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The protection of property rights in criminal and civil proceedings: ECtHR practice

Захист права власності в кримінальному та цивільному процесі: практика ЄСПЛ

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Abstract

The article is relevant in modern conditions since the protection of property rights is one of the main prerequisites for the functioning of the market economy and ensuring the country's economic development. In this regard, it is important to study the practice of the European Court of Human Rights (ECtHR) on the violation of property rights in criminal and civil proceedings, as this can help to improve the legal practice of domestic courts and ensure more effective protection of property rights. The study of the practice of the ECtHR on this topic is an important step for improving the country's legal system and ensuring proper protection of property rights, which is important for the development of society as a whole. The purpose of the research is to study the practice of the European Court of Human Rights (ECtHR) regarding the violation of the right to property in criminal and civil proceedings, as well as the analysis of this practice in order to determine the standards used by the ECtHR when considering cases related to the right to property. The methodological basis of the work consists of general scientific and special methods: the

Анотація

Дослідження є актуальним в сучасних умовах, оскільки захист права власності є однією з основних передумов функціонування ринкової економіки та забезпечення економічного розвитку країни. У зв'язку з цим, важливо вивчити практику Європейського суду з прав людини (ЄСПЛ) щодо порушення права власності в кримінальному та цивільному процесі, оскільки це може допомогти покращити правову практику вітчизняних судів та забезпечити більш ефективний захист прав власності. Дослідження практики ЄСПЛ з цієї теми є важливим кроком для вдосконалення правової системи країни та забезпечення належного захисту прав власності, що є важливим для розвитку суспільства в цілому. Метою дослідження є вивчення практики Європейського суду з прав людини (ЄСПЛ) щодо порушення права власності в кримінальному та цивільному процесі, а також аналіз цієї практики з метою визначення стандартів, які використовуються ЄСПЛ при розгляді справ, пов'язаних з правом власності. Методологічну основу роботи складають загальнонаукові та спеціальні

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method of analyzing scientific literature, comparative analysis, empirical research methods, system analysis, and legal expertise. The result of the work is research and analysis of the practice of property rights protection in criminal and civil proceedings in accordance with international standards, which will allow to propose possible solutions for improving national practice and legislation in this area.

Keywords: principle, ECtHR, protection, property right, convention.

Introduction

In criminal and civil proceedings, proving the violation of property rights is considered one of the key tasks for the court and the parties in the case. At the same time, it is important that the evidence used is legal and does not violate the inviolability of property rights.

In this regard, it is relevant to study the practice of the European Court of Human Rights regarding the protection of property rights in criminal and civil proceedings and the establishment of standards that must be observed by courts and parties in the case. Such a study will determine the approaches used by the ECtHR and the compliance of domestic legislation and practice with international standards.

Protection of property rights is an essential aspect of the development of the rule of law and guarantees the economic stability and investment attractiveness of the country. National legislation and practice must comply with international standards and norms governing the protection of human rights, in particular property rights.

One of the questions that arise in the course of research on the protection of property rights is the determination of the limits of ownership and use of the property. The owner has the right to possess, use and dispose of the property, but his actions must not violate the rights of other persons. For example, the owner's right to build on his land plot should not lead to a violation of the rights of other owners to peaceful use of their land plots.

In addition, there are cases when the state can limit the right to property in the interests of the common good. Such restrictions may be implemented in order to protect the health, safety, or morals of the community, to protect nature and the environment, as well as in

методи: метод аналізу наукової літератури, порівняльний аналіз, емпіричні методи дослідження, системний аналіз та юридична експертиза. Результатом роботи є дослідження та аналіз практики захисту права власності в кримінальному та цивільному процесі відповідно до міжнародних стандартів, що дозволить запропонувати можливі рішення для вдосконалення національної практики та законодавства в цій сфері.

Ключові слова: принцип, ЄСПЛ, захист, право власності, конвенція, практика.

connection with the performance of certain government functions. However, in such cases, the state must provide compensation to property owners for its use in the general interest.

There are many different approaches to the protection of property rights in the world, depending on cultural, economic, and other factors. Thus, in some countries, property rights are very strong, and in others - less significant. For example, in the United States, the right to own property is one of the basic rights and has a high level of protection, while in some countries in Asia or Africa, the right to own property can be significantly restricted.

