

State Award And Its Historical And Legal Analysis

Abdullaev D.

Tashkent State Pedagogical University

Abstract: This article provides a historical and legal analysis of the emergence and development of state awards as a type of legal incentives. Certain legal rules for the awarding of state prizes in the countries of the world are disclosed. The author's definition of the concept of "state award" is given in the meaningful, functional-legal, information-legal aspects. It was concluded that it is necessary to unite the spiritual and legal organizers of this legal incentive.

Key words: legal incentive, state award, services, reward system, incentive, legal incentive, legal behavior.

Today, in the development of science, it is important to study the history of countries at a new stage in the field of history, to analyze it, as well as to study the field of auxiliary historical sciences. In this process, the study of the importance and historical roots of state awards as a new subject of international relations acquires an important universal and national character.

In this regard, the current level of development of the science of history, like any other science, requires researchers to study, analyze, and relate sources. Of course, the role and importance of auxiliary historical sciences in this place is highly valued. The field of faleristics, which is referred to as an auxiliary historical science, is also the essence of the reward system, which complements each other with orders, medals and badges. Through them, it is possible to open new, previously unknown aspects of public policy, to better understand the important stages in the history of the country, to supplement or clarify certain aspects of historical events.

Phaleristics (Latin *falerae* and Greek *phalara* metal symbol), which studies all types of rewards included in the reward system, studies the rewards that are awarded according to certain rules for great services to individuals or communities [5, p. 93]. An important aspect of faleristics is that it helps in the study of historical events, dates, the activities of famous people, and it serves as an additional material source in history. Faleristics has its own object of research, which allows to study the historical source, in this case the awards, provides a lot of information about their history.

The award, first of all, as a unique annals of the historical period, systematically reflects the historical events, the socio-economic life of the country, the level of development of science and culture. The tradition of awarding prizes has existed since the creation of human history. They have served as a form of encouragement from the past and have testified to the recognition of the services of an individual or members of society as a whole. Thus, the tradition of rewarding dates back to the earliest periods of history, the epoch of human

development, before the formation of states.

The state award as a type of legal incentive has deep historical roots. The need for society to satisfy individuals has been known in the past. In particular, a well-thought-out system of recognition of the activities and services of military units and individual warriors was formed in Ancient Rome. For example, they were greeted with a ceremonial parade of *Victoria justa* (a significant victory) army or a separate Roman cohort. Many Romans sought to earn their wreaths as a sign of their military success. The highest level of this type of state award was the laurel wreath (*corona triumphalis*) of the winner. The *Mirtali* wreath was received by the winners of the small wrestling. An oak wreath (*corona civica*) was awarded to the heroes who saved the lives of their citizens in Rome. There were also honorary badges in Ancient Rome, such as spears, gold (silver) bracelets, and chains. In the tradition of rewarding, one of the state awards in several societies was to achieve the status of a free man. In a number of cases, religious teachings have also contributed to this. For example, in the ideology of Brahmanism, the transition from one caste to another is seen as a reward for service to God, patience, and gentleness. This reward could only be obtained after human death [3, pp. 27-28].

