https://www.sworldjournal.com/index.php/swj/article/view/swj34-04-100
DOI: 10.30888/2663-5712.2025-34-04-100

UDC 341.433:347.1

AUTONOMOUS INTERPRETATION BY THE ECtHR AND HARMONISATION OF NATIONAL PRIVATE LAW: CHALLENGES AND LIMITS

Khalabudenko Oleg
PhD in Law, Associate Professor
ORCID: 0000-0001-9478-0164
Kyiv National University of Construction and Architecture,
31, Povitrianykh Syl Avenue, Kyiv, 03037, Ukraine

Abstract: *This article investigates the transformative role of the European Court of Human Rights (ECtHR) in the harmonization of national private law within member states. It highlights how the ECtHR, through its principle of autonomous interpretation, defines legal concepts independently from national law to guarantee effective protection of human rights. The study employs comparative legal analysis and reviews key ECtHR judgments and doctrinal sources, revealing both the harmonizing impact and the difficulties arising from tensions with national traditions, issues of sovereignty, and practical adaptation. Landmark ECtHR cases and recent Ukrainian jurisprudence are discussed to illustrate the real effect on private and family law. The conclusions emphasize that, while ECtHR practice encourages legal convergence and enhances rights protection, true unification remains constrained by national differences, subsidiarity, and implementation challenges.*

Key words*: Convention rights, European Court of Human Rights (ECtHR), Autonomous interpretation, National law harmonization, Private law.*

Introduction

In contemporary legal discourse, the recognition and protection of human rights have become the main pillars legitimizing modern legal systems. Thanks to its dynamic interpretation of the European Convention on Human Rights (ECHR), the European Court of Human Rights (ECtHR) has become a key player in shaping national legal standards and promoting the harmonization of private law in all its member states. However, this process raises significant theoretical and practical challenges. The ECHR's principle of autonomous interpretation, according to which the concepts of the Convention are given a meaning independent of national law, aims to guarantee effective protection of rights, but often leads to tensions with national legal traditions, institutional practices, and issues of national sovereignty. Against this background, this article examines how the practice of the ECtHR influences the adaptation and transformation of national private law, analyzes the main challenges and limitations of harmonization, and explores the implications for legal certainty, the independence of

the judiciary, and the universality of human rights in Europe.

Purpose and Methodological Framework

The study aims to analyze how the European Court of Human Rights (ECtHR) influences the harmonization and adaptation of national private law across member states through its practice and interpretation of the European Convention on Human Rights. It focuses on identifying the key challenges and limits of this harmonization, exploring how the ECtHR's autonomous concepts shape domestic law, legal certainty, judicial independence, and the universality of human rights.

The study uses a comparative legal analysis to examine how the practice and doctrine of the ECtHR interact with national private law across member states. It reviews and interprets key ECtHR judgments and doctrinal sources to assess the scope and effect of autonomous concepts on domestic legal systems. The approach also involves critical reflection on theoretical literature, specifically focusing on the relationship between supranational human rights standards and national legal traditions. In addition, the research explores practical adaptation by analyzing the implementation of ECtHR standards in national case law and legislation, highlighting both harmonization efforts and persistent challenges.

Overview of literature and case-law

The review of sources and literature for this study includes a number of doctrinal and theoretical works, ECtHR case law, and comparative analyses. Fundamental literature discusses the philosophy and universality of human rights, including works by Wildt, Nickel, and Legrand. Key doctrinal sources analyze the autonomy of ECtHR concepts and their impact on national legal systems, such as articles by Letsas, Corzione, Trykhlib, and Shevyryna. The study also draws on practical guides from the Council of Europe, landmark ECtHR decisions (e.g., Marckx v. Belgium, Anheuser-Busch Inc. v. Portugal), and comparative perspectives from private law. The latest literature focuses on the problems of implementation in Ukraine and the harmonization of civil and family law, while examples from the case law of Ukrainian courts and the Supreme Court illustrate the real impact and adaptation of ECtHR practice to national private law.

