

Case Note

STATE AWARDS OF UKRAINE IN WARTIME AS A FACTOR OF THE NATIONAL AND STATE CONSCIOUSNESS FORMATION

Yurii Prytyka*, Oksana Uhrynovska, Nataliya Maksymchuk

ABSTRACT

Background: In this article, the authors carried out a systematic analysis of the current state of awarding military awards and the prospects for changes in the legislation of Ukraine regarding the awarding procedure and the system of state awards. In particular, the following issues were considered: the general procedure for awarding state awards, the grounds for awarding state awards, subjects of submissions and petitions for awarding state awards, proposed anti-corruption regulations, and foreign models of awarding military awards. In addition, the article provides statistical data on persons who have been awarded the title of Hero of Ukraine for outstanding heroic deeds since the beginning of the full-scale invasion of the Russian Federation. Comparisons with the foreign models of awarding as a state policy were made on the example of continental European states and the Anglo-Saxon legal system.

Results and Conclusions: The study aims to clarify the mechanism of awarding the state awards of Ukraine and identify if it meets the main current challenges and fits with the regulation of the European standards and anti-corruption and democratic norms. In the meantime, it was found that the social security of the awarded persons is still insufficient and impacts the prestige of the military awards.

Keywords: state award, order, medal, degree, deprivation of state awards, social policy, legal mechanisms.

1 INTRODUCTION

When establishing the state awards of Ukraine as symbols of statehood, the question between the use of European and national experience in this field and the Soviet past arose. This uncertainty led to a lack of uniformity in the introduction of these state awards, which were mainly founded when there was a political necessity to do so.

Amidst the war in Ukraine, which escalated into a full-scale invasion by the Russian Federation on the territory of Ukraine in 2022, a conflict that has been ongoing since 2014, individuals who have certain merits to Ukraine continue to be honoured with state awards.¹

¹ See Yurii Prytyka and others, 'Legal Challenges for Ukraine Under Martial Law: Protection of Civil, Property and Labour Rights, Right to a Fair Trial, and Enforcement of Decisions' (2022) 5(3) Access to

The greatest number of awards today are given for military achievements. Notably, Ukrainian citizens, foreign nationals, and stateless persons receive awards, such as the title of “Hero of Ukraine” orders, medals, and presidential awards.

2 THE SYSTEM OF MILITARY STATE AWARDS OF UKRAINE UNTIL 2014

According to the Constitution of Ukraine,² the right to establish state awards belongs to the legislative power represented by the Supreme Council of Ukraine. As the head of state, the President of Ukraine has the right to grant state awards of Ukraine, as well as the right to establish and award the President of Ukraine awards.³

With the adoption of the Law of Ukraine “On State Awards of Ukraine” on March 16, 2000,⁴ the Supreme Council of Ukraine legislated the system of state awards of Ukraine in a wide variety of fields. In particular, the system of state awards of Ukraine in the military sphere is as follows:

- I. the title of Hero of Ukraine with the awarding of the “Golden Star” order - to award **citizens of Ukraine** for a remarkable heroic deed;⁵
- II. the Order of Liberty - to mark the outstanding and special merits of **citizens** in establishing the sovereignty and independence of Ukraine, consolidation of Ukrainian society, development of democracy, socio-economic and political reforms, defence of constitutional rights and freedoms of man and citizen;⁶
- III. order “For Merit” I, II, III degree - to celebrate the outstanding merits of **citizens** in the economic, scientific, socio-cultural, military, state, public and other spheres of social activity;⁷
- IV. the Bohdan Khmelnytskyi Order I, II, III degree - for awarding **citizens** of Ukraine special merits in the **protection of state sovereignty** and territorial integrity, in strengthening the defence capability and security of Ukraine;⁸
- V. order “For Courage” I, II, III degrees - to honour **military personnel, law enforcement officers** and other persons for personal courage and heroism, shown in saving people and material values during the liquidation of the consequences of emergen-

Justice in Eastern Europe 219, doi: 10.33327/AJEE-18-5.4-n000329; Oksana Uhrynovska and Anastasiia Vitskar, ‘Administration of Justice During Military Aggression Against Ukraine: The “Judicial Front”’ (2022) 5(3) Access to Justice in Eastern Europe 194, doi: 10.33327/AJEE-18-5.3-n000310.

2 Constitution of Ukraine No 254 k/96-BP of 28 June 1996 (as amended of 01 January 2020) art 106, para 25 <<https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>> accessed 25 September 2023.

