

item from the debtor in the event that the death of the subject of execution is not the fault of the debtor.

We consider this provision inappropriate and inadequately grounded, in particular, it is not considered possible and sufficient to refer to a rather abstract "stability of civilian turnover".

In this case, the creditor's interest, which should not be deprived of the opportunity, is more important.

It is necessary to analyze the cases when the impossibility of performing one of the objects of an alternative obligation came from the fault of the debtor or creditor. So, if the impossibility of executing one of the two items comes from the creditor's fault, the obligation is considered to be repaid.

If the impossibility of execution was due to the debtor, then there are two options for solving this situation:

1) the right of choice belongs to the debtor - then the obligation becomes a simple one that the debtor has to fulfill;

2) the choice of choice belongs to the creditor - the obligation remains an alternative, and the creditor chooses either the reimbursement of the value of the item for which it was impossible to execute or the fulfillment of the remaining obligation.

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GROUNDS FOR LIMITING THE RIGHT TO LIBERTY AND SECURITY OF PERSON IN DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS

Human rights are "the basic rights and freedoms to which all humans are entitled. Human rights are of a natural nature and are inseparable from the individual, they are extra-territorial and extra-national, exist regardless of their attachment to legislative acts of the state, are subject to international

legal regulation and protection [2]. The right to liberty and personal integrity is legally enshrined in the Constitution of Ukraine, namely Article 29 of this law.

Ukraine is also a party to many international treaties that include standards for the protection of the right to liberty and security of person, in particular the International Covenant on Civil and Political Rights and the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by the Law of Ukraine of July 17, 1997.

In the context of modern life, the appeal to the European Court of Human Rights concerning the violation by a state or person of the fundamental rights of another person has become quite popular and effective. Due to the incompetence of individual law enforcement agencies, the number of applications to the ECHR regarding unlawful imprisonment and violation of Art. 5 of the European Convention on Human Rights (namely, the right to liberty and security of person).

The purpose of the research is to describe the notion of "the right to liberty and personal integrity", to determine the grounds for legitimate restriction of these rights. The tasks are the following:

- to clarify the concept of "the right to liberty and personal integrity";
- to identify the main grounds for limiting the right to liberty and personal integrity;
- to analyze the legislation of Ukraine, which ensures the right to liberty and personal integrity;
- to analyze Art. 5 of the European Convention on Human Rights;
- to analyze the decisions of the ECHR on violation of Art. 5 of the European Convention on Human Rights.

The object of research is the right to liberty and personal integrity in general.

The subject of research is the grounds for restricting the right to liberty and their use in the practice of the European Court of Human Rights.

Article 5 of the European Convention on Human Rights provides that everyone has the right to liberty and security of person. Liberty and security of the person are taken as a "compound" concept - security of the person has not been subject to separate interpretation by the Court [1].

Article 5 also provides the right to liberty, subject only to lawful arrest or detention under certain other circumstances, such as arrest on reasonable

suspicion of a crime or imprisonment in fulfilment of a sentence. The article also sets out that those arrested with the right to be informed, in a language they understand, of the reasons for the arrest and any charge they face, the right of prompt access to judicial proceedings to determine the legality of the arrest or detention, to trial within a reasonable time or release pending trial, and the right to compensation in the case of arrest or detention in violation of this article [1].

The grounds for limiting the right to liberty and personal integrity are (from the European convention on the protection of human rights and fundamental freedoms):

a. the lawful detention of a person after conviction by a competent court;

b. the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by the law;

c. the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

d. the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

e. the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

f. the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

The decision of the ECHL which found violations of the restrictions on the right to liberty and personal integrity:

– CASE OF KHLAIFIA AND OTHERS v. ITALY

– CASE OF EL-MASRI v. "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"

– CASE OF MEDVEDYEV AND OTHERS v. FRANCE

The ECHR judgment in which no violation of the restrictions on the right to liberty and security of person was found:

- CASE OF MAGEE AND OTHERS v. THE UNITED KINGDOM
- CASE OF M.T. v. ESTONIA
- CASE OF ILNSEHER v. GERMANY

Summing up all the above, the right to liberty and personal integrity is the fundamental right of everyone. It is provided by the state legislation and ratified by the international legal acts. This right may be limited only to the legitimate grounds specified in the constitution of the state or in the European Convention on Human Rights. In case of unlawful restriction of this right, a person may apply to the European Court of Human Rights and demand a fair court decision.

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