

Powers to prevent crime. This includes a range of powers to maintain public order, prevent anti-social behaviour and manage known offenders/suspects.

Powers to 'dispose' of criminal cases. These powers allow police officers to dispose of criminal cases outside of court or charge suspects so they can be prosecuted [2].

In all countries, the main task of law enforcement agencies is to maintain public order and security, but despite the same goal, the structure of law enforcement agencies in different countries has its own peculiarities and differences.

Список використаних джерел

1. Policing in the UK. URL: <https://commonslibrary.parliament.uk/research-briefings/cbp-8582>.

2. Police powers: an introduction. URL: <https://commonslibrary.parliament.uk/research-briefings/cbp-8637>.

Омельяненко С.,

здобувач ступеня вищої освіти бакалавра
Національної академії внутрішніх справ
Консультант з мови: **Скринник М.**

PECULIARITIES OF COMPENSATION FOR NON-PROPERTY DAMAGE IN THE COUNTRIES OF THE EUROPEAN UNION

Compensation for non-property damage is a new and at the same time the most effective way to protect civil rights.

Compensation for moral damage has several features, which, first of all, consist of clearly defined illegal acts, which the legislator includes:

- causing mutilation and other health damage that resulted in physical pain and suffering of a natural person;
- illegal behavior towards a natural person, his family members, or close relatives, which led to mental suffering of a natural person;
- destruction or damage to the property of a natural person, which led to his mental suffering;
- humiliating the honor, and dignity of an individual and the business reputation of an individual and a legal entity [4].

The law of foreign countries recognizes this type of damage as moral damage and the possibility of its compensation. The experience of the countries under consideration has accumulated a rich practice of applying this legal institution. In Germany, compensation for non-pecuniary damage is governed by the provisions of the German Civil Code (paras. 847, 823), which deals with «non-pecuniary» damage and the payment of monetary compensation for such damage. In doctrine and case law, the term «compensation for suffering» (or «damage to feelings») is used. The provisions of the German Civil Code directly provide for the possibility of compensation in cases of bodily injury, causing other damage to health, and unlawful restriction of the freedom of the victim. Suffering is understood as

physical and mental suffering (experiencing), and non-property damage is the reduction of non-property rights and benefits belonging to an individual.

Jurisprudence, based on the constitutional establishment of individual rights and their inviolability, has determined other types of violations that are the basis for the emergence of obligations with compensation for moral damage: violation of the secret of correspondence and records of a confidential nature, interference in a person's private life due to unauthorized photography, disclosure of information about private life, etc. [5].

The French Civil Code contains an article (Article 9) that directly provides for the protection of personal non-property rights. However, even before its introduction, judicial practice applied such a method of protection as compensation for moral damage based on general norms regarding tortious obligations (Articles 1382, 1383). This is explained by the fact that in the law the term «damage» itself is mentioned as a general category, and it should not be divided into property or non-property damage as a basis for liability; any damage should be compensated. A general approach applies to non-pecuniary damage obligations; in some cases, the judgment on the claim for damages does not even specify what part of the monetary amount is awarded for non-property damages.

However, in theory, and judicial practice, such a division exists: damage caused to personal non-property rights and benefits is called moral (dommage moral).

In the law of England and the USA, there are several options for defining a concept similar to the concept of moral damage: psychological injury, psychiatric injury, nervous shock, and ordinary shock. The most common in the law of England and the USA and closest to the concept of moral damage is the term «mental damage».

Anglo-American law primarily distinguishes the very purpose of mental damage compensation: compensatory – in the case of simple negligent infliction, and punitive – in the case of intentional or grossly negligent infliction of such damage [2]. In the first case, the delinquent is responsible only for physical suffering, which is a consequence of mental suffering, and in the second - for any mental (spiritual) suffering, as well as for physical.

The conditions for the emergence of obligations for the compensation of non-property (moral, mental) damage in all countries are practically similar to those established for the compensation of property damage. Such obligations arise in tortious legal relations and, as an exception, may arise in contractual ones. Most often, they are used in the case of intentional damage and in those types of contractual relations where the violation of the terms of the contract by its nature is most likely to cause mental losses, that is when such a consequence of the violation of the contract as the presence of moral damage is foreseeable.

The problem of the amount of responsibility for such damage is complicated. In none of the countries, there is a single method established

by law or created by judicial practice for determining the amount of non-pecuniary (mental) damage and the amount of adequate compensation [1].

