

THE CONCEPT AND ESSENCE OF HUMAN RIGHTS AFTER DEATH: THEIR PLACE IN THE SYSTEM OF CIVIL RIGHTS OBJECTS

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Abstract:

This article explores the concept and essence of human rights after death, examining their role within the framework of civil rights. It addresses the complexities surrounding posthumous rights, including inheritance rights, the protection of personal dignity, and non-property rights. The discussion highlights the ongoing relevance of these rights in contemporary society, particularly in light of evolving legal and social contexts. The article presents various perspectives on the existence and transferability of human rights post-mortem, emphasizing the challenges heirs face in protecting the rights of the deceased. Additionally, it identifies specific categories of posthumous rights and the legal norms governing them. Ultimately, this work underscores the necessity for legal protection of human rights after death, advocating for a balanced approach that respects both individual dignity and societal values.

Keywords: Posthumous human rights, inheritance rights, protection of honor and dignity, non-property rights, civil rights system, legal protection.

Introduction

Human rights after death represent a complex and multifaceted aspect of the legal system that is becoming increasingly relevant in contemporary society. With the development of civil society and the legal framework, there arises a need to reflect on the rights and obligations that persist after a person's death. These rights encompass issues of inheritance, protection of personal data, as well as the right to preserve one's honor and dignity. The significance of this topic lies in its impact on the relations between the deceased and their heirs, as well as on interactions with the state. In the context of growing interest in human rights and their protection,

understanding the essence of human rights after death is essential for ensuring a fair and humane approach to the memory and legacy of the deceased.

Human rights are fundamental rights recognized and protected by the state. They include the right to life, freedom, equality, justice, and many others. The question of the existence of human rights after death is one of the most complex and debated issues in philosophy, law, and religion. As civil society and the legal system evolve, there is an increasing understanding that individuals may possess certain rights and obligations even after their death.[1] This issue has become even more pertinent with the rising interest in religious and spiritual matters in the modern world.

The concept of human rights after death is a significant aspect in both civil and international law. It encompasses issues of inheritance, protection of personal data and confidentiality, rights to property ownership, and inheritance rights, as well as real estate and business matters. These rights hold a place within the system of civil rights, as they describe the relationships between the deceased and their heirs, as well as between the heirs and the state. However, the protection of these rights may encounter challenges due to the inability of the deceased to express their will or safeguard their interests. This necessitates specific rules and procedures to ensure the protection of the rights of the deceased and their heirs. Ultimately, the concept of human rights after death is an integral part of the civil rights system, forming the foundation of relationships between heirs and the state.

Human rights do not cease upon death. They persist in various forms, such as inheritance rights, rights to protect one's honor and dignity, rights to preserve labor results, and copyright.[2] However, there are challenges and limitations associated with human rights after death.

Human Rights after death refer to the legal norms that provide certain advantages or protections for the interests of the deceased person and their heirs.[3] It is important to note that such rights cannot be exercised by the deceased themselves; their enforcement is entrusted to individuals who enter into legal relationships on behalf of the deceased or in connection with inheritance matters.

There are numerous perspectives regarding what happens to human rights after an individual's death. Some assert that these rights cease to exist with life, while others contend that human rights persist after death and may be transferred to heirs.[3] Additionally, some viewpoints associate human rights after death with one's spiritual and religious legacy, positing that a person's spiritual heritage can be

passed down through their descendants and may influence the rights and freedoms they inherit.[4] However, despite the various opinions, the concept and essence of human rights after death remain unclear and require further study and analysis.

According to Yu.I. Grevtsov, a person's rights cease to exist after death, as they are tied to the life and personality of the specific individual.[6] Nonetheless, certain rights do persist beyond death, such as the right to bodily integrity and the right to protection of honor and dignity. The right to bodily integrity means that after a person's death, their body cannot be used without consent. For instance, medical research or experiments cannot be conducted on the deceased without prior consent from the individual or their relatives.

The right to protection of honor and dignity implies that one cannot defame or tarnish the deceased's name after their death. If such actions occur, the perpetrators may be held accountable.

Several fundamental categories of human rights after death can be identified:

- 1) The Right to Respect for the Memory of the Deceased: this right involves ensuring the dignity and reputation of the deceased are preserved. It includes protection against defamation, insults, and indecent treatment of the deceased's body.
- 2) The Right to Protection of the Deceased's Personal Non-Property Rights: such rights include, for example, copyright, the right to privacy in the home, and the confidentiality of correspondence.
- 3) The Right to Inheritance: This right allows for the transfer of property rights and obligations of the deceased to their heirs.