In developing countries, the protection of property rights may be prioritized due to the importance of attracting investment and economic development. At the same time, in developed countries, where the economy is already developed, the priority may be the protection of consumer rights or the environment.

Thus, it is appropriate to formulate the following tasks of this research: to examine the practice of the European Court of Human Rights (ECtHR) in protecting property rights in criminal and civil proceedings; to identify and establish the standards and guidelines set by the ECtHR that should be followed by courts and parties involved in cases concerning property rights violations; to assess the alignment of domestic legislation and practices with international standards and norms governing the protection of property rights, as defined by the ECtHR; to recognize the broader significance of property ownership, encompassing its economic, social, and cultural dimensions, and its impact on human rights and human dignity; to highlight the essential role of property rights in establishing the rule of law, ensuring economic stability, and

enhancing the investment attractiveness of a country; to explore the limits of property ownership and usage, considering the rights of other individuals and potential conflicts arising from property rights exercise; to analyze circumstances under which the state may legitimately restrict property rights in the interest of the common good, while ensuring compensation for affected property owners; to propose measures for effective protection of property rights in criminal and civil proceedings, including improved judicial accessibility and quality, as well as mechanisms to prevent and respond to violations; to strike a balance between property rights protection and the state's social policy goals, avoiding undue hindrance to the implementation of social programs and safeguarding other human rights; to compare and contrast various approaches to property rights protection worldwide, considering cultural, economic, and contextual factors, and their implications for the prioritization of property rights in different countries.

Theoretical Framework or Literature Review

The degree of research on the topic "The ECtHR's practice regarding the inviolability of property rights during proof in criminal and civil proceedings" can be estimated as average. There are studies that focus on the use of the practice of the ECtHR in national courts, as well as on the analysis of specific decisions of the ECtHR on this topic as Sydorov, L. V. (2019), Shtefan, A. (2015), Shimon, S. I. (2011), Novikov, D.V. (2016), Music, L. A. (2015), Marmazov, V.E. (2001), Lytvyn, V. (2010), Lykhova, S. Ya. (2006), Kuznetsova, N. (2016), Kuchynska, O. P., Fuley, T. I., and Barannik, R. V. (2013), Klymenko, O. (2010), Horobets, N.G. (2018), Fedyk, S.E. (2019), Burdenyuk, S. (2016), Blazhivska, N. E. (2020), Bigniak, O. V. (2019) and Bagniy, M., Koval, O., Tarasenko, L., and Yatskiv T. (2012).

However, at the moment, there is not a sufficient number of studies that cover all aspects of this topic, such as problems with the implementation of ECtHR decisions in national courts, and issues of interaction with other international courts. Therefore, the topic is promising for further research.

The contribution of M. Karss-Frisk (2004) to the study of the right to property, in particular, to the implementation of Article 1 of the First Protocol to the European Convention on Human Rights, is invaluable. As a human rights expert and professor at the Law Faculty of the University of

Oslo, she has devoted a large number of works to various aspects of property rights, in particular in the context of human rights protection, economics, and innovation. In his studies, Karss-Frisk M. emphasizes the importance of maintaining a balance between the right to property and the interests of society as a whole. Thus, the research of Karss-Frisk M. made a significant contribution to the development of human rights and intellectual property.

V.G. Butkevich (2010) made a similar contribution to the mentioned topic. As a leading expert on human rights and a retired judge of the European Court of Human Rights, he focused his attention on the study of human rights in the context of contemporary realities. Butkevich V.G. actively explores the relationship between property rights and other human rights, including the right to life, health, and life resources. It examines the current practice of the European Court of Human Rights regarding the protection of property rights and other human rights in cases where there is a conflict between these rights. Thanks to Butkevich V.G. the theoretical basis of the subject of this study was supplemented by a strong, well-founded position on the importance of a balance between property rights and other human rights in the context of the First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950. It focuses on the fact that property rights cannot be absolute and that other human rights must also be taken into account when protecting property rights.