According to German law (par. 847 of the Civil Code), compensation for suffered suffering must be fair: the general principle of benefit equalization is taken into account; the victim must be restored to the state that existed before the violation of his rights or interests, but he must not receive a benefit as a result of compensation for such damage. In the process of determining the amount of fair compensation, judicial practice takes into account the following indicators: physical suffering of the victim (especially sensitivity to pain, type of physical injury, duration of treatment, and consequences), mental suffering (consequences, disfigurement of appearance, age, possibility of continuing former work, degree of awareness of the difficulty of one's situation, concern for the fate of the family, possibility of preserving individual qualities of the personality (talents, inclinations), special mental vulnerability, tendency to experience), the degree of guilt of the causer of damage, his property status. When calculating the amount of compensation for moral damage, compensation amounts previously awarded by courts in similar cases will also be taken into account.

In France, where legislation and judicial practice do not limit personal non-property rights and benefits to any defined list and allow compensation for moral damage in an unlimited number of cases, the court satisfies claims for compensation for moral damage, guided by the requirements of justice. It will also depend on the connection that exists between individual cases of moral damage and the compensation that can indirectly alleviate the condition of the victim. All the specific circumstances of the case will be taken into account and evaluated, such as, in particular, the real needs of the victim, the malice of the person who caused the damage, and the reasons that prompted the victim to make demands for compensation.

In some cases, the judge may impose a symbolic sentence, such as an obligation to pay one franc.

The commonality of the legal systems of England and the United States determines the similarity of approaches to solving the problem of the amount of compensation for mental damage. In some court decisions, a temporal approach was used, which assumes that the acuteness of the perception of anxiety and pain softens over time.

Another method is based on the assessment of the loss of life prospects: it is calculated approximately how much the victim's life expectancy is potentially reduced due to the damage to his health compared to the average life expectancy in the country.

In the legal literature, there are three general theoretical approaches to solving the question of the amount of compensation for the psychological damage that has developed in Anglo-American judicial practice – conceptual, personal, and functional [6]. The essence of the conceptual approach is to draw an analogy with property damage: human life is considered to be property as well; functions of the body are the same values

as, for example, a house, shares. Therefore, each part of the body has an objective value, and in case of its loss or damage, it must be replaced (with money, the corresponding good that can be acquired thanks to them).

The personal approach consists of the fact that the depth of experiences caused by health damage depends on the characteristics of the victim's psyche. Therefore, the purpose of compensation is to make up in a certain way for the loss of the opportunity to enjoy life in the present and the future (loss of happiness). The amount of compensation under such conditions is determined arbitrarily.

The functional approach implies the impossibility of establishing the «value» of happiness, and therefore, it is believed, the court should award the plaintiff such an amount that would be sufficient for his satisfaction. Undoubtedly, the considered methods do not exhaust the experience of English and US courts, since each type of tortious legal relationship has specific features [3].

A necessary condition for liability for mental damage in this legal system is the so-called «involvement» of the victim if caused the damage, in other words, establishing a direct causal connection of such damage with the defendant's illegal act. Fairly strict criteria are applied by the courts about the principle of predictability of mental damage, which is one of the conditions for the right to compensation.

It should be noted that the claim for compensation for mental (moral) damage is not always the subject of judicial proceedings. Quite often, the person causing the damage and the victim resolve this issue out of court.

Список використаних джерел

1. Борисова В. О. Андрєєва Г.Д. Критерії визначення розміру відшкодування моральної шкоди. 2016. №1. С. 23–27.

2. Осакве К. Порівняльне правознавство у схемах: Загальна та Особлива частини: Навчальний практ. допомога. 2-ге вид., перероб. і доп. М.: Справа, 2002. 464 с.

3. Кочірко Т. Критерії визначення розміру компенсації моральної шкоди. Закон і психологія. 2013. №21–23. С. 26–27.

4. Мачульська Є. Є. Проблеми відшкодування моральної шкоди у трудовому праві. Серія 11. Право. 1994. № 1. С. 24–30.

Осипенко А.,

здобувач ступеня вищої освіти бакалавра
Національної академії внутрішніх справ
Консультант з мови: **Сторожук О.**

CRIME IN FRANCE

France has a similar crime rate to most other European countries and in common with them crime has increased considerably in recent years; the number of reported crimes has almost doubled in a decade: an estimated 18m offences are reported to the police each year, 5m of which result in an