

Ensuring social sustainability through victim redress: A comparative legal analysis of material and moral damage compensation in selected jurisdictions

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ABSTRACT

This article analyzes the peculiarities of compensation for victims of criminal offenses in France, Great Britain, Italy and Ukraine with a view to borrowing positive foreign experience and the possibility of its further implementation into Ukrainian legislation. The research methodology integrates several approaches, including comparative-legal, doctrinal, formal-legal, monographic, systemic-structural, statistical, legal modeling, summarization. It is found that each of the countries under consideration has a special body that, in addition to the courts, considers applications for compensation for damage (material and moral) to victims of criminal offenses – FGTI in France, CICA in the UK, the Ministry of the Interior in Italy. The countries studied have fixed amounts of compensation for a particular crime: FGTI uses the “Dintilhac” nomenclature in assessment damage, which lists the types of property and non-property damage and provides their specific definition to make the most accurate calculation of the amount of compensation; in the UK, they are set out in the Tariff System; Italy’s compensation system combines fixed payments for serious crimes and reimbursement of actual treatment and care costs for victims of less serious offenses. It is substantiated that Ukraine should borrow positive foreign experience and, firstly, establish a special body to which victims of criminal offenses can directly apply for compensation. Secondly, the practice of setting compensation limits has proven to be effective, as in this case victims can count on a certain fixed amount of money that can compensate for their material and, to some extent, moral losses.

Keywords: compensation, property (pecuniary) damage, moral (non-pecuniary) damage, victim of the criminal offense, European experience, social sustainability

INTRODUCTION

Social sustainability is a fundamental component of the sustainable development paradigm. Within this concept, it is aimed at maintaining the stability of the socio-cultural environment, minimizing social conflicts, ensuring the principle of justice and expanding opportunities for comprehensive progress. Social stability is of particular importance in the national security system, as it is a determining factor in effectively countering modern threats, risks and crisis situations. Therefore, the strategic task of the state is the formation of mechanisms of social stability.

It is worth noting that in 2024, 492,479 criminal offenses were committed in Ukraine; of these, 31,533 were crimes against life and health, as stipulated by the relevant articles of the Criminal Code of Ukraine (Articles 115, 125, 122, 121, 126,

126-1) (Khavroniuk, 2025). In this context, the problem of ensuring the effective protection of the rights of victims of criminal offenses, particularly their right to timely compensation for harm, is highly relevant. The existing legislative framework and practical mechanisms do not always allow for the effective recovery of damages and the elimination of the consequences of unlawful acts. This creates an urgent obligation for the state to develop and implement an effective system that guarantees victims full compensation for both material and non-pecuniary (moral) harm caused by a criminal offense.

At the same time, compensation systems for victims of criminal offenses have existed in leading European countries for decades, which makes their study very important, especially during the stage of reforming Ukrainian legislation. This is particularly relevant given our state’s Euro-integration

aspirations, especially after acquiring the status of an EU candidate country.

The purpose of this article is to examine the specifics of compensating damage (both material losses and moral harm) to victims of criminal offenses in France, the United Kingdom, Italy, and Ukraine with the aim of borrowing positive foreign experience and the possibility of its further implementation into Ukrainian legislation.

METHODOLOGY

The methodological framework for the research combines general scientific and special legal methods. The comparative-legal method was central to the study, enabling a direct comparison of the legal and institutional frameworks for victim compensation in France, Great Britain, Italy, and Ukraine. The dialectical method provided the basis for describing the evolution and current state of these systems.

To analyze the legal foundations, a doctrinal and formal-legal approach was applied to interpret the main legal instruments governing the issue under consideration. Existing academic perspectives on compensating material and moral damage were examined using the monographic method. Key components of each system – such as eligible actors, compensating entities and compensation amounts – were organized and classified using the systemic-structural method. The statistical method was used to present key figures related to the study. Legal modeling method helped to pinpoint shortcomings concerning compensating victims of criminal offences in the Ukrainian system. Recommendations on implementing positive foreign experience were made using summarization method.

RESULT AND DISCUSSION

France

The French system for compensating for health-related harm is one of the most protective in the world. According to French law, compensation is provided to all victims of crimes committed on French territory. To be eligible for victims' rights and benefits, a person must be legally residing in the country.

