

PECULIARITIES OF COMPENSATION FOR DAMAGES AND LOSSES CAUSED AS A RESULT OF THE ARMED AGGRESSION OF THE RUSSIAN FEDERATION AGAINST UKRAINE

OXSANA HNATIV, HALYNA YANOvyTSKA, SVITLANA SENYK AND IRYNA PASAILIUK*

Abstract. In the conditions of the Russian-Ukrainian war, a significant part of both material and immaterial values of participants in civil relations (both individuals and legal entities, as well as the state, territorial communities, and Ukrainian and international investors) is destroyed. This led to the occurrence of a wide range of losses and damage, which in the conditions of war is rather challenging to record and, accordingly, to compel the guilty to compensate them. The study's relevance was that the events studied in it are currently taking place in Ukraine, which indicates the need for their analysis and practical resolution as soon as possible. Because of this, the purpose of the work was revealed to determine the priority compensation methods for damage and losses caused during the Russian Federation's armed attack on Ukraine. For this, the work used the way of analysis and synthesis, comparison, deduction, formal-legal, and generalization. As a result, it was established that recording losses and damages is a complex process, especially in areas where active hostilities are taking place. Accordingly, the state is faced with the need to form qualitative methods for assessing the damage caused, damages, and the possibilities of adequate protection of the rights of individuals and legal entities in national courts. It was proved that the priority methods of ensuring further compensation for losses are the seizure of assets of residents of the Russian Federation located on the territory of Ukraine, as well as the formation of a special fund for the payment of compensation to the victims. In addition, the research found that Ukrainian legislation needs changes, especially concerning the specifics of compensation for destroyed property, health damage, and even moral damage. Accordingly, not only the current regulatory acts were studied, but also the draft law, the content of which concerns the development of a particular institute to compensate the victims of the damage caused by the armed aggression of the Russian Federation. Thus, the practical value of the work is revealed in the possibility of its use both by participants in civil relations who have suffered losses or damage and by legislators during the formation of mechanisms and institutions for its prompt compensation. Keywords: war, reparations, international tribunal, asset recovery, compensation.

CONTENTS

I Introduction.....	117
II Materials and Methods.....	118
III Results.....	120
IV Discussion.....	126
IV Conclusions.....	129

* Oksana Hnativ, Halyna Yanovytska and Svitlana Senyk: Department of Civil Law and Procedure, Ivan Franko National University of Lviv, Lviv, Ukraine. Iryna Pasailiuk: Department of Civil Law Disciplines, Lviv State University of Internal Affairs, Lviv, Ukraine.

I INTRODUCTION

In the conditions of the war waged by the Russian Federation (RF) against Ukraine, the issue of providing participants in civil relations with adequate protection, particularly in both property and non-property contexts, is gaining special attention and urgency. This is because military actions cause significant losses and damage both to the state as a whole and to specific individuals. All this requires proper settlement, which is possible only if the perpetrators are brought to justice, and compensation is paid to the participants in civil relations (Astrov et al., 2022). The problem of this study was to determine the features of the compensation mechanism for losses and damage caused during the armed aggression of the Russian Federation. Such a process is due to the presence of several obstacles, one of which is the impossibility of timely and high-quality recording of the number of losses or damage, which as a result, makes it impossible to compensate them and bring the culprits to justice. Several scientists, not only jurists but also sociologists and political scientists, have been studying this issue since 2014, namely since the beginning of the armed aggression of the Russian Federation against Ukraine. However, this problem remains unsolved since, at the moment, there is no precise mechanism that would be provided for by the legislation of Ukraine and would refer to the process of compensation for losses and damage in total, which were caused to individuals, legal entities, territorial communities, and the state as a result of military actions Russian Federation on the territory of Ukraine.