Main text

1. Are Human Rights Still a Universal Morality or Just a Contested Tool of European Legal Area? In today's legal reality, the category of "human rights" is seen as a leading trend in the legal culture of a society that strives to prove its modernity and competitiveness. Recognition and respect for human rights are an important basis for the legitimacy of a particular legal system. Accordingly, states have a duty to respect, protect, and implement human rights. We see a connection between the rules established by the legal system and the legitimacy of the latter precisely in morality. Indeed, human rights are something like the "unchanging core" of the modern idea of law and justice [*see* 1]. In this sense, the institution of human rights implements the principles of a minimum level of justice, compliance with which is a necessary condition for the legitimacy of the rule of law.

Therefore, human rights occupy a special place both in the mental dimension (in attempts to justify them) and in the analysis of established practices for their protection. It is logical to assume that a primary understanding of any legal phenomenon, including such an important category as "human rights," can be achieved by comparing it with other phenomena of socio-legal reality, for which its presumed boundaries must be determined. These boundaries define the ontological dimension of the category under consideration.

If we examine the attempts at definition found in various sources, we encounter a wide range of views on this legal phenomenon. Moreover, most of these definitions are descriptive. It should be noted that the definitions of human rights in numerous sources are still not entirely clear. In this regard, several basic questions arise:

1) how these rights differ from other rights (the reference to the universality of law cannot be taken into account, since the content of any legal phenomenon is revealed exclusively in the practise of a particular legal system, because the limits of standardisation are the limits of the legal culture prevailing in that legal system);

2) do human rights presuppose a certain form of positive embodiment in normative legal acts of a national and/or international nature (or is recognition at the level of public awareness sufficient for the effective exercise of these rights?)

3) if we stick to the definition of human rights as a "measure of personal freedom", do they then require guarantees by the legal order, and does the absence of such guarantees mean that the category of human rights itself is recognised as not having legal capacity (the question of legitimacy;

4) human rights imply "the possibility of enjoying spiritual and material benefits", when in reality fundamental human rights do not require any expenditure for their fulfilment and the possibility of their fulfilment does not depend on the state of the economy of a particular state (such rights can be addressed as "absolute" negative human rights: Prohibition of torture, inhuman treatment, etc.);

5) what is the difference between human rights and moral guarantees, i.e. how are these rights understood by researchers trying to understand them within the framework of philosophical reflection? [*for related discussion, see* 2].

An analysis of the origins of human rights leads to the conclusion that they are prerogatives with a fundamental moral dimension. The hypothesis of human rights is based on the idea that there is a certain moral order, the legitimacy of which is not linked to specific historical or social conditions, and this order applies to all people at all times. And here we see the "trap" of unification, because:

"No rule in the borrowing jurisdiction can have any significance as regards the rule in the jurisdiction from which it is borrowed. This is because, as it crosses boundaries, the original rule necessarily undergoes a change that affects it qua rule." [3, p. 120].

Thus, moral universalism is recognized as the basic prerequisite for human rights, and any attempt to reject it leads to the inevitable indoctrination of this legal category. At the same time, morality and justice in the context of the hypothesis under consideration are recognized as primary in relation to all social institutions of a particular jurisdiction, which leads to the conclusions: (1) about the universal nature of human rights and (2) that all other values and principles derive from this category of rights. At the same time, based on the prevailing opinion, the bearer of human rights is recognized as the person himself, regardless of his physical condition, ethnic and national affiliation, with equal legal opportunities guaranteed to each person.

Of course, the affirmation of human rights, which took place on a real historical scale, led to the substantial elimination of the concept of natural rights: for a certain period, the prevailing opinion was that "the positivist-legal worldview, which denies the existence of prior positive law and natural law independent of it, became generally accepted" and "only with the emergence in the 1920s and 1930s of totalitarian regimes in European countries, which radically abolished democratic and liberal constitutions with their guarantees, did an urgent need arise to provide human rights with a justification other than positive law..." [4]. The current situation, related to the aggression against Ukraine and massive human rights violations by the aggressor country, raises fundamental and methodological questions about the understanding and justification of the concept of human rights in a new context, taking into account past experience.

