



Syllabus

Court practice on compensation for damages

Higher education degree - bachelor
Field of knowledge - 29 International relations
Specialty - 293 International Law
Educational and Professional Program - International Law

Study year – 3 Semestr – 6
Number of credits: 5, Language of study: english

Head of the course:

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Description of the discipline

"Judicial Practice on Compensation for Damage" is a discipline that promotes deep, thorough study and assimilation of knowledge by students on the legal regulation of relations arising from the infliction of moral and material damage by unlawful actions of subjects of civil law relations (tort liabilities). In addition, students will be able to analyze case law on the resolution of disputes on the settlement of issues related to the infliction of damage. The main tasks of studying this discipline are: to correctly determine the legal nature of tortious violations; to skillfully apply the current legislation of Ukraine and conduct discussions on non-contractual obligations; to interpret and apply the provisions of the Civil Code of Ukraine and other regulatory legal acts, judicial practice in order to make informed decisions in disputed relations arising from non-contractual obligations and tortious violations; to characterize the essence of non-contractual legal relations; to interpret the current legislation of Ukraine regulating tort legal relations; to master and consolidate the theoretical knowledge that students have acquired in the practical work of a lawyer; to develop students' skills in practical work with regulatory material and to develop the ability to interpret its individual provisions; to develop skills in analyzing specific cases from judicial practice and simulated situations. After studying the discipline, students should: correctly determine the legal nature of tortious violations; skillfully apply the current legislation of Ukraine and conduct discussions on non-contractual obligations; interpret and apply the provisions of the Civil Code of Ukraine and other regulations, case law in order to make informed decisions in disputed relations arising from non-contractual obligations and tortious violations.

Course structure

№	Topic	Learning outcomes	Control
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1	General characteristics of torts in civil law.	To know the concept of tort, its place in the system of civil law of Ukraine and the peculiarity of its interdisciplinary nature; to characterize the composition of tort.	Tests, surveys
2	Peculiarities of compensation for non-pecuniary damage	Analyze the system of legislation in the field of compensation for damage; analyze and characterize the grounds for liability for non-pecuniary damage.	Tests, surveys
3	Special torts, which are distinguished on the basis of the peculiarities of the subjective composition of the perpetrators of harm.	Ability to characterize the compensation for damage caused by the authorities. Compensation for damage caused by the bodies of inquiry of the preliminary investigation, prosecutor's office or court. Compensation for damage caused by a minor. Compensation for damage caused by a minor. Compensation for damage caused by an incapacitated person and a person unable to realize the significance of their actions and control them. Compensation for damage by a person whose legal capacity is limited.	Tests, surveys, practical assignment
4	Liability for damage caused by persons with different disabilities	To be able to characterize and understand the concept of compensation for damage caused by a minor. Compensation for damage caused by a minor after he or she has acquired full civil capacity. Compensation for damage caused by several minors, minors. Compensation for damage by parents deprived of parental rights. Compensation for damage caused by an incapacitated individual. Compensation for damage caused by an individual whose civil capacity is limited. Compensation for damage caused by an individual who did not realize the significance of his/her actions and/or could not control them. Compensation for damage caused by a person who has insured his/her own civil	Tests, surveys

		liability.	
5	Liability for damage caused by public authorities and their officials	Ability to characterize the concept of damage caused to an individual or legal entity by unlawful decisions, actions or omissions of a public authority, authority of the Autonomous Republic of Crimea or local government in the exercise of their powers. The concept of damage caused to an individual or legal entity by unlawful decisions, actions or omissions of an official or employee of a state authority, authority of the Autonomous Republic of Crimea or local self-government body in the exercise of their powers. The concept of damage caused to an individual or legal entity as a result of the adoption by a state authority, an authority of the Autonomous Republic of Crimea or a local self-government body of a regulatory legal act that has been recognized as illegal and canceled.	Tests, surveys
6	Liability for damage caused by public authorities and their officials	Be able to analyze and characterize the concept of damage caused to an individual or legal entity by illegal decisions, actions or omissions of a public authority, authority of the Autonomous Republic of Crimea or local government in the exercise of their powers. The concept of damage caused to an individual or legal entity by unlawful decisions, actions or omissions of an official or employee of a state authority, authority of the Autonomous Republic of Crimea or local self-government body in the exercise of their powers. The concept of damage caused to an individual or legal entity as a result of the adoption by a state authority, an authority of the Autonomous Republic of Crimea or a local self-government body of a regulatory act that has been recognized as illegal and canceled. Article 56 of the	Tests, surveys, essays

		<p>Constitution of Ukraine: the right of everyone to compensation at the expense of the state or local self-government bodies for material and moral damage caused by unlawful decisions, actions or inaction of state authorities, local self-government bodies, their officials and employees in the exercise of their powers. Subject, object, content of the said violations. Creditor, debtor.</p> <p>Officials and employees. Peculiarities of recognizing activities (inactivity) and acts as illegal. Guilt. The State of the Autonomous Republic of Crimea, local self-government body as a debtor. Scope, limits of compensation for damage. Damage and the causal link between damage and actions (inaction) of the authority of the Autonomous Republic of Crimea or local self-government body, their officials or employees.</p>	
7	<p>Liability for damage caused by unlawful decisions, actions or omissions of an inquiry body, preliminary (pre-trial) investigation, prosecutor's office or court</p>	<p>Be able to distinguish between the concepts of harm caused to an individual as a result of his or her unlawful conviction, unlawful prosecution, unlawful use of custody or recognizance as a preventive measure, unlawful detention, unlawful imposition of an administrative penalty in the form of arrest or correctional labor.</p> <p>The right to compensation for damage caused to an individual by unlawful actions of an inquiry body, preliminary (pre-trial) investigation, prosecutor's office or court arises in the event that a court acquits, reverses an unlawful court verdict, closes a criminal case by a preliminary (pre-trial) investigation body, or closes proceedings on an administrative offense.</p> <p>Closure of a case on the basis of an amnesty law or a pardon act; self-incrimination.</p> <p>Damage caused to an individual or</p>	<p>Tests, surveys, practical assignment</p>