Accordingly, this issue was considered by V. Mykhnenko (2020), who, in his work, determined the nature and methods of inflicting damage during military operations. At the same time, the author managed to describe what material and non-material goods are most often destroyed or stolen, particularly in conditions of enemy occupation of certain territories. The obtained results were used to determine the specifics and nature of the infliction of damage and losses on the participants of civil relations of Ukraine during the Russian military attack on Ukraine. In addition, S. Mariotti (2022) studied compensation methods for material and non-material damage caused by military actions. The researcher determined that developing a special legislative mechanism to regulate such disputes is the most effective. In this way, it is possible to provide adequate protection to individuals, legal entities, territorial communities, and the state and restore their violated rights. In addition, M. Eyyubova (2022) emphasizes in her work that collecting a qualitative evidence base is necessary to compensate for damage and losses resulting from military actions. In particular, the author focuses on the importance of recording losses and damage. She believes this factor is fundamental when bringing the guilty to justice and restoring their violated property rights.

In turn, I. Pankevych and I. Slovka (2020) claims that a particular state institute must be formed for the qualitative resolution of disputes related to compensation for damage and losses as a result of the armed aggression of the Russian Federation against

Ukraine. The authors substantiated this position with the number of injuries caused by the Russian-Ukrainian war, in particular, he emphasized that only through a systematic approach it is possible to determine their exact size and compensation. Such an approach is practical, in particular, specifically for Ukrainian society and the conditions in which it currently finds itself. At the same time, due to this method, it will be possible to record as much evidence as possible and, in the end, compensate them. A. Anisimova (2020) follows a slightly different approach and determines in her research that compensation for losses and damage during the Russian-Ukrainian war and under normal conditions in society have standard features. The researcher claims that there is no need to single out special tools and means for the process mentioned above in the context of military operations, as, in her opinion, the prosecution mechanisms are identical. Such a position is contradictory and insufficiently substantiated, as it does not consider several important features that are characteristic only of the conditions caused by the armed aggression of the Russian Federation against Ukraine.

Based on this, the purpose of the article was to establish a mechanism for indemnification of damage and losses to persons that were caused as a result of Russia's military attack on the territory of Ukraine. For this purpose, the following tasks were implemented in work: the essence of the concepts of “damage” and “losses” was determined according to the current legislation of Ukraine; their properties are described; the peculiarities caused by the Russian-Ukrainian war are established and are clearly reflected in the process of compensation for losses and damage. The scientific novelty of the work is revealed in the fact that it describes a fundamentally new approach to compensation for damage and losses in the conditions of the Russian Federation’s war against Ukraine, namely the formation of a particular body to resolve such disputes, bring the guilty to justice and restore the violated rights of subjects of civil relations.

II MATERIALS AND METHODS

The method of analysis was used in the work to study the content of each element of the research topic. In particular, it was applied to establish differences between “damage” and “damage” concepts. In addition, at his expense, the general and special principles used to determine the amount of compensation for damage and losses caused by the war were analyzed. Also, the method of analysis of laws in the main study of several national and international legal acts, including the Civil Code of Ukraine (2003), Draft Law No. 7385 “On compensation for damage caused to the victim as a result of the armed aggression of the Russian Federation” (2022), European Convention on the Protection of Human Rights and Fundamental Freedoms (1950), Geneva Convention (1949), Law of Ukraine No. 2116-IX “On the Basic Principles of Forcible Expropriation in Ukraine of Objects of Property Rights of the Russian

Federation and Its Residents” (2022), Resolution of the Cabinet of Ministers of Ukraine No. 326 “On approval of the Procedure for determining damage and losses caused to Ukraine as a result of the armed aggression of the Russian Federation” (2022), Resolution of the Supreme Court No. 308/9708/19 (2022), Resolution of the Supreme Court No. 635/6172/17 (2022) and Universal Declaration of Human Rights (1948).

The synthesis method, on the contrary, made it possible to combine the considered provisions, due to which direct forms of compensation for losses and damage were investigated. In addition, this methodological tool was applied to identify features in this process that play an important role when considering such cases. The comparison method was used to compare the categories of damage and losses. In addition, his role was reflected during the comparison of possible ways of compensation for losses and damage caused during the Russian-Ukrainian war. Accordingly, its importance was to determine promising directions by which it is possible to ensure adequate protection of the rights of victims. The deduction method was used as the basis for forming the logical structure of the research. In particular, he determined the order of presentation of the results, which proceeded from the general to the specific. Thus, at the beginning of the work, the general theoretical content of the main concepts, namely damage and losses, was determined, then these provisions were specified. Namely, the specifics of their compensation in war conditions were considered.

Since the research topic lies in the legal plane, applying the formal legal method was the necessary tool for its study. This is explained by the fact that at his expense, the content of normative acts was studied, and qualitative approaches to changes in Ukrainian legislation were also determined. The generalization method became the basis of the final part of the work, namely the last detail. Accordingly, on its base, the main provisions and ideas of the authors were singled out, which made it possible to consolidate them in the conclusions. Also, his role was reflected in the determination of promising directions for further research. The research was conducted in three stages. The first, theoretical aspects were described, as the meaning of the concepts of “damage” and “losses” was studied. In addition, it was possible to reveal their properties at this stage, due to which the differences between them were determined. In the second stage, the work basically described the types of damage and losses inflicted by the Russian Federation on the territory of Ukraine. Based on this, it was possible to describe the main effective methods of their compensation, directly taking into account all subjective and objective features. Also, at this stage, a discussion was held in which the approaches and positions of various scientists were analyzed regarding the issue of providing practical methods and forms of protection for the rights of victims of Russia's military attack on Ukraine. In the third stage, the results were summed up, in particular, the ideas and proposals considered in the results were summarized, and accordingly, they were fixed in the conclusions.

III RESULTS

The essence of these concepts was established to determine effective ways and approaches to compensation for damage and losses caused by the Russian Federation's armed aggression against Ukraine. In particular, the Civil Code of Ukraine (2003) does not clearly define the "damage" category. Still, after analyzing the provisions of Article 22 and 23, it is established that it is divided into two types, namely property and non-property. Moreover, in Article 23 of the Civil Code of Ukraine (2003) defined the concept of "moral damage", which consists of physical pain and suffering experienced by a natural person in connection with mutilation or other health damage; in mental anguish, which an individual suffered in contact with illegal behavior towards himself, his family members or close relatives; in mental suffering sustained by an individual in connection with the destruction or damage of his property; in degrading the honor and dignity of an individual, as well as the business reputation of an individual or legal entity. In particular, based on the provisions of Part 4 of Article 22 of the Civil Code of Ukraine (2003), property damage consists in causing damage to the property interests of civil relations participants, in particular, their property. At the same time, in part 1 of Article 190 of the Civil Code of Ukraine (2003), it is determined that the concept of "property" should be understood as a separate thing or a set of things, as well as property rights and obligations. As for damages, their essence is disclosed in Part 2 of Article 22 of the Civil Code of Ukraine (2003), namely, losses that a person has suffered in connection with the destruction or damage of a thing, as well as expenses that a person has made or must make to restore the violated right (actual damages); income that a person could actually receive under normal circumstances if his right had not been violated (forgotten benefit). Based on the above analysis, it was noted that the concept of damage applies to both material and non-material goods, in turn, only material damages.

By the provisions of Part 1 of Article 15 Civil Code of Ukraine (2003), every person has the right to protect his civil right in case of violation, non-recognition, or dispute. At the same time, taking into account the peculiarities caused by Russia's military invasion of the territory of Ukraine, the probable subjects of the right to compensation were divided into three categories. In particular, the first includes natural persons who have lost relatives, have themselves suffered mutilation or other health damage, and/or whose property has been destroyed or damaged as a result of Russian aggression. The second category includes individuals and legal entities engaged in an entrepreneurial activity whose property was destroyed and damaged and who suffered losses due to the impossibility of carrying out their activities. The third category consisted of the state of Ukraine as a whole and territorial communities whose property was destroyed and/or damaged. At the same time, to compensate for losses and damages, each of these groups must have the composition of such an offense. Its

content consists of the presence of direct injury or losses, the illegal behavior of the person causing the damage, the causal connection between the hurt and the unlawful conduct of such a person, and guilt. Only under the condition of all the elements listed above can a person restore his property and personal non-property interests that have been encroached upon.

Having investigated the first element, namely the presence of direct damage or losses from the actions of the Russian army on the territory of Ukraine, they were classified into the following types: medical and biological; military and political; socio-economic; external and internal political; ecological; other losses. Accordingly, the first category includes human losses, both among military personnel and civilian subjects of civil relations between Ukraine and foreigners. In this context, it was also about living victims of violent crimes committed by the Russian military, in particular in the territories of Kyiv and Chernihiv regions (HRW has documented..., 2022). At the same time, it is impossible to determine the exact extent of the damage caused since the Russian military destroyed the bodies of the killed, and living victims are ashamed to disclose their stories and ask for help. As for the military and political losses, they were characterized by an increase in budget expenditures on defense in Ukraine at the expense of the reduction in other spending and loss of military equipment and weapons. It was also impossible to calculate them, mainly due to military and political beliefs, since this data is hidden from the enemy during military operations.

Socioeconomic losses were characterized by the loss of certain assets, mainly agricultural or other vital products. This was confirmed by the fact that fields with wheat and other grain crops were set on fire, the forced export of produce from the occupied territories to the Russian Federation, the blocking of Ukrainian trade ports, restrictions or a complete ban on the supply of goods to the territory controlled by Ukraine (Iveruk, 2022). In turn, during the armed aggression of the Russian Federation against Ukraine, the external and internal political damage is being done. This is reflected in the growth of social tension among social groups and an increase in the share of external influence on decision-making at the places of state administration, including state security. Undoubtedly, this factor destabilizes the situation in society, because of which participants in civil relations of Ukraine and foreigners staying on its territory suffer moral damage. For example, since the beginning of the invasion of the Russian Federation into the part of Ukraine, about 6000 residents of Kyiv have contacted the 24-hour hotline for medical and psychological help. The characteristic symptoms among the victims were panic attacks caused by fear, as well as exacerbation of anxiety and neurotic disorders (Since the beginning..., 2022).

Another, no less important for society, type of damage and damage caused by the war unleashed by the Russian Federation against Ukraine is ecological. It can include the negative impact of military operations on all spheres of life of living organisms, including aerial, terrestrial, underground, and underwater. This is reflected in various actions taken by the Russian army, in particular, it is talking about both direct and

indirect impacts on the environment. The first is expressed in the killing of animals, in particular, entire ecosystems found in nature reserves. An example is the Askania-Nova biosphere reserve, in which more than 500 species of plants and more than 3000 species of animals have threatened extinction because they do not receive the proper amount of food and care (The occupied Askania-Nova..., 2022). The Russian army indirectly affects nature due to the active activity of their warships and bombings since an extraordinary number of animals living in the Black and Azov seas die from such actions (Mass plague: thousands..., 2022).

At the same time, it should be noted that the formation of mass graves causes significant damage to the environment. This is explained by the fact that organic substances contained in a human corpse, during its decomposition, fall into the soil and underground water, which can cause the appearance of epidemics and deadly diseases. Because of this, the authors consider it expedient to develop and implement forensic accounting for a more effective search for mass burial sites. In addition to the environmental factor, this approach will help to speed up the process of searching for persons, as well as missing persons. Moreover, it will allow recording and facilitating the investigation of war and environmental crimes. However, it should be understood that the damage caused by the Russian army during the Russian-Ukrainian war is not limited to the list mentioned above, as many other goods were encroached upon, including cultural ones. From the beginning of the war to July 2022, 423 war crimes were committed by the Russian military against the cultural heritage of Ukraine (Members of the..., 2022). In addition, there were large-scale thefts of the property of subjects of civil relations from their homes during the occupation of certain territories, particularly Irpen, Buchi, and Gostomel. Also, cases of cruelty to animals by the Russian military were recorded repeatedly, which was manifested in the killing and feeding of dogs, and ostriches, abuse, and mutilation of animals (Remazhevskaya and Voloshyn, 2022).

Particular attention should be paid to the fact that natural persons entitled to compensation for damage caused as a result of military actions of the Russian Federation on the territory of Ukraine should include not only the civilian population but also military personnel, law enforcement officers, in particular those who are in captivity, as well as their family members. This is confirmed by the decision of the ECtHR (European Court of Human Rights) dated June 30, 2022, the content of which is the obligation of the Russian Federation to ensure proper conditions of detention of prisoners of war with the provision of appropriate medical care (Matyash, 2022). This duty was repeatedly violated, in particular, one of the most cynical cases was the destruction of Ukrainian prisoners of war on the night of July 29, 2022, who were held in the Olenivska colony (The killing of..., 2022).