The right of victims to compensation is a recognition of the harm inflicted upon them (e.g., physical and psychological suffering and their consequences, material harm, financial losses). The purpose of compensation is to redress the damages caused to the victim by various injuries and (as much as possible) to return them to a state equivalent to the one they were in before the crime was committed. To obtain compensation, a victim can apply to an insurance company, a court, or a compensation fund (primarily the FGTI – the Guarantee Fund for Victims of Terrorist Acts and Other Offenses).

The Guarantee Fund for Victims of Terrorist Acts and Other Offenses (FGTI) is a French public service that pays compensation to individuals who have suffered from terrorism or as a result of a road traffic accident, both in France and

abroad. Victims are also entitled to receive compensation for harm caused by bankruptcy, a hunting accident, property damage from mining operations, and other technological risks. The fund is financed by a mandatory levy on property insurance policies and provides financial compensation for physical, psychological, and material damage, and may also issue a preliminary advance payment to cover immediate expenses (The Guarantee Fund for Victims, 2025a).

For example, in the case of a terrorist act on French territory, the Guarantee Fund provides full compensation for material and non-pecuniary damage to both the direct victim of the crime and his(her) beneficiaries, which include children, parents, grandparents, grandchildren, and siblings.

To receive compensation, the victim must submit a completed application form to the Fund, which can be found on the organization's website (The Guarantee Fund for Victims, 2025b), a photocopy of their identity document, medical reports, and bank account details.

The deadline for submitting a compensation claim in this case is 10 years from the date of the terrorist act. If a criminal proceeding is initiated, such a claim can be filed within one year from the date the court judgment is rendered. If these deadlines are missed, the person entitled to payment may apply to the Fund for an extension in the case of valid reasons, information about which has been duly submitted and justified.

The Fund provides full compensation for bodily injuries (physiological and psychological trauma) caused by terrorist acts. It also compensates for non-pecuniary harm and economic losses to the relatives of deceased or severely injured victims. The Fund does not compensate for damages to property or legal entities, as such payments are covered by insurance.

To formulate a full and final compensation offer, the Fund is obliged to follow a legally established procedure. In cases where the bodily injuries are serious or the victim's economic situation is difficult, this procedure, similar to a court proceeding, can be quite lengthy due to the investigations and consultations required to ensure fair compensation. For victims who have suffered physical or psychological trauma, the assessment of harm can only be carried out after a full medical-legal examination organized by the Fund. In addition to the initial examination by a general practitioner, specialists (psychiatrists, cardiologists, orthopedists, etc.) may be appointed. Before any classification of the injury, the doctor examines the victim and reviews the provided medical documents to determine whether the victim's condition is "consolidated," i.e., whether his(her) health has stabilized and is not expected to worsen or improve. Medical-legal consolidation allows the Fund to formulate an offer within the 3-month period prescribed by law, provided that all factors of the harm have been assessed. The compensation takes into account the specific nature and severity of the injuries, as well as the personal situation of the victims (The Guarantee Fund for Victims, 2020b).

French courts (as well as the French Guarantee Fund for Victims of Terrorist Acts and Other Offenses) use the "Dintilhac" nomenclature when assessing harm, which lists types of pecuniary and non-pecuniary damages and provides

their precise definitions. For example, according to this nomenclature, non-pecuniary harm is divided into:

- a) Temporary non-pecuniary harm (before consolidation): Temporary functional impairment; pain and suffering; temporary aesthetic impairment;
- b) Permanent non-pecuniary harm (after consolidation): Permanent functional impairment; loss of amenity; permanent aesthetic impairment; sexual impairment; loss of opportunity to start a business; exceptional permanent impairment;
- c) Evolving non-pecuniary harm (excluding consolidation): Damages related to progressive pathologies (Dang-Vu, 2010).

There is no official “scale” establishing a fixed amount for a specific type of harm. For deceased victims, the amount of compensation may vary depending on the number of the victim’s relatives, their degree of kinship, and, above all, whether there are economic losses associated with the death. For injured victims, the amount of compensation may be increased considering their young age, the presence of significant financial losses, etc. In the most serious cases, the need for assistance from other people or the adaptation of housing is taken into account.

Within the Fund, there are also two separate organizations – the Commission for the Compensation of Victims of Crime (Commissions d’indemnisation des victimes d’infractions, CIVI) and the Service for Assistance in the Recovery of Payments for Victims of Crime (Service d’Aide à la Recouvrement des Victimes d’infractions, SARVI). The first one operates within the courts and considers compensation claims. The second one assists victims in collecting compensation awarded by a court as a result of a criminal case.

Victims of crimes such as rape, attempted murder, infliction of grievous bodily harm, property damage, theft, and fraud can apply to the Commission for the Compensation of Victims of Crime (CIVI) – a civil body that operates at each court of first instance (Tribunal de Grande Instance). Its competence includes determining the material and non-material (moral) damages (psychological, emotional, loss of potential income, etc.) that are subject to compensation. The compensation may also include legal costs and expenses related to travel to and from France during the judicial process. The victim does not have to wait for a court decision on the amount of compensation before filing a claim with CIVI – the main requirement is proof of the offense that caused the harm (The Guarantee Fund for Victims, 2025c).

After analyzing the relevant application for the validity of the compensation claim, CIVI submits it along with a package of supporting documents to the FGTI and continues to act as an intermediary between the Guarantee Fond and the victim until the latter receives compensation.

The competence of the Commission for the Compensation of Victims of Crime does not include assessing damages resulting from acts of terrorism, road traffic accidents, hunting accidents, or diseases related to the harmful effects of asbestos. In such cases, the victims or their beneficiaries must apply directly to the Guarantee Fund.

As for the Service for Assistance in the Recovery of Payments for Victims of Crime (SARVI), a victim can seek help if the offender does not pay the awarded amount of compensation within two months from the date the relevant court decision enters into force. At the same time, a person is entitled to file an application with SARVI within one year from the specified date.

If the amount of compensation awarded by the court is up to €1,000, SARVI pays the full amount of compensation within two months from the date of receiving the application (if the application is justified and complete). If the amount awarded by the court is over €1,000, SARVI pays an advance of 30% of it (a minimum of €1,000 and a maximum of €3,000). Subsequently, the organization assists in collecting the remaining amount from the offender, taking into account a penalty for late payment (The Guarantee Fund for Victims, 2020a). SARVI generally assists victims of minor crimes for which a person cannot apply directly to the FGTI or CIVI for compensation.

A victim can also apply to a court and demand compensation for the harm caused:

- 1) Within civil proceedings, if the perpetrator is known. The victim will have to prove the existence of damage, as well as the causal link between harm and the actions of the person who caused it;
- 2) Within criminal proceedings. If the offender is unknown, the victim is entitled to demand compensation for the harm caused from the state.

The UK

In the British legal system, victims of crime are entitled to compensation for both pecuniary (material) losses and non-pecuniary (moral) harm. Non-pecuniary harm encompasses several categories, including pain and suffering, loss of well-being, physical injuries, social discredit, and mental disorders (Panchenko, 2024, p. 5).

In this country, the amount of compensation is determined not by judicial discretion but by a fixed Tariff System, which is an annex to the Criminal Injuries Compensation Scheme of 2012. This scheme was established under the Criminal Injuries Compensation Act of 1995 and approved by Parliament (Ministry of Justice, 2012).

To be eligible for payment, an individual must be a direct victim of a violent crime committed in a “relevant place” and have suffered a resulting injury. According to the Scheme, a violent crime includes: Physical assault; sexual violence; arson; threats of violence perceived as real; other violent acts or omissions causing physical harm. The Scheme also provides for compensation for injuries sustained while undertaking certain civic duties, such as: Apprehending an offender; preventing a crime; mitigating the consequences of a crime; assisting a police constable (Ministry of Justice, 2012).

However, a crucial condition applies: the risk taken by the individual must have been exceptional and justified. A risk is not considered exceptional or justified if it is an inherent part of the victim’s professional duties (e.g., a police officer injured in the line of duty would typically be covered by other schemes).

