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## **PECULIARITIES OF COMPENSATION FOR NON-PECUNIARY DAMAGE DURING THE WAR**

At the current stage of development of the global community, the issue of human rights and freedoms is one of the most pressing. In this regard, a number of international legal acts have been adopted that define a person as the highest value of society, and the proper protection of his or her rights and freedoms as the main duty of a democratic state.

These ideas are also reflected in the Constitution of Ukraine, which recognizes a person, his, or her life and health, honor and dignity, inviolability and security as the highest social value in Ukraine, and the establishment and enforcement of human rights and freedoms as the main duty of the state (Article 3 of the Constitution of Ukraine) [1]. It is the state's obligation to ensure human rights and freedoms that make it possible, in the event of a violation of the latter, to apply to the court for their protection and restoration, as well as for compensation for damage caused by such a violation.

Today, claims for non-pecuniary (moral) damage are becoming increasingly popular. This indicates the growth of legal awareness and legal culture of citizens—another step towards a state governed by the rule of law, which focuses on each individual. According to Article 23 of the Civil Code of Ukraine a person shall have a right to the indemnification for the moral damage resulted from the violation of his/her/its right [2].

Ukrainian legislation does not clearly define the concept of non-pecuniary (moral) damage. However, Article 23(2) of the Civil Code of Ukraine defines what non-pecuniary damage to a person is [2].

Moral damage consists in:

- 1) physical pain and misery suffered by a natural person in connection with his/her disability or other health impairment;
- 2) soul sufferings incurred by a natural person in connection with the illegal conduct of his/her family or close relatives;
- 3) soul sufferings incurred by a natural person in connection with the destruction or damaging his/hers property;
- 4) abasement of honor and dignity of an individual as well as business standing of an individual or a legal entity.

In addition, the Supreme Court of Ukraine in its Resolution of 31.03.1995 "On Judicial Practice in Cases of Compensation for Moral (Non-Pecuniary) Damage" provided a more specific list of circumstances under which moral damages may be recovered. It defined that non-pecuniary damage may also consist of violation of property rights (including intellectual property), consumer rights, other civil rights, unlawful detention under investigation and trial, violation of normal life ties due to the inability to continue active social life or disruption of relations with others [3].

Moral damage shall be indemnified by cash, other property or otherwise. The amount of moral damage indemnification shall be specified by the court in dependence of the infringement nature, physical and moral suffering extent, degradation of a sufferer's capabilities or depriving him/her of the possibility to realize them, degree of guilt of the person inflicting moral damage if this guilt is a ground for the indemnification as well as having regard to other circumstances of material significance [2].

Non-pecuniary (moral) damage cannot be compensated in full, as there are no (and cannot be) precise criteria for the property expression of mental pain, peace of mind, honor, and dignity of a person.

According to Article 1166 of the Civil Code of Ukraine property damage shall be indemnified in full by a person that inflicted it [2].

Pursuant to Article 1167 of the Civil Code of Ukraine, a person who has caused non-pecuniary damage shall compensate for it only if he or she is guilty, (except for the cases specified in part two of this Article) [2].

Chapter 82 of the Civil Code of Ukraine provides for compensation for non-pecuniary damage caused by various circumstances and entities, for example in the State of Extreme Necessity, a Physical Person Suffered from Crime, by an Infant etc.

The procedure for compensation for moral damages did not change during the war. When deciding such cases, the court uses the provisions of domestic law. In particular, the court must find out what confirms that the plaintiff suffered moral or physical suffering or non-pecuniary losses, under what circumstances or by what actions (inaction) they were caused, in what amount of money or in what material form the plaintiff estimates the damage caused to him and what he proceeds from, as well as other circumstances relevant to the resolution of the dispute. The given review of methods of compensation for damage allows us to draw conclusions about the possible implementation in modern Ukraine due to the creation of insurance funds that can be formed from the funds of the state budget: funds that go directly from fines and other payments, including confiscation of property or voluntary contributions and donations [4].

The number of claims for compensation for non-pecuniary damage as a result of the war of the Russian Federation against Ukraine has only increased. For example, compensation for non-pecuniary damage in connection with the death of a loved one as a result of the armed aggression of the Russian Federation or compensation by the State of Ukraine for non-pecuniary damage caused by the death of a mother as a result of a terrorist act in the territory not controlled by Ukraine where the anti-terrorist operation was conducted.

Thus, the compensation for moral damages during the war in Ukraine and martial law has not changed significantly. The existing provisions of Ukrainian legislation apply to such cases. The number of claims for compensation for non-pecuniary damage as a result of Russia's unlawful actions has increased.

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## **COMBATING FAMILY VIOLENCE: FOREIGN EXPERIENCE**

**Relevance of research.** Research on the topic of combating family violence and analysis of foreign experience is of great relevance, since family violence is a serious social problem that affects the safety, health and well-being of families and communities. Researching this problem can contribute to its understanding and solution.

Domestic violence leaves serious psychological and physical consequences for victims, and it is important to learn effective ways to help and support them. Many countries have developed various strategies and programs to combat domestic violence. Studying foreign experience can help other countries develop better laws, primarily Ukraine. Foreign experience can also influence legislation and policy in the field of combating domestic violence.

The overall goal of research on this topic is to create better conditions for ensuring the safety and well-being of families by developing and implementing effective strategies to combat family violence based on the best foreign experience.

**The purpose** of this study is the analysis of foreign experience regarding the specifics of combating violence in the family.