Having described the main principles and types of damages and losses caused by the Russian army on the territory of Ukraine, attention was focused on the priority ways to compensate them and bring the perpetrators to justice. For this purpose, the

work analyzed legislative documents regulating this sphere of relations. In addition to the provisions of the Civil Code of Ukraine (2003), which were mentioned above, attention should also be paid to the Resolution of the Cabinet of Ministers of Ukraine No. 326 “On approval of the Procedure for determining damage and losses caused to Ukraine as a result of the armed aggression of the Russian Federation” (2022), which defines the procedure for determining the damage and losses caused to Ukraine as a result of the armed aggression of the Russian Federation. In this document, damage and losses are divided into different types, there are eighteen of them in total, and they concern both tangible and intangible values of participants in civil relations.

Draft Law No. 7385 “On compensation for damage caused to the victim as a result of the armed aggression of the Russian Federation” (2022) was also considered. Its provisions relate to the development and implementation at the state level of the institution of compensation to the victims of the damage caused by the armed aggression of the Russian Federation. Accordingly, it provides for the creation of a particular Fund, which will record the victims in the appropriate register, and in addition, funds received from various sources will be accumulated. Therefore, the Fund will be a systemic tool that will carry out extensive activities, in particular, starting from accepting applications from victims to receiving compensation and implementing the corresponding payments. Undoubtedly, this approach is entirely new since there were no similar initiatives before, which had a negative impact on the process of reparation for losses and damage caused to the Russian Federation since the beginning of the war, namely on February 20, 2014. At the same time, this draft law has its shortcomings, particularly in the context of the technical process. This is explained by the fact that the legislators propose to approve the need to confirm the number of damages, which in turn is an extremely difficult or even impossible task for persons who have suffered losses or damages since 2014.

In addition, the concept of the Fund is somewhat inconsistent with the current provisions of the Civil Code of Ukraine (2003) and the Economic Code of Ukraine since it consists of the formation of a particular body that does not have the purpose of obtaining profit, in turn, the cited normative legal acts establish that any enterprise aims to make a profit. As a result, there is a contradiction between the text of the draft law and the current laws of Ukraine. However, such shortcomings can be quickly eliminated, in particular by bringing the provisions of one document into line with another. Moreover, this kind of approach is currently promising for Ukraine. It will really be able to fulfill its task, namely to compensate the victims for the damage and losses caused by the armed aggression of the Russian Federation.

Other methods are less effective than the above-described approach. In particular, this comes from the analysis of the possibility of forming an international agreement on the payment of reparations to the Russian Federation, similar to those created after the First and Second World Wars about Germany. Accordingly, the low effectiveness of this method is evidenced by the nature and form of the actions of not

only the Russian army but also the top political leadership of the Russian Federation, as they contradict several international conventions and treaties, including the Universal Declaration of Human Rights (1948), European Convention on the Protection of Human Rights and Fundamental Freedoms (1950), Geneva Convention (1949). Another approach is Ukraine's appeal to the United Nations (UN) International Court of Justice, which was implemented immediately after the Russian Federation's invasion. However, the low effectiveness of this method is evidenced by the fact that despite the court verdict of March 16, 2022 (International Court of Justice, 2022), namely regarding the immediate termination of the military operation on the territory of Ukraine, as of August 2022, the Russian Federation continues the war, killing military and civilian population, continuing to ignore all provisions of international law.

In addition, there are other compensation methods for losses and damage caused by military actions, including creating a special military tribunal. This approach can be considered from several points of view. In Ukraine, in particular, it is possible to create a multilateral agreement based on the principles of the Nuremberg Tribunal. In addition, to form a tribunal based on the resolution of the UN General Assembly and the contract between Ukraine and the UN, which is similar in nature to the Special Court for Sierra Leone. There is also an option to develop a special court, the activities of which will be implemented based on the agreement between Ukraine and the European Union. In addition, it is possible to create a special court based on the agreement between Ukraine and the Council of Europe. In this context, the approaches are somewhat similar to those that characterize the process of solving a case by the International Criminal Court. This is explained by the fact that he will consider claims for damages at the same time as consideration of the case on crimes committed by the Russian Federation. Such an approach is relatively long-term since the review of war crimes requires taking into account several circumstances, as well as collecting the necessary amount of evidence, which in turn will slow down the process of compensation for damages and harm to the victims. All of the above methods and approaches require mandatory use and compliance with the provisions of international law, which in turn excludes the possibility of application in the context of resolving disputes with the Russian Federation.

Another approach is to appeal to the ECtHR. However, its implementation has several shortcomings. First of all, this concerns the fact that Russia has terminated its membership in the Council of Europe. In addition, Russia announced that it would comply with the decisions of the ECtHR adopted after March 15, 2022, which is based on the law passed by the President of the Russian Federation. Signed the law on non-implementation of ECtHR decisions adopted after March 15, 2022 (Putin signed the..., 2022). Despite this, Ukraine has used this approach. It is demanding compensation for damages in the amount of 80 billion US dollars caused by the Russian army on the territory of Ukraine (Perun, 2022). At the same time, it was emphasized that this

amount includes only damages caused in the parts of Kyiv and Chernihiv regions that were under occupation. Based on this, it was determined that Ukraine's appeal to the ECtHR and the presentation of the latter's decision would allow evidence of violations of fundamental rights and freedoms. At the same time, there are no guarantees regarding implementing such a decision in the Russian Federation.

In addition, attention was focused on the Resolution of the Supreme Court No. 308/9708/19 (2022), as well as Resolution of the Supreme Court No. 635/6172/17 (2022), the content of which related to compensation for damage, as well as damages caused by the Russian army on the territory of Ukraine. Such acts were definitely reflected in the reformation of approaches related to considering such cases in national courts. Accordingly, the Supreme Court noted that the Russian Federation lost the possibility of using jurisdictional immunity due to an act of armed aggression on its part. Based on this, it was established that national courts have the right to consider cases related to compensation for damage and losses without the consent of the Russian Federation. This approach has both advantages and disadvantages. The latter is caused by the presence of questions regarding the implementation of decisions of national courts by representatives of the Russian Federation.

At the moment, a fairly discussed method of compensating for damage is the seizure of the assets of the Russian Federation, including its residents, in connection with the act of aggression based on the decision of the National Security and Defense Council of Ukraine. Such a decision is put into effect by the Decree of the President of Ukraine. It is subject to approval based on a law adopted by the Verkhovna Rada of Ukraine no later than within six months after the end or cancellation of martial law in Ukraine, which is provided for by Law of Ukraine No. 2116-IX "On the Basic Principles of Forcible Expropriation in Ukraine of Objects of Property Rights of the Russian Federation and Its Residents" (2022). Such a mechanism is quite simple and allows only partial compensation for the damage caused, but its success and effectiveness lie in the fact that it is already being used at the moment. In addition, a similar idea is compensation for the damage caused, losses at the expense of the assets of the Russian Federation, and its residents arrested and seized in other countries. However, implementing such a process is possible in case of recognition of the Russian Federation as a terrorist state. Thus, in current conditions, there are several approaches and tools due to which it is possible to compensate for losses and damage to the subjects of civil relations that suffered losses during the armed aggression of the Russian Federation against Ukraine, however, taking into account the peculiarities of the former's policy, only a few of them are effective. A similar position is expressed regarding the seizure of the assets of the Russian Federation and its residents on the territory of other states, provided that the state recognizes it as a sponsor of terrorism. At the expense of these assets, it is planned to create a special fund for the payment of compensation.

The authors express a position regarding forming a particular investigative organization, which would include representatives of the Ukrainian and international law enforcement communities. In this context, it would be possible to carry out joint activities regarding the recording of evidence of war crimes committed by the Russian Federation. In addition, the use of international experience, as well as modernized means, would allow for speeding up the process of consideration and resolution of criminal cases related to the Russian army's illegal actions on Ukraine's territory.

