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OBLIGATION TO COMPENSATE FOR DAMAGE CAUSED TO MINORS

Marta Stupets, student

Galina Yanovytska, Assistant Professor, PhD (Law), Research Advisor

Natalie Hrynya, Associate Professor, PhD (Philology), Language Consultant

Ivan Franko National University of Lviv

The question of responsibility is leading in civil law. After all, for the person who has suffered from harm, it is a fundamental answer to the question of who will be responsible for such actions. So it is always important for the victim to know who can be contacted for damages. By the general rule, fixed in the Civil Code, the damage is fully compensated by the person who caused it. The law assumes that children do not have the same well-formed judgment as adults do, and has fashioned special rules for compensation and liability. In Ukraine, the responsibility of persons under the age of 14 is different from those aged from 14 to 18 years old.

According to the Civil Code, a person, who has not reached the age of fourteen, is not responsible for his or her own actions that have harmed another person. Responsibility for the damage caused by such a person can be assigned to other persons, namely:

1) parents (adoptive parents) or guardians or another natural person who, on legal grounds, carries out the education of a minor (for example patronage teacher, according to the Family Code of Ukraine);

2) educational institution, Institute for Health Protection or another institution that is obliged to oversee the juvenile, as well on the person who oversees the minor person on the basis of the contract;

3) the institution which according to the law carries out in relation to minor guardian function.

The responsibility of parents or guardians occurs if they do not prove that the harm is not the result of mistreatment or evasion from the implementation of upbringing and supervision of a young person. In the case of educational and other specified institutions, the necessary basis for their responsibility is presence of their

fault. If these institutions prove that the damage has not been caused by them, the victim will not receive compensation for damage.

Concerning parents or guardians it is enough to prove absence of inadequate upbringing or care for minors to establish a lack of responsibility. Instead, educational institutions or other institutions that are required to oversee the minors, as well persons and institution, which according to the law carries out the minor's role of guardian, is necessary not only to prove a lack of guilt, but also the absence of a causal connection between these actions facilities and damage caused by a young person, who is under 14 years of age. In order to prove the absence of their fault, the indicated persons must prove that they have used all the measures for proper fulfillment of obligation.

It should be noted that if a minor person was harmed by the fault of parents (adoptive parents) or guardian, and by the fault of the institutions and persons that are obliged to compensate for damage in a share determined by an agreement between them or by a court decision. Moreover, according to the general rule, the responsibility of these persons doesn't cease in case the minor reach the age of majority. Such a person may be required by the court in part or in full, to compensate for damage inflicted by her under the age of fourteen after reaching adulthood, in the aggregate presence of the following grounds:

- if the damage was caused to life or the health of the victim;
- in the presence of sufficient funds for this the cause of damage;
- persons who are liable for damage inflicted by a minor are insolvent or dead.

A minor from the age of fourteen to eighteen years, independently and on a general basis, is responsible for the harm he has suffered. In the case when the minor doesn't have property or earnings, sufficient to compensate for the damage caused to him, this damage is compensated for in the fraction that is missing, or in full by his parents (adopters) or the trustee, unless they prove that the damage was not caused by their guilty. The duty of parents (adopters), guardians or an institution that is obliged to oversee the juvenile, is terminated after reaching the person, who caused harm, adulthood or when this person becomes the owner of the property until he reaches the age, sufficient for paying damages.

When a minor person who has caused damage, acquired full civil capacity before the legal age, his or her parents (adopters) or guardians are generally exempted from the obligation to compensate for damage.

They remain subsidiary debtors only if there are such grounds in the aggregate:

- 1) the absence of such an underage property sufficient for compensation the damage caused to it;
- 2) if they have given consent to the acquisition of full civilian capacity;
- 3) if they do not prove that the damage was caused not by their fault.

But in any case, the indicated obligation of these persons ceases with the achievement of the person who caused prejudice, adulthood.

Thus, in each case, when the minor has caused damage it is necessary to find out not only the general grounds for responsibility, as well as the range of persons who must take care or oversee the specified persons and the fulfillment of their own responsibilities for education, overseeing the care of the minors.

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DISSOLUTION OF A LABOUR CONTRACT FOR THE VIOLATION OF LABOUR DISCIPLINE

Kateryna Syrotyuk, student

Oksana Hirnyk, Associate Professor (Law), Research Advisor

Natalia Hrynya, Associate Professor, Language Consultant

Ivan Franko National University of Lviv

Labour law in Ukraine is one of the main branches of law, which, along with other branches, is at the stage of its reformation. One of the most important sources of labour law is The Labour Code of Ukraine (hereinafter The Code).

There are two basic institutes of labour law, which are the institute of a labour contract and the institute of termination and dissolution of a labour contract.

The aim of the study is to determine all grounds for labour contract on initiative of the owner for the violation of the labour discipline. Labour discipline means the order, which must be followed by subjects in their behaviour.

Under Article 147 of The Code for violation of labour discipline one of the following punishments may be applied to the employee: reprimand and dismissal.

It is worth drawing the distinction between dissolution of labour contract and dismissal. First one, in most cases, means the termination of labour contract on the initiative of the owner or the initiative of the employee. Dismissal is determined as a process and procedure of dissolution of labour contract.

There are three (1-3) grounds for dissolution of labour contract on initiative of the owner for the violation of labour discipline provided by Article 40 of The Code and two(4-5) grounds provided by Article 41 of The Code. They are: