**Reviewing the structure of the state award system**

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Scientists all over the world have historically paid special attention to studying awards and their role in state management – Aristotle, Cesare Beccaria, Jeremy Bentham, Jean Bodin, Thomas Hobbes, Demosthenes, Rudolf von Ihering, Niccolo Machiavelli, Michel de Montaigne, Charles-Louis de Montesquieu, Robert Owen, Plato, Jean-Jacques Rousseau, Eugène Sue, Aischines, Shang Yang, Nikolay Gredeskul, Alexander Radishchev, Pitirim Sorokin, etc.

One of the key notions in award doctrine tends to be the notion of “the award system”. The up-to-date science does not yet apply to the universally acknowledged definition of this notion, thus provoking different approaches to the structure of the award system herein.

We have tried to review the ideas of the following Russian lawyers, historians, and sociologists who have considered the award system in their scientific works: V.Е. Trofimov[[1]](#footnote-1), А.V. Dednev[[2]](#footnote-2), S.А. Ivanov[[3]](#footnote-3), V.А. Romanova[[4]](#footnote-4), Е.V. Serdobintseva[[5]](#footnote-5), А.I. Goncharov[[6]](#footnote-6), А.L. Vartanyan[[7]](#footnote-7), А.L. Demin[[8]](#footnote-8), etc. In addition, we have analyzed the Edict of the RF President dated 7.09.2010 № 1099 “On the measures aimed at developing the state award system in the Russian Federation”, as well as objectively existing social relations focused on award instituting and presentation in Russia.

The results of this research reveal the following drawbacks of today’s approaches to the interpretation of the notion of the “award system”:

1. the question concerning the correlation between the notions of an “award system” and a “system of awards” is still in suspense;
2. the concept of the state award system, allowing a view of the integrity of social relations on such special types of encouragement and stimulation as awards, has not yet been worked out;
3. the mental and worldview features have never been recognized as elements of the award system structure.

A number of scientists suggest considering the terms “award system” and “system of awards” as synonyms. Identification of such terms is the characteristic of historical studies, and its special subdiscipline – phaleristics[[9]](#footnote-9). In our opinion, the distinction of the terms “award system” and “system of awards” is disputable to the same degree as the distinction between the terms “ legal system” and “system of law”. V.К. Babaev wrote that “the legal system appears due to the law and refers to it, thus getting its name. However, it does not come down just to the law itself suggesting a considerably broader notion”[[10]](#footnote-10). The award system being likewise based on the system of award decorations (the system of awards) does not concentrate on it and represents a much broader notion, the structure of which includes some other elements, some other phenomena arising from awards.

We suppose the consistent elements of the award system to be as follows:

- the system of awards;

- the award legislation;

- the award legal relations;

- the award legal practice;

- the mental and worldview features (science of award law, law concepts, law principles, culture of award law, policy of award law). Besides, the award system of the state should be considered both as a proper notion and a broader concept. We focus on this approach viewing the award system in Russia.

The proper notion of the award system in the Russian Federation includes public relations developing from RF state awards, and it is considerably restricted by the Edict of the RF President dated 7.09.2010 № 1099 “On the measures aimed at developing the state award system in the Russian Federation.” In the Russian Federation the title “state decoration” refers to the superior awards approved by the above mentioned Edict of the RF President. They hold the status of the federal awards as if approved by “the Russian Federation” overall. No other awards established on the territory of Russia hold equivalent status. Indeed, the awards established by the RF President and being of the Edict dated 7.09.2010 № 1099, are not considered to be the state awards thus accounting for their lower legal and public status.

Today within the territory of Russia, besides the state awards there also exist institutional awards of the federal state government bodies, awards of constituent territories of the Russian Federation, and awards of municipal units – the awards which can be relatively associated with the notion “the awards of the public authority”, as well as common (in-company) awards (established by non-governmental organizations) and their relevant award systems. All these award systems, according to our point of view, represent the concept content of the award system in Russia in its broader sense.

