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## **PECULIARITIES OF COMPENSATION FOR NON-PROPERTY DAMAGE CAUSED TO THE HEALTH OF AN INDIVIDUAL IN EASTERN EUROPE**

In civil cases, damages are the remedy that a party requests the court award in order to try to make the injured party whole.

Damages are imposed if the court finds that a party breached a duty under contract or violated some right.

In common jurisdictions these harms to the health of an individual are mainly divided into material damages and immaterial (i.e. moral, non-property).

Purpose of this article is showing main specifics of immaterial health damages compensation in Eastern Europe. According to the United Nations definition, countries within Eastern Europe are Belarus, Bulgaria, the Czech Republic, Hungary, Moldova, Poland, Romania, Slovakia, Ukraine and the western part of the Russian Federation.

The relevance of the article's theme nowadays comes, first of all, from modern interactions through social media, and all the outcomes of the Internet-bullying, shaming, cancellations etc.

Discovery of multiple jurisdictions allows us in evaluating the effectiveness of regulations within present globalization processes, seeing pros and cons of each.

The last, but not the least, is the highest divorces rate ever, which mostly is caused by the harm to the mental health to the one or both spouses simultaneously by the acts of one-another. Eventually, all of the counted above often leads to the subject of the article.

Ukrainian legislation divides damage to an individual into losses (property and equals) and moral damage.

Moral damage can be in the following forms: 1) physical pain and suffering suffered by a natural person in connection with mutilation or other health damage, where «the characteristic features of obligations of compensation for damage caused by mutilation are that they arise when the absolute rights of the injured are violated, despite the fact that compensation for damage is of a property nature, all obligations are non-negotiable, since its subjects before causing the damage did not were related to the terms of the contract, and the most significant, in our opinion, is that the obligation to compensate for damage can be imposed not only on the person who caused the damage but also on other persons» [5]; 2) mental suffering suffered by a natural person in connection with illegal behavior towards himself, his family members or close relatives; 3) mental suffering suffered by an individual in connection with the destruction or damage of his

property; 4) degrading the honor and dignity of an individual, as well as the business reputation of an individual or legal entity.

Cases are held by courts. Even though moral damage is not about property, its compensation is mainly calculated into monetary equivalent of the harm. Payments can be either one-time sum or monthly compensations. Among other specific regulations: compensation of the harm, caused by illegal imprisoning.

The Czech Republic according to the Civil Code mentions pecuniary and non-property harm. But it says that the damages are always about the material compensation.

Anyone who has violated a legal obligation, or who can and should know that they will violate it, shall notify the person who may be harmed as a result of this without undue delay and warn them of the possible consequences. If he fulfills the notification obligation, the injured party does not have the right to compensation for the damage that he could have prevented after notification.

In the event of bodily harm, the perpetrator shall compensate the injured party with monetary compensation, fully balancing the pain suffered and other non-pecuniary damages; if damage to health has created an obstacle to a better future for the victim, the harm will also compensate him for the difficulty of social application. If the amount of compensation cannot be determined in this way, it is determined according to the principles of decency.

In the event of death or particularly serious bodily injury, the perpetrator shall compensate the spouse, parent, child or other close person for the mental suffering with monetary compensation that fully compensates for their suffering. If the amount of compensation cannot be determined in this way, it is determined according to the principles of decency.

The victim shall compensate the person who incurred them for the reasonable costs associated with the funeral to the extent that they were not covered by a public benefit according to another legal regulation. In doing so, he will consider the customs and circumstances of the individual case.

If this is justified by special circumstances in which the harm caused by an illegal act, in particular if he violated an important legal obligation due to gross negligence, or if he intentionally caused harm out of a desire to destroy, harm or from another particularly reprehensible motive, the harm will also compensate non-pecuniary damage to everyone, who reasonably feels the damage caused as a personal misfortune that cannot be remedied in any other way.

Some special regulations. The perpetrator is obliged to compensate the damage, regardless of his fault, in cases specified separately by law. If the person who is at risk of harm does not take steps to avert it in a way that is appropriate to the circumstances, he bears responsibility for what he could have prevented.

In the Czech Republic the burden of evaluation is mainly on the court. That is why, the government accepted thresholds on maximum

amount of compensations for some particular case. Such rulings help courts reach more fair calculations and decisions. Whereas, in Ukraine, evaluating the harm is subject to big proof burden and court difficulties occurring.

Generally said, Czech legislation has lots of, additional to the material law, methodology involved and lots of legal circumstances, which may be considered to evaluate cases correctly.

Belarus has the main interest occurs in state's authoritarian regime, regardless of legally stated democracy. If a citizen has been inflicted moral harm (physical or moral suffering) by actions that violate his personal non-property rights or encroach on other non-material benefits belonging to the citizen, as well as in other cases provided for by law, the citizen has the right to demand from the violator monetary compensation for the specified harm.

The current Belarus legislation provides only monetary compensation for non-pecuniary damage.

When determining the amount of compensation for non-pecuniary damage, the court considers the degree of guilt of the offender and other noteworthy circumstances. The court must also consider the degree of physical and mental suffering associated with the individual characteristics of the person harmed.

In the field of violation of the property rights of citizens, compensation for moral damage may be allowed only in cases provided for by special legislative acts.

For the emergence of the right to receive compensation for non-pecuniary damage, the following conditions must simultaneously be present: 1) the presence of harm, i.e. moral damage as a consequence of violation of personal non-property rights or encroachment on other intangible benefits; 2) unlawful action (inaction) of the tortfeasor; 3) a causal relationship between illegal actions and infliction of moral harm; 4) the fault of the tortfeasor (except cases, where liability arises without fault).

Compensation for non-pecuniary damage is carried out regardless of the fault of the tortfeasor in cases where:

1. Harm was caused to the life or health of a citizen by a source of increased danger.

2. Harm was caused to a citizen as a result of unlawful conviction, the use of coercive measures of security and treatment, involvement as an accused, detention, house arrest, application of a written undertaking not to leave and proper behavior, suspension from office, placement in a psychiatric (psycho-neurological) institution, illegal imposition of an administrative penalty in the form of administrative arrest, correctional labor.

3. The damage was caused by the dissemination of information that does not correspond to reality and discredits the honor, dignity or business reputation of a citizen.

4. In other cases, provided for by legislative acts.

When it subjects to the amounts – the methodology is poor and ineffective.

From the first sight, it may seem very close to Ukrainian regulations, which is really common for post-soviet countries. From the general standpoint, it looks progressive, but when it comes to implementation – here is where the differences show-up.

Thus, we discovered the following Eastern-European countries: Ukraine, the Czech Republic and Belarus. They all differ more or less from each other.

Eventually, the main difference between these three states' regulations, in regard to non-monetary damages, are in the law-enforcement procedures and attention to the details in the form of compensation-evaluating methodology. The higher is the democracy – the higher are the standards.

#### ***Список використаних джерел***

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## **THE PECULIARITIES OF POLICE OFFICERS TRAINING IN THE PEOPLE'S REPUBLIC OF CHINA**

The Chinese People's Armed Police Force (abbreviation: PAP) is a Chinese paramilitary organization primarily responsible for internal security, riot control, counter-terrorism, disaster response, law enforcement and maritime rights protection as well as providing support to the People's Liberation Army Ground Force (PLAGF) during wartime.

Police education and training system in China consists of a number of training institutions, such as:

People's Armed Police Academy (Corps Leader Grade, led by a Major General)

The People's Armed Police Academy tasked with officer education and training for duties related to the missions entrusted to the People's Armed Police, including, since 2001, UN peacekeeping.