

lies in the fact that the main object of legal protection of Section 7.7 of the new draft Criminal Code is primarily the security of information systems, not property.

Furthermore, the corpus delicti of criminal offenses outlined in Articles 7.7.3 to 7.7.6 covers only those infringements where the objective element is manifested through hacking or the use of malicious and spyware software (through which an offender gains access to passwords for custodial wallets, private keys, or seed phrases), etc. Meanwhile, other methods of stealing crypto-assets (e.g., through physical assault or deception) cannot be classified either as criminal offenses against property or, even less so, as criminal offenses against the security of information systems.

Thus, in order to protect the ownership rights to crypto-assets, the provisions of the draft Criminal Code need to be finalized to ensure punishment for actions aimed at the illegal appropriation of crypto-assets. In particular, the problem can be solved by supplementing Section 6.1 with a separate article that will provide for criminal liability for the theft of crypto-assets. This proposal will be the subject of further research.

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OBLIGATIONS AND FUNDAMENTAL FREEDOMS OF THE STATE IN THE DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS

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Introduction. Under Article 1 of the UN Convention, the High Contracting Parties undertake to respect human rights and to ensure them to everyone within their power [1]. There are two main obligations of the State – negative and positive. Negative obligations are responsibilities not to interfere with the rights and freedoms of individuals. Positive ones, on the other hand, are obligations of the State to take certain steps to enable individuals to enjoy the rights under in the Convention. The sphere of religion is of no exception.

Objectives. The purpose of this work is to analyze the problem freedom of religion in ECHR decisions. This theme has been considered through the prism of the decisions of the ECHR.

Methods. In the course of the research, both general scientific and special methods of scientific knowledge have been used. The most used methods are the methods of analysis and synthesis.

Results. The positive obligations of the state under Article 9 of the Convention consist in necessity for the state to take measures to protect freedom of religion. Having analyzed the practice of applying Article 9 of the Convention, we were able to distinguish the following obligations – the protection of citizens and all persons residing in the territory of the state from physical, verbal and any other type of aggression by third parties, as well as the protection of the rights of military personnel, people working at work, and also ensuring that people in places of deprivation of liberty enjoy all rights to practice religion. In our opinion, in order to better see what such obligations are manifested in, it is necessary to examine certain decisions of the European Court of Human Rights (here and further the ECHR or the Court).

In the case of “Members of the Congregation of Jehovah’s Witnesses in Gldani and Others against Georgia”, the ECHR established a violation of Article 9 by the state. In this case, the state was unconcerned to the fact that physical and psychological violence was inflicted on members of the organization. As for the protection of the rights of persons in military service, the state also has certain obligations to protect their rights [2]. At the same time, military who go to serve also agree to certain conditions. The state can introduce certain statutes that persons who agree to military service must comply with. Thus, in the case of Furuk against Turkey, a military judge was dismissed from his post because he had adopted unlawful fundamentalist views, as a result of which he committed acts that could harm military discipline. The ECHR ruled that there was no violation of Article 9 here [3].

Ensuring freedom of religion for prisoners is another important duty of the state. We believe that employees of state structures should treat such persons with respect and promote the realization of their rights and freedoms. Persons in places of deprivation of liberty have the right to meet with priests [4].

Let us consider further the negative obligations of the state regarding freedom of religion. Having analyzed a number of ECHR cases, we can conclude that the negative obligations of the state consist in the fact that the state should not interfere with the normal activities of religious organizations, respect their autonomy, and also has a procedural obligation not to interfere in the judicial consideration of cases on issues related to religion. The ECHR recognizes three constitutional models regulating relations between the state and the church that exist in the member states of the Council of Europe. All these models can be divided into three categories: 1) the existence of a state church, 2) complete separation of the state and religious organizations and 3) relations of an adjacent type (this is the model that prevails in most European countries). The Court recognized all three models as not contradicting Article 9 of the Convention [3].

If we talk about the fact that the state should not interfere with normal activities, then, in our opinion, regardless of whether a religion is recognized as the state or not, other religious organizations should not be humiliated or limited in their rights. No one can be forced to become a member of a state church. This opinion of the ECHR was expressed in the case of “Asatruarfelagid against Iceland” and also in the case of “Darby against Sweden” [5]. We believe that all states should be secular, that is, religion should be separated from the state. We do not at all belittle the role of the church. After all, if the church is completely removed from the state, people will have no moral values and laws left, and such a state will become atheistic.

Conclusion. To sum up, the negative obligations of the state consist in the obligation not to interfere with the normal activities of religious organizations and to respect the autonomy of religious organizations, while the positive obligations consist in taking certain actions to ensure the enjoyment of certain rights.

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LEGAL MECHANISMS FOR ENSURING DIGITAL RIGHTS IN DEMOCRATIC STATES: CHALLENGES AND PERSPECTIVES

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The advent of modern digital technologies has initiated profound transformations within contemporary society, specifically manifesting in the digital reconfiguration of social relations. This transformation is characterized by the widespread integration of advanced digital technologies across diverse spheres of human activity.