

*Вільчинська Є.,  
здобувач ступеня вищої освіти бакалавра  
Національної академії внутрішніх справ  
Консультант з мови: Скрипник М.*

## **THE CONCEPT OF NON-PROPERTY DAMAGE**

Today, there are no problems with the definition of material damage. It represents the damage or loss that a person has already suffered or must suffer in order to restore his first condition, which occurred before the injury [3]. This is usually the loss or damage of material values, i.e. personal items such as a phone, clothes, bag, for example. But moral damage is not so obvious, because, as a rule, it is intangible, and therefore represents an evaluative concept. Today there is no clear definition of the concept of «moral damage» in the legislation. This is due to the impossibility of describing this evaluative concept, which is rightly recognized by many scientists. Therefore, in Article 23 of the Civil Code of Ukraine, the legislator defined only the most permanent and correct ways of manifesting such damage [4]. An attempt to define this concept will remain unsuccessful, since it is impossible to single out in the evaluative concept universal, defining, generic features that would be characteristic of it as a whole and would explain its meaning completely in each specific case. Moral damage is:

- 1) in physical pain and infliction suffered by an individual in connection with mutilation or other health damage;
- 2) in the mental suffering tormented by an individual in connection with illegal behavior against himself, his family members or close relatives;
- 3) in mental suffering tormented by an individual in connection with the destruction or damage of his property;
- 4) in degrading the honor and dignity of an individual, as well as the business reputation of an individual or legal entity [1].

To put it in my own words, moral damage is a loss of a non-property nature as a result of moral or physical evaluations, or other negative phenomena caused to individuals or legal entities by illegal actions or inaction of other persons. Moral damage is compensated in money, other property or in another way. The amount of monetary compensation for moral damage is determined by the court depending on the nature of the offense, the depth of physical and mental suffering, deterioration of the victim's abilities or deprivation of his ability to realize them, and other circumstances that are of significant importance [2]. The most debatable issue is determining the amount of compensation for moral damage. The legislation does not establish a specific amount for the violation of this or that right, and neither the minimum nor the maximum amount is provided for. That is why every person whose right has been damaged, independently searches for what moral damage was caused, by what wrongful actions or inactions it was caused, what is the monetary amount of the mental costs caused to him, and notes this in the actional statement, adding evidence that

confirms it. The final decision on determining the amount of moral damage is made by the court.

It is clear that everyone must be responsible for their actions, even if they were done by children. This does not release them from responsibility. Therefore, punishments or the measure of compensation for damage caused by a minor are determined in various normative legal acts.

Let's start with the concept of a non-adult person. This is a child between the ages of fourteen and eighteen. Such a person is responsible for the damage caused by him independently in accordance with the Civil Code of Ukraine. The independent income of a minor can consist of wages, income from entrepreneurial activity, interest from stocks, etc. [4]. The personal property of such a person is the funds deposited in credit institutions in his name, donated, inherited or any other property that the minor legally owns. However, persons aged 14 to 18 do not always have property and income. In this case, this damage is compensated in the missing part or in full by his parents (adoptive parents) or guardian, if they do not prove that the damage was caused through no fault of theirs. Similarly, if a minor was in an institution that, by law, performs the functions of a guardian in relation to him, this institution must compensate for the damage in part or in full, unless he proves that the damage was caused through no fault of his. Such responsibility of parents has the nature of subsidiary responsibility. The victim first submits a claim for compensation for the damage caused to the main debtor – the minor who caused the damage, and in the event that he does not satisfy the requirements – to the parents (adoptive parents) or guardian of the minor. Subsidiary responsibility for a minor between the ages of 14 and 18 is assigned to both parents according to the principle of equal partial responsibility. If the damage is caused by the joint actions of several minors, there are two types of responsibility:

- share responsibility of the minors themselves;
- subsidiary – their parents, guardians [2].

If minors caused damage together, the amount of compensation is determined by their agreement or by the court. But if one of them is under the supervision of an institution that performs the functions of a guardian, then this institution pays this person's share. If the damage is caused to a minor both through the fault of his parents, guardians, and through the fault of educational or medical institutions, then the principle of partial responsibility of individuals and legal entities is applied depending on the degree of fault of each. Their obligation to compensate ends when the minor reaches 18 years of age or acquires property or money. Also, since they are responsible for the child, they do not have the right to demand the return of the paid funds, even if the child reaches 18 years of age [3].

So, we analyzed what material and non-material damage are, learned about a minor and about compensation for damage caused by him. Non-material damage is a rather complex concept that does not have a specific definition. In simple words, this is, for example, humiliation of a person, his

honor and dignity, damage to business reputation, violation of rights or 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].

Regarding the responsibility of a minor, in my opinion, minors are only theoretically, or very rarely, independently responsible. Usually, children at this age do not have personal property or money to pay restitution. In most cases, parents, guardians, medical or educational institutions are responsible for children, also parents do not have the right to demand from the child the return of these funds that have been spent.

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#### *Вінярська Х.,*

здобувач ступеня вищої освіти бакалавра  
Національної академії внутрішніх справ  
Консультант з мови: **Шемякіна Н.**

## **LA TRAITE DES ÊTRES HUMAINS EN TANT QUE PHÉNOMÈNE TRANSNATIONAL**

Chaque année, près de 2,5 millions de personnes sont recrutées et exploitées à travers le monde. 80 % des victimes de la traite sont des femmes et des enfants. Tous les États sont affectés par la traite d'êtres humains, soit en tant que pays d'origine, soit de transit ou de destination des victims [1].

Aux termes du code pénal, la traite des êtres humains c'est le fait de recruter, de déplacer des personnes et de les assujettir et les faire travailler contre leur volonté en utilisant la tromperie, la contrainte et/ou la violence.

Il est à noter que c'est une des formes de trafic les plus rentables dans le monde pour les criminels, après le trafic de drogue et la contrefaçon. Elle génère un profit de 32 milliards de dollars par an [2].

On distingue des différents types d'exploitation des êtres humains: le travail forcé, l'esclavage domestique, l'exploitation sexuelle, le trafic d'organes et la mendicité force.