3 ‘State Awards of Ukraine’ (*National Museum of the History of Ukraine*, 28 March 2018) <<https://nmiu.org/avtorski/170-ekskursiji-kontent/vysta/1/650-derzhavni-nagorody>> accessed 25 September 2023.

4 Law of Ukraine no 1549-III ‘On State Awards of Ukraine’ of 16 March 2000 (as amended of 2 April 2022) <<https://zakon.rada.gov.ua/laws/show/1549-14>> accessed 25 September 2023.

5 *ibid*, art 6; Decree of the President of Ukraine no 1114/2002 ‘On the title Hero of Ukrain’ of 2 December 2002 (as amended of 13 May 2023) <<https://zakon.rada.gov.ua/laws/show/1114/2002>> accessed 25 September 2023.

6 Law no 1549-III (4) art 7; Decree of the President of Ukraine no 460/2008 ‘On the Order of Liberty’ of 20 May 2008 <<https://zakon.rada.gov.ua/laws/show/460/2008>> accessed 25 September 2023.

7 Law no 1549-III (4) art 7; Decree of the President of Ukraine no 870/96 ‘On establishing the award of the President of Ukraine - Order “For Merit”’ of 22 September 1996 <<https://zakon.rada.gov.ua/laws/show/870/96>> accessed 25 September 2023.

8 Law no 1549-III (4) art 7; Decree of the President of Ukraine no 112/2004 ‘On the Order of Bohdan Khmelnytskyi’ of 30 January 2004 <<https://zakon.rada.gov.ua/laws/show/112/2004>> accessed 25 September 2023.

- cies in the fight against crime, as well as in other cases, during the performance of military, official, civil duty in conditions associated with a risk to life;⁹
- VI. the Princess Olga Order I, II, III degrees - to honour **women** for outstanding merits in the state, industrial, public, scientific, educational, cultural, charitable and other spheres of social activity, raising children in the family;¹⁰
 - VII. the Danylo Halytsky Order - for awarding **servicemen** of the Armed Forces of Ukraine and other military formations formed in accordance with the laws of Ukraine, the State Special Service of Transport, the State Service of Special Communications and Information Protection of Ukraine, **as well as civil servants** for a significant personal contribution to the development of Ukraine, conscientious and impeccable service to the Ukrainian people;¹¹
 - VIII. medal "For military service to Ukraine" - for awarding **servicemen** of the Armed Forces of Ukraine and other military formations formed in accordance with the laws of Ukraine, as well as the State Special Service of Transport, the State Service of Special Communications and Information Protection of Ukraine, and other persons for courage and bravery, selfless actions shown in the protection of the state interests of Ukraine;¹²
 - IX. medal "For impeccable service" I, II, III degree - for awarding **officers and ensigns** of the Armed Forces of Ukraine, policemen, National Guard of Ukraine, Security Service of Ukraine, Foreign Intelligence Service of Ukraine, State Service of Special Communications and Information Protection of Ukraine, of the State Border Guard Service of Ukraine, the State Special Transport Service, the Civil Defense Forces, the Bureau of Economic Security of Ukraine, who have achieved high performance in combat and professional training, are a model of loyalty to the oath and fulfilment of military (service) duty, successfully manage their subordinates, and perform other exemplary duties military duties;¹³
 - X. "Defender of the Fatherland" medal - for awarding **war veterans, family members of deceased war veterans**, family members of deceased Defenders of Ukraine, persons who participated in the liberation of Ukraine from fascist invaders, and other citizens of Ukraine for personal courage and bravery to protect state interests, strengthening Ukraine's defence capability and security;¹⁴
 - XI. "Nominal Firearms" award - for awarding **the officers** of the Armed Forces of Ukraine, the State Border Guard Service of Ukraine, other military formations formed in

9 Law no 1549-III (4) art 7; Decree of the President of Ukraine no 720/96 'On establishing the award of the President of Ukraine - the Order "For Courage"' of 21 August 1996 <<https://zakon.rada.gov.ua/laws/show/720/96>> accessed 25 September 2023.

10 Law no 1549-III (4) art 7; Decree of the President of Ukraine no 827/97 'On establishing the award of the President of Ukraine "Order of Princess Olga"' of 15 August 1997 <<https://zakon.rada.gov.ua/laws/show/827/97>> accessed 25 September 2023.

11 Law no 1549-III (4) art 7; Decree of the President of Ukraine no 769/2003 'On the Order of Danylo Halytsky' of 30 July 2003 <<https://zakon.rada.gov.ua/laws/show/769/2003>> accessed 25 September 2023.

12 Law no 1549-III (4) art 8; Decree of the President of Ukraine no 931/96 'On the establishment the award of the President of Ukraine - the medal "For Military Service to Ukraine"' of 5 October 1996 <<https://zakon.rada.gov.ua/laws/show/931/96>> accessed 25 September 2023.

13 Law no 1549-III (4) art 8; Decree of the President of Ukraine no 932/96 'On the award of the President of Ukraine - medal "For Impeccable Service"' of 5 October 1996 < <https://zakon.rada.gov.ua/laws/show/932/96> > accessed 25 September 2023.

14 Law no 1549-III (4) art 8; Decree of the President of Ukraine no 41/2015 'On the medal "Defender of the Fatherland"' of 30 January 2015 <<https://zakon.rada.gov.ua/laws/show/41/2015>> accessed 25 September 2023.

accordance with the laws of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the State Service for Special Communications and Information Protection of Ukraine, as well as the State Special Service of Transport, the Bureau of Economic Security of Ukraine, police officers and civil servants who hold the rank of officer, for outstanding services in ensuring the defence capability of Ukraine, the inviolability of its state border, maintaining the high combat readiness of the troops, strengthening national security, fighting crime, protecting constitutional rights and freedoms of citizens, for impeccable long-term service, exemplary performance of military and official duties, and demonstrated honour and valour.¹⁵

3 THE SYSTEM OF MILITARY STATE AWARDS OF UKRAINE DURING THE ATO AND OOS (2014-2022) AND THE FULL-SCALE INVASION OF THE RUSSIAN FEDERATION ON THE TERRITORY OF UKRAINE

The system of military state awards of Ukraine has hardly changed since 2014. The Law of Ukraine On Amendments to Article 7 of the Law of Ukraine “On State Awards of Ukraine” dated July 1, 2014 introduced the Order of the Heavenly Hundred Heroes,¹⁶ which honours individuals for civic courage, patriotism, defence of the constitutional principles of democracy, human rights and freedoms, active charitable, humanitarian, public activity in Ukraine, selfless service to the Ukrainian people, revealed during the Revolution of Dignity (November 2013 - February 2014), other events related to the protection of independence, sovereignty and territorial integrity of Ukraine. Nowadays, this order stands between the Bohdan Khmelnytskyi Order and the Order “For Courage” in the hierarchy of awards.

Unfortunately, this award turned out to be “stillborn”. As of February 1 2021, only 4 people have been awarded this order. This is due to the fact that it was intended primarily for posthumous awards of fallen activists on the Maidan. However, under public pressure, they were awarded the title of Hero of Ukraine with the Golden Star Order. As a result, the Order of Heroes of the Heavenly Hundred lost its relevance.¹⁷

In addition, with regard to some state awards, legislative changes took place in 2015 regarding the range of persons who can be awarded such awards. For example, before 2015, the medal “For impeccable service” could be awarded, among other things, to members of the rank and file of internal affairs bodies and the internal troops of the Ministry of Internal Affairs of Ukraine and after 2015 - police officers and the National Guard of Ukraine, respectively. Since 2015, the presidential award “Nominal firearm” has been awarded, in particular, to police officers and not to officers of the Ministry of Internal Affairs of Ukraine, as before.

On February 17 2016, by the Decree of the President of Ukraine, the award of the President of Ukraine “For participation in an anti-terrorist operation” was introduced to honour the defenders of the sovereignty and territorial integrity of Ukraine during the anti-terrorist operation in the Donetsk and Luhansk regions.¹⁸

15 Law no 1549-III (4) art 9; Decree of the President of Ukraine no 341/95 ‘On the establishment the award of the President of Ukraine “Nominal Firearms” of 29 April 1995 <<https://zakon.rada.gov.ua/laws/show/341/95>> accessed 25 September 2023.

16 Law no 1549-III (4) art 7; Decree of the President of Ukraine no 844/2014 ‘On the Order of the Heavenly Hundred Heroes’ of 3 November 2014 <<https://zakon.rada.gov.ua/laws/show/844/2014>> accessed 25 September 2023.

17 Yurii Gherasymchuk ‘Military Awards for Ukraine’ (*Ukrainian Military Pages*, 8 May 2022) <<https://www.ukrmilitary.com/2022/05/voenni-nagorody.html>> accessed 25 September 2023.

