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# COMPENSATION FOR DAMAGE RESULTING FROM THE DEATH OF A PERSON: LEGAL REGULATION AND JUDICIAL PRACTICE IN LITHUANIA

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***Abstract.*** *The right to compensation for damage is guaranteed by the Constitution of the Republic of Lithuania and further regulated by the Civil Code. Where a person dies as a result of unlawful conduct, compensation may be awarded for both pecuniary and non-pecuniary damage. Although Lithuanian law establishes general criteria for assessing non-pecuniary damage, it neither defines the relative importance of these criteria nor sets minimum or maximum compensation amounts. As a result, the assessment of non-pecuniary damage largely depends on judicial discretion and the development of case law. Due to its intangible nature, determining appropriate compensation remains one of the most complex issues in cases involving the death of a person.*
*This article examines the legal framework governing compensation for damage resulting from the death of a person and analyses Lithuanian judicial practice between 1 January 2020 and 1 September 2025. The study is based on an analysis of 101 court cases and 102 individual claims. The latter number reflects situations in which several claimants sought compensation within the same proceedings. To evaluate the individual relationship between each claimant and the deceased, every claimant was examined separately. Particular attention is paid to the criteria applied by courts when assessing non-pecuniary damage, including the relationship between the claimant and the deceased, the defendant's financial situation, and the circumstances surrounding the death. The findings identify the main trends in Lithuanian judicial practice and the factors influencing the determination of compensation in cases involving the death of a person. They also identify the compensation amounts most commonly awarded by courts and the factors that most significantly influence judicial decision-making in such cases.*

***Keywords:*** *compensation for damage, death of a person, pecuniary damage, non-pecuniary damage.*

## Introduction

The right to compensation for damage is guaranteed by the Constitution of the Republic of Lithuania, which is the supreme legal act within the Lithuanian legal system. Article 30 of the Constitution provides that any person whose constitutional rights or freedoms have been violated has the right to apply to a court for their protection. The Constitution further establishes that compensation for pecuniary and non-pecuniary damage shall be regulated by law.

The institution of compensation for damage was further developed in Lithuanian private law with the entry into force of the Civil Code of the Republic of Lithuania in 2001. Although this legal institution is not new, it remains one of the principal mechanisms through which individuals protect violated rights and legitimate interests. Consequently, its interpretation and application require continuous analysis and reassessment in order to ensure legal certainty and the consistent application of legal norms.

The relevance of this study is determined by several factors. Although Lithuanian law establishes general criteria for assessing non-pecuniary damage, it does not define the relative importance of these criteria. Nor does it provide minimum or maximum compensation amounts. As a result, the determination of non-pecuniary damage largely depends on judicial discretion and the development of case law. Therefore, the practical significance of the criteria applied by courts and the compensation amounts typically awarded can be identified only through a systematic analysis of both the legal framework and judicial practice.

Compensation for damage resulting from the death of a person is a particularly complex area of civil liability. This is especially true in relation to non-pecuniary damage, which includes emotional suffering, grief, emotional shock, distress, inconvenience, and other non-material consequences. Such damage cannot be objectively measured or precisely quantified in monetary terms. Consequently, determining an appropriate amount of compensation presents significant legal and practical challenges.

The importance of analysing compensation for damage resulting from the death of a person is further reinforced by the close relationship between legal regulation and judicial practice. While legislation establishes the general legal framework, courts play a decisive role in interpreting and applying legal provisions in individual cases. Accordingly, a comprehensive understanding of this area of law requires an examination of both legal regulation and judicial practice.

This study seeks to answer the following research questions:

1. What amounts of compensation do Lithuanian courts typically award in cases involving damage resulting from the death of a person?
2. Which factors have the greatest influence on the determination of non-pecuniary damage in such cases?

**The object of this study** is the legal regulation and judicial practice concerning compensation for damage resulting from the death of a person, with particular emphasis on the determination of pecuniary and non-pecuniary damage.

**The aim of this study** is to analyse the legal regulation and judicial practice concerning compensation for damage resulting from the death of a person and to identify the principal factors influencing the determination of compensation, with particular emphasis on non-pecuniary damage.

**Research Methodology and Organisation.** To achieve the aim of the study and identify the principal factors influencing the determination of compensation, with particular emphasis on non-pecuniary damage, an empirical study was conducted using qualitative and quantitative case-law analysis.

The object of the empirical research consisted of judicial decisions adopted by Lithuanian courts in cases concerning compensation for damage resulting from the death of a person.

Chronological scope of the research. The study covers the period from 1 January 2020 to 1 September 2025. This period was selected to identify recent developments in judicial practice, changes in the interpretation of legal norms, and current tendencies in the assessment of damages.

Data collection and search strategy. Judicial decisions were identified using the Infolex legal information database. The search was conducted using keywords related to Article 6.284 of the Civil Code of the Republic of Lithuania concerning liability for damage resulting from the deprivation of life.

Sample and selection criteria. The final sample consisted of 101 court cases comprising 102 individual claims. These cases were decided by the Lithuanian Regional Courts, the Court of Appeal of Lithuania, and the Supreme Court of Lithuania.

