

Pecuniary redress for harm. Reflections on the responsibility for the “damage or destruction” of the animal

SUMMARY

Monetary compensation is a legal remedy supposed to mitigate the negative mental experiences suffered by a person because of harm due to non-material damage. Over the years there was a lot of controversy around the compensation due to the assumption that compensation for the harm suffered, which is of non-material dimension, cannot have the form of payment of a certain sum of money. Still a claim for monetary compensation is exceptional, although we can notice the tendency to extend the protection of the aggrieved.

The topic of the article covers the considerations of making the redress permissible in cases when someone loses their domestic animal. Particularly, the author examines the legal status of such an animal as a special kind of property, and draws attention to the fact that a man can suffer severe negative mental states because of loss or damage to a dog or a cat, which involves breaking or violation of specific emotional attachment between a human and an animal. Due to the above-mentioned problem, the article describes the development of the compensation both in the Polish law, as well as in selected legal systems of the European Union countries, its form in the currently binding law and some theses of jurisprudence concerning the claim for compensation in the case of infringing particular personal interests. At the end of the discussion, the author tries to point out – as *de lege ferenda* postulates – proposals for a possible extension of protection for the aggrieved after the loss of a domestic animal, as well as legal remedies that can be used to obtain the aforementioned aim.

KEYWORDS: monetary compensation, damage in property, loss of animal