The tradition of granting personal freedom grew in importance even in the Middle Ages. At the same time, its achievement was specially supported by the state, as it was in the interests of society and the state. In particular, according to the Code of Laws of the Tatar peoples of 1497: "the slave was freed from the captivity of the Tatars, he is no longer a slave to his master" [9, p. 41]. Commenting on the content of this law, the researchers noted that the release of a slave who escaped from Tatar captivity could be considered as "a reward for participation in the struggle with Tatars" [8, p. 88]. The tradition of acknowledging military prowess has been known in the history of Russian statehood, including in Western Europe. Russian sources say that in 1100, Prince Vladimir Monomax awarded Alexander Popovich a large gold ring for his bravery in the fight against the Polovtsy invasion of Kiev [2, C.8]. Later, this tradition was gradually strengthened, taking into account the achievements in military and civilian affairs before the state and the ruler personally. In particular, Peter I is the founder of the new directions in the Rewards system, because he introduced clear normative bases into the award process. The emperor paid special attention to the recognition of the services of the individual, as he extended the incentive effect of rewards of a collective and individual character. For example, in 1722, Peter I publicly rewarded the addition of Kalmits and presented the Kalmits khan with an image of the Russian coat of arms and a label with the name of the emperor [7, p.32]. During the reign of Peter I, the first orders were also established. For example, in 1698, the Order of Andrei Pervozvani appeared, whose honorary badges were a gold cross, an air-colored ribbon, an octagonal star, and a gold chain. The Order of St. Catherine was also presented as the highest award for women. The order was in the form of a gold medallion encrusted with diamonds. The Latin inscription on the back reads: "Service is comparable to a spouse." It is decorated with a badge of honor with the slogan "For love and the motherland." Peter also suggested the idea of creating an order in the name of Alexander Nevsky. But it was officially confirmed on May 21, 1725, after the death of the emperor. This order was awarded to soldiers for their courage and loyal service in accordance with the motto "For Labor and the Motherland" [7, p. 32]. In the Middle Ages, new types of badges of honor began to be created in Europe. Over time, it became known as the "Order" (Latin *ordo* - series, category). An example of this is the structure of knightly

orders during the Crusades (for example, the Order of the Templars, the Order of Livonia, the Order of Teuton). In the fourteenth and sixteenth centuries, orders of court servants, established by monarchs to encourage nobility, were widespread in Western countries. Each order had one or more levels. Normative documents regulating issues related to orders and awards provided for the holding of separate order holidays. As a result, orders and awards resulted in a person enjoying a variety of privileges, including a wide range of dynastic or personal nobility powers [1]. It is clear that in a certain historical period, the system of state awards has become an important tool in the structure of state government. The new orders simultaneously served two functions: to satisfy an individual's need for recognition of services, and to become an important condition for strengthening national security.

Medals, which are part of the award types, first appeared as a prize in the XVII century by the decision of King Gustav Adolf of Sweden. Officers who served with him were awarded. In Russia, the medal was used during the reign of the Queen of Sofia. This award was widespread during the reign of Peter I. Figuratively, with the help of certain emblems, the medals immortalized the bravery of the soldiers. In particular, one of the first imperial medals is the medal "The impossible is possible". He was awarded in May 1703 by active participants in the struggle on the Neva [7, p. 32].

As a result of the analysis of legal documents, it can be explained that the power to reward has always been given to the leadership of the government (emperor, horn). For example, according to the Constitution of the Japanese Empire of February 11, 1889, only the emperor could appoint orders and other honorary badges [6, C.294]. Or the Constitution of the Republic of Mexico of 1857 states that "only a legally represented people can honor the Motherland or those who have been separated and are being separated by their great services to humanity" [10, C.272]. The French Constitution of 1791 was one of the first to proclaim the tradition of awarding honorary badges for the performance of the duties of a public official.

The current constitutions of developed countries also continue to adhere to the historical tradition in the system of rewards. For example, according to the Spanish Constitution, the king is awarded orders by law and personally confers honorary titles. The Constitution of the Kingdom of Norway stipulates that the king has the right to award awards for great services at his own discretion (subject to a number of statutory requirements, for example: the king's decision must be officially published; each position corresponds to its title and rank). At the same time, in countries with a republican form of government, as a rule, the awarding of orders, honorary titles is included in the competence of the electoral bodies of power. For example, the Constitution of the Czech Republic mandates the awarding of a state prize to the President of the Czech Republic.

The following are widely used in the world today as types of rewards:

- higher titles;
- orders;
- badges of honor;
- medals;
- honorary titles.

All categories of subjects entitled to state awards can be awarded: citizens of the country, foreign citizens, stateless persons.

The legal status of state awards is defined in a number of normative and legal acts, including

the positions of state orders, regulations of countries on honorary badges, medals and honorary titles of countries. If a state award has more than one level, its awarding is done consistently from the lowest level of the state award to the highest level. As a general rule, a re-award with a state award for new services and achievements shall be made at least five years after the previous award. Exceptions are individuals who have shown courage, bravery, and bravery, who have rendered great service (their deeds may also be recorded before the specified general five-year period). The prohibition of re-awarding with a state award is legally enforced.

The state award is one of the most common legal incentives. The concept of "state award" can be considered in several ways: meaningful, functional-legal, information-legal aspects.

In a meaningful sense, the state award represents the highest form of recognition in the form of recognition of services in the form of high titles, orders, medals, badges of honor, honorary titles.

In the functional-legal part: the state award is a set of legal norms that determine the appearance of state awards, the rules of their wearing and storage, as well as regulating the awarding process, defining the actions of deprivation of state awards.

At the information-legal level, the state award is a public opportunity of a person, strengthened by the rules of law, to satisfy his needs in the legal recognition of the services of various spiritual and material forms in their expression.

In jurisprudence, the question of the ratio of legal incentives, such as "state awards" and "rewards", is controversial. In our opinion, these categories cannot be equated. In all its functional commonality, the state award is more socially prestigious than the award. In some cases, the reward includes an award.

Rewarding with awards is a more subjective process than solving the problem of rewarding. The basis of the system of voluntary rewards is the rewards that reflect the fundamental values of the state at a certain historical stage of its development. State awards represent the moral foundation on which public government builds its activities. For example, in the voluntary reward system, rewards for courage, bravery, and bravery have been and will remain. State awards have a huge motivational effect, they can have a significant impact on the nature and content of the psychological and legal environment of society and the state.

For example, one of Manu's laws states: "It is not commendable to strive only for the desire for rewards, but in this world one cannot find independence from such a desire: this desire is based on the desire to study the Vedas and do the deeds prescribed in the Vedas. There is no work done here (on earth) with man who is free from the desire for reward; all that man does is the result of the desire to be rewarded"[11, C.27].

In conclusion, it should be noted that the system of state awards has been a mechanism for educating and shaping the military, intellectuals, scientific categories that have existed for centuries. State awards in the countries of the world in the field of state building, economics, science, culture, arts and education, strengthening the rule of law, protection of health and life, protection of civil rights and freedoms, education, development of sports, contribution to national defense and national security, active charity and state is the highest form of incentive for citizens for other services ahead. The most important thing is that the person who received the state award should have a sense of spiritual union and feeling with him.

REFERENCES:

- [1] Bolshaya sovetskaya encyclopedia. T. 18. gl. ed. A.M. Proxorov. - M., 1974.
- [2] Durov V. Russkie nagrody XVIII - nachala XX veka. M., 1997.
- [3] Istoriya politicheskix i pravovyx ucheniy: uchebnik / pod red. O.E. Leysta. M., 2001. - p. 27–28
- [4] Constitution of the European state: in 3 t. / pod obshch. ed. L.A. Okunkova. M., 2001.
- [5] Korsak A.I. Vspomogatelnye istoricheskie distsipliny: uchebno metodicheskiy kompleks dlya studentov istoricheskix spetsialnostey 1-21 03 01. «Istoriya» Novopolotsk, 2010. - C. 93.
- [6] Constitution of Zarubejnyx gosudarstv: ucheb. posobie / sost. prof. V.V. Maklakov. M., 1999. - p. 294.
- [7] Matsulenko S. Boevye simvoly i nagrody // Voennye znaniya. 1998. № 6. - p. 32.
- [8] Rossiyskoe zakonodatelstvo X – XX vekov: v 9 t. T. 2. Zakonodatelstvo period of education and strengthening of the Russian centralized state. M., 1985. - p. 88.
- [9] Titov Yu.P. Chrestomathy on the history of the state and the right of Russia. M., 2000. - p. 41.
- [10] Xrestomatiya po vseobshchey istorii gosudarstva i prava: ucheb. posobie / pod red. Z.M. Chernilovskogo; sost. V.N. Sadikov. M., 1994. - S.272.
- [11] Xrestomatiya po vseobshchey istorii gosudarstva i prava: v 2 t. / pod red. K.I. Batyra and E.V. Polycarp. M., 2000. T. 1. - S.27.