The following inclusion criteria were applied:

(a) the case was decided between 1 January 2020 and 1 September 2025;

(b) the reasoning section of the judgment, verdict, or ruling addressed the issue of non-pecuniary damage and referred to Article 6.284 of the Civil Code of the Republic of Lithuania;

(c) neither the claimant nor the defendant was an entity engaged in insurance activities;

(d) the claim was upheld either fully or partially. This criterion also included cases involving multiple claims where at least one claim was upheld.

In cases involving multiple claimants, each claim was analysed separately in order to assess the significance of the claimant's relationship with the deceased.

Data analysis. The selected judicial decisions were analysed using both qualitative and quantitative methods. Particular attention was paid to: (1) the legal arguments relied upon by the courts; (2) the factual circumstances influencing the amount of compensation awarded; (3) the relationship between the claimant and the deceased; (4) the defendant's financial situation; (5) the circumstances surrounding the death; and (6) the amount of compensation awarded.

The findings were systematised and compared to identify recurring patterns in judicial practice and the principal factors influencing the determination of damages.

The analysis covers cases involving different causes of death, including criminal offences, traffic accidents, medical malpractice, and other situations giving rise to civil liability. Consequently, the compensation ranges identified in this study should be understood as general tendencies in Lithuanian judicial practice rather than as cause-specific compensation standards.

Particular attention was also paid to differences in the assessment of non-pecuniary damage depending on the circumstances giving rise to liability. Where relevant, the study considers specific statutory compensation mechanisms, including the points-based system applicable in cases involving harm caused to a patient's health.

## The Legal Concept of Pecuniary and Non-Pecuniary Damage Resulting from the Death of a Person

### *The Concept of Pecuniary Damage*

In contemporary legal doctrine, pecuniary damage is generally understood as financial or material loss suffered by a natural or legal person. It includes the loss of or damage to property, expenses incurred (direct losses), and loss of income resulting from unlawful acts. In criminal law, pecuniary damage encompasses losses directly caused by a criminal offence, such as property lost as a result of theft or robbery. It also covers losses suffered as a consequence of the offence, including lost income where a person is unable to work due to injury or illness, as well as losses arising from the death of a provider, for example where a child loses a parent or a dependant loses a source of maintenance (Gutauskas, 2026).

Pecuniary damage further includes expenses incurred in addressing the consequences of unlawful conduct, such as medical treatment costs, rehabilitation expenses, and funeral costs.

The Civil Code of the Republic of Lithuania provides a statutory definition of pecuniary damage: *"Damage shall mean the loss of or damage to property, expenses incurred (direct losses), as well as loss of income that a person would have received had the unlawful acts not occurred. The monetary expression of damage is loss. Where a party is unable to prove the exact amount of loss, the amount shall be determined by the court."* (Article 6.249 of the Civil Code)

The statutory concept of pecuniary damage has been further developed through the case law of the Supreme Court of Lithuania. According to the Court, damage consists of expenses

incurred, property lost, or property damaged as a result of a debtor's unlawful act or omission, that is, losses that would not have occurred in the absence of such unlawful conduct. The amount of damage is not presumed and must therefore be proven by the claimant in each individual case. Courts must be satisfied that the claimed amount has been properly calculated and substantiated.

The Supreme Court has consistently emphasised that compensation must correspond to the actual loss suffered by the injured person. Only compensation reflecting the real extent of the loss fulfils the compensatory function of civil liability. An award exceeding the actual loss would result in unjust enrichment of the injured party (Supreme Court of Lithuania, ruling of 23 December 2024 in civil case No. e3K-3-242-421/2024).

Legal doctrine adopts a broader understanding of pecuniary damage. According to V. Mikelėnas, pecuniary damage may be regarded as any adverse effect on a person's economic interests (Mikelėnas, 2003, p. 342). From this perspective, damage may be classified according to the protected interest affected, namely damage to property or damage to the person. Examples include the destruction, loss, or deterioration of property, as well as bodily injury, impairment of health, disability, or death (Mikelėnas, 2003, p. 342).

Accordingly, pecuniary damage represents a measurable financial loss affecting a person's property or personal interests. In most cases, it can be calculated with relative precision on the basis of the value of lost or damaged property, incurred expenses, or lost income. For this reason, claims for pecuniary damage are typically supported by objective evidence, such as invoices, receipts, contracts, accounting records, or other financial documents.

Pecuniary damage also includes loss of income. According to the Supreme Court of Lithuania, lost income is determined by calculating the income that could reasonably have been expected and deducting the expenses necessary to generate that income (Supreme Court of Lithuania, ruling of 17 October 2024 in civil case No. e3K-3-192-1120/2024).

The analysis of legal doctrine and judicial practice demonstrates that pecuniary damage is generally capable of objective assessment because it is linked to identifiable financial losses. Consequently, disputes concerning pecuniary damage most often arise not from the existence of damage itself, but from the calculation of its amount.

### *The Concept of Non-Pecuniary Damage*

In legal doctrine, non-pecuniary damage is generally understood as any adverse impact on an individual's emotional, psychological, or social well-being. It encompasses harm that exceeds the ordinary inconveniences and concerns of everyday life and arises as a consequence of another person's unlawful conduct. Such harm cannot be precisely measured or expressed through an objective material equivalent, as it affects a person's subjective experiences and emotional state (Volodko, 2010, p. 69-70).

