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**Khalabudenko O., PhD in Law, Associate Professor,
Associate Professor of the Law and Public Administration Department
Kyiv National University of Construction and Architecture,
Ukraine**

**TEACHING THE IMPACT OF ECtHR JURISPRUDENCE
ON NATIONAL PRIVATE LAW: KEY FEATURES AND METHODS**

The European Court of Human Rights (ECtHR) plays a critical role in shaping national legal systems of the Council of Europe member states by interpreting the European Convention on Human Rights (ECHR). This influence extends deeply into private law disciplines-family, property, contract, and civil procedure-affecting both substantive rights and procedural guarantees. Teaching the topic of how ECtHR practice impacts national private law is therefore both timely and complex, requiring a thorough grasp of supranational human rights protections, autonomous legal concepts, and the evolving landscape of national legal adaption.

The teaching approach must clearly explain human rights and the ECtHR's autonomous interpretation, while using concrete examples of how national laws and courts adapt. Key trends to highlight are: (1) the ECtHR intervenes only in cases of arbitrary domestic decisions, but sets its own limits for reviewing such interference, often narrowing national definitions; (2) ECtHR rulings act as binding private law sources that directly affect national legal systems and can prompt the revision of national court decisions concerning the applicant [1].

1. Conceptual Foundations and Normative Context. Human rights form the “immutable core” of modern legal systems and underpin legal legitimacy through universal moral and normative principles [2]. Teaching begins by establishing a rigorous conceptual foundation: what human rights are, their moral roots, and how they differ from other legal norms. The ECtHR’s jurisprudence introduces the principle of autonomous interpretation, which means that the Court applies its own independent meanings to legal concepts within the Convention, rather than deferring to national law definitions. This creates a critical point of discussion to understand the extent and limits of legal unification in Europe.

Teaching must show how ECtHR’s autonomous interpretation balances with national sovereignty and legal traditions. The doctrines of subsidiarity and margin of appreciation allow states some freedom, highlighting the dynamic dialogue between national laws and the Court. Key concepts like “home,” “family,” and “property” often diverge from national meanings, causing tensions that illustrate challenges in harmonizing law without full unification [see 3]. The ECtHR interprets the rights provided for in the Convention independently of domestic law, ensuring effective and uniform protection in all member states. In doing so, states must ensure that their domestic legal systems are compatible with the ECHR, but they are free to choose the means by which they achieve this goal [4]. The ECHR has a significant impact on both public and private law in member states, shaping national legal standards and practice [5].

That is why educators must incorporate discussions on political and institutional pushback, the risk of double standards in applying ECtHR jurisprudence unevenly across states, and the significant legal uncertainty introduced by the Court’s evolving case law. These topics require balancing legal theory with practical realities, encouraging students to critically evaluate how and why national courts might resist or adapt ECtHR standards.

Teaching should foreground the ECtHR’s tangible impact on private law categories. *Property Law:* The autonomous interpretation of “property” covering tangible and intangible assets as well as legitimate expectations demands that national laws broaden their scope. In Ukraine, for example, ECtHR decisions have spurred modernization efforts to align property law with European human rights standards, illustrating the interplay between supranational rulings and national legislative adaptation. *Family Law:* The ECtHR’s expansive view of family life and the primacy of the child’s best interests challenge strict domestic concepts. Key cases, such as *Marckx v. Belgium* [6] and *M.S. v. Ukraine* [7], serve as effective pedagogical tools demonstrating how the Court’s rulings trigger domestic legal reforms and judicial reinterpretation. *Procedural Law and Privacy:* The Court’s jurisprudence on fair trial guarantees and privacy rights has reshaped national evidentiary practice and procedural safeguards, urging legislators and courts to update civil procedure traditions. By presenting concrete case law and integrating comparative law methodologies, educators make this influence accessible and applicable for students.

2. Didactic Approaches and Methods. Given the topic’s complexity, effective teaching relies on diverse methods:

Case-Based Learning: Case-based learning is a key didactic method for teaching the influence of ECtHR practice on national private law. It involves detailed examination of landmark ECtHR rulings that illustrate how the Court’s autonomous interpretation of Convention rights shapes and challenges domestic private law norms. Students analyze real cases to understand abstract human rights principles, the balance between supranational authority and national sovereignty, and the practical effects on areas like family law, property rights, and privacy [8]. Thus, utilizing landmark decisions of the ECtHR enables students to grasp abstract principles through concrete examples. This method also facilitates comparative legal reasoning and critical discussion about the practical application of human rights norms.

Interactive Seminars: Interactive seminars are essential for teaching the ECtHR’s influence on national private law. They engage students in active discussions about tensions between supranational human rights and national sovereignty, the margin of appreciation, and legal harmonization challenges. By debating ECtHR decisions and their implications, students gain a deeper, practical understanding of human rights law, preparing them for complexities in modern European private law.

Simulations and Moot Courts: Simulations and moot courts are effective ways to teach ECtHR's impact on national private law. They engage students in realistic court exercises that develop skills in argumentation, precedent interpretation, and applying human rights principles. These methods reinforce theory through practice and prepare students to handle real European human rights issues. Examples include mock trials of landmark ECtHR decisions or hypothetical cases on family law, property, and privacy [9].

Legal Updates and Research Projects: Legal updates and research projects play a crucial role in teaching the influence of ECtHR practice on national private law by keeping students and legal professionals current with evolving jurisprudence and procedural reforms. In 2025, key developments include the ongoing challenge of case overload at the ECtHR, which affects the Court's ability to deliver timely judgments despite procedural reforms aimed at efficiency. This backdrop provides a rich context for understanding the interaction between judicial capacity, political sensitivity, and case prioritization in human rights protection.

Teaching strategies emphasize student engagement with primary sources like the HUDOC database for case law analysis, alongside scholarly commentary and critical assessments. Research projects focus on specific areas such as migration, property, or family law, encouraging in-depth study and critical thinking. This approach fosters active learning and prepares students for current challenges in European human rights and national private law harmonization.

Conclusion. Teaching the influence of ECtHR practice on national private law equips future lawyers, judges, and scholars to operate effectively within an increasingly interconnected legal order. The instructional approach must integrate doctrinal analysis, case law interpretation, and awareness of socio-political realities with pedagogical methods fostering critical thinking and practical skills. By exploring the autonomous nature of ECtHR interpretations, the dynamic relationship between local and supranational law, and the concrete effects on private law, educators can develop a curriculum that reflects the challenges and significance of human rights harmonization in contemporary legal education.

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