Table 1. Amount of compensation for brain injuries in the UK

Injury category	Compensation amount (£)
Minor Head Injury (minimal brain injury, e.g., concussion, impaired balance, headaches, etc.)	
- Lasting 28 weeks or more	1,500
- Permanent effects	6,200
Minor Brain Damage (implies a good recovery, ability to socialize and return to work, but with persistent problems with concentration, memory, or mood affecting lifestyle and work prospects)	
- Slight and short-lived (less than 6 months)	6,200
- Moderate and medium-term (6 months to 2 years)	16,500
- Significant and long-lasting (2 years or more)	22,000
Moderate Brain Damage (some dependence on others, cognitive impairment, personality change, reduced ability to work, some effect on the senses)	
- Slight degree	27,000
- Moderate degree	55,000
- Significant degree	82,000
Moderately Severe Brain Damage (serious impairment of physical or mental faculties requiring professional or other care, with marked intellectual deterioration, significant personality loss, abnormal behavior, and poor communication)	110,000
Very Severe Brain Injury (very significant physical limitations, severe effect on the senses, significantly reduced life expectancy. Little to no meaningful response to the environment, little to no language function, double incontinence, and need for full-time nursing care)	175,000
Severe Brain Injury (Highest Level) (no useful physical movement, very severe effect on the senses. Little to no meaningful response to the environment, little to no language function, double incontinence, and need for full-time nursing care)	250,000

In addition to direct victims, the Scheme extends compensation rights to individuals who have suffered injury as “secondary victims”. A person is eligible for payment if he (she) was present at the scene of a crime (a “relevant place”) and witnessed a crime of violence or its immediate aftermath, in which a person with whom they had a close relationship of love and affection was injured.

To qualify, a claimant must have been physically present at the scene; learning about the event from the victim, another person, or through media does not suffice. Furthermore, the resulting psychological injury must be debilitating, meaning it must have a significant adverse effect on the person’s ability to carry out normal day-to-day activities for a period of time. This must be confirmed by a medical report from a psychiatrist or a clinical psychologist.

Compensation is generally not provided for injuries that: Result from suicide or attempted suicide, unless there was an intent to harm another person; are caused by the use of a vehicle or an animal, unless they were intentionally used as a weapon to injure someone; are sustained during a consensual sporting or other activity; are inflicted on a fetus due to the mother’s intentional or negligent actions during pregnancy.

To be eligible for compensation, the crime must have occurred in Great Britain (England, Scotland, or Wales). The Scheme’s jurisdiction also extends to British-controlled aircraft, Her Majesty’s ships, other British-owned vessels, and lighthouses off the coast of Great Britain. The compensation scheme does not apply to criminal offenses committed in the Northern Ireland. Special provisions also cover injuries sustained by or caused by the UK officials acting in the course of their duties in France or Belgium. The rules of the Scheme and the payment amounts are established by the Secretary of the State and approved by Parliament. The Criminal Injuries Compensation Authority (CICA) is responsible for administering the Scheme and making decisions on compensation awards.

A victim must apply to the CICA as soon as is reasonably practicable, and no later than two years from the date of the incident. This deadline can be waived only in exceptional circumstances where the applicant was unable to apply earlier, and the evidence provided is sufficient to make a decision without extensive further investigation. Crucially that the applicants do not need to wait for the outcome of a criminal trial, as the Scheme does not require the offender to be convicted. CICA makes decisions based on the “balance of probabilities” rather than the criminal standard of “beyond a reasonable doubt”, meaning compensation can be awarded if it is more likely than not that the applicant was a victim of a violent crime.

The Scheme includes specific rules for victims who were under 18 at the time of the incident. An application can be made by a parent or guardian on their behalf. The deadline for such applications is either: Before the victim’s 20th birthday (if the incident was reported to the police before they turned 18); within two years of the incident first being reported to the police (if the report was made after the victim turned 18).

To be eligible for payment, the injury must be described in the tariff of injuries provided in Annex E of the Scheme. This Annex details all qualifying injuries and classifies them by severity. For example, data concerning compensation for brain injuries, which in turn cause physical and psychological suffering as well as significant material losses, are presented as follows (**Table 1**) (Ministry of Justice, 2012).