The current legal definition of non-pecuniary damage is provided in Article 6.250 of the Civil Code of the Republic of Lithuania. According to this provision, non-pecuniary damage consists of physical pain, emotional suffering, inconvenience, emotional shock, emotional depression, and other forms of harm assessed in monetary terms by a court. Non-pecuniary damage may arise in two principal situations: first, where a person's non-material values or interests are infringed; and second, where pecuniary damage results in emotional suffering, distress, inconvenience, emotional depression, or similar consequences for the injured person.

This understanding is reflected in contemporary judicial practice. Lithuanian courts recognise that non-pecuniary damage arises where unlawful conduct infringes legally protected personal or non-material interests. Compensation may also be awarded through the direct

application of the Constitution or international legal instruments where no specific statutory provision exists, as well as in other cases provided for by law (Civil Code of the Republic of Lithuania). When assessing claims for non-pecuniary damage, courts apply Articles 6.250 and 6.251(2) of the Civil Code together with other relevant legal provisions and established judicial practice.

Article 6.250(2) of the Civil Code establishes the principal criteria for determining the amount of compensation for non-pecuniary damage:

1. The consequences of the non-pecuniary damage;
2. The fault of the person who caused the damage;
3. The financial situation of the person who caused the damage;
4. Where pecuniary damage has also been caused, the amount of pecuniary damage;
5. Other circumstances relevant to the case, as well as the principles of fairness, justice, and reasonableness.

Importantly, this list is not exhaustive. Depending on the circumstances of a particular case, courts may take into account additional factors when determining the amount of compensation. These factors may include the age, profession, and social status of the injured person, particularly cynical treatment of the victim, the victim's gross negligence contributing to the occurrence or increase of the damage, the conduct of the person who caused the damage after the unlawful act, and other circumstances relevant to the individual case.

When determining the amount of compensation, courts must assess the nature of the value infringed by the unlawful conduct and identify the specific personal or property-related interest affected. Human life occupies a unique position within the legal system as an absolute and inherent non-material value. Consequently, violations resulting in the death of a person generally cause exceptionally severe emotional suffering and distress to close relatives and dependants. For this reason, compensation awarded in such cases is typically higher than in cases involving the infringement of other legal interests.

Judicial practice also plays a significant role in determining the amount of compensation for non-pecuniary damage. When deciding such claims, courts commonly consider compensation awarded in comparable cases in order to promote consistency and legal certainty (Court of Appeal of Lithuania, ruling of 6 March 2025 in case No. 1A-60-851/2025). At the same time, previous awards do not constitute binding legal rules, since the factual circumstances relevant to the assessment of non-pecuniary damage are rarely identical across different cases (Court of Appeal of Lithuania, ruling of 10 July 2024 in criminal case No. 1A-210-579/2024).

In summary, non-pecuniary damage is inherently abstract in nature. Unlike pecuniary damage, it cannot be directly observed, measured, or quantified with precision. Instead, it reflects an individual's subjective experience of emotional and psychological suffering. Unlike pecuniary damage, non-pecuniary damage cannot be established through objective financial criteria. As a result, courts are required to balance statutory criteria with the specific circumstances of each case, which explains the significant role of judicial discretion in this area.

### *Pecuniary and Non-Pecuniary Damage Resulting from the Death of a Person*

In cases concerning compensation for damage resulting from the death of a person, courts generally distinguish between two categories of damage: pecuniary damage and non-pecuniary damage. Pecuniary damage is intended to compensate measurable financial losses, whereas

non-pecuniary damage seeks to compensate the emotional and psychological suffering caused by the death.

In such cases, pecuniary damage usually consists of two main components: (a) funeral expenses and (b) the loss of financial support that the claimant received or was entitled to receive from the deceased during the deceased's lifetime.

Funeral expenses may include the costs of acquiring a coffin, flowers, clothing, transportation, funeral services, funeral receptions, and grave maintenance. These expenses are assessed in accordance with the principle of reasonableness (Vilnius Regional Court, judgment of 21 May 2024 in criminal case No. 1-91-1036/2024). Claims for funeral expenses must be supported by financial documents, such as invoices, receipts, or similar evidence.

The second component of pecuniary damage relates to maintenance. This type of compensation is awarded to persons who were financially dependent on the deceased, including minor children, employed spouses (Vilnius Regional Court, ruling of 20 August 2020 in civil case No. e2-1504-866/2020), spouses earning lower incomes (Vilnius Regional Court, ruling of 22 April 2025 in civil case No. 2A-719-661/2025), unemployed spouses, incapacitated parents, and other dependants who were unable to support themselves independently (Supreme Court of Lithuania, ruling of 30 May 2024 in criminal case No. 2K-102-511/2024).

Judicial practice demonstrates two principal approaches to calculating maintenance-related pecuniary damage. First, compensation may be determined on the basis of a reasonable and proportionate amount of income and the period during which maintenance would have been required. For example, compensation may be awarded in the amount of the minimum monthly wage until the deceased's children reach the age of majority. Second, compensation may be calculated on the basis of the income, or part of the income, that the deceased could reasonably have been expected to earn in the future. For instance, when assessing the pecuniary damage suffered by a surviving spouse as a result of the loss of the deceased's income, courts take into account the income earned by the deceased prior to death, typically one-half of such income, together with the deceased's statistical life expectancy (Court of Appeal of Lithuania, ruling of 3 March 2022 in civil case No. e2A-117-798/2022).

The above analysis demonstrates that pecuniary damage resulting from the death of a person is generally capable of objective calculation. It is linked to identifiable financial losses and can usually be substantiated through documentary evidence.