Indeed, this is the essence of the dilemma: *human rights cannot be reduced to positive law, as they establish a framework that allows for criticism of the norms and institutions of positive law.* Thus, the idea of human rights takes on special significance when these rights are not recognized and are violated by positive law. In other words, the limits of human rights are recognized through the violation of such rights.

The practical conclusion is that: rather than asking whether the ECtHR will "unify" private law, it may be more productive to examine the type and intensity of harmonization the Court can realistically achieve. In contemporary Europe, the legitimacy of a legal system is increasingly linked to its ability to ensure human rights. As a result, Strasbourg's authority extends beyond public law and inevitably reaches private legal relations.

2. Does the ECtHR's Doctrine of Autonomous Concepts Unify Europe or Erode Legal Diversity? In order to ensure maximum coverage of legal situations arising from human rights violations in national jurisdictions, and given that the interpretation of such rights falls within the competence of the ECtHR, the Court develops "autonomous concepts." For example, in the case of Anheuser-Busch Inc. v. Portugal, it is stated:

The concept of "property" referred to in the first paragraph of Article 1 of Protocol

No. 1 has an autonomous meaning which is not limited to the right to possess material goods and does not depend on the formal classification in domestic law: certain other rights and interests constituting assets may also be regarded as "property rights" and, therefore, as "property" for the purposes of this provision. In each case, it must be considered whether the circumstances of the case as a whole gave the applicant a right to a material interest protected by Article 1 of Protocol No. 1 (...) [5].

In considering the phenomenon of "autonomous qualification," G. Lestas [6] rightly questions the traditional view that judges simply exercise broad discretionary powers. Instead, he emphasizes that substantial legal differences are inevitable and are of key importance in the consideration of human rights cases.

The ECtHR applies the principle of autonomous interpretation, meaning that while national law may serve as a reference, the Court is not bound by domestic definitions when interpreting the ECHR. Instead, it independently defines key terms to ensure effective rights protection even if this means departing from or exceeding national legal definitions. This guards against states narrowing Convention rights through restrictive laws. For instance, for concepts like "home" or "family," the ECtHR considers national law but ultimately applies its own independent interpretation to decide if a case falls under the Convention's protection, ensuring that ECHR rights are not undermined by narrow or arbitrary domestic definitions [7].

In turn, the autonomous qualification of legal concepts by the ECtHR, when incorporated into national legislation, raises a number of questions. This primarily concerns the semantic independence of the definitions developed by the ECtHR, which leads to contradictions with national legal definitions [8]. The ECtHR often defines important legal concepts independently of national legislation, which can lead to contradictions for national courts that apply the ECtHR's interpretations at the local level. For example, while the ECtHR may consider the "right to housing" as a fundamental human right, national legislation may consider housing as solely a civil or administrative matter. This discrepancy can cause uncertainty or skepticism among judges when ECtHR concepts do not correspond to traditional national categories [*see* 9]. Second, autonomous concepts aim to provide uniform protection, but different legal

traditions and judicial practices in member states often lead to inconsistent application and disputes over their meaning (homogeneity problems). Third, autonomous interpretation reduces the ability of states to justify local practices, sometimes causing political resistance and concerns about sovereignty. It also invites accusations of "double standards" if the ECtHR's approach differs across countries (problems of limiting state discretion). Fourth, the dynamic, evolving standards of the ECtHR may outpace national reforms, making it difficult for states to ensure consistent compliance and increasing legal uncertainty (problems of legal uncertainty). Fifth, reluctance or resistance to accepting the ECtHR's definitions, as well as the need to train judges and harmonize legislation, can lead to slow or incomplete implementation (problems of delays in implementation). Sixth, as autonomous concepts are gradually refined through case law, it is difficult to predict outcomes, which undermines legal certainty and trust in both the ECtHR and national courts (problems of predictability) [*for related discussion, see* 10].

The incorporation of the ECtHR's autonomous concepts into national legislation aims to prevent states from undermining the guarantees of the Convention through restrictive national interpretations. However, this process is accompanied by legal, institutional, and political challenges: it tests the relationship between national sovereignty and supranational authority, requires significant adaptation of the domestic legal culture, and necessitates constant dialogue and, at times, confrontation between national and European courts. The doctrine of autonomous meaning is both a "guarantee" of human rights and a constant source of complex legal and political negotiations.