IV DISCUSSION

In his study, I. Adi and E. Micah (2022) examine reparations as one of the ways of compensating the damages caused by the war to the subjects of civil relations in Ukraine. At the same time, the researcher emphasizes that such a compensation mechanism is ineffective in the context of the Russian-Ukrainian war. This position is substantiated by the fact that the Russian Federation, constantly ignoring international norms and disregarding the comments of other countries, continues to arbitrarily violate the rights and freedoms of Ukrainians and the territorial integrity of Ukraine. Because of this, the scientist believes that imposing any obligations on the Russian Federation is not an appropriate and purposeful step, as it will ignore it. In turn, the author claims that the most realistic and optimal way for Ukraine at the moment is the decision of individual states to transfer to Ukraine “frozen” assets of residents of the Russian Federation to compensate for losses. Agreeing with this position, it was noted that the process of finding and modeling probable approaches to compensation for losses and damage caused to Ukraine and its subjects of civil relations as a result of the military attack of the Russian Federation is just beginning. Because of this, the author emphasizes the need to use all possible tools to achieve the fastest possible result in the form of restoration of violated property and personal non-property rights of participants in civil relations.

In addition, P. Pereira et al. (2022) paid particular attention to damage to the environment of Ukraine. In particular, his position is based on the approach, which consists of the formation of the UN Compensation Commission, designed to register, assess, and award compensations for cleaning and restoring affected soils, waters, and ecosystems. At the same time, the scientist notes that the direction of such a commission's external and internal activities is a priority for Ukraine. In particular, he draws attention to the fact that at the international level, the appropriate step was the creation of a special fund intended for compensation payments to Ukraine. In turn, at the national level, it is adequate to form and conduct meetings, analysis, and evaluation of evidence of damage caused to the environment. In addition, this process should be accompanied by continuous monitoring of the state of the environment and the preservation of data, based on which it will be possible to form special methods for qualitatively reflecting the amount of damage and damage to the territory of Ukraine.

This method of compensation for losses and damage caused as a result of the Russian-Ukrainian war is highly effective. At the same time, the authors emphasize that it is at his expense that it is possible not only to restore lost material resources but also to draw the attention of international participants in civil relations to the scale of the destruction carried out by the Russian Federation on the territory of Ukraine, with the aim of further restoration of damaged objects.

In her work, T. Gardashuk (2022) also investigated the peculiarities of the impact on the environment due to the Russian Federation's military actions on Ukraine's territory. The author focused particular attention on the legal principles regulating this process and providing responsibility for the guilty. In particular, she proved that the Law of Ukraine's "On Environmental Protection" provisions do not use or contain the definition of "environmental damage during the war". Based on this, she noted that the current Ukrainian environmental legislation is not ready and does not regulate the compensation mechanism for ecological damage due to the Russian Federation's war in Ukraine. Agreeing with the opinion of the scientist, it was noted that the improvement of the process of legal provision of compensation for losses and damages as a result of the military aggression of the Russian Federation against Ukraine is possible due to the introduction of amendments to the Law of Ukraine "On Environmental Protection". At the same time, they should be based on establishing the definition of "environmental damage as a result of military actions" and the properties and types of damage. Due to this, it will be possible to establish their volumes.

From a slightly different point of view, this question was investigated by V. Konstantinov et al. (2022) since the researcher studied the essence of the particularity of compensation for damage caused to participants in civil relations as a result of the military invasion of the Russian Federation on the territory of Ukraine, in the context of a violation of their housing rights. He managed to establish that the state bodies of Ukraine, in war conditions, are trying to continue uninterrupted work on forming special legislative mechanisms to protect the housing rights of subjects of civil relations. However, today's conditions, especially in the occupied territories of Ukraine, indicate otherwise, namely that such a mechanism has not yet been formed, which accordingly makes it impossible to protect and restore the violated rights and interests of participants in civil relations. For example, the scientist cites persons who lived in residential premises under the terms of a social employment contract, which are currently destroyed due to military operations. The authors justify that the rights of the above-mentioned category should be restored by the state that started the armed conflict, notably the Russian Federation. At the same time, the proposed approach is partially logical and can be effective only if it is improved. In particular, the scientist considers it expedient to support such a mechanism for the protection of housing rights, using effective mechanisms of influence on the Russian Federation at the international level.