By contrast, non-pecuniary damage is significantly more difficult to assess. As discussed in the previous section, it consists of physical pain, emotional suffering, inconvenience, emotional shock, emotional depression, and other forms of harm assessed in monetary terms by a court.

Although the loss of a close relative is inherently traumatic and, by its nature, provides grounds for compensation for non-pecuniary damage, the claimant is not relieved of the burden of proof. The claimant must establish the existence and significance of an emotional relationship with the deceased. Consequently, determining the amount of non-pecuniary damage is predominantly a question of fact rather than a question of law. Claimants may rely on all forms of evidence permitted by law, while courts must assess the totality of the evidence and the factual circumstances of the individual case.

This distinction between pecuniary and non-pecuniary damage is particularly important for the purposes of the present study. While pecuniary damage can generally be calculated on the basis of objective financial criteria, the assessment of non-pecuniary damage depends to a much greater extent on judicial discretion and the circumstances of the individual case. For this reason, the determination of non-pecuniary damage remains one of the most complex issues in

Lithuanian judicial practice. The criteria and circumstances influencing such assessments are examined in greater detail in the following section.

## Challenges in Awarding Compensation for Damage Resulting from the Death of a Person: An Analysis of Judicial Practice

While pecuniary damage can generally be assessed on the basis of objectively verifiable criteria, non-pecuniary damage is inherently more difficult to quantify. In determining the amount of non-pecuniary damage, courts rely on the general, non-exhaustive list of criteria set out in Article 6.250(2) of the Civil Code. Accordingly, the present analysis seeks to identify the factors considered by courts in assessing non-pecuniary damage, their relative significance, and the levels of compensation typically awarded in cases involving the death of a person.

### *The Assessment of Non-Pecuniary Damage in Cases Involving the Death of a Person*

Unlike pecuniary damage, non-pecuniary damage cannot be assessed on the basis of objective financial criteria. It encompasses emotional suffering, grief, psychological distress, and other consequences that do not have a direct monetary value. Consequently, the assessment of non-pecuniary damage raises a fundamental question: whether and to what extent emotional suffering resulting from the death of a person can be compensated through monetary awards.

The Supreme Court of Lithuania has recognised that non-pecuniary damage affects values that do not have a direct monetary expression. Therefore, the principle of full compensation cannot be applied in the same manner as in cases involving pecuniary damage. Since emotional suffering cannot be completely eliminated or restored, fair compensation must be understood as monetary satisfaction that, to the greatest extent possible, reflects and alleviates the emotional distress, physical suffering, or other infringements of non-material interests experienced by the injured person (Supreme Court of Lithuania, ruling of 10 June 2020 in civil case No. e3K-3-181-611/2020).

The Civil Code does not establish minimum or maximum limits for compensation for non-pecuniary damage. Instead, it provides courts with a non-exhaustive list of criteria that must be assessed in the circumstances of each individual case. This approach reflects the understanding that emotional suffering cannot be measured precisely and that compensation must therefore be determined through an individualised assessment of the specific circumstances of the case.

Since emotional suffering cannot be measured objectively, courts must balance the statutory criteria established by the Civil Code with the specific circumstances of each case. Consequently, judicial discretion plays a central role in determining the amount of compensation. The absence of minimum and maximum compensation limits further increases the importance of judicial practice in ensuring consistency and fairness in awards of non-pecuniary damage.

This approach is also reflected in the Recommended Quality Standards for Judicial Decisions, which emphasise that judges should avoid moralising or imposing personal ethical, religious, or philosophical views in judicial decisions (Resolution on the Approval of the Recommended Quality Standards for Judicial Procedural Decisions, 2016). Consequently, judicial decisions concerning non-pecuniary damage focus primarily on legally relevant facts and circumstances rather than on abstract ethical considerations.

The significance of this approach becomes particularly evident in cases involving the death of a person. Since neither legislation nor judicial practice provides a precise formula for

assessing emotional suffering, courts must determine compensation through the application of statutory criteria and the evaluation of the individual circumstances of each case.

Accordingly, the following sections analyse the principal factors considered by Lithuanian courts when determining compensation for non-pecuniary damage, with particular attention to the claimant's relationship with the deceased, the defendant's status, and the circumstances of death.

### *The Defendant's Financial Situation*

One of the criteria considered when determining the amount of non-pecuniary damage is the defendant's financial situation. Compensation for non-pecuniary damage constitutes a form of monetary satisfaction that the injured party may legitimately expect to receive. However, where a court awards an amount that, for objective reasons, cannot realistically be recovered, the purpose of compensation may be undermined. In such circumstances, the court's decision may fail to satisfy the legitimate expectations of the injured party (Kaunas Regional Court, ruling of 19 June 2020 in criminal case No. N1-68-317/2020).

Accordingly, where it is established that the defendant is objectively incapable of satisfying the claimant's claim, the amount awarded may be reduced. In such cases, courts seek to maintain a balance between the injured party's right to compensation and the legitimate interests of the person who caused the damage. This consideration is particularly relevant where the defendant was a minor at the time of committing the offence or where other circumstances significantly limit the defendant's financial capacity.