		<p>legal entity as a result of an unlawful court decision in a civil case.</p> <p>Damage caused to an individual or legal entity as a result of another unlawful act or omission or unlawful decision of an inquiry body, preliminary (pre-trial) investigation, prosecutor's office or court. Subject, object, content of the said violations; damage; unlawful acts; causal link between unlawful acts and damage, guilt. Procedure for compensation for damage caused by unlawful decisions, actions or omissions of an inquiry body, preliminary (pre-trial) investigation, prosecutor's office or court.</p>	
8	Liability for damage caused by injury to health or death of the victim	<p>To be aware of the peculiarities of damage caused by injury, other damage to health or death. Grounds for liability. Non-pecuniary (moral) damage. Earnings, income, material expenses. Compensation for damage caused to an individual in the performance of contractual obligations. Compensation for damage caused by injury or other damage to the health of a minor or underage person. Compensation for damage caused by the death of an individual.</p> <p>The procedure for calculating compensable damages. Funeral expenses. The procedure for compensation for damage. Increase, decrease in the amount of compensation for damage. Reimbursement of expenses for the treatment of a person who has suffered from a crime..</p>	Tests, surveys, essays
9	Liability for damage caused by defects in goods, works (services)	<p>Know the basic characteristics of the concept and grounds for liability for damage caused by defects in goods, works (services). Legislative consolidation of liability for damage caused by defects in goods, works (services). Peculiarities of compensation</p>	Tests, surveys, practical assignment

		<p>for damage caused by defects in goods, works (services), Defects in goods (works, services); inaccurate or insufficient information. Existence of a contractual relationship between the victim and the seller.</p> <p>Competition of claims (contractual and non-contractual). Grounds for exemption from liability.</p>	
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Literary sources

1. Civil Law of Ukraine. Special Part: Textbook / Edited by Doctor of Law, Professor R.B. Shyshka. K.: Lyra-K Publishing House, 2015. 1024 c.
2. Scientific and Practical Commentary on the Civil Code of Ukraine: in 2 vols. 5th edition, revised and supplemented / Edited by O.V. Dzera (head of the author's team), N.S. Kuznetsova, V.V. Luts. K.: Yurinkom Inter, 2013. Vol. 2. 1120 p.
3. Civil Law of Ukraine. Contractual and non-contractual obligations: Textbook / Edited by S.S. Bychkova. 3rd edition, amended and supplemented. K.: Alerta, 2014. 496c.
4. Civil law of Ukraine: textbook. 2nd edition, revised and supplemented. In 2 parts / Edited by Prof. R.B. Shyshka (head of the author's team), part 2. Special. K.: Lyra-K Publishing House, 2018. 996 c.
5. Legal nature of civil liability without fault. Legal science. 2014. № 5. C. 7-14.
6. Onishchenko O.S. Peculiarities of compensation for non-pecuniary damage in tort liabilities. Judicial appeal. 2015. № 2 (39). C. 102-108.
7. Shishka R.B. Civil liability and tort liability. Collection of scientific papers of Irpin Academy of Finance and Law (law). 2013. Issue 2. pp. 206-216.

Information sources

1. The official web portal of the Verkhovna Rada of Ukraine. URL: <http://portal.rada.gov.ua/>
2. Official online representation of the President of Ukraine. URL: <http://www.president.gov.ua/>
3. The single web portal of executive authorities of Ukraine. URL: <http://www.kmu.gov.ua/>
4. Official web portal of the judicial authorities of Ukraine. URL: <http://court.gov.ua/>

Evaluation policy

- ● Policy on deadlines and rescheduling: Rescheduling of modules takes place with the permission of the dean's office if there are good reasons (for example, sick leave).
- Academic Integrity Policy: Copying during tests and exams is prohibited (including using mobile devices).
- Attendance Policy: Attendance is a mandatory component of assessment. For objective reasons (for example, illness, international internship, and other reasons), training can take place online with the permission of the university administration.

Evaluation

The final grade for the course is calculated as follows:

Credit module 1	Credit module 2	Credit module 3	Total
30	40	30	100%
1. Oral questioning during classes (4 topics of 5 points each - 20 points) 2. Module test - 80 points	1. Oral questioning during the class (5 topics of 5 points each - 25 points) 2. Module test - 75 points	Preparation of the CPIT - max. 40 points. Defense of the CPIT - max. 40 points Participation in trainings - max. 20 points	

Student evaluation scale:

ECTS	Marks	Content
A	90-100	excellent
B	85-89	good
C	75-84	good
D	65-74	satisfactorily
E	60-64	enough
FX	35-59	unsatisfactory with the possibility of reassembly
F	1-34	unsatisfactory with a mandatory repeat course