Thus, the ECtHR interprets the rights provided for in the Convention independently of national legislation, ensuring effective and uniform protection in all member states [7]. At the same time, states must ensure that their domestic legal systems are compatible with the ECtHR, but they are free to choose the means to achieve this goal [11]. The ECtHR has a significant impact on both public and private law in member states, shaping national legal standards and practices [12].

At the same time, although civil law categories are defined and developed

autonomously within each national legal system, and national courts rely on domestic legislation and case law, and the classification of rights and obligations is based on national legal concepts, the ECtHR, in turn, considers many concepts to be autonomous from national law, which means that it applies its own independent criteria to determine whether a particular issue falls within the scope of the Convention, regardless of its domestic classification [11]. However, the Court also respects national differences and applies the principle of subsidiarity and limits of discretion, giving states a certain margin of appreciation [13].

This gap between universality and local interpretation reflects a deeper understanding that legal norms rarely remain unchanged across jurisdictions. When translated into new doctrinal environments, concepts acquire different meanings and practical implications. Therefore, attempts to harmonize private law through human rights inevitably encounter legal and cultural diversity. Human rights may serve as a common moral vocabulary, but the grammar through which they are expressed remains specific to each jurisdiction.

3. National Implementation and Horizontal Effect: The Transformative Influence of ECtHR Case Law on Private Law. Although states are not required to incorporate the Convention into their domestic law in its literal form, they must ensure that the substance of the rights provided for in the Convention is respected for all persons within their jurisdiction, using any legal means they deem appropriate. By ratifying the ECtHR, member states undertake to ensure that their domestic legislation and practice comply with the Convention. In doing so, states must provide effective remedies at the national level to prevent violations of the rights provided for in the Convention or to provide compensation in the event of such violations. The ECtHR leaves it to each state to decide how best to fulfill these obligations, but the effectiveness of national remedies and the conformity of domestic legislation with the Convention are subject to review by the Court [11].

It should be noted that the case law of the ECtHR has also had a significant impact not only on relations between individuals and the state, but also on domestic private law. Following landmark cases such as Marckx v. Belgium (1979), the Convention was

recognized as having relevance to disputes between private individuals (the so-called "horizontal effect"). This has led to significant changes in areas such as family law, data protection, and labor law in member states, as national courts and legislative bodies adapt their legislation to ECtHR standards [14].

It is clear that the practice of the ECtHR has a significant impact on the private (civil and family) law of the states-parties to the Convention. In particular, in Ukraine, in accordance with the Law of Ukraine "On the Enforcement of Decisions and Application of the Practice of the European Court of Human Rights" and procedural codes, the practice of the ECtHR is binding in the resolution of civil, family, and inheritance disputes. When considering such cases, Ukrainian courts must not only take into account the provisions of national legislation, but also directly apply the precedents and legal conclusions of the ECtHR as a source of law.

ECtHR decisions, especially those that contain new interpretations or broaden the understanding of certain terms of the Convention (e.g., "property," "family life," "private life"), become the basis for the Supreme Court to depart from its previously formulated legal positions in favor of European standards of human rights protection. In practice, this means a review of national court decisions, a change in approaches to evidence, and a fundamentally different view of the balance of interests between the parties.

In particular, the ECtHR has influenced a broader interpretation of the concepts of "family," "interests of the child," and "respect for private and family life." The above-mentioned case of Marx v. Belgium became the basis for recognizing the equal rights of children, regardless of their origin, and revising the rules for establishing maternity in unmarried women. In cases against Ukraine, the ECtHR also insisted that the best interests of the child are decisive in family disputes, even if this contradicts the literal interpretation of the law or established judicial practice. In particular, in the case of M.S. v. Ukraine (application no. 2091/13, judgment of July 11, 2017) [15], the ECtHR found a violation of Article 8 of the Convention (right to respect for private and family life) due to the incorrect determination of the child's place of residence by the national courts.