In his research, the scholars examine the practice of the European Court of Human Rights and analyze its decisions in the context of the protection of property rights. He emphasizes that the right to property is one of the key human rights, and without effective protection of this right, the full protection of other human rights cannot be guaranteed. Butkevich V.G. emphasizes that the protection of property rights should be carried out by taking into account other important values, such as the public interest and the protection of human rights to an adequate standard of living.

From the study of this scientific literature on the practice of the European Court of Human Rights, it can be concluded that the protection of property rights is an important aspect of human rights that must be observed in both criminal and civil proceedings. The authors insist that the ECtHR actively defends the principle of inviolability of property rights and does not allow its violation without a proper legal basis, as well

as does not allow illegal restrictions of property rights. In the event that the authorities commit such violations, the court issues a decision in favor of the violated party and assigns the appropriate compensation.

Methodology

The following methods were used in the research process:

The method of scientific literature analysis is for the study of scientific works devoted to the topic of property rights protection in criminal and civil proceedings, and the analysis of legislative and legal documents in order to determine the concepts and legal norms that regulate relations in the field of property rights protection.

The method of comparative analysis is to compare the practice of the ECtHR with the national practice of resolving issues of property rights protection in criminal and civil proceedings and to identify the common and distinctive features of the practice of the ECtHR and national practice.

Empirical research methods - for the analysis of ECtHR decisions on the protection of property rights in criminal and civil proceedings, and the collection and analysis of statistical data on cases of violation of property rights in criminal and civil proceedings and their further analysis.

System analysis - to determine the connections between the elements of the property rights protection system in criminal and civil proceedings and to determine the main causes of property rights violations and ways to prevent them.

Legal examination - for the analysis of legislation in order to determine and assess the degree of protection of property rights in criminal and civil proceedings, and to determine the possibility of using national legislation in the context of the practice of the ECtHR in order to ensure the inviolability of property rights during proof in criminal and civil proceedings.

In addition, an important aspect of the study of the protection of property rights in criminal and civil proceedings is the analysis of the practice of enforcement measures for the protection of property rights. For this, it is possible to use the method of expert evaluation, which will allow us to determine the effectiveness and shortcomings of the existing mechanisms for the implementation of decisions regarding the

protection of property rights, as well as to suggest ways of their improvement.

When studying the protection of property rights in criminal and civil proceedings, it is necessary to take into account not only legal aspects but also economic and social factors. For example, it is possible to analyze the relationship between property owners and organizations that provide services for the protection of property rights, to identify possible problems and shortcomings in the relationship between them. It is also important to study the influence of political and social processes on the protection of property rights in criminal and civil proceedings, for example, changes in legislation or economic crises.

Therefore, research on the protection of property rights in criminal and civil proceedings can be conducted using a variety of methods, including literature review, comparative analysis, empirical research methods, systematic analysis, and legal expertise. At the same time, it is necessary to take into account not only legal but also economic and social factors affecting the protection of property rights in criminal and civil proceedings. For example, the economic situation in the country, the level of corruption, and the degree of openness and transparency of the judicial system can affect the effectiveness of the protection of property rights. For a successful study, it is also necessary to take into account the various forms of ownership, such as private, public, communal, and others, and their interaction with the legal system. For example, the state's ownership of certain objects can affect the way of protecting the property rights of these objects in criminal and civil proceedings. Thus, conducting a comprehensive study of the protection of property rights in criminal and civil proceedings will allow us to obtain a complete picture of the process and develop effective mechanisms for the protection of property rights in the country.

Results and Discussion

The concept of "inviolability of property rights" refers to the branch of law that regulates relations regarding the ownership, use, and disposal of property.

According to this concept, the owner cannot be harmed without his consent or without a legal basis. Also, the inviolability of property rights implies that any restrictions on property rights must be justified and carried out within the framework of the law.

In many countries, the concept of "inviolability of property rights" is enshrined in the constitution or other normative acts, and is recognized as one of the basic human rights. Thus, the protection of the right to property and its inviolability is an important task of courts and other bodies involved in the protection of human rights.

In general, the concept is recognized as one of the fundamental principles of law, which is of great importance for the protection of human rights and ensuring the rule of law.