The final column of the Table indicates the standard compensation amount for a specific type of injury. The Criminal Injuries Compensation Authority (CICA) is obliged to award compensation according to these prescribed amounts, based on the severity of the injuries and their impact on the individual’s life.

The CICA considers applications for compensation covering:

- 1) Physical or mental injury – harm resulting from a crime of violence;

- 2) Sexual or physical abuse;
- 3) Loss of earnings – if the injury results in the person's inability to work or having a reduced capacity to work;
- 4) Special expenses – costs incurred as a direct result of the crime that do not fall into other categories.

These may include: Replacement or repair of essential medical aids (e.g., walking sticks, glasses, dentures); costs related to medical treatment under the National Health Service (NHS) or other state healthcare providers (excluding loss of earnings); special equipment, such as adapted vehicles or mobility aids; costs for home adaptations (e.g., ramps or lifts) to improve mobility; expenses for personal care or meal preparation; costs associated with managing one's affairs due to reduced capacity. A claim for special expenses is only considered if the injury has resulted in an incapacity to work for more than 28 weeks;

- 5) Fatalities – payments to relatives for bereavement, loss of parental care for a child, and dependency payments if the deceased was the family's primary earner;
- 6) Funeral expenses;
- 7) Other payments in the event of a victim's death.

To qualify for an award, the injury must be described in the tariff of injuries in Annex E of the Scheme. Not all applications are successful; the applicant and the harm they suffered must meet all the eligibility requirements of the Scheme (HM Courts & Tribunals Service, 2012).

The maximum award that can be granted under the Scheme for one or more injuries sustained in a single incident is £500,000, before any potential reductions. An award may be withheld or reduced if the applicant fails to cooperate reasonably with the claims officer or any other relevant authority. This includes repeatedly failing to respond to communications sent to the address provided by the applicant. Furthermore, an award may be reduced or refused entirely if the applicant's conduct before, during, or after the incident makes a payment inappropriate. However, this does not include being under the influence of alcohol or drugs if it made the applicant more vulnerable to becoming a victim of a violent crime. Additionally, an award will be withheld or reduced if the applicant has an unspent criminal conviction. This also applies to other aspects of the applicant's character that might make a full award inappropriate.

If a person suffers two or more serious injuries in the same incident, they are entitled to receive:

- 1) 100% of the full tariff value for the most serious injury;
- 2) 30% of the tariff value for the second most serious injury (or an injury of equal severity);
- 3) 15% of the tariff value for the third most serious injury (or any additional injury of equal severity).

The Scheme does not provide compensation for more than three injuries. However, additional tariff payments are available if, as a result of the criminal offense, the person became pregnant, lost a fetus, or contracted a sexually transmitted infection (HM Courts & Tribunals Service, 2012).

Italy

In Italy, an individual is entitled to claim compensation, including for non-pecuniary (moral) harm, if they have been a victim of an intentional violent criminal offense, as well as labor exploitation (Article 603-bis of the Criminal Code). This right excludes minor assaults (*percosse*) and bodily injuries (*lesioni*) under Articles 581 and 582 of the Criminal Code, unless there are aggravating circumstances as defined in Article 583 (i.e., if the offense does not lead to serious consequences) (WIPO, 2018).

The right to compensation belongs to the victim or, in the event of his (her) death, to their spouse (including a cohabiting partner of at least three years), children, parents, and siblings who were financially dependent on the victim at the time of the crime. If there are multiple eligible claimants, the compensation is distributed among them in proportion to their inheritance shares.

A claim for compensation must be filed within 60 days from:

- 1) The date of the decision that the offender is unknown;
- 2) The date of the last unsuccessful enforcement proceeding;
- 3) The date on which the criminal conviction becomes final.

The application must be accompanied by a copy of the conviction, the decision that the offender is unknown, or medical documentation detailing treatment costs. In case of a fatality, a death certificate is required. Crucially that the claim must also include documents proving that attempts to recover damages from the offender have failed. This can be evidenced by an unsuccessful court proceeding, a failed enforcement action, or a final criminal conviction. This condition does not apply if the offender is unknown, has been granted state-funded legal aid, or in cases of intimate partner homicide.

The compensation covers harm to both the direct victim and their relatives.

Compensation for the direct victims

Pecuniary (material) harm:

- 1) Medical and rehabilitation costs, including outpatient and inpatient treatment;
- 2) Additional injury-related expenses: Costs for care, home adaptations, specialized equipment, physiotherapy, and retraining;
- 3) Permanent impairment – compensation for resulting disability and other permanent consequences;
- 4) Loss of income – lost earnings during and after treatment, as well as loss or reduction of earning capacity;
- 5) Loss of opportunity – compensation for lost life or professional opportunities;
- 6) Procedural costs – court fees and legal expenses;
- 7) Property damage – compensation for stolen or damaged personal property;
- 8) Other material damages.

Table 2. Compensation system for victims of intentional violent crimes in Italy

Type of offence	Fixed amount of compensation	Additional medical & care reimbursement	Conditions
Intentional homicide	€50,000	up to €10,000	Standard fixed payment.
Homicide by spouse or partner	€60,000	up to €10,000	Payable exclusively to the victim's children. Applies to spouses, civil partners, or partners.
Sexual violence & grievous bodily harm	€25,000	up to €10,000	Includes cases resulting in permanent facial disfigurement.
Other intentional violent crimes	None	up to €15,000	Compensation is limited strictly to documented medical and care costs.

Non-pecuniary (moral) harm – compensation for physical pain and psychological suffering.

Compensation for the victim's relatives or dependents

Pecuniary (material) harm:

- 1) Funeral expenses (in case of the victim's death);
- 2) Medical expenses for family members (e.g., psychotherapy);
- 3) Loss of maintenance (compensation for the loss of financial support provided by the victim).

Non-pecuniary (moral) harm – compensation for the pain and suffering of relatives and other entitled persons (European Justice, 2023).

A Decree issued on November 22, 2019, by the Ministry of the Interior, the Ministry of Justice, and the Ministry of Economy and Finance established fixed compensation amounts for specific crimes, payable under Law No. 122 of July 7, 2016. Thus, Italy's compensation system combines fixed payments for the most severe crimes with the reimbursement of actual expenses. The fixed amounts are as follows:

- 1) For intentional homicide – €50,000;
- 2) If the homicide is committed by a spouse, civil partner, or partner, the amount increases to €60,000 and is payable exclusively to the victim's children;
- 3) For sexual violence and grievous bodily harm (including facial disfigurement) – €25,000.

In addition to these basic sums, victims of the named offences may receive further compensation to cover documented medical and care expenses, up to a maximum of €10,000. For other intentional violent crimes not listed above, a fixed sum is not provided; compensation is limited to the reimbursement of medical and care costs up to €15,000 (Ministry of the Interior, 2019).

The information provided are presented in **Table 2**.

A claim for compensation is submitted to the prefecture – the local government office with jurisdiction over the location of the sentencing court or the claimant's place of residence. The Public Prosecutor's Office (Procura della Repubblica) assists applicants in preparing the claim and gathering the necessary documents.

The Ministry of Interior is the body that decides on granting compensation. Payments are made as a lump sum from the Revolving Fund for Solidarity with Victims of Mafia-Related Crimes, Extortion, Usury, and Intentional Violent Crimes (Fondo di rotazione per la solidarietà tutti vittime dei reati di tipo mafioso, delle richieste estorsive, dell'usura e dei crimini intenzionali violenti), which is governed by this

Ministry. Payouts are contingent on the available funding for the current year; if funds are insufficient, eligible claimants may receive their compensation in the following year.

Ukraine

Turning to the experience of Ukraine on this issue, it should be noted that for the realization of the right to compensation for harm caused by a criminal offense, the legislator provides for three main ways:

- 1) Voluntary compensation – a non-judicial method in which the victim and the perpetrator independently agree on the amount of compensation;
- 2) A civil claim in criminal proceedings – filing a claim within the criminal case, which is considered by the court simultaneously with the indictment;
- 3) A separate civil lawsuit – initiating a separate court proceeding under the rules of civil procedure.