A difficult financial situation may arise in a variety of circumstances; however, it is most commonly encountered among individuals at the extremes of age, namely young persons and elderly individuals. Younger persons may find themselves in such a situation because they have not yet had sufficient time to accumulate assets, obtain education, or secure qualified and well-remunerated employment. Elderly individuals, on the other hand, may experience financial hardship because they are no longer able to engage in qualified employment, may have lost their capacity to work, have retired, or face similar circumstances.

Judicial practice reveals cases in which defendants are not only objectively unable to compensate the claimant at the time the court renders its decision because they have no employment and possess no personal assets, but are also serving lengthy terms of imprisonment, thereby lacking realistic opportunities to acquire assets or satisfy the claim in the foreseeable future. The results of the present study did not reveal any precise limits regarding the reduction of pecuniary or non-pecuniary damage awards on the basis of the defendant's difficult financial situation. Nevertheless, it was consistently observed that the amount awarded is not reduced to zero solely because of the defendant's financial difficulties.

The findings of the present study further indicate that this criterion is applied primarily in cases where the defendant is a natural person. Similar considerations are encountered considerably less frequently where the defendant is a legal entity, which is generally characterised by greater financial stability and broader opportunities to satisfy the claimant's claim.

It should be noted that a finding that the defendant is in a poor financial situation does not deprive the claimant of the possibility of obtaining compensation. Where the accused person or those civilly liable for his or her actions lack sufficient resources to compensate the damage, compensation may, in cases and according to the procedure established by law, be paid from state funds designated for that purpose (Article 118 of the Code of Criminal Procedure). Such

compensation is awarded in accordance with the procedure established by the Law of the Republic of Lithuania on Compensation for Damage Caused by Violent Crimes.

Where a court has rendered a judgment awarding pecuniary and non-pecuniary damage and the defendant's difficult financial situation has been established in the proceedings, an application may be submitted to the administrator of the Programme of the Fund for Victims of Crime seeking compensation for damage caused by a violent crime. Upon assessing the factual circumstances and determining a fair amount of compensation that does not exceed the limits established in Article 7 of the aforementioned Law, the administrator adopts a reasoned decision. Such a decision may be challenged before a court of first-instance administrative jurisdiction in accordance with the procedure established by law (Law of the Republic of Lithuania on Compensation for Damage Caused by Violent Crimes, 2005).

The existence of this compensation mechanism demonstrates that Lithuanian law seeks to balance the defendant's financial limitations with the injured party's right to compensation. Consequently, although a difficult financial situation may justify a reduction in the amount awarded, it does not eliminate the claimant's possibility of obtaining compensation.

Therefore, both the applicable legal framework and judicial practice demonstrate that the defendant's financial situation constitutes a relevant factor when determining the amount of pecuniary and non-pecuniary damage. However, the results of the present study suggest that this criterion is generally secondary in nature. While it may influence the final amount awarded, it does not outweigh factors directly related to the claimant's suffering, such as the relationship with the deceased or the circumstances surrounding the death. Nevertheless, judicial practice confirms that the defendant's financial situation remains relevant in ensuring that compensation awards are realistic, enforceable, and consistent with the principles of fairness, justice, and reasonableness.

### *Other Circumstances Relevant to the Assessment of Non-Pecuniary Damage*

In addition to the criteria expressly identified in Article 6.250(2) of the Civil Code, courts may take into account other circumstances relevant to the case, as well as the principles of fairness, justice, and reasonableness. This category encompasses a broad range of factual circumstances that may be relevant to the assessment of non-pecuniary damage. Such circumstances often include the individual characteristics of the victim, such as age, profession, and social status, the conduct of the person who caused the damage before or after the offence, and other case-specific considerations (Klaipėda Regional Court, ruling of 8 July 2025 in criminal case No. 1A-58-635/2025).

The broad nature of this criterion allows courts to assess each case individually and to take account of circumstances that cannot be exhaustively defined in legislation. Judicial practice demonstrates that this category frequently includes the risky conduct of the deceased, the circumstances surrounding the death, the legal nature of the defendant, and situations in which compensation is recovered not from the defendant personally but from his or her successors in rights and obligations.

In judicial practice, risky conduct is generally understood as conduct characterised by negligence or recklessness rather than intentional provocation. In such situations, the victim fails to appreciate the potential consequences of his or her actions, despite being objectively capable of foreseeing them. Although such conduct is not necessarily offensive or deliberately provocative, it may create conditions that facilitate the commission of a criminal offence. Examples include imprudent behaviour during a conflict, reckless conduct in a violent environment, or disregard for the possibility of an aggressive response. The essence of risky

conduct therefore lies in the fact that the victim, through his or her own behaviour, contributes to the circumstances that lead to the criminal act (Court of Appeal of Lithuania, ruling of 4 March 2025 in criminal case No. 1A-17-1020/2025).

Where the risky conduct of the deceased contributed to the circumstances leading to death, not only may the offender's sentence be reduced, as such conduct is recognised as a mitigating circumstance in criminal law (Criminal Code of the Republic of Lithuania, 2000), but the amount of compensation awarded may also be reduced. The results of the present study suggest that courts generally treat the contribution of the deceased to the events leading to death as a factor justifying a reduction in compensation rather than a refusal to award compensation altogether.

The individual characteristics of the victim and the offender are often described only briefly in judicial decisions or are not discussed at all. Such circumstances frequently play an important role in determining pecuniary damage, particularly in relation to claims for maintenance, where courts must consider the person's age, profession, social status, and income earned prior to death. However, these factors rarely have a significant influence on the assessment of non-pecuniary damage, as they are generally unrelated to the emotional and personal significance of the deceased to the claimants.