O. Semenenko et al. (2022a; 2022b) paid special attention to the issue of compensation for business losses. The researcher emphasizes that the damage caused to enterprises by the military actions of the Russian Federation on the territory of Ukraine refers to both direct losses and additional costs, lost profits, as well as moral damage. At the same time, the scientist substantiated that consideration and proof of the amount and components of damages should be implemented comprehensively. This is explained by the fact that the enterprise is a property entity, which accordingly includes both property and non-property assets. Because of this, it is impractical to divide losses by individual objects of the same business when applying to the court or other institutions. The authors draw attention to the fact that Ukrainian entrepreneurs whose business has suffered as a result of the military actions of the Russian Federation on the territory of Ukraine should use the approaches and tools common among foreign jurisdictions, in particular Great Britain, the USA, and Canada.

A rather important question was analyzed in her work by T. Poiarkova (2022), in particular, the author described the peculiarities of documenting the damage caused by the actions of the Russian army during the Russian-Ukrainian war. In particular, its work is recommendatory and includes several important aspects, the observance of which will help participants in civil relations to restore their violated property and personal non-property rights. First of all, the researcher emphasizes the need to store photos and videos of evidence (if possible). At the same time, it is necessary to indicate the date, time, and place, show your own data and information about witnesses (subject to their consent), and save files with evidence immediately on several carriers (if possible). In addition, the researcher draws attention to the fact that in the case of keeping a journal or other records, it is advisable to indicate Internet resources that contain information about the events that the person notes. Undoubtedly, the above tips are precious because it is this way that it is possible to record the existing losses in a timely and efficient manner, especially in the temporarily occupied territories of Ukraine. At the same time, during the further analysis and determination of the amount of material damage caused to an individual or legal entity as a result of the armed attack of the Russian Federation on the territory of Ukraine, it is necessary to involve not only national but also international specialists, as this will make it possible to speed up this process and provide it expert assessment.

Summarizing all of the above, it should be noted that the process of compensation for damage and losses caused as a result of military operations is a complex process, which is expressed by a set of essential features. Mostly, they are due to the specifics of the object or good that has been violated, as well as the properties of the entity that caused the damage. It has been proven that compensation for losses should be based on national instruments and international experience, aiming to speed up this process and increase its efficiency.

V CONCLUSIONS

As a result of the conducted research, it was determined that the consequences of the armed aggression of the Russian Federation against Ukraine have both property and non-property nature. This is explained by the presence of not only material losses suffered by participants in civil relations but also moral damage. At the same time, the work identified the main differences between the concepts of “damage” and “losses” based on the current civil legislation of Ukraine, in particular, to a greater extent, they relate to the nature of the consequences. In addition, subjects entitled to the protection of their civil rights in the event of their violation were investigated and classified. In particular, three categories of persons were formed, including civilians who suffered both properties (for example, destruction or damage to their property) and non-property damage (for example, the death of relatives or personal injuries); entrepreneurs (for example, loss of funds, moral damage); the state as a whole (for example, infrastructure objects, the death of representatives of state power). The article also classified the damage or losses caused by the Russian army into different types, depending on their nature and features, namely medical and biological; military and political; socio-economic; external and internal political; ecological in addition, an example of each of them was given in the work. At the same time, the list proposed by the authors is not exhaustive since the Russian-Ukrainian war continues. Accordingly, the Russian Federation continues to commit war crimes on the territory of Ukraine.

As for the approaches to reparation for damage and losses caused by the Russian military attack against Ukraine, the work studied different ones, particularly those related to the international community, as well as exclusively national bodies. In particular, it was established that Ukraine's appeal to the International Criminal Court, the International Court of the United Nations, or the formation of a special military tribunal are not perfect solutions. Such a conclusion is justified by the nature of the actions of the military and political leadership of the Russian Federation, which is characterized by ignoring all possible international norms and treaties. Because of this, special attention was paid in work to the standards of national legislation. Accordingly, an effective way to ensure adequate protection was investigated in the form of seizing the assets of residents of the Russian Federation on the territory of Ukraine, as well as other states that recognized the Russian Federation as a state sponsor of terrorism. In addition, one of the most promising legislative initiatives was studied, which consists of creating a special fund to compensate for losses and damage caused to subjects of civil relations as a result of the armed aggression of the Russian Federation against Ukraine. Accordingly, in future studies, it is worth modeling other priority approaches, as well as institutions that could help civilians and entrepreneurs restore lost or violated rights during the Russian-Ukrainian war.

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