

Ganba O. Peculiarities of the legal relations arising in the implementation of practice of European Court of human rights in courts of Ukraine

The article investigates the peculiarities of the legal relations arising in the implementation of practice of ECHR in courts of Ukraine. The problems and causes of inadequate perception and adaptation by the Ukrainian courts of decisions of the ECHR in Ukrainian judicial practice are analyzed.

Thus, the general legal issues relating to the activities of the ECHR can be divided into two groups: legal issues pertaining to the perception of the provisions of the Convention and ECHR judgments, and the problems of applying ECHR rulings in domestic legal practice in Ukraine. These problems include:

1. There is a mixed attitude to the recognition by the courts of Ukraine of the mandatory interpretation and application of the Convention in all matters.
2. Creates a problem and a dual interpretation of Article 17 of the Law of Ukraine "On the implementation of decisions and application of the European Court of Human Rights practice", which obliges Ukrainian courts to apply the Convention and the practice of its application as an independent source of law.
3. Despite the reforms undertaken, the Ukrainian courts are not completely independent, which does not allow them unconditionally to use in their legal practice all provisions relating to the interpretation and application of the Convention. In Ukrainian reality, there are still some attempts of influence and pressure on judges by government officials, prosecutors, people's deputies, etc.
4. An urgent problem is the qualitative theoretical retraining of judges in order to increase their legal consciousness and legal culture in order to reorient them to natural-law ideas based on high humanistic potential, which is based on justice, freedom, equality of all before the law, etc.
5. The problem just raised, in turn, raises the problem of judicial practice: the rejection and sometimes neglect by some judges of the positive experience in the consideration of the ECHR case concerning the violation of the rights and freedoms of the individual.
6. Need to improve and implement the decisions of the ECHR in Ukraine, which differ from the principles of enforcement of decisions of national courts, first of all, prompt execution, impulsiveness, priority and completeness, etc.

The solution of the newly identified problems concerning the perception and adaptation of ECHR judgments by the courts of Ukraine will contribute to ensuring the rule of law as the main social value of the state and turning it into a full-fledged subject of not only constitutional but also international law.

Such a person's status in Ukraine will ensure the effective progress of our state towards integration into the European political, legal and cultural space, and the adoption of modern, more advanced standards for the implementation of judicial and law enforcement activities in the field of human rights, since appeals to the ECHR for a person are the last hope of justice and protection his or her rights and freedoms after exhausting all possible legitimate national remedies.

Key words: ECHR, the Convention, legal relations, judicial practice, human rights and freedoms.