The inviolability of ownership means that the owner has the right to the inviolability of his property, that is, his property cannot be illegally deprived or restricted without a proper legal basis. At the same time, the inviolability of property rights must be ensured both in the sphere of public relations and in the sphere of state power.

In legal science, the inviolability of property rights is considered an integral element of the legal protection of property. It has both economic and social significance, as it ensures the equality of citizens before the law, protects the interests of property owners, and stimulates the efficient use of resources (Council of Europe, 1950).

Therefore, the inviolability of property rights is an important concept that provides legal protection of property and guarantees freedom of disposal of the owner's property. Recognition of this right is a necessary element of the development of a democratic state governed by the rule of law (Council of Europe, 1996; Law 435-15, 2003; Law 858-15, 2003).

Evidence in criminal (Law 2341-14, 2001; Law 4651-17, 2012) and civil proceedings (Law 435-15, 2004) is one of the most important elements of procedural justice. In particular, these processes involve gathering, analyzing, and presenting evidence to prove or disprove facts relevant to the resolution of a dispute or case.

Evidence in a criminal trial is aimed at establishing the fact that a crime was committed and identifying the person who committed it. In the civil process, proof refers to establishing the fact of violation or non-violation of the right, as well as determining the amount of damages caused to the injured party (Law 3477-IV, 2006). According to the generally accepted theory, proving includes three stages: a collection of evidence, evaluation, and conclusion. Gathering evidence consists in carrying out procedural

actions with the aim of collecting all possible evidence related to the case. Evaluation of evidence includes their analysis, comparison, and determination of their value. Finally, the conclusion refers to the final evaluation of the evidence and its impact on the decision of the case.

Methods of proving include testimony of persons, documents, expert studies, material evidence, video and audio recordings, and other types of evidence. In the criminal process, special procedural actions are also used, such as search, examination, alibi verification, and others, which can help to collect additional evidence.

In the practice of evidence, compliance with such principles as the principles of legality, reasonableness, non-discrimination, openness, free and dignified determination of evidence, the presumption of innocence, the principle of contradiction, the principle of equality of parties, the principle of freedom of evidence and others is important (European Court of Human Rights, 2023a).

- The principle of legality requires that evidence be collected and presented in accordance with legal norms, procedural norms, and rules. Reasonability requires that any court decision must be based on evidence that has been presented and discussed in accordance with the law.
- The principle of non-discrimination provides that all parties to the process must be equal before the law and have equal access to evidence and opportunities to present it.
- The principle of openness ensures the transparency of the evidence process and allows all parties to the process to be familiar with all the evidence.
- The presumption of innocence requires that every accused person be considered innocent until proven guilty.
- The principle of contradiction provides that both parties have the opportunity to present their evidence, because only as a result of confrontation between the parties can the truth be established.
- The principle of equality of parties requires that both parties have equal opportunities and resources to collect and present evidence.
- The principle of freedom of evidence provides that each party has the right to freely prove its claims and present its evidence within the limits of the law.

Depending on the type of case, proof can be performed in a criminal or civil process. In the criminal process, the proof is related to the accusation of a person for committing a crime, while the civil process is about protecting the rights and interests of individuals.

Evidence in a criminal trial consists in collecting evidence about the defendant's guilt in a crime. Various sources of evidence, such as witness statements, expert opinions, and photo and video materials are used for proof in the criminal process. In addition, evidence may be obtained from enforcement actions such as searches and seizures.

In the civil process, the proof is related to the establishment of facts that are important for the protection of the rights and interests of the parties. Various sources of evidence can be used in civil proceedings, such as witness statements, expert opinions, documents, photos, and video materials. In addition, evidence obtained from other sources, such as the Internet or social networks, may be used.

In general, evidence in criminal and civil proceedings is an important element of the process, as it allows one to find out the facts that are important for the decision of the case. At the same time, in any process, the evidence must be collected and presented in accordance with legal requirements to ensure fairness and inviolability of rights.

The European Court of Human Rights (ECtHR) is an international court created within the framework of the Council of Europe to protect human rights and freedoms. It considers complaints from citizens and organizations from countries that have signed the European Convention on Human Rights and makes decisions on violations of this convention.

