

**Тиць Є. А.,**  
здобувач ступеня вищої освіти бакалавра  
Національної академії внутрішніх справ  
Консультант з мови: **Скриник М. В.**

## **PECULIARITIES OF DAMAGES IN THE CIVIL LAW OF UKRAINE**

The war on the territory of Ukraine and the financial crisis caused an aggravation of the problem of compensation for damage in Civil Law.

Civil law regulates a separate group of legal relations involving individuals and legal entities. This is one of the leading branches of national law in Ukraine. Civil law regulates property and personal non-property relations.

Property relations are characterized by the acquisition, possession, use and disposal of property. They are due to the use of commodity-money form.

Personal non-property relations arise in connection with the exercise of rights and freedoms by a person. These include the rights of a person to life, health, dignity, honor, correspondence, the right of authors to the results of intellectual work.

Participants in civil legal relations can be natural persons (citizens, stateless persons, foreigners), legal entities, the state of Ukraine, the Autonomous Republic of Crimea, and other subjects of public law. Their relationship should be based on mutual agreement.

The Civil Code of Ukraine does not define the terms "damage" and "damages". Sometimes these concepts are equated, however, according to Ukrainian scientists, the concept of "damage" is broader than the concept of "losses" in the legislation of Ukraine. Losses are: a) Losses suffered by a person as a result of damage or destruction of property; b) expenses incurred or to be incurred as a result of the violated right; c) incomes that a person could realistically receive under normal circumstances, if his right had not been violated.

Chapter 82 of the Civil Code of Ukraine is devoted to obligations that arise as a result of causing damage. They are also called "delict obligations". Responsibility for causing damage is divided into:

- Tort liability for personal injury;
- Tort liability for property damage.

The basis of tortious liability is guilt, that is, the mental attitude of the guilty person towards the illegal act committed by him, as well as his understanding of the negative consequences caused by his action or inaction.

According to Article 1166 of the Civil Code, liability is possible only if there are elements of the offense:

1. Presence of damage;
2. Illegal behavior of the offender that caused damage;

3. Cause and effect relationship between the action (inaction) of a person and the consequences.

In accordance with part 1 of Article 1166 of the Code, damage caused by wrongful decisions, actions or inaction to the personal non-property rights of an individual or legal entity, as well as their property, shall be compensated in full by the person who caused them [1].

Compensation is subject to property that was lost or damaged as a result of misconduct (actual damage), as well as lost profits.

Part 2 of the same article states that a person is released from liability if he proves that the damage was caused through no fault of his.

Property obliges. The owner is responsible for keeping his property in good condition. Chapter 23 of the Civil Code of Ukraine, entitled "General Provisions on Property Rights", in particular Article 319, states that owners are provided with equal conditions for exercising their rights. When exercising such rights, the owner must not violate the moral principles of society. It is impossible to use the right of ownership to the detriment of the rights, freedoms and dignity of citizens, public interests, to violate the ecological situation and natural qualities of the land. The activity of the owner may be terminated or limited only in the cases and in the manner established by law.

A special place should be allocated to moral damage. These are losses of a non-property nature caused by physical or moral suffering or other negative phenomena experienced by an individual or legal entity [2]. Article 23 of the Civil Code defines that moral damage consists in:

- Physical pain and suffering experienced by an individual in connection with a disability or other health impairment;
- Mental suffering suffered by an individual in connection with illegal behavior against him, family members or close relatives;
- Mental suffering suffered by a person in connection with the destruction or damage of property;
- Humiliation of the honor and dignity of an individual, the business reputation of an individual and a legal entity.

The Supreme Court ruled that moral damage may also consist in violation of property rights (including intellectual), rights granted to consumers, other civil rights, in connection with illegal stay under investigation and court, in violation of normal life relationships due to impossibility of continuing an active social life or disruption of relationships with surrounding people.

Non-pecuniary damage is compensated once, unless otherwise stipulated by the contract or law. The plaintiff has no right to claim compensation for the same act again.

It should be noted that the restoration and protection of rights does not happen automatically, but only upon the person's request. The court hears cases only based on a person's appeal submitted in accordance with the Civil Code of Ukraine, within the limits

of the claims made by the person and on the basis of evidence. Each dispute is individual, therefore there is no single established model of a lawsuit, but the rules of procedural law impose certain requirements for a lawsuit.

A statement of claim is an official, written document in which the plaintiff sets out his claims regarding the subject of the dispute and their justification to the defendant. When filing a claim, you should contact a competent lawyer or attorney. A specialist will thoroughly understand the problem and prepare a competent lawsuit [3].

Therefore, the following conclusions can be drawn. Civil law is one of the leading branches of national law in Ukraine. It covers a wide range of legal relations, in particular, determines the procedure for compensation for damage. Today, the issue of compensation for damages is quite relevant, so everyone should know how to protect and renew rights that have been damaged. An important stage is the drafting of a statement of claim, so you should not neglect the services of lawyers and lawyers.

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*Худинець Д.,*

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

## **THE HISTORICAL ASPECT OF COMPENSATION FOR DAMAGE TO AN INDIVIDUAL IN UKRAINE**

Damage refers to harm or injury caused to a person, property, or other assets. It can be physical, financial, or emotional in nature, and may be caused by a variety of factors such as accidents, natural disasters, intentional actions, or negligence. Damage can result in a wide range of consequences, including financial losses, physical injuries, emotional trauma, and other forms of harm [1].

Compensation for damage refers to the payment or restitution provided to a person who has suffered harm or injury as a result of someone else's actions. The purpose of compensation is to restore the person to the same position they were in prior to the damage