Filing a civil claim is the “shortest path to compensation for harm”, as the results of the consideration of the civil claim are set out in the court judgment, which resolves the indictment on its merits. That is, the court determines whether the person's guilt in committing a criminal offense has been proven and simultaneously resolves the civil claim (Popeliushko, 2021, p. 10). According to Article 128 of the Criminal Procedure Code (CPC) of Ukraine, a person who has suffered pecuniary and/or non-pecuniary damage has the right to file a civil claim against the suspect or accused before the trial starts (Verkhovna Rada of Ukraine, 2001). The basis for the claim is the direct causal link between the criminal offense and the harm inflicted. Physical persons can claim both pecuniary and non-pecuniary damages, whereas legal entities can only claim for pecuniary losses. A mandatory condition is the existence of a direct causal link between the committed act and the harm. The victim's representative or legal representative may act in their interest, and in exceptional cases, when it concerns the interests of minors, incapacitated persons, or persons with limited legal capacity – the prosecutor. The defendant, i.e., the person who must pay the compensation, is the offender or another person upon whom the law imposes civil liability for their actions.

Filing a claim for compensation for harm under the rules of civil procedure is possible only after the victim has exhausted or failed to use the opportunity to file such a claim within the criminal proceedings.

In the matter of recovering moral damage the most important thing is a sufficient evidence base, so it is necessary to take good care of its formation. Relatives, friends, colleagues at work, i.e., people who communicate with the

victim every day and are able to compare their behavior before and after the influence of the traumatic situation, can act as witnesses. They can also tell how strongly the plaintiff is experiencing what happened, in what way are these experiences expressed, their character, about the changes in the emotional-volitional state, and about the degree of their influence on the person's way of life. It is also advisable to invite the victim's doctor as a witness, who will provide information about the degree of physical and moral suffering of this person during treatment, about their individual physiological and psychological characteristics (Panchenko, 2019, p. 153).

Written evidence in the specified circumstances may include advisory conclusions, extracts from the victim's medical records, documents confirming rehabilitation, invoices from private psychologists, receipts for the payment of special medications, etc. Electronic evidence in the matter that interests us may include: Recordings of television or radio programs, websites where information about the victim's case was covered, video or audio recordings made by the plaintiff that contain evidence of the infliction of mental suffering upon them.

For more convincing proof of the existence of non-pecuniary harm, it is advisable (but not mandatory) to conduct a psychological expert examination, the results of which can establish whether the situation being investigated in the case is traumatic for the person; and what the possible amount of monetary compensation for the inflicted suffering (non-pecuniary harm) is. The failure to conduct a psychological expert examination in this category of criminal offenses does not refute the non-pecuniary harm claimed by the victim, but, as the practice indicates, may affect its amount (Lunney et al., 2017).

It is worth noting that forensic psychological examination does not focus on resolving the issue of establishing a monetary equivalent for moral harm caused. The expert's conclusion in this part is of a scientific and recommendatory nature, and although it is an important piece of evidence in the case, the final decision is made by the court, which, to determine an objective amount of compensation, takes into account all the circumstances of the case, as well as the principles of reasonableness and fairness.

The person who caused non-pecuniary harm is obliged to compensate the victim; however, the offender's ability to pay may be limited, which makes it impossible to provide the full compensation awarded by the court. Moreover, due to significant delays in the execution of court decisions (which are so common in Ukraine), the compensation loses its relevance.

The solution to this problem is seen in the involvement of the state in the process of compensating for damage, which has been reflected in national legislation. Specifically, both the Criminal Procedure Code of Ukraine and the Civil Code of Ukraine contain provisions on the compensation of harm caused to victims of criminal offenses from the State Budget of Ukraine in the cases and manner prescribed by law. However, these norms currently have no practical implementation, as the relevant law, despite legislative initiatives, has not yet been adopted.