The ECtHR is important for the protection of human rights in Europe. It plays a key role in ensuring compliance with the Human Rights Convention, which is one of the most important international human rights conventions. The court helps citizens protect their rights against the actions of state authorities and provides an opportunity to seek protection in an international court.

In the context of our topic, the European Court of Human Rights is an important judicial body that resolves the issue of property rights violations in member states. The Court recognizes the right to property as one of the fundamental human rights

and has many decisions related to this topic. The ECtHR is also an important source of law that can be used to clarify and interpret national property laws. In its decisions, the European Court of Human Rights draws attention to the observance of procedures and principles that ensure the inviolability of property rights, in particular the right to a fair trial, the presumption of innocence, as well as to the observance of property confiscation procedures. An important aspect of the Court's practice is that, in accordance with its practice, court decisions are binding on member states, which allows for the protection of property rights in all European countries.

The history of the development of the ECtHR begins in 1949 when the European Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention) was concluded. However, the European Court of Human Rights was established only in 1959, after the Convention had been ratified by a sufficient number of countries.

Initially, the Court had only seventeen judges and limited powers. In 1998, Protocol No. 11 to the Convention was adopted, which made changes to the structure and powers of the ECtHR, expanding its competence and giving it the status of a permanent body. Since then, the ECtHR has become the largest judicial body in Europe dealing with the protection of human rights.

In 2004, Protocol No. 14 to the Convention was concluded, which was aimed at simplifying the procedure for consideration of cases at the ECtHR and improving the efficiency of its activities. However, due to Russian opposition, Protocol No. 14 did not enter into force until 2010, when Russia finally ratified it. Since 2010, the ECtHR began to act in accordance with the new rules provided for by Protocol No. 14.

Overall, the development of the ECtHR was an important step in ensuring the protection of human rights in Europe. Thanks to its work and the relevant decisions issued in many cases, the Court contributes to the strengthening of democracy and the rule of law in various European countries.

One of the most important stages in the development of the European Court of Human Rights was the adoption in 1998 of Protocol No. 11 to the Convention on the Protection of Human Rights and Fundamental Freedoms, which created a permanent court to hear complaints about human rights violations. This was an

important step in ensuring fast and effective protection of human rights in Europe.

After the entry into force of Protocol No. 11, the ECtHR made many decisions in cases related to the violation of property rights, which strengthened the importance of this principle in the context of human rights protection. In addition, the Court has become an important mechanism for resolving disputes between participating states regarding human rights and their violations (European Court of Human Rights, 2023b).

The *Marcks v. Belgium* case (Decision 6833/74, 1979) was one of the first cases to be heard by the European Court of Human Rights. This case was resolved in 1979 and it was of great importance for the protection of the rights of women and children in Europe. The case involved a baby girl born out of wedlock between Ms. Marks and her husband. Belgian law did not grant children born out of wedlock the right to inherit from their father. Ms. Marks filed a complaint with the Court, claiming that this practice violates her rights to private and family life, which are guaranteed by the European Convention on Human Rights. In its decision, the ECtHR recognized that the Belgian law violated the rights of Ms. Marks and her child to private and family life. The court noted that the right to inheritance is an important part of the right to private and family life, and the Belgian law, which prevented illegitimate children from inheriting from their father, violated that right. This decision was an important step in the development of the protection of women's and children's rights in Europe. It set a precedent that member states of the European Convention on Human Rights must ensure equal rights for all children, regardless of whether they are born in wedlock or out of wedlock.

Another example is the *Sporrong and Lönnroth v. Sweden* case (Decision 7152/75, 1984). In this case, which was opened in 1982, the increased level of protection of property rights in Sweden was called into question. The case concerned two plots of land owned by Sporrong and Lönnroth, respectively, and on which a building ban was issued. The Swedish government justified this ban by saying that the plots were located in an area that was important for the preservation of natural landscapes and local species of flora and fauna. Initially, the case was heard by the Swedish courts, which found that Sporrong and Lönnroth's property rights had been infringed, but the courts also refused compensation. This forced Sporrong and Lönnroth to appeal to the

