

are no vacancies? Waiting for you! After that, each Sergeant receives one and a half years of probation. If something happens, the Sergeant will be degraded to Officers. None of them can return to the same station or department from which the Officers left. They will always be sent to another area. After Lieutenant (having worked in this rank for at least three years), you can take the test for Captain. This is the last rank for which you need to take a test, and when everything depends on the person.

The main task of the police is to help people. If you get lost, or do not know how to drive, contact the police - they will definitely help. If you left the keys in the cars or closed the door, call the police number. They will open the door quickly and absolutely free. Helping people is the police motto!

#### *Список використаних джерел*

1. Police in USA. URL: [https://pikabu.ru/story/rabota\\_v\\_politsii\\_nyuyorka\\_4310631](https://pikabu.ru/story/rabota_v_politsii_nyuyorka_4310631).
2. Work in USA police. URL: <https://harmfulgrumpy.livejournal.com/654629.html>.
3. USA law enforcement agencies.
4. How to become a police officer in the USA. URL: <http://russian-bazaar.com/ru/content/206165.htm>.

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### **PECULIARITIES OF COMPENSATION FOR NON-PECUNIARY DAMAGE IN THE COUNTRIES OF WESTERN EUROPE**

The protection of human rights and freedoms is one of the most important tasks of today. For its implementation, a number of international legal acts have been adopted, which recognize the person as the highest social value, and the protection of his (her) rights and freedoms as the main duty of a democratic rule of law. According to Article 9, Part 5 and Article 14, Part 6 of the International Covenant on Civil and Political Rights, and Article 5, Part 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms, everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation. Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

Indeed, a person must be entitled to compensation for non-pecuniary damage caused as a result of the offense, as the attack on such an intangible good as the dignity of the individual necessarily entails violation of the rights and freedoms guaranteed by the Constitution. This means that any offense, including that which did not result in physical harm, is necessarily accompanied by moral suffering of the person, who was the victim of an offense.

Differing principles of liability and standards of compensation in the European countries Who is responsible for damage that has occurred through human error and how, in particular, reparation can be provided for the consequences of bodily injury or the death of a person are questions that are answered differently in every country, even within Europe. There is widespread agreement on the principle that whoever is culpable of causing damage to another party is obliged to compensate. The stage of development of the society, economics and technology, as well as the traditions and aspirations of national law, are the decisive factors here. Increased efforts have nevertheless been made recently by international organizations, and in particular by the European Community (EC), to bring about legal approximations, in the tort law sectors also, of the European countries. The most important example of this is the EC Directive on Products Liability of 12.7.1985, which has in the meantime been implemented into the national law of most of the West-European countries.

Principles of tort liability The foundations of compensation in the case of bodily injury or death are given in the German Civil Code (Bürgerliches Gesetzbuch or BGB) on the one hand, and by a range of particular laws relating to liability on the other. The rules governing claims for damages in the various liability laws are similar, but there are also deviations from the BGB; the strict liability adopted in the liability laws is also limited in various ways. The injured party as a rule cannot claim for pain and suffering in the case of liability without fault, and the annuity or lump sum compensation to be paid by the liable party is partially limited in terms of amount.

Damage and compensation in the case of bodily injury Although any impairment of a protected interest, including bodily injury, impairment to health, damage of "spiritual" (non-pecuniary) property, such as honour, freedom or credit, counts as "damage", an important legal distinction is made between pecuniary and non-pecuniary damage. Pecuniary damage is 223 purpose EU damage to property; it represents the difference between two property situations: that which would now exist without the event that is the reason for the liability and that which actually exists. It deals, therefore, with economic property, while "non-pecuniary damage" is which cannot be measured by money. For this, monetary compensation can only be claimed in certain cases defined by law.

Pain and suffering by Schmerzensgeld In the case of bodily injury or impairment to health (as also in the case of offence against freedom), the injured party – but not relatives of the injured party or of the deceased – is entitled to claim «fair monetary compensation» for the non-economic damage. All types of non-pecuniary damage are indemnified through this pain and suffering compensation. According to a fundamental decision of the Federal Court on 6th July, 1955, the claim to pain and suffering has a double role: primarily a compensation function, but then in addition also a satisfaction function, in the framework of which the negligence of the tortfeasor is to be taken into account. A peculiarity of German law is that

compensation for pain and suffering can be awarded in the form of a lump sum or an annuity. The level of compensation for pain and suffering awarded by German courts exceeds by far that usually granted in Austria, Switzerland, the Scandinavian countries and Holland.

Principles of liability Under the French civil law code of 1803/1804 (the Code Civil, also referred to as the Code Napoléon), tort liability in France is based on negligence. According to articles 1382 and 1383 C.C., any person who is responsible for causing damage to another deliberately or due to negligence is obliged to compensate the injured party.

Compensation for non-pecuniary damage According to French legal conceptions, disadvantages of a non-pecuniary, «moral» nature provide the injured party, and in some cases also near relatives of a severely injured or deceased party, with a right to claim appropriate compensation under various headings. Although the borderlines between the individual loss elements are blurred, the following non-pecuniary damage categories allowing compensation have developed in practice:

- Pain and suffering serves to compensate for physical pain, especially that endured by the injured party up until the “consolidation” of his state of health. The medical expert has to evaluate the severity of the pain according to a 7-step, taking into account the type and severity of the injuries, the number and length of hospital stays, the number and painfulness of surgical operations, plaster casts, length of medical rehabilitation and the like.