Thus, the legal structure of Article 1177 of the Civil Code of Ukraine does not provide for the automatic emergence of the state's obligation to compensate for damage caused by third parties. An analysis of the legal nature of this provision indicates that the state does not assume an absolute obligation to compensate each victim of any offense. This is consistent with international standards, which do not impose on the state an obligation to fully compensate for the consequences of the actions of third parties. To resolve the issue of the application of Part 2 of Article 1177 of the Civil Code of Ukraine, a number of conditions must be determined: the need to establish the guilt of the offender, the stage of criminal proceedings (pre-trial investigation or verdict), the possibility of applying analogy of law and systemic connection with Article 1166 of the Civil Code of Ukraine in the absence of a special law. The key conclusion is that the right to such compensation arises only if the fact of the crime has been legally established. This is confirmed either by a final conviction or by a decision to close the proceedings on non-rehabilitating grounds. Thus, if the pre-trial investigation is still ongoing and the fact of the crime has not been properly proven, the victim has no right to sue the state (Supreme Court of Ukraine, 2022).

Consequently, compensation for damage (both material and moral) is paid from the state budget of Ukraine in cases of mutilation, other health damage, or death as a result of a criminal offense if the person who committed the offense has not been identified or is insolvent; to citizens who have become victims of a terrorist act, with the subsequent recovery of this compensation from the perpetrators; in cases of unlawful conviction, arrest, criminal prosecution, unlawful detention, and wrongful actions of bodies conducting operational-search activities, pre-trial investigation, as well as the prosecutor's office and the court.

CONCLUSIONS

Within this article, the experience of leading European countries in compensating harm to victims of criminal offenses has been examined and the following conclusions could be drawn.

In each of the countries considered, there is a special body that, in addition to the courts, considers claims for compensation for damage (both material and moral) to victims of criminal offenses: In France, it is the Guarantee Fund for Victims of Terrorist Acts and Other Offenses (FGTI); in the United Kingdom, it is the Criminal Injuries Compensation Authority (CICA); in Italy, this function is assigned to the Ministry of the Interior, which manages a special fund to support victims of mafia-related crimes, extortion, usury, and intentional violent crimes.

In Ukraine, however, such victims can only apply for compensation within the framework of judicial proceedings, which diminishes the value of receiving it, as court proceedings in our country can last for years, and the execution of a court decision is also a lengthy process, whereas the victim and their relatives need the funds immediately to at least partially mitigate the negative consequences of the offense.

Secondly, in the countries studied, fixed amounts of compensation for a specific crime are established: In Britain, they are prescribed in the Tariff System, which is an Annex to the Criminal Injuries Compensation Scheme 2012. Italy's compensation system combines fixed payments for serious crimes and the reimbursement of actual medical and care costs for victims of less serious offenses. In France, there is no official "scale" that establishes a fixed amount for a specific type of harm caused by serious crimes, but the FGTI uses the "Dintilhac" nomenclature in its assessment, which lists types of pecuniary and non-pecuniary damages and provides their specific definitions for the most accurate calculation of the compensation amount. Victims of less serious crimes for whom the court has awarded compensation of up to €1,000 receive this amount within two months from the date of filing the application. If the amount awarded by the court is more than €1,000, the person receives an advance of 30% of it, with further settlements to follow. It should be emphasized that the French system of compensation for harm caused to life and health is one of the best in the world, so it is no coincidence that foreigners who are entitled to compensation under the laws of this country apply specifically to the competent authorities of France on this matter.

In Ukraine, however, such compensation frameworks are not established at the legislative level, so it is quite problematic for judges to determine the amount of compensation on their own due to the lack of a unified concept and mechanisms for awarding it and determining the appropriate sum of monetary compensation. This state of affairs provides them with an opportunity for making subjective decisions, and as a result, courts award an amount that is two or even three times less than that claimed by the plaintiff.

Therefore, this positive foreign experience should be undoubtedly borrowed: firstly, a special body to which victims of criminal offenses could directly apply for compensation should be created, which would contribute to a prompt and more effective resolution of this issue. Secondly, the practice of establishing compensation limits has proven its effectiveness, as in such a case, victims can count on a certain fixed monetary amount that is capable of compensating for their material and, to some extent, moral losses. These measures will ensure forming a flexible and effective mechanism for social stability, capable of reducing risks and threats, neutralizing existing negative trends and ensuring the realization of people's right to compensating for pecuniary and non-pecuniary damages, enshrined in Ukrainian legislation.

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