18 Decree of the President of Ukraine no 53/2016 ‘On the award of the President of Ukraine “For Participation in an Anti-Terrorist Operation” of 17 February 2016 <<https://zakon.rada.gov.ua/laws/show/53/2016>>

In 2021, the President of Ukraine introduced the presidential award “Legend of Ukraine”, which honours citizens of Ukraine for outstanding personal merits in the formation of independent Ukraine, strengthening its statehood, protection of the Fatherland and service to the Ukrainian people, a significant contribution to the development of the national economy, science, education, culture, arts, sports, health care, as well as for active charitable and public activities.¹⁹

In 2022, the following awards of the President of Ukraine were introduced:

- 1) “Cross of Combat Merit” - to honour **servicemen** of the Armed Forces of Ukraine and other military formations formed in accordance with the laws of Ukraine for outstanding personal courage and bravery or an outstanding heroic deed during the performance of a combat mission in conditions of danger to life and direct confrontation with an opponent; outstanding successes in the management of troops (forces) during military (combat) operations.²⁰
- 2) “For the Defense of Ukraine” - for awarding **military personnel**, law enforcement officers, **members of voluntary formations** of territorial communities, employees of central and local authorities, enterprises, institutions and organisations and **volunteers** who participated in measures to ensure the defence of Ukraine, protect the safety of the population and actively contributed implementation of such measures.²¹

From February 24 to August 19, 2022, 155 defenders of Ukraine received the title of Hero of Ukraine with the awarding of the “Golden Star” order, **75 of them - posthumously**.²² Some Decrees of the President of Ukraine awarding certain persons were not published for reasons of state security, although, as a rule, all documents issued by the Supreme Commander-in-Chief of the Armed Forces of Ukraine are published on the website of the President of Ukraine.

4 GENERAL RULES FOR PRESENTATION FOR AWARDING AND AWARDING OF STATE AWARDS OF UKRAINE

Ukraine’s legislation outlines the general procedure for the nomination and awarding of state awards in Ukraine. However, each state award is governed by distinct legal acts that define the grounds for awarding, contain a description of the award, and establish the protocol for its presenting, wearing, etc. Such documents are known as the Statutes for the title of Hero of Ukraine and each specific order and Regulations for other state awards.

The general rules for nominating and presenting state awards of Ukraine are provided in the Procedure for presentation to the awarding and presentation of state awards of Ukraine,

accessed 25 September 2023.

- 19 Decree of the President of Ukraine no 362/2021 ‘On the award of the President of Ukraine “National Legend of Ukraine” of 16 August 2021 <<https://zakon.rada.gov.ua/laws/show/362/2021>> accessed 25 September 2023.
- 20 Decree of the President of Ukraine no 314/2022 ‘On the award of the President of Ukraine “Cross of Combat Merit” of 5 May 2022 <<https://zakon.rada.gov.ua/laws/show/314/2022>> accessed 25 September 2023.
- 21 Decree of the President of Ukraine no 559/2022 ‘On the award of the President of Ukraine “For the Defense of Ukraine” of 5 August 2022 <<https://zakon.rada.gov.ua/laws/show/559/2022>> accessed 25 September 2023.
- 22 Oleksandr Bekker, ‘How Many Military Units of the Armed Forces of Ukraine Were Awarded the “For Courage and Bravery” Award in 2022’ (*ArmyINFORM*, 19 August 2022) <<https://armyinform.com.ua/2022/08/19/skilky-vijskovykh-chastyn-zsu-nagorodzheno-vidznakoyu-za-muzhnist-ta-vidvagu-u-2022-roczi/>> accessed 25 September 2023.

approved by the Decree of the President of Ukraine dated February 19, 2003.²³

In accordance with this procedure, applications for state awards are submitted to the President of Ukraine by various entities, including the Supreme Council of Ukraine, the Cabinet of Ministers of Ukraine, ministries and other central executive bodies, the Constitutional Court of Ukraine, the Supreme Court of Ukraine, the Supreme Economic Court of Ukraine, the General Prosecutor's Office of Ukraine, regional, Kyiv and Sevastopol city state administrations, the Commission of State Awards and Heraldry under the President of Ukraine, as well as the Supreme Council of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, the Representation of the President of Ukraine in the Autonomous Republic of Crimea, which make a joint submission.

Nominating candidates for state awards is carried out publicly at the workplace of the persons being put forward for an award. This includes labour teams of enterprises, institutions and organisations, regardless of the type and form of ownership. Requests for a state award are submitted to the relevant higher-level body or organisation.

Bodies authorised to submit applications for recognition of state awards send a formal submission along with an award letter of the established form addressed to the President of Ukraine. The award letter specifies the specific merits of the person, which serve as the basis for nomination of the state award. Additionally, the letter bears the official seal of the enterprise, institution, or organisation where the person is employed.