It seems natural to view the existence, types, and structure of award systems within the Russian award system while specifying the notion in its broad meaning by taking into account the following norms of the Russian law. Point 3 of the Edict dated 7.09.2010 № 1099 mandates that commemorative medals of the Russian Federation established by federal state government bodies or other federal state bodies, government bodies of RF constituent territories, public or religious communities, are not recognized as the state awards of the Russian Federation.

We assume that the stated norm in the Edict of the RF President refers to the list of award systems included in the award system of the Russian Federation. Furthermore, we are strongly convinced that the list corresponds to the ranking of these award systems coming down from a higher to a lower level. This list is stated in Article 24 of the Federal Act dated 19.05.1995 № 82-ФЗ “On non-governmental associations”, according to which “awards of non-governmental associations must not have the titles or visual image analogous or similar to the state awards of the Russian Federation, the awards and departmental insignia of government bodies or the awards of local government bodies”[[11]](#footnote-11). As a result, we may suggest that the award system of Russia (in its broader sense) includes award systems of municipal units as well.

Consequently, the award system of Russia (in its broader sense) consists of the following elements:

- the award system of the Russian Federation approved by the Edict of the RF President dated 7.09.2010 № 1099 (the award system of Russia in its proper notion);

- the award system of RF commemorative medals conferral;

- the award systems of federal state government bodies;

- the award systems of other federal state bodies (Accounts Chamber of the Russian Federation, Central Election Commission of the Russian Federation, etc.);

- the award systems of RF constituent territories;

- the award systems of municipal units;

- the award systems of non-governmental associations including religious ones. Generally speaking, the suggested views might be turned to award systems of other states where the structure of award system basically includes award systems of public authorities and award systems of non-governmental associations.

Studying the structure of award systems we have suggested considering the mental and worldview features as one of its elements applying to the science of award law, the culture of award law, and the policy of award law. Whereas the stated features have not been paid due attention while studying the award system before, we would like to examine them in more detail.

The policy of award law should be interpreted as a scientifically substantiated, sustained, and consistent activity of units included in the political system of the society, trying to work out the strategy, to create the mechanisms of legal regulations for establishing, maintaining, and using award systems as an effective means to encourage natural and legal persons to socio-beneficial activity; the art of management through awards.

The scientists of the past repeatedly provoked the necessity of studying the award law, as well as of developing the relevant law science. Cesare Beccaria focused on “the existing states keeping silent”[[12]](#footnote-12) on the problem. Jeremy Bentham wrote that “penalty infliction have already been in some way regulated: the rules for granting mercy there should be established in some future; and the rules for conferring awards are sure to come in the latest”[[13]](#footnote-13). Pitirim Sorokin in his work “Crime and punishment, courage and award: sociological essay on basic forms of social behavior and morals” fairly claimed that “while the study of crime and penalty (penal law) has developed considerably acquiring hypertrophical characteristics, the study of feats and awards, or, in other words, award law, has not yet even been registered as a scientific discipline so much.”[[14]](#footnote-14)

Today we have good reasons to identify award studies as a reliable independent aspect of law science. Professor A.V. Malko, Doctor of Juridical Science, represents the scientific school “Motivation and limitation in law and law policy”[[15]](#footnote-15) which was founded under his guidance in Saratov (RF). Presently the representatives of this scientific school, as well as other researchers, have successfully defended PhD and doctoral theses and published monographs on the referred subject. The accumulated knowledge so far makes it possible to start working out a special curriculum “Award law” for students majoring in Jurisprudence, for in-depth review of several aspects of award legislation within the theory of state and law, constitutional law, municipal law, administrative law, civil law, law history, law philosophy and other law branches. At the same time much effort should be expended to develop law education within the award system of the whole community and state award studies at school.

The culture of award law of the society seems to be a part of the whole law culture of the society, and includes the values promoted by people in the field of award law. The culture of award law of a person corresponds to a certain degree of mastering such award law, or the state award system in its broad sense by a person. It also suggests that a person realizes the value and importance of award law, and the award itself as an instrument for the government of a state in the whole, as a feature of the national law culture, as a degree of awareness in award law norms, as a skill to apply to them, and as a capability and will to take an active part in award law relations.

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