. Justices of the peace are appointed (elected) by the legislative (representative) public authority of a constituent entity of the Russian Federation or elected by the population of the corresponding judicial sub-district in the manner stipulated in the law of the constituent entity of the Russian Federation.

2. No later than 6 months before the expiration of the term of office of a justice of the peace, before a justice of the peace reaches the age limit for justices of the peace, and if a justice of the peace is removed from office – no later than 10 days following the day on which the vacant position of a justice of the peace opens, the opening of the vacant position of a justice of the peace is announced in the mass media, with indication of the time and place of submission of applications by candidates for the position of the justice of the peace, as well as of the time and place of consideration of received applications. Herewith, the term of office of the newly appointed (elected) justice of the peace begins to run no earlier than on the day following the day on which the powers of the incumbent justice of the peace are terminated.

Article 7. Term of Office of a Justice of the Peace

1. A justice of the peace is appointed (elected) for a term of 3 years. After that term expires, the person who occupied the position of a justice of the peace may again stand as candidate for appointment (election) to that position.

2. In case of repeated appointment (election), a justice of the peace is appointed (elected) for the corresponding position without a limited term of office. The age limit for justices of the peace is 70 years.

Article 8. Termination, Suspension of Powers of a Justice of the Peace, Substitution for a Temporarily Absent Justice of the Peace

1. The powers of a justice of the peace are terminated where so stipulated and in the manner stipulated in Law of the Russian Federation "On the Status of Judges in the Russian Federation", with due regard to the requirements of this Article.

1.1. The day of termination of powers of a justice of the peace is:

1) the last day of the month in which the term of office of the justice of the peace expires;

2) the last day of the month in which the justice of the peace reaches the age limit for justices of the peace;

3) the day following the day on which a decision of a qualification board of judges on removal of a justice of the peace becomes effective.

2. The powers of a justice of the peace may be suspended by decision of a qualification board of judges of a constituent entity of the Russian Federation where so stipulated and in the manner stipulated in Law of the Russian Federation "On the Status of Judges in the Russian Federation".

3. Where the powers of a justice of the peace are terminated or suspended, as well as in other cases of temporary absence of a justice of the peace (illness, vacation and other good reasons), the president of the corresponding district court issues a decree to impose the duties of that justice upon a justice of the peace of a different judicial sub-district of the same judicial district. If it is impossible to impose the duties of the justice of the peace, absent on the aforementioned grounds, upon a different justice of the peace of the same judicial district (only one position of a justice of the peace has been created within the judicial district or other justices of the peace of this judicial district are temporarily absent), the president or deputy president of a higher court issues a decree to impose the duties of that justice upon a justice of the peace acting in the nearest judicial district.

The duties of a justice of the peace may be imposed upon a retired judge in the manner stipulated in Article 7.1 of Law of the Russian Federation "On the Status of Judges in the Russian Federation" with due regard to the requirements stipulated in this Article.

A retired justice of the peace may be drawn to performing the duties of a justice of the peace independent of which judicial sub-district of which judicial district of the corresponding constituent

entity of the Russian Federation he/she used to serve in as a justice of the peace prior to honorary resignation or honorary removal. A retired judge of a federal court may be drawn to performing the duties of a justice of the peace independent of the level of the court and independent of which constituent entity of the Russian Federation he/she used to administer justice in as a judge of a federal court.

Article 9. Staff of a Justice of the Peace

1. The staff of a justice of the peace ensures her/his work. The staff structure and the staff schedule of a justice of the peace are established in the manner stipulated in the law of the constituent entity of the Russian Federation.
2. Members of staff of a justice of the peace are state servants of the corresponding constituent entity of the Russian Federation.
3. The activities of the staff of a justice of the peace are managed by the justice of the peace of the corresponding judicial sub-district.
4. Upon approval of the justice of the peace, an executive body of the constituent entity of the Russian Federation transfers a member of staff of a justice of the peace to a different position, applies measures of commendation and sanctions in regard of that person, approves the leave schedule of the members of staff of the justice of the peace.

Article 10. Organisational Support of Activities of Justices of the Peace

1. Organisational support of activities of justices of the peace is provided by executive bodies of the corresponding constituent entity of the Russian Federation in the manner stipulated in the law of the constituent entity of the Russian Federation. Organisational support of activities of justices of the peace is understood as a set of personnel, financial, material and technical, informational and other measures aimed at creating the conditions for the full and independent administration of justice.
2. Provision of the monthly monetary remuneration, quarterly monetary reward of justices of the peace, of other payments made at the expense of the payroll fund, social payments stipulated for judges in federal laws, as well as provision of justices of the peace in need of better housing with residential premises are an expenditure obligation of the Russian Federation and are performed through the bodies of the Judicial Department at the Supreme Court of the Russian Federation.
3. In the process of budget performance of a constituent entity of the Russian Federation, material and technical support of activities of justices of the peace and remuneration of members of staff of justices of the peace are performed in full volume, pursuant to the corresponding budgetary classification items, in accordance with the law of the constituent entity of the Russian Federation on the budget of the constituent entity of the Russian Federation for the current financial year and the planning period.

4. During elaboration of the draft budget of a constituent entity of the Russian Federation, the council of judges of the constituent entity of the Russian Federation engages in cooperation with the highest executive public authority of the constituent entity of the Russian Federation as regards expenses on material and technical support of activities of justices of the peace and remuneration of members of staff of justices of the peace. In case of disagreements, the highest executive public authority of the constituent entity of the Russian Federation attaches the suggestions of the council of judges of the constituent entity of the Russian Federation to the draft budget of the constituent entity of the Russian Federation along with its own conclusion.

5. The amount of budgetary funds of a constituent entity of the Russian Federation allocated for the material and technical support of activities of justices of the peace and remuneration of members of staff of justices of the peace in the current financial year or subject to allocation for the next financial year may only be decreased for no more than 5 % with the consent of the council of judges of the constituent entity of the Russian Federation.

The amount of budgetary funds of a constituent entity of the Russian Federation allocated for the material and technical support of activities of justices of the peace and remuneration of members of staff of justices of the peace in the current financial year or subject to allocation for the next financial year may only be decreased for more than 5 % with the consent of the conference of judges of the constituent entity of the Russian Federation.

6. Measures aimed at insertion of information resources of justices of the peace into the unified databases and databanks, the establishment of universal technical requirements to the functioning of information systems and use of information and telecommunication networks functioning on the basis of universal principles and common rules are performed by the Judicial Department at the Supreme Court of the Russian Federation and bodies of the Judicial Department at the Supreme Court of the Russian Federation.

7. In cases considered by justices of the peace, the costs covered at the expense of the federal budget are reimbursed through the bodies of the Judicial Department at the Supreme Court of the Russian Federation.

Article 11. Symbols of State Power in Courtrooms of Justices of the Peace

1. The State Flag of the Russian Federation and the image of the State Coat of Arms of the Russian Federation are placed in courtrooms of justices of the peace. The flag and the image of the coat of arms of the corresponding constituent entity of the Russian Federation may also be placed there.

2. During the administration of justice, justices of the peace wear gowns and (or) have a different distinguishing mark of their position, as stipulated in the law of the corresponding constituent entity of the Russian Federation.

Article 12. Closing Provisions

1. This Federal Law enters into force from the day of its official publication.
2. It is stipulated that until the appointment (election) of justices of the peace, the cases within the competence of justices of the peace are considered by district courts.

President of the Russian Federation

Boris Yeltsin

Moscow, the Kremlin

17 December 1998

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