

Legislative Regulation of Fault: The issue of legislative regulation of fault as a condition for compensation for damage is deemed relevant in civil law.

Recommendations for Future Study: The text concludes by suggesting that it is advisable to continue studying and improving the obligations of compensation for harm, particularly in updating the regulatory framework in the Civil Code of Ukraine.

References:

1. Otradnova O. The tort liability: concept, essence, and relationship with tort obligation. University Scientific Notes. 2013. No. 3. P.152–158.
2. Fedorko M. Civil law essence and correlation of the “harm” and “damages” categories. The Fifth Legal Disputes on Topical Issues of Private Law Devoted to Memory of Ye. V. Vaskovskyi: Mater. Intern. Scien. Pract. Conf. (Odesa, May 22, 2015) / Chief Ed. I. S. Kanzafarova; Odesa Nat. Un-ty of I. I. Mechnykov. Odesa: Astroprint, 2015. P. 242–246.
3. Onyshchenko O. Compensation for moral harm in tort obligations: Th. ... Cand. Leg. Sc.: 12.00.03. Kyiv, 2017. 210 p.
4. Concept of Updating the Civil Code of Ukraine. Kyiv: ArtEk Publishing House, 2020. 128 p
5. Features of Applying Decisions of the European Court of Human Rights in the Consideration of Civil Cases: Textbook / U.B. Andrusov, O.B. Verba-Sidor, Yu. V. Verkhola et al. Lviv: LvivUniMIA, 2019.

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GENERAL CHARACTERISTICS OF OFFENSES IN WARTIME

Wartime is defined as a period of declared war or armed conflict. In civil law, there are certain rules and norms that regulate the behavior of natural persons in wartime. Civil law offenses at this time can include a variety of actions that violate the norms of civil law [1]. According to the

Act of President of Ukraine about martial law we use a general description of such offenses:

1. Violations of human rights and dignity: During military conflicts, situations may arise when natural persons violate human rights, in particular, the right to life, liberty and privacy.

2. Violation of property rights: Wartime is often accompanied by the destruction of property and private property. Attacks on civilians and their property can be classified as civil law offences.

3. Forced displacement: Forced displacement of citizens may occur as a result of military conflict. This violates their right to freedom of movement and may constitute a civil offence.

4. Breach of contractual obligations: Wartime can affect the performance of civilian contracts. Individuals may violate their obligations, such as delivery of goods, provision of services, etc.

5. Crimes against humanitarian law: Some actions during military conflicts can be considered crimes against humanitarian law, such as the use of illegal means of warfare, the capture of civilians, torture, etc [2].

In wartime, legal norms can be changed or supplemented in accordance with international conventions and domestic legislation that regulates the issue of waging war and protecting the rights of citizens [3].

Violation of these norms can have serious legal consequences for persons guilty of civil law offenses during military conflicts.

The general characteristics of civil law offenses by natural persons in wartime indicate that in the context of military conflicts, complex situations arise that violate the norms of civil law [4]. Individuals may become participants in actions that contradict the fundamentals of human rights, property rights, and contractual obligations.

In particular, violations of human rights and dignity become a serious problem, as military conflicts often lead to an escalation of situations where the civilian population becomes the victim of violations such as physical violence, removal from homes and other forms of discrimination [5].

However, it is important to consider that wartime can lead to changes in the legal environment, and some actions that would otherwise be violations may be justified or restricted under international humanitarian law.

In conclusion, it can be said that given the complex circumstances of wartime, the regulation of civil-law relations requires a careful approach and consideration of international standards of humanitarian law to protect the rights and interests of citizens during a military conflict [6].

Wartime calls for the need for effective protection of citizens' rights from violations, as well as the establishment of mechanisms for compensation for damages and restoration of violated rights.

Adherence to international standards and conventions is critical in ensuring the protection of human rights and dignity in conflict situations. International cooperation and coordination play a key role in solving these issues. Actions that violate civil rights in the context of military conflict should be prosecuted. This is important to identify the guilty parties, bring them to justice and prevent impunity [7].

International humanitarian law provides a framework for conflict regulation by defining rules of conduct for warring parties. Its importance lies in limiting civilian suffering and ensuring humanitarian standards. Human rights organizations play a key role in identifying and documenting civil law violations during military conflict, as well as in protecting the rights of victims [8]. One way of realization it in Ukraine is an adoption a separate law on the regulation of state payments of funds to victims of violent acts, as well as detailing the conditions of payment, determining the circle of participants receiving payments, in the event of the death of the victim, the grounds for payment in the event that the offender is not identified, and sources of financing with the involvement of sponsorship funds [9].

In general, a balanced and comprehensive approach to the regulation of civil-law relations in wartime is important for ensuring justice, protecting the rights and dignity of individuals, and preventing disorder in society.

The conclusion regarding the general characteristics of civil law offenses by natural persons in wartime is that conflict situations affect the legal environment and can cause the commission of various violations under civil law. During the war period, when society is under increased tension, there is a significant violation of norms and rules of civil law.

Individuals, in particular, may violate property rights, contractual obligations, rights to personal integrity and other civil norms. This is usually due to unforeseen circumstances, stress or attempts to survive in conflict.

It should be noted that in wartime, the judicial system and law enforcement agencies often experience significant difficulties in maintaining law and order and investigating violations. It is important to understand that after the end of the conflict, it is necessary to establish justice and restore broken legal relations, adhering to international standards and principles of human rights.

As a result, wartime creates special conditions that contribute to civil law offenses by individuals. The effectiveness of measures to control and regulate violations will be determined by the ability of society and the

authorities to restore legal order and ensure justice after the end of the conflict.

References:

1. Господарський кодекс України від 16 січня 2003 року № 436-IV. Відомості Верховної Ради України. 2003. № 18. С. 144.
2. Про введення воєнного стану в Україні: Указ Президента України від 24 лютого 2022 року № 64/2022. URL: <https://www.president.gov.ua/documents/642022-41397>.
3. Цивільний кодекс України від 16 січня 2003 року № 435-IV. Відомості Верховної Ради України. 2003. № 4044. С. 35.
4. Коцюба К., Конюхова М. Форс-мажор як підстава звільнення від цивільно-правової відповідальності. Підприємництво, господарство і право. Цивільне право і процес. 2020. № 1. С. 4–10.
5. Церковна О.В. Особливості випадку та непереборної сили як підстав звільнення від цивільно-правової відповідальності. Південноукраїнський правничий часопис. 2015. № 3. С. 95–97.
6. Бурлака І.В. Зобов'язання з відшкодування шкоди, завданої без вини : автореф. дис. ... канд. юрид. наук : 12.00.03. Харків, 2015. 24 с.
7. Регламент засвідчення Торгово-промисловою палатою України та регіональними торгово-промисловими палатами форс-мажорних обставин (обставин непереборної сили), затверджений рішенням президії ТПП України від 15.07.2014 № 40 (3). URL: <https://zakon.rada.gov.ua/rada/show/v0040571-14#Text>.
8. Про торгово-промислові палати в Україні : Закон України від 2 грудня 1997 року № 671/97-ВР. Відомості Верховної Ради України. 1998. № 13. Ст. 52.
9. Скриник МВ Відшкодування немайнової шкоди фізичній особі, яка потерпіла від кримінального правопорушення: зарубіжний досвід. Наше право, 2023. С. 73-77 DOI 10.32782/NP. 2023.1.10