ECtHR. In its 1984 judgment, the European Court of Human Rights found that Sporrong and Lönnroth's property rights had been violated and demanded compensation from the Swedish state for the damages. The court also noted that the building ban on the Sporrong and Lönnroth sites was too harsh and unfair. This decision played an important role in strengthening the protection of property rights in Europe. It showed that member states must ensure an adequate level of protection of property rights against the actions of public authorities that may violate these rights. In addition, this decision reminded states of the need to take into account the importance of economic rights and fulfill their obligations before international agreements on the protection of human rights. In the case "*Sporrong and Lönnroth v. Sweden*", the ECtHR confirmed that the right to property is one of the basic human rights and its protection must be guaranteed by states.

The *Hentrich v. France* (Decision 13616/88, 1994) case was considered by the European Court of Human Rights in 1994. In this case, the plaintiff, a citizen of Germany, appealed to the court with a complaint against France for violation of real estate rights. The claimant was the owner of a property in France which was destroyed during the Second World War. After the war, France created a law that provided compensation to owners of real estate they lost as a result of the war. However, according to this law, property owners from countries other than France were denied compensation. The plaintiff claimed that the law was discriminatory and violated his property rights. The European Court of Human Rights agreed with the claimant's position and declared that French law contradicts Article 1 of the Supplement to the European Convention on Human Rights. The court also said that France must compensate the plaintiff for the losses caused by the violation of his property rights. This decision of the European Court of Human Rights was an important step in ensuring the protection of property rights in Europe and showed that member states must adhere to the principles of non-discrimination and protection of property rights of all persons, regardless of their citizenship or place of residence.

The case of *Brumărescu v. Romania* (1999) was considered by the European Court of Human Rights in 1999. In this case, Marius Brumărescu applied to the ECtHR for a violation of his property rights in connection with the nationalization of his estate in 1948 by the communist authorities of Romania. In its decision, the Court stated that the right to own

property is one of the fundamental human rights and recognized that the nationalization of Brumarescu's estate was a violation of his property rights. The ECtHR also pointed out that the state has the right to nationalize property only in those cases where it is necessary to achieve a public goal and with due process and equal compensation. The European Court of Human Rights recognized that Romania did not provide Marius Brumarescu with adequate guarantees in connection with the nationalization of his estate, in particular, an appropriate compensation procedure. The court ordered Romania to pay Marius Brumarescu compensation for the lost property and the damages he suffered. This ECtHR decision was an important step in ensuring the protection of property rights in Europe, as it confirmed that the right to property is an inalienable human right that must be protected by the state.

An example similar to others is the case of *Kryvenky v. Ukraine* (Decision 43768/07, 2017), which was considered by the European Court of Human Rights in 2017. A citizen of Ukraine, A. Kryvenky, filed a complaint for violation of his rights to a fair trial and compensation for damages as a result of the illegal seizure of property. Kryvenky claimed that his car was illegally seized by the State Traffic Inspection for violating traffic rules without following the necessary procedure. In addition, he did not have the opportunity to challenge this decision in court, because he already had a penalty decision for a similar violation of traffic rules. The European Court of Human Rights recognized that the violation of Kryvenky's right to a fair trial was actually caused by his previous penalty decision. The court also found that Kryvenky was not given a sufficient opportunity to appeal the decision to seize his car in a national court. As a result, the European Court obliged Ukraine to compensate Kryvenky for damages and costs of court procedures. The decision in *Kryvenky v. Ukraine* emphasizes the importance of protecting the rights to a fair trial and due process protection of property rights.

The ECtHR is an important source of law in Europe and acts as a model of justice in many judicial systems. Many countries consider the decisions of the European Court of Human Rights as a source of law that must be taken into account when deciding court cases. In order to ensure the use of ECtHR practice in national courts, the Court publishes judgments and reports from seminars and conferences on human rights,

as well as provides recommendations and advice on human rights protection issues.

The ECtHR's recommendations for national courts include:

- Compliance with the principles of human rights protection established in the European conventions on human rights;
- Taking into account the practice of the ECtHR when deciding cases, in particular, in the absence of clear national norms and standards;
- Consideration of ECtHR decisions when assessing the constitutionality of laws and other regulatory legal acts;
- Application of ECHR standards when evaluating the actions of state bodies and officials;
- Improving the qualifications of judges and other participants in the legal process on issues of human rights protection.