Such rights may be provided for both at the legislative level and in international documents, such as the Universal Declaration of Human Rights, [7] the European Convention on Human Rights and Fundamental Freedoms, [8] and others.

One of the main issues is related to the right to protection of honor and dignity. When a person dies, they cannot defend their honor and dignity independently. The responsibility for protecting the rights of the deceased falls on the heirs, which can pose a problem, especially if inheritance matters arise several years after the death. In such cases, the ability to protect the rights of the deceased may be limited if evidence of the violation has been lost or damaged.

Furthermore, inheritance rights can become problematic if they were not specified by the deceased. If a person did not create a will, their heirs will be determined

according to the law. This may lead to an unfair distribution of the estate among the heirs and affect the preservation of intellectual property.

There is also the issue of limitations on the rights of authors after death. For example, a book by an author may be prohibited from publication after their death due to changes in legislation or the wishes of the heirs. Such restrictions are related to the fact that after death, the author cannot control the use of their work according to their intentions. Finally, there are problems associated with preserving the memory of the deceased. These issues relate to the heirs' ability to maintain a connection with the deceased, as well as to preserve and pass on their memorials, documents, and other artifacts. This can be difficult, as heirs may not have full access to personal property that reflects the life of the deceased or may be unaware of its existence.

Limitations on human rights after death cannot be completely avoided. However, to address these issues, it is essential for heirs to show respect for the deceased, to maintain their dignity and rights, and to strive to preserve a connection with them through the preservation of their memory and legacy. Additionally, the legislation should take into account the special needs of heirs and provide measures to protect the rights of deceased individuals. Only then can the legacy of past generations be preserved and their wisdom passed on to the next generation without distortion.[9] Human rights after death occupy their place in the system of civil law objects but hold a special status and are governed by specific legal norms. They may not claim the same level of attention and protection as the rights of living citizens, but their protection is an important component of the legal system.[5]

Human rights after death constitute an integral part of the system of civil law objects. They fall under a special category known as non-property rights. Non-property rights are various intangible benefits associated with an individual's personality and activities that can be the subject of legal relationships.

Human rights after death possess an individual-legal character, meaning they are aimed at protecting the interests of the deceased and their heirs. At the same time, they also hold social significance, as they pertain to the moral and cultural foundations of society, its values, and traditions. It is important to note that human rights after death are not absolute. They may be restricted in cases provided by law. For instance, the right to respect the memory of the deceased may conflict with the

right to freedom of speech or academic inquiry. In such cases, a balancing of interests and adherence to the principle of proportionality is required.[10]

Currently, civil law encompasses numerous legal objects that are protected by the state and provided for by law. These include various property and non-property rights, such as real estate, movable property, intellectual property, and others.

If human rights after death are acknowledged, they can be viewed as objects of civil rights. However, due to their specific nature, they may pose unique challenges and necessitate separate consideration within the civil rights system.

Firstly, if human rights after death exist, they can be transferred to heirs who may continue their protection and utilization. This may involve issues of inheritance and the transfer of rights, particularly when an heir lacks sufficient knowledge about human rights and their protection.

Secondly, human rights after death may manifest in specific forms, such as the inheritable right to privacy regarding personal information or the right to preserve and protect the religious and cultural traditions of the deceased. These rights may lack equivalents in the civil rights system and require distinct examination.

Thirdly, human rights after death may be interconnected with other objects of civil rights, such as inheritance rights to real or movable property, intellectual property, and so forth. This may lead to conflicts between heirs and other interested parties, requiring more detailed regulation in legislation.[11]

There are numerous perspectives on this issue, and it warrants further exploration from the standpoints of philosophy, law, and religion. However, despite the uncertainties surrounding this matter, it is clear that all human rights should be protected and respected both during life and after death.

Conclusion

1. Human rights do not cease upon death; they continue to exist and require protection, underscoring the importance of their legal regulation in contemporary circumstances.

2. Categories of posthumous rights: There are various categories of rights, including the right to respect for memory, protection of personal non-property rights, and inheritance rights, each of which has its own characteristics and requires separate consideration.

3. Issues in the realization of rights: The realization of human rights after death faces several challenges, such as the inability to express the deceased's wishes and difficulties in the protection of rights by heirs, necessitating additional legislative and legal measures.

4. Specificity of human rights in the legal system: Human rights after death occupy a special place within the system of civil rights and are considered non-property goods, which requires a distinct approach in legal application and analysis.

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