

found in the code, in most cases they are formed by the court during the application of the relevant criminal law norms. Judicial practice contains a number of important conclusions regarding the resolution of controversial issues relating to the institution of exemption from criminal responsibility. We have considered the general grounds for exemption from criminal liability, however, there are a number of issues, namely when applying special types of exemption from criminal liability, but they require separate coverage.

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## **SALARY AS A COMPONENT OF THE CONCEPT OF PROPERTY IN THE PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS**

PAVLO ORDYNSKYI, student

ALLA I. RADU, Associate Professor, PhD in Philology, Legal English Supervisor  
*Ivan Franko National University of Lviv*

In the practice of the European Court of Human Rights (ECtHR), the concept of property is broadly interpreted to include not only tangible assets, such as: land, buildings, and goods, but also intangible assets, such as: intellectual property, bank accounts, and salaries. The ECtHR recognizes that salary is an important component of an individual's property rights, and it has often stated that interference with an individual's salary can constitute a violation of Article 1 of Protocol No 1 to the European Convention on Human Rights (ECHR), which protects the right to peaceful enjoyment of possessions.

**The purpose of the research** is to gain a deeper understanding of how the concept of property is defined and protected in the European Union, specifically in relation to salaries. This research is important for various reasons, namely: 1) *legal clarity*: understanding how salaries are defined as property under the EU law and how they are protected can provide legal clarity for individuals, employers, and legal practitioners; 2) *protection of employee's rights*: employees have the right to receive fair compensation for their work, and this includes their salaries, analyzing how salaries are protected as property under the EU law can help to ensure that employee's rights are safeguarded; 3) *litigation*: in case with the unpaid salaries,

understanding how salaries are protected under the EU law is crucial in determining the outcome of legal proceedings.

Overall, the research of the problem of the salary as the property in the EU law can provide valuable insights into how salaries are defined and protected under the EU law and how the employee's rights are safeguarded.

**The legal basis of the research** is grounded on the fundamental rights and principles enshrined in the EU Treaties, the EU Charter of Fundamental Rights, the European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights (ECtHR).

Firstly, the EU Treaties, which are the primary legal instruments of the European Union, recognize the importance of protecting fundamental rights and freedoms, including the right to property. Article 17 of the Charter of Fundamental Rights explicitly recognizes the right to property, stating that "everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions."

Secondly, the EU Charter of Fundamental Rights provides further legal basis for the protection of property rights, including the right to receive a salary. Article 31 of the Charter provides for the right to fair and just working conditions, including the right to receive remuneration. This includes protection against non-payment, unjustified reductions in pay, and unfair dismissal.

Thirdly, the EU secondary legislation, such as Directive 2008/94/EC on the protection of employees in case of the insolvency of their employer, provides legal basis for the protection of employees' property rights, specifically their right to receive a salary.

Finally, Article 1 of Protocol No 1 to the ECHR explicitly recognizes the right to property and the peaceful enjoyment of possessions. The ECtHR has consistently noted that salaries fall within the scope of this provision and that they are an aspect of property rights.

The ECtHR has developed a rich jurisprudence on the right to property, including the right to receive a salary. In its case law, the ECtHR has emphasized that the right to property is not absolute and can be the subject to limitations in the public interests. However, any interference with property rights must be proportionate and strike a fair balance between the demands of the public interests and the rights of the individual.

Moreover, the ECtHR has stressed that the right to receive a salary is a particularly important aspect of property rights, as it is essential to an individual's livelihood and well-being. For example, in the case of *Demir and Baykara v. Turkey* [3], the ECtHR stated that the non-payment of salaries constituted a violation of the right to property, as well as the right to work and the right to a fair trial.

Overall, the legal basis for the research on salary as a component of the concept of property in the practice of the European Court of Human Rights is grounded in the fundamental principles and legal instruments of the European

Union, which recognize and protect the right to property, including the right to receive a salary.

**In conclusion**, the concept of salary as property under the EU law and the practice of the European Court of Human Rights is important for the further research. The right to property, including the right to receive a salary, is recognized and protected under the European Convention on Human Rights, the EU Treaties, and the EU Charter of Fundamental Rights. The ECtHR has developed a rich jurisprudence on the protection of property rights, emphasizing that the right to receive a salary is a particularly important aspect of property rights that is essential to an individual's livelihood and well-being. Researching the legal basis and implications of the concept of salary as property in the EU law can provide valuable insights into how salaries are defined and protected under the EU law, and can help to ensure that employees' rights are safeguarded. It can also provide legal clarity for individuals, employers, and legal practitioners, as well as inform policy development and guide litigation in case of labour disputes on the unpaid salaries.

Summing up, understanding the concept of salary as property in the EU law and the practice of the ECtHR is essential for protecting the employees' rights, promoting fair and equitable compensation, and upholding the fundamental principles of the European Union.

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