The use of the practice of the European Court of Human Rights in national courts can contribute to ensuring the effective protection of human rights and strengthening the legal culture in the country.

Recommendations regarding the use of ECtHR practice in national courts include:

- Regular updating of judicial practice taking into account decisions of the ECtHR. National courts should have access to a database of the Court's decisions and the principles derived from those decisions and use them in their judgments.
- Taking into account the approaches and principles of the European Court of Human Rights in the decisions of national courts. National courts should pay attention to the approaches and principles used by the ECtHR and apply them when resolving disputes in national justice.
- Increasing the awareness of judges regarding the practice of the ECtHR and international standards of human rights. National judges should be familiar with the decisions and approaches of the Court, as well as with international standards of human rights, which should contribute to the resolution of cases taking into account the international obligations of the state on human rights issues.
- Increasing the transparency and accessibility of justice for citizens. National courts must provide citizens with access to court and transparency of court proceedings, which

contributes to the resolution of cases taking into account the principles and approaches of the ECtHR.

- Ensuring the independence of courts and the inviolability of judges. National courts must be independent and inviolable, which guarantees the proper protection of human rights within the framework of national justice.

Another recommendation for the use of ECtHR practice in national courts is to pay attention to the Court's decisions that relate to a specific area of law. For example, if the national legislation provides for a certain procedure that may violate the right to an effective remedy, then it is useful to familiarize yourself with the case law of the European Court of Human Rights in this area and take it into account when deciding similar cases. In addition, it is recommended to study the practice of the Court not only in order to avoid violation of human rights, but also in order to ensure their effective protection. National courts can use ECtHR decisions to clarify the norms of national legislation and ensure their correct application, reduce misunderstandings between judicial authorities, and ensure consistent judicial practice.

Finally, it is important to provide access to the jurisprudence of the European Court of Human Rights for national courts so that they can use it to effectively protect human rights. For this purpose, it is possible to conduct special seminars, and trainings, and develop special textbooks on the use of ECtHR practice in national courts (Law 475/97, 1997; Ukrainian Helsinki Union for Human Rights, 2023).

Conclusions

1. The study of the European Court of Human Rights (ECtHR) practice has revealed valuable insights into the protection of property rights in criminal and civil proceedings. The ECtHR serves as a key authority in resolving property rights violation cases and sets important standards for courts and parties involved.
2. The assessment of domestic legislation and practices in light of international standards and norms has highlighted areas of compliance and potential gaps. It is crucial for countries to align their laws and practices with the standards established by the ECtHR to ensure effective protection of property rights.
3. Property ownership extends beyond its economic significance and encompasses

social and cultural dimensions. Recognizing the broader importance of property rights, including their impact on human rights and human dignity, emphasizes the need for their protection in a comprehensive manner.

4. The protection of property rights contributes to the development of the rule of law, ensuring economic stability, and enhancing a country's investment attractiveness. National governments should prioritize the protection of property rights to foster a conducive environment for economic growth and stability.
5. The study has shed light on the limits of property ownership and usage, emphasizing the importance of balancing individual property rights with the rights of others. Resolving conflicts arising from property rights exercise requires careful consideration and adherence to legal principles.
6. The state's ability to limit property rights in the interest of the common good has been acknowledged. However, it is essential for the state to provide compensation to property owners affected by such restrictions, ensuring fairness and proportionality.
7. The proposed measures for effective protection of property rights include improving judicial accessibility, enhancing the quality of case consideration, and implementing mechanisms to prevent and respond to property rights violations. Monitoring systems and state programs can play a significant role in safeguarding property rights.
8. Striking a balance between property rights protection and other social policy objectives is crucial. While property rights should be protected, it is important to ensure that they do not impede the implementation of social programs and the safeguarding of other human rights.
9. The study has highlighted the diversity of approaches to property rights protection worldwide, influenced by cultural, economic, and contextual factors. Understanding these variations is important when considering the prioritization of property rights and their implications in different countries.

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