The circumstances surrounding the death may, however, play a significant role in determining the amount of non-pecuniary damage. For example, in its judgment of 20 January 2025 in criminal case No. 1-90-634/2025, the Kaunas Regional Court established that the deceased had been murdered in a particularly violent manner that posed a danger to other individuals. The killing had also been commissioned and motivated by personal reasons. Having regard to these circumstances, the court concluded that the death caused exceptionally severe emotional suffering, distress, and shock to the claimants and justified a departure from the range of compensation typically awarded in similar cases. As a result, each claimant was awarded EUR 50,000 in compensation for non-pecuniary damage.

The legal nature of the defendant may also influence the assessment of damages. The results of the present study demonstrated that where a difficult financial situation was established, the defendant was almost invariably a natural person. Legal entities are generally more financially stable and, unlike natural persons, cannot be sentenced to long-term imprisonment. Consequently, their ability to satisfy a claimant's claim is not affected by the same limitations. Although the legal nature of the defendant is rarely analysed as a separate criterion, the differences between natural and legal persons may indirectly influence the final amount of compensation awarded.

Another circumstance that may affect the assessment of damages arises where compensation is recovered not from the person who caused the damage but from his or her successors in rights and obligations. In its ruling of 14 January 2020 in civil case No. e2A-82-934/2020, the Vilnius Regional Court established that the person responsible for the death of the claimant's close relative had died. Consequently, the obligation to compensate the claimant for non-pecuniary damage fell upon the heirs of the defendant's estate. The court considered this circumstance sufficient to justify a reduction in the amount awarded. It emphasised that the heirs had no connection with the unlawful acts that caused the damage and bore no responsibility for the claimant's emotional suffering. Accordingly, the direct participation, or objective inability to participate, of the person responsible for the damage may influence the final assessment of compensation.

In conclusion, the criterion of “other circumstances relevant to the case” is inherently broad and flexible. The results of the present study demonstrate that factors such as the conduct of the deceased, the circumstances surrounding the death, the legal nature of the defendant, and

the involvement of successors in rights and obligations may all influence the amount of compensation awarded. In exceptional cases, these circumstances may become decisive factors justifying either an increase or a reduction in the amount of non-pecuniary damage.

### *Assessment of Non-Pecuniary Damage in Cases Involving Harm Caused to a Patient*

Unlike the general approach applied by courts in cases involving the death of a person, compensation for non-pecuniary damage arising from harm caused to a patient's health is determined according to a statutory points-based system established by the Resolution of the Government of the Republic of Lithuania on the Approval of the Description of the Procedure for Compensation of Pecuniary and Non-Pecuniary Damage Arising from Harm Caused to a Patient's Health (hereinafter - the Description).

Under this system, the Commission for the Determination of Damage Caused to Patients' Health assesses the circumstances of the case and determines the amount of non-pecuniary damage by awarding points for specific criteria. The total number of points is multiplied by the value assigned to a single point, which currently amounts to EUR 100 (Resolution of the Government of the Republic of Lithuania on the Approval of the Description of the Procedure for Compensation of Pecuniary and Non-Pecuniary Damage Arising from Harm Caused to a Patient's Health, 2020).

In cases involving the death of a patient, the Commission evaluates several criteria, including the claimant's relationship with the deceased, the closeness of that relationship, the existence of material maintenance provided by the deceased, emotional suffering and its consequences, the impact of the death on the claimant's social life, the patient's health condition prior to death, pecuniary damage, and other relevant circumstances.

The most significant criteria are the claimant's relationship with the deceased, the emotional and social consequences of the death, and the existence of maintenance provided by the deceased (Resolution of the Government of the Republic of Lithuania on the Approval of the Description of the Procedure for Compensation of Pecuniary and Non-Pecuniary Damage Arising from Harm Caused to a Patient's Health, 2020).

Where the maximum number of points is awarded, compensation may reach EUR 24,400. Following the Commission's decision, compensation is paid by the institution authorised by the Government. Where a court subsequently awards a higher amount of compensation, the claimant is entitled to receive the difference between the amount awarded by the court and the amount already paid pursuant to the Commission's decision.

The existence of this points-based system distinguishes cases involving medical liability from the general judicial approach analysed in the present study. While courts typically determine compensation through an individual assessment of statutory criteria and case-specific circumstances, compensation for harm caused to a patient's health is based on a predefined methodology designed to ensure greater consistency and predictability in compensation awards.

### *The Relationship Between the Claimant and the Deceased as a Criterion for Determining Non-Pecuniary Damage*

The relationship between the claimant and the deceased is one of the most significant factors influencing the amount of non-pecuniary damage awarded in cases involving the death of a person. The results of the present study demonstrate a clear tendency: the closer the familial relationship, the higher the amount of compensation generally awarded.

Table 1 presents the typical amounts of compensation for non-pecuniary damage awarded in judicial practice, categorised according to the claimant's relationship with the deceased.