Submission documents for state awards undergo preliminary processing in the Department of State Awards and Heraldry of the Administration of the President of Ukraine.

A person awarded a state award is presented with both the award and a document certifying the honour. The presentation of state awards and awarding documents is conducted with a sense of solemnity and wide publicity. Before the presentation, the decree of the President of Ukraine on awarding is publicly announced.

State awards and awarding documents **are presented by the President** of Ukraine or by his authority, the Chairman of the Supreme Council of Ukraine, the First Deputy and Deputy Chairman of the Supreme Council of Ukraine, the Prime Minister of Ukraine, the First Deputy Prime Minister of Ukraine, the Deputy Prime Minister ministers of Ukraine, ministers, heads of other central executive bodies, the Head of the Administration of the President of Ukraine, the Chairman of the Constitutional Court of Ukraine, the Chairman of the Supreme Court of Ukraine, the Chairman of the Higher Economic Court of Ukraine, the Prosecutor General of Ukraine, ambassadors of Ukraine in foreign countries, the Chairman of the State Awards and Heraldry Commission under To the President of Ukraine, Chairman of the Supreme Council of the Autonomous Republic of Crimea, Chairman of the Council of Ministers of the Autonomous Republic of Crimea, Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea, heads of regional, Kyiv and Sevastopol city state administrations.

An official Protocol is drawn up according to the prescribed format after the presentation of state awards and awarding documents. This Protocol is signed by the awarding authority and stamped with the seal of the body responsible for conducting the presentation. The Protocol is then forwarded to the Department of State Awards and Heraldry of the Administration of the President of Ukraine no later than a week following the state awards.

In case of an awardee's death, where they were not presented with a state award and award

²³ Decree of the President of Ukraine no 138/2003 'On the Procedure for Presentation to Awarding and Awarding of State Awards of Ukraine' of 19 February 2003 <<https://zakon.rada.gov.ua/laws/show/138/2003>> accessed 25 September 2023.

document during their lifetime, or in the event of a posthumous award for a person, the state award and its associated documentation are transferred to the awardee's family for safekeeping as a memory. The transfer of the state award and the award document is executed by a Protocol of the established format. The transfer Protocol is sent to the Department of State Awards and Heraldry of the Administration of the President of Ukraine.

5 DEPRIVATION MECHANISM OF STATE AWARDS OF UKRAINE

Nowadays, persons who have been awarded state awards of Ukraine **can be deprived** of these awards by the President of Ukraine, and only in the case of the awardee's **conviction for a serious crime**, at the request of a court in cases provided for by law. Currently, there is no actual specific procedure in the current procedural legislation for the deprivation of a state award.

However, the draft Law on Amendments to the Law of Ukraine "On State Awards of Ukraine" regarding the improvement of the system of state awards of Ukraine, registered in the Supreme Council of Ukraine on July 26, 2021, proposes a detailed mechanism for the deprivation of state awards.²⁴

First of all, the above-mentioned Draft Law expands the list of grounds for deprivation of state awards. Deprivation of state awards of Ukraine may be carried out by the President of Ukraine only in case of:

- 1) entry into force of a court decision declaring the awardee guilty of a serious and especially serious crime or the awardee's violation of the Military Oath or the Oath of a civil servant;
- 2) the presence of information that would make awarding impossible, in particular, providing false information about a person when nominating them for an award;
- 3) unfavourable actions by the awardee that make them unworthy of the state award;
- 4) refusal of the awardee to accept the state award.

As for the deprivation procedure itself, the Draft Law indicates the following. Applications for the deprivation of state awards are filed in the name of the President of Ukraine by the bodies that nominated the awardee and submitted applications for awarding the relevant persons for the state awards. These submissions are considered by the Commission of State Awards and Heraldry, which makes issues a conclusion on the issue raised.

The President of Ukraine renders a decision on the deprivation of a state award by issuing a decree of the President of Ukraine, specifically for this purpose. The decision to deprive may apply to all or only some state awards received by the person.

Additionally, the bill introduces an independent procedure for voluntary refusal of a state award. In cases where an awardee declines to accept the state award, the awardee must submit a written statement, no later than five days after the publication of the relevant Presidential Decree, to the President of Ukraine indicating their refusal to accept the state award. The President of Ukraine acknowledges the refusal of a state award by issuing a Presidential Decree, which formally recognises that the Presidential Decree originally awarding the state