- Disfigurement gives the right to appropriate compensation, which is usually determined separately, with particular consideration of the sex, age, marital status and profession of the injured party. The sums awarded are about equal to those in the case of pain and suffering, but can exceed these if there is very severe disfigurement.

- Individual awards specify still further non-pecuniary loss types, which take the disadvantages into account separately or together with others in the measurement of the compensation, such as for example the effects of a physical disability which hit a young person particularly hard, and the impossibility of joining in games and sports with friends or reduced prospects of marriage, family union destroyed.

- The non-pecuniary loss suffered by the close relatives (parents or spouse) of an injured party with a view to his condition and pain justifies, in exceptionally severe cases, the granting of compensation.

- Finally, in the case of death, the next of kin of the deceased have, in principle, an own right to claim compensation for the «moral damages», the «loss of affection» which they suffer because of the loss of a person who was dear to them. According to this now established practice, the spouse, parents and children of the victim, and exceptionally also brothers and sisters and grandparents, are entitled to make this claim. The practice is not uniform as regards whether the claim to compensation in the case of «moral» damages can be inherited. The pain and suffering that the deceased could claim due to the pain suffered before his death is generally seen to be inheritable, even if it was not claimed by the person entitled to do so. What

is disputed, on the other hand, is whether the heirs can claim compensation awarded to the injured party for other non-pecuniary disadvantages if the deceased lost consciousness in the accident and did not regain it before his death, 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» [4].

– Form of compensation The damages for bodily injury are calculated as on the day on which the court responsible for the question of fact pronounces its judgement. Interest on arrears is owed from the pronouncement of the judgement at the statutory rate of interest. If a delay in the settlement of legitimate claims for compensation is attributable to the tortfeasor, then the court can also fine him compensatory interest, which is calculated from a point determined by the court between the day of the accident and the day of the judgement.

Economic, social and political circumstances, diverging social security and national health provision systems and especially considerable differences in standard of living lead to substantial divergence in compensation practice in the countries of Western Europe, despite similarities in the most important basic principles. In our opinion would be false to call for a general standardisation or unification of compensation assessment in the case of personal injury in the various countries. What would be desirable is an approximation of principles and methods of damage assessment in Western Europe. In the interests of fair compensation practice, pecuniary loss due to bodily injury or death would be separated consistently from non-pecuniary damage. For non-pecuniary disadvantages, i.e. pain, disfigurement, loss of amenities and the like, adequate compensation should be paid.

Since it is not possible to express the individual value of such disadvantages in monetary terms, an objective, abstract calculation formula could be applied here and this could be standardised, at least in the West European countries. The type and severity of the injury, the degree of permanent disability and the loss of amenities of the plaintiff should be the focus here. Despite certain flaws, it seems to me that the European compensation system works well on the whole.

#### ***Список використаних джерел***

1. The International Covenant on Civil and Political Rights (Electronic resource). URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

2. The German Civil Code URL: [https://www.gesetze-im-internet.de/englisch\\_bgb/](https://www.gesetze-im-internet.de/englisch_bgb/).

3. The French civil law code URL: [https://www.trans-lex.org/601100/\\_/french-code-civil-1804/](https://www.trans-lex.org/601100/_/french-code-civil-1804/).

4. Скриник М. В. Право фізичної особи на відшкодування шкоди, завданої каліцтвом Права людини та механізм їх забезпечення в Україні : міжвуз. наук.-теорет. конф., грудень 2021 р. К. : НАВС. 2021. URL: <http://elar.naiu.kiev.ua/jspui/handle/123456789/21171>.

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## **LINGUISTICS AND LAW IN A SAFE FORM: FOREIGN COUNTRIES**

The present time is generally the time of linguistics. Before the events of 2014, linguistic research was considered something secondary, although linguists in the security institutions emphasized that communications is a proactive tool in the field of national security. Today, this fact is beyond doubt. Aggressive actions of the Russian Federation are called in different ways: hybrid, undeclared, cognitive, semantic war. Without a doubt, this is a war of meanings and values, which are broadcast to different target audiences using linguistic tools [1].

In the Russian world, linguistic examination allows us to reveal technologies of influence. The word «suggestion» is often heard today. Please comment, what kind of technology is this and how is it used in TOT to promote the idea of a «Russian world»?

Suggestion is a form of interpersonal and intergroup communication, in which the transfer of information takes place with the help of a partially unconscious, directed signal at the verbal or non-verbal levels. A suggestion differs from a persuasion by a reduced level of criticality and the need to verify information from the recipient. As a communicative technology, suggestion has a neutral character, its positivity or destructiveness is determined by the purpose, goals and result of communicative actions.

We see the completed narrative – call, action, result. Now imagine: a person drives in a car, that is, moves in a certain rhythm, and sees these billboards all the time. One, two, three. And on a subconscious level, the idea is already forming: «Ukraine is a Nazi state. We need defenders. The defenders are the "Ministry of Defense of the DPR». A person does not even analyze what he sees, but perceives the proposed story as a fact [1].

### **How can Russian propaganda be countered**

– First, it is possible, and, secondly, there are certain mechanisms for doing it. In 2014, the system of strategic communications, or strategic committee, came to Ukraine. By the way, Ukraine was the first to introduce the concept of strategic communications into the Information Security Doctrine. In NATO countries, stratkom is prescribed only in military doctrines.