**Table 1. Typical Amounts of Compensation for Non-Pecuniary Damage Resulting from the Death of a Person**

| Relationship to the Deceased | Typical Amounts of Compensation for Non-Pecuniary Damage Awarded (EUR) | Cases |
|---|---|---|
| **Father** | EUR 10,000-35,000 | e2A-154-464/2025; e2A-680-464/2023; e2-937-392/2023; 1-113-526/2022; 1-44-744/2022; 1A-168-606/2022; 1-37-795/2022; 1-30-255/2021; 1-37-593/2021; N1-68-317/2020 |
| **Mother** | EUR 15,000-25,000 | 1-24-354/2024; 1-66-744/2023; 1-160-317/2020 |
| **Spouse** | EUR 8,500-30,000 | e2A-154-464/2025; 2K-102-511/2024; e2A-680-464/2023; 1A-168-606/2022; e2-506-642/2020; N1-68-317/2020 |
| **Child (son or daughter)** | EUR 10,000-35,000 | 1-67-1036/2024; 1-157-813/2022; 1-216-530/2022; 1-44-744/2022; 1-37-795/2022; 1-30-255/2021; N1-43-768/2021; 1-37-593/2021; 1-24-354/2024; e2A-227-790/2023 |
| **Sibling (brother or sister)** | EUR 5,000-20,000 | e2A-154-464/2025; 2K-102-511/2024; 1-216-530/2022; 1-44-744/2022; 1A-168-606/2022; 1-37-795/2022; 1-30-255/2021; N1-43-768/2021; 1-37-593/2021; 1-91-1036/2024; 1-66-744/2023; 1-288-634/2022; 1-160-317/2020 |

***Source:*** *Compiled by the authors based on an analysis of judicial practice concerning compensation for damage resulting from the death of a person during the period from 1 January 2020 to 1 September 2025. Table 1 demonstrates a clear correlation between the closeness of the claimant's relationship with the deceased and the amount of non-pecuniary damage awarded by the courts.*

As shown in Table 1, the closest family members of the deceased - parents, spouses, and children - generally receive the highest amounts of compensation for non-pecuniary damage. More distant relatives, such as siblings, tend to be awarded lower amounts. This confirms that courts attach considerable importance not only to the formal legal status of the claimant, but also to the closeness of the actual relationship with the deceased.

The amounts presented in Table 1 reflect cases in which no exceptional circumstances substantially affected the assessment of damages. In other words, the courts established that the claimant had standing to bring the claim, maintained a relationship with the deceased, and that no circumstances such as the defendant's difficult financial situation, the risky conduct of the deceased, or other unusual factors justified a significant increase or reduction in compensation.

The results of the study demonstrate that, during the period under examination, judicial practice generally established an upper threshold of approximately EUR 30,000-35,000 for compensation for non-pecuniary damage resulting from the death of a person. This threshold was exceeded only in exceptional circumstances. Conversely, the lowest amount commonly observed in judicial practice was approximately EUR 5,000, with lower amounts awarded only where specific circumstances justified a reduction.

Judicial practice also shows that, in the absence of exceptional circumstances, courts often justify compensation amounts by referring to previous case law. A typical form of reasoning is the statement that an analysis of the case law of the Supreme Court of Lithuania, the Court of Appeal of Lithuania, and regional courts during a specified period demonstrates that compensation for non-pecuniary damage in similar death-related cases usually ranges between certain amounts. This method of reasoning was frequently observed during the period analysed.

When assessing the claimant's relationship with the deceased, courts first determine the nature of the familial relationship, such as parent-child, child-parent, sibling, or spouse. They then assess the actual closeness of that relationship. Several criteria are applied across different categories of relationships, including cohabitation, continuous and uninterrupted communication with the deceased before death, the closeness of the relationship established through witness testimony, and, in cases involving very young claimants, the claimant's ability to form a meaningful relationship with the deceased (Court of Appeal of Lithuania, ruling of 18 February 2025, No. e2A-48-516/2025).

The results of the study indicate that where these criteria were not satisfied, the amounts awarded were consistently reduced. Courts consider cohabitation and continuous communication before death to be strong evidence of a particularly close relationship. Conversely, where such circumstances are absent, courts tend to conclude that the relationship was less close, which may justify a lower award of non-pecuniary damage.

Courts also consider the claimant's ability to establish a relationship with the deceased where the claimant is very young. In its ruling of 18 February 2025 (No. e2A-48-516/2025), the Court of Appeal of Lithuania examined the claim of a girl who was nine months old at the time of her brother's death. The court held that, due to her age, she had been unable to develop a close relationship with her brother and expressed doubt as to whether she could retain any memory of him. The panel of judges concluded that it was objectively impossible to determine the extent of emotional suffering caused by the loss and awarded EUR 2,000 out of the EUR 20,000 claimed. The court's reasoning suggests that, in such cases, compensation is awarded not for the loss of an existing relationship, but rather for the loss of a genuine opportunity to develop a close relationship with the deceased in the future.

Judicial practice also identifies another specific factor relevant to the assessment of family closeness: whether the claimant has established his or her own family (Kaunas Regional Court, ruling of 9 April 2025 in civil case No. e2A-607-587/2025). Courts have reasoned that claimants who have lost a parent but have married, had children, and established their own household are generally less dependent on and less closely connected to their parents than those who continue to live with or rely on them. Accordingly, where the claimant's own family life indicates a reduced level of dependence or daily emotional connection with the deceased, the amount of non-pecuniary damage may be reduced.

