

ABSTRACTS

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INSTITUTIONS FOR DEFAMATION AND VALUE JUDGMENTS AND LEGISLATION OF UKRAINE OF PROTECTION OF HONOUR, DIGNITY AND GOODWILL OF AN INDIVIDUAL

Defamation is a legal term, common in most countries, which refers to violation by means of dissemination, pronouncement of words or publication of information that is untrue, discrediting honour, dignity and goodwill of injured person. Institution for honour, dignity and goodwill in the national legislation, at first sight, is similar to institution for defamation but it does not apply such term and have never been applied before.

In accordance with Article 278 of the Law of Ukraine «On Information» value judgments, except defamation, are statements, containing no actual data; criticism, action evaluation and statements, which cannot be interpreted as such, containing any actual data, in particular, considering nature of the use of lingo-stylistic means (use of hyperboles, allegories, satire). Value judgments are not subject to refute and proving their veracity. Nobody can be brought to responsibility for value judgments. In other words, legislation gives a clear understanding of the fact that it is impossible to identify the information related to the facts and value judgments.

Institution for defamation is significantly wider and more comprehensive than the limits of honour, dignity and goodwill protection provided by the national legislation. Understanding defamation essence is crucial for national judicial practice, considering necessity to understand and apply, in the correct manner, legal opinions of the European Court, since its jurisdiction extends to appeals of the Ukrainian citizens related to defamation in mass media, especially in terms of restriction on freedom of the mass information.