In the case of Mamchur v. Ukraine (judgment of July 16, 2015) [16], the ECtHR also found a violation because the authorities had failed to take measures to ensure the father's right to participate in the upbringing of his child, while emphasizing the priority of ensuring the best interests of the child. In its judgment in the case of Hunt v. Ukraine (No. 31111/04, December 7, 2006) [17], the ECtHR specifically emphasized that a fair balance must be struck between the interests of the child and those of the parents, but that the interests of the child must prevail.

In general, in a number of cases, the ECtHR emphasizes that national courts are obliged to justify decisions that restrict the rights of one of the parents on the basis of the best interests of the child, and not solely on the basis of the formal provisions of national legislation.

The Supreme Court of Ukraine also refers to this practice of the ECtHR in its decisions, emphasizing that in family disputes, the interests of the child must be a priority, even if this requires a departure from the letter of the law or established practice [*see*, *in particular,* 18].

Updating standards for protecting the right to privacy of personal information and non-interference in personal and family life, forcing legislators and courts to adapt existing rules to the modern understanding of the right to privacy.

The practice of the ECtHR defines approaches to ensuring fair trial: prohibition of contradictory proceedings, equality of participants in the proceedings, the right to be heard, and proportionality of state interference in private life. This has influenced changes in the rules of evidence, the court's assessment of the parties' arguments, and procedural guarantees in civil proceedings [*see, in particular,* 19].

The ECtHR's practice regarding the concept of "property" has a significant impact on Ukrainian law, in particular through the application of the principle of autonomous interpretation of this term, which differs from national definitions. It is well known that the ECtHR interprets the concept of "property" broadly and independently of national legislation, considering it not only as the right to own material things, but also including various intangible assets and interests. These may include, for example, rights, claims, and legitimate expectations that a person can justify as property [20].

Ukrainian legislation also interprets "property" quite broadly, but in ECtHR practice, this concept has an even broader meaning, covering assets that are sometimes not recognized as property under national legislation. Thus, the ECtHR regularly considers cases concerning land claims, property registration, termination of usufruct, and security rights such as mortgages or pledges. In the context of land relations, the practice of the ECtHR shows that "property" includes not only classic tangible objects, such as land plots, but also other objects and rights, which affects the interpretation of the rights of parties in relations arising in connection with land use.

In practice, the ECtHR interprets "property" in the sense of "property rights" – rights that are enforceable against all (often related to ownership) – primarily in the context of Article 1 of Protocol No. 1 to the European Convention on Human Rights, which guarantees peaceful enjoyment of property and regulates issues of state interference with property rights. Accordingly, the ECtHR recognizes rights in rem (such as ownership, usufruct, or mortgage) as protected "possessions" if they are granted and legally recognized, regardless of whether national law qualifies them purely as property rights or as other property rights. The ECtHR considers the deprivation of a right in rem (e.g., expropriation, repeal of a law) to be usually instantaneous, not leading to a lasting violation unless lasting effects remain (such as non-enforcement of a court decision on property). The ECtHR requires that any interference meet three criteria: legality, legitimate aim, and proportionality/fair balance between individual and public interests [see 21;22].

Since the practice of the ECtHR is an official source of law in Ukraine, national courts must take it into account when resolving disputes, including land, agricultural, and other property disputes. This encourages the legislative and judicial systems to gradually harmonize national legislation with the standards of the Convention. Ukrainian legislation should not contradict the practice of the ECtHR, but should take into account not only its broader interpretation of the concept of "property," but also the ECtHR's basic principles regarding the practical interpretation of property rights, such as: deprivation of property, which is usually considered instantaneous rather than prolonged; the three-step test for interference (legality, legitimate aim,

proportionality/fair balance) applicable to all interference with property rights; and registration requirements leading to the modernization of substantive law in Ukraine.

Thus, the impact of the ECtHR's practice lies in the introduction of a broader and more flexible interpretation of the concept of "property," which goes beyond the classical definitions in national legislation and requires the corresponding adaptation of Ukrainian legislation and judicial practice to ensure effective protection of property rights in accordance with European standards [see 23 on this issue].