The results of the study further indicate that Lithuanian courts regard the disruption of the parent-child relationship as the most significant and emotionally severe form of family loss. The Supreme Court of Lithuania has held that the death of a child severs a connection that links parents to their past, present, and anticipated future. Children constitute an exceptionally important part of their parents' lives, and the loss of a child irreversibly changes and profoundly affects the parents' world. Where the loss occurs unexpectedly, the emotional suffering is particularly severe and complex (Supreme Court of Lithuania, ruling of 16 March 2009 in civil case No. 3K-3-119/2009).

Conversely, the loss of a parent, regardless of the intensity of the emotional bond, causes evident harm to a child's emotional, intellectual, and social development, as well as to the child's sense of personal well-being and fulfilment (Kaunas Regional Court, ruling of 27 August 2024 in civil case No. e2A-1033-343/2024). These findings are supported both by the recurring reasoning in judicial decisions and by the comparatively higher amounts awarded in cases involving parent-child relationships.

In conclusion, the results of the study demonstrate that the relationship between the claimant and the deceased is the primary and most significant factor in determining the amount of non-pecuniary damage. Under ordinary circumstances, judicial practice during the period

examined established a generally recognised upper threshold of EUR 30,000-35,000 and a lower threshold of approximately EUR 5,000, both of which are exceeded only in exceptional cases. Courts consistently evaluate the nature and closeness of the relationship, including cohabitation, continuous communication before death, witness evidence concerning the relationship, and the claimant's ability to establish a meaningful relationship with the deceased. In cases involving the loss of a parent, courts may also consider the claimant's own family life and its impact on the closeness of the relationship with the deceased. Overall, judicial practice confirms that the most significant and emotionally painful disruption of a family relationship occurs between parents and children. For this reason, claims arising from the loss of a child or parent tend to result in the highest awards of compensation for non-pecuniary damage, commonly reaching approximately EUR 35,000.

## Conclusions

The findings of the study reveal that the determination of pecuniary damage in cases involving compensation for damage resulting from the death of a person rarely gives rise to significant difficulties in practice. Compensation for funeral expenses is generally awarded in full where the claimed amount is reasonable and supported by appropriate financial evidence, while maintenance-related claims are calculated according to well-established approaches developed in judicial practice, namely a reasonable and proportionate share of the deceased's income assessed against either the period until dependent children reach the age of majority or the deceased's statistical life expectancy. For legal practitioners, this indicates that pecuniary claims are most effectively substantiated through comprehensive documentary evidence, such as invoices, receipts, and income records, since disputes generally concern the reasonableness and proof of the amount claimed rather than the existence of the entitlement itself.

By contrast, the principal challenge in cases involving compensation for damage resulting from the death of a person is the determination of non-pecuniary damage. Unlike pecuniary damage, non-pecuniary damage is inherently abstract and cannot be objectively quantified. Consequently, courts enjoy a broad margin of discretion and determine compensation by assessing the circumstances of each individual case in light of the criteria established in Article 6.250 of the Civil Code and further developed through judicial practice. By identifying the typical amounts awarded and the relative significance of particular criteria during the period examined, this study provides an empirical reference point that may assist claimants, defendants, and courts in assessing the reasonableness of compensation claims and awards. In this respect, the study contributes to greater predictability and consistency in an area largely governed by judicial discretion.

The results of the study demonstrate that the relationship between the claimant and the deceased constitutes the primary and most significant factor influencing the amount of non-pecuniary damage awarded. The circumstances surrounding the death and the defendant's financial situation also influence the assessment of damages, although their significance is generally secondary. Judicial practice developed between 2020 and 2025 indicates that, in the absence of exceptional circumstances, Lithuanian courts tend to award compensation for non-pecuniary damage within a relatively consistent range of EUR 5,000-35,000. More specifically, the closest family members - parents, spouses, and children - generally receive the highest awards, while more distant relatives, such as siblings, are typically awarded lower amounts. The closeness of the relationship is assessed through factors such as cohabitation, continuous communication with the deceased prior to death, witness testimony, and, in the case of very

young claimants, the ability to establish a meaningful relationship with the deceased. The absence of these factors consistently results in lower awards of non-pecuniary damage.

The findings further demonstrate that exceptional circumstances may justify a departure from the compensation ranges typically observed in judicial practice. Factors such as particularly violent circumstances surrounding the death, the risky conduct of the deceased, the defendant's financial situation, or the recovery of compensation from successors in rights and obligations may lead courts to increase or reduce the amount awarded. Nevertheless, the study revealed that even where compensation is reduced due to the defendant's difficult financial situation, courts do not reduce compensation to zero solely on that basis.

The practical value of the study extends beyond the description of existing judicial practice. The relationship-based compensation ranges identified in Table 1 may serve as an orientation tool for legal practitioners when formulating or contesting claims and for courts when assessing compensation by reference to comparable cases. Furthermore, the findings suggest that greater consistency and predictability in the assessment of non-pecuniary damage could be achieved through the development of indicative compensation ranges or more detailed judicial guidelines for cases involving the death of a person. In this respect, the points-based system currently applied in the compensation of damage arising from harm caused to a patient's health may serve as a useful example of a structured approach to the assessment of non-pecuniary damage. Although such a model could not be transferred directly to all cases involving the death of a person, its underlying objective of promoting consistency, transparency, and predictability may provide valuable guidance for the further development of judicial practice in this area.

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**Mokslinis žurnalas**

# PUBLIC SECURITY AND PUBLIC ORDER (38) Nr. 1

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