JUDGEMENT OF 20 JANUARY 2026 № 2-П

JUDICIAL PROTECTION OF PROPERTY RIGHTS TO DIGITAL CURRENCY

The applicant purchased 1,000 units of USDT “stablecoin” and transferred them to another person for management with the aim of profitable reselling on an exchange. Having failed to secure its return by the agreed deadline, the applicant filed a lawsuit to reclaim the property from unlawful possession. The courts denied his claim on the grounds that he had not informed the tax authority about possessing the digital currency and conducting civil-law transactions with it, which under the contested provision results in the denial of judicial protection.

The Constitutional Court examined the legal nature of cryptocurrency and stated that although its use is limited and not regulated comprehensively, the legislation does not preclude treating digital currency as an object of civil rights. It was noted that property rights arising from the lawful possession of digital currency are subject to judicial protection taking into account its specific characteristics as restricted in circulation object of civil rights. Arbitrary denial of such protection is inconsistent with constitutional requirements and also adversely affects the stability of civil turnover. At the same time, the law may define available remedies and conditions to satisfy demands, such remedies and conditions being conditioned by specifics of the protected rights and balance of legitimate interests of the parties to legal relations.

Currently, the incompleteness of legal regulation concerning virtual assets and the lack of clear guidelines for judicial practice in this area may lead to ambiguous understanding of digital currency as an object of civil rights. This, in turn, affects resolution of the issue concerning ensuring judicial protection for them. Furthermore, the procedure for informing the state about possession of digital currency established by the challenged provision applies only to digital currency holders engaged in its mining and to operators of mining infrastructure.

The Constitutional Court concluded that challenged provision is consistent with the Constitution insofar as it does not violate the right to judicial protection of property rights associated with the possession of digital currency obtained through mining and used on lawful grounds. However, the challenged provision contradicts the Constitution insofar as it impedes judicial protection of property demands arising from lawful possession of digital currency and its lawful use in turnover, where relevant claims are asserted by persons who obtained cryptocurrency by means other than mining.

The legislator was obliged to make necessary amendments. Until then, the current regulation cannot prevent judicial protection of property claims to digital currency obtained otherwise than through mining, provided the person confirms its lawful acquisition and use in court. The applicant’s case is subject to review.