However, despite the official recognition of the ECtHR's practice, in practice its implementation is often formal in nature: Ukrainian courts may use ECtHR decisions to justify their position, but do not always implement European standards in substance. Systemic problems with compliance with the Convention remain in Ukrainian courts, as evidenced by ECtHR judgments against Ukraine, which confirm that the implementation of standards is sometimes imperfect or incomplete [see 24]. At the same time, the widespread use of ECtHR case law contributes to the unification of law enforcement, humanization, and improvement of the quality of protection of private rights.

From the above, we see that the ECtHR's approach to property rights illustrates the tension between autonomous meaning and national classification. By considering a wide range of interests as "property", the Court broadens the scope of protection under Article 1 of Protocol No. 1. This obliges states to update their understanding of property, legal remedies, and the proportionality of regulatory interventions.

The ECtHR is undoubtedly a powerful force promoting the harmonization of human rights standards and legal practice in Europe. Its case law shapes national legislation and court decisions, contributing to the convergence and formation of a common legal culture. However, due to differences in application and limited powers, the practice of the ECtHR leads to significant harmonization, but by no means to the complete unification of European legal systems [see 25]. In any case, the interplay between the autonomous interpretations of the ECtHR and national legal systems is both the basis for the protection of human rights and a constant challenge that requires mutual adaptation and constructive interaction.

Conclusions

The practice of the ECtHR has had a transformative impact on the protection of human rights and the harmonization of national private law in Europe, in particular through its doctrine of autonomous interpretation. By defining legal concepts independently of national definitions, the Court has strengthened the universal and effective application of the Convention by setting higher standards that national legal systems must comply with.

However, this harmonizing effect is not unlimited. National legal traditions, institutional practices, and the principle of subsidiarity continue to create differences in the application and interpretation of the rights provided for in the Convention. Although ECtHR decisions serve as powerful catalysts for legal reform and provide important guidance to national courts, persistent challenges—such as delays, non-compliance, and periodic resistance on grounds of sovereignty—indicate that harmonization remains an ongoing process rather than a completed project.

Ultimately, the relationship between the ECtHR and national legal systems is best understood as a constructive dialogue that strengthens the protection of rights while respecting the diversity of European legal cultures. A continued commitment to this dialogue, effective domestic remedies, and judicial cooperation are necessary to ensure that the standards of the Convention are implemented not as external requirements but as integral elements of domestic legal systems.

References:

1. Wildt, A. (1998) ‘Menschenrechte und moralische Rechte’, in: Gosepath, S. & Lohmann, G. (eds) Philosophie der Menschenrechte. Suhrkamp, Frankfurt am Main, pp. 124–145.

2. Nickel, J.W. (2007) Making Sense of Human Rights: Second Edition. Oxford: Blackwell Publishing.

3. Legrand, P. (1997) ‘The Impossibility of “Legal Transplants”’, Maastricht Journal of European and Comparative Law, 4, pp. 111–124.

4. Bulygin, E. (1987) ‘Sobre el status ontológico de los derechos humanos’,

DOXA. Cuadernos De Filosofía Del Derecho.

5. Anheuser-Busch Inc. v. Portugal [GC], no. 73049/01, 11 January 2007.

6. Letsas, G. (2004) 'The Truth in Autonomous Concepts: How To Interpret the ECHR', European Journal of International Law, 15(2), pp. 279–305. doi:10.1093/ejil/15.2.279.

7. Corcione, E. (2023) 'Is There a Role for Domestic Law in the Interpretation of the European Convention on Human Rights?: Why Autonomous Concepts Are Not That Autonomous After All', The Italian Review of International and Comparative Law, 3(2), pp. 491-514. https://doi.org/10.1163/27725650-03020001

8. Trykhlib, K. & Lemak, V. (2022) 'Autonomous Interpretation by the European Court of Human Rights and Margin of Appreciation', International and Comparative Law Review, 22(1), pp. 135–148. doi:10.2478/iclr-2022-0009

9. Shevyryna, T. (2017) 'Autonomous concepts as an instrument for the interpretation of the Convention for the Protection of Human Rights and Fundamental Freedoms by the European Court on Human Rights', Slovo Natsional'noyi Shkoly Suddiv Ukrayiny, 1(18), pp. 49–57.

10. Trykhlib, K. (2022) 'Analysis of Autonomous Concepts in the Practice of the European Court of Human Rights', Comparative Law Review, 28, pp. 459–484. http://dx.doi.org/10.12775/CLR.2022.016

11. Caligiuri, A. & Napoletano, N. (2010) 'The Application of the ECHR in the Domestic Systems', The Italian Yearbook of International Law Online, 20(1), pp. 125–159. https://doi.org/10.1163/22116133-90000173

12. Durovic, M. & Poncibo, C. (2024) The European Convention on Human Rights and Private Law: Comparative Perspectives from South-Eastern Europe. Oxford: Hart Publishing.

13. McBride, J. (2021) The Doctrines and Methodology of Interpretation of the European Convention on Human Rights by the European Court of Human Rights. pp. 72.

14. Fornasier, M. & Stanzione, M.G. (2023) 'The European Convention on Human Rights and its Impact on National Private Law: An Introduction', in Fornasier,

M. & Stanzione, M.G. (eds) The European Convention on Human Rights and Its Impact on National Private Law: A Comparative Perspective. Intersentia, pp. 1–8.

15. M.S. v. Ukraine (Application no. 2091/13) https://hudoc.echr.coe.int/eng/#{%22itemid%22:[%22001-175140%22]}

16. Mamchur v. Ukraine (Application no. 10383/09) https://hudoc.echr.coe.int/ukr#{%22itemid%22:[%22001-156388%22]}

17. Hunt v. Ukraine (Application no. 31111/04) https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-78410%22]}

18. Postanova Velykoyi Palaty Verkhovnoho Sudu vid 29.05.2019 roku u spravi No. 357/17852/15-ts (provadzhennia No. 14-199ts19)

19. Ohliad rishen Yevropeys'koho sudu z prav lyudyny proty Ukrayiny (15 veresnya 2022 roku). Rishennia, opublikovani 15 veresnya 2022 roku / Vidp. za vyp.: O. Yu. Tarasenko, D. P. Mordas, R. Sh. Babanly. Kyiv, 2022, 37 s.

20. Marchenko, S. & Paliychuk, V. (2021) 'Autonomous Interpretation of the Concept of "Property" in the Practice of the ECtHR in the Context of Land and Agrarian Law of Ukraine', Chasopys Kyyivs'koho Universytetu Prava, 2021/1, pp. 253–257. doi:10.36695/2219-5521.1.2021.49

21. Council of Europe (2023) Guide on Article 1 of Protocol No. 1 to the European Convention on Human Rights: Protection of Property. Updated on 28 February 2023. Council of Europe. Available at: https://rm.coe.int/guide-article-1-p1-gts-english-update-28-02-2023-/1680ae370a

22. Bianku, L., Trifunović, P., Aras Kramar, S. & Martinović, I. (2022) Right to property in the context of Article 1 Protocol 1 to the European Convention on Human Rights and Freedoms. Council of Europe. Available at: https://rm.coe.int/analysis-of-property-rights/1680a679ed.

23. Tsiura, V., Kharchenko, H.H., & Sabodash, R. (2020) 'The Civil Legal Category of Property Rights in Ukraine in the Context of ECtHR Decisions: Problems of Theory and Practice', Amazonia Investiga, 9(26), pp. xx–xx. https://www.amazoniainvestiga.info

24. Tsevenko, S.B. & Krasko, S.A. (2020) 'Problems of the Application of the

Case Law of the European Court of Human Rights in the Administration of Justice', Naukovyy Visnyk Uzhhorods'koho Natsional'noho Universytetu, 61(1), pp. 43–47. doi:10.32782/2307-3322.61-1.9

25. Viljanen, J. (2011) 'The Role of the European Court of Human Rights as a Developer of International Human Rights Law', Cuadernos Constitucionales de la Catedra Fadrique Furio Ceriol, 62/63, pp. 249–265.

Article sent: 24.11.2025