

decree of the Presidium of the Supreme Soviet of the USSR. By the Decree of the Presidium of the Supreme Council of the Ukrainian SSR on January 17, 1940, the old division into counties and parishes completely abolished, and districts, city councils, and village councils were created. In total, 83 city councils, 199 district councils, 89 village councils and 4944 village councils were organized. Even earlier, on December 9, 1939, the composition of the regional executive committees was approved. On December 26, the People's Commissariat of Ukraine issued an order to commence the work of regional departments of the NKU, regional and national courts in the western regions of the Ukrainian SSR. The judiciary was appointed by the relevant executive committees of the Communists, sent by the People's Commissariat from other regions of the Ukrainian SSR. The newly created courts, together with the NKVD bodies, launched a large-scale so-called class struggle against former exploiters, "kulaks", nationalist intellectuals, potential "enemies of the Ukrainian people", etc. Repressions against the Western-Ukrainian people caused a national liberation movement against the communist-Soviet ("Soviets") regime, which did not subsist for years. It was particularly acute during and after the 2nd World War.

References:

1. Legal status of western ukrainian lands and the status of ukrainian ministry in the composition of the ii. Of the population (1918-1939 ad) n. Yantsyshyn http://yurvisnyk.in.ua/v6_2014/44.pdf
2. Historical and legal basis of the state of national minorities in the second half of the post office O. V. Turchak <https://lj.oa.edu.ua/articles/2011/n1/11tovdrp.pdf>
3. <http://radnuk.info/pidrychnuku/ictoriua-prava/514-istoriya/11563/0---19201930--.html>

COMMITMENT TO THE REPARATION CAUSED BY MUTILATION, ANOTHER INJURY OF HEALTH OR DEATH

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Specificities of reparation caused by mutilation, another injury of health or death are connected with the significance of human being's life, health, safety and integrity. Taking into consideration a high level of occupational traumatism, improper quality of transportation service and other factors, the issue of reparation nowadays is especially urgent, including for the development of democratic society.

Under Article 1095 of the Civil Code of Ukraine, a natural person or legal person, who has harmed a natural person by mutilation, another injury of health or death, is obliged to reimburse victim for earning (income), lost as a consequence of

the loss or reduce of occupational or general working capacity. Apart from this, additional expenses, related to necessity of enhanced nutrition, health-resort treatment, purchase of drugs, prosthetics, external care etc. are to be refunded.

Mutilation is understood as trauma or occupational disease. Thus, trauma is characterized by sharp external influence on the organism, which caused the physical damage. Occupational disease inflicted long-term and systematic influence of factors, typical of particular type of profession. Another injury of health includes any other impairments of the health in the result of general disease. Understanding of these categories is determining for identity of existence of reparation condition.

Basis for reimbursement is a loss of earning (income) and also demand of additional expenses. Damage as a loss of income is defined, taking into account following factors: 1) monthly average earning of victim before mutilation or another injury of the health; 2) degree of the victim's loss of occupational or general working capacity.

It is established by the civil legislation that the amount of lost earning is determined in per cent of monthly average earning (in the last 12 or 3 calendar months of work at victim's will), which victim had before mutilation or another injury of the health. All types of remuneration for employment contract both at the main place of work and a part-time job are included in the amounts, assessed before deduction of the income tax. Payments with disposable or non-permanent character – allowance for pregnancy and maternity, leave commutation costs, one-time awards and so on, are not included in lost income.

Occupational working capacity is understood as employee's ability to work for his/her profession, specialty, qualification or another similar to it, while general one is the ability to perform unqualified work. The lost of working capacity is state of human health caused by disease, trauma, which makes impossible performance of certain work without damage to health. Degree of the permanent loss of professional working capacity is established by medical-social expert commission. If a person does not have a profession, loss of general working capacity is established.

Particularities of determining of the reimbursement are established for individual entrepreneurs, self-employment persons. So, a level of income is calculated from annual income, obtained over the past year and divided into twelve. Income level is based on the data of revenue authorities.

Concerning infant or minor victim, the reimbursement is not bound to monthly average earning and does not depend on degree of loss of working capacity. However, already after victim's reaching the age of 14, a person is bound to make amends, related to these categories on the basis of minimum wage. Additional guarantee is that if a person has already had earning, the reimbursement ought to be established accordingly to the amount of earning, no less that minimum wage.

Right to compensation for the damage, inflicted on victim's death have disabled persons, who are depended on victim or have the right to be depended, and also a child, born after the death. However, not all these payments are indefinite, but payments for a wife, husband, parents (adopters), who reached

retirement age. Besides, a person, who caused harm, is obliged to reimburse expenses, connected with burial of a victim and construction of a gravestone.

One more guarantee is a possibility to pay damages, caused by mutilation, another injury of the health or death as a result of crime. The reason is that a person who committed a crime is bound to compensate expenses for treatment. Even if a person is unknown or insolvent, it does not narrow the ability of reparation, because in this case this is the obligation of the state.

Furthermore, moral damage could also be redressed once or in monthly payments. Moral damage caused by the death is reimbursed to a husband (wife), parents (adopters), children (adopted one) and persons, who lived as one family. However, it is necessary to prove the existence of physical or mental suffering, related to mutilation or another injury of health or death.

Finally, concerning the order, damages are reimbursed in monthly payments, as a rule. If the circumstances, which are significant, exist, the amount of refund might be paid once, no more than three years in advance. Also the amount of readdress could be increased or decreased, because of reduce of the working capacity or on a payer's demand respectively.

Taking into consideration everything mentioned above, we can claim that the mechanism of the reparation is detailed enough in the civil legislation and is quite effective, but a few moments need to be improved. Nevertheless, the knowledge of the right to reimbursement and its order could provide the basis of democratic society.

References:

1. Цивільний кодекс України: Закон від 01.01.2004 № 435-IV// База даних «Законодавство України»/ВР України.–Режим доступу до ресурсу: <https://zakon.rada.gov.ua/laws/show/435-15>.

2. Бичкова С. С. Цивільне право України. Договірні та недоговірні зобов'язання [Електронний ресурс] / С. С. Бичкова, І. А. Бірюков, В. І. Бобрик та ін. // за заг. ред. С. С. Бичкової. – Київ : Алерта. – 2014. – Режим доступу до ресурсу: https://pidruchniki.com/1029022857219/pravo/tsivilne_pravo_ukrayini_dogovirni_ta_nedogovirni_zobov'yazannya.

3. Українсько-англійський словник правничої термінології / [уклад. Л. В. Мисик]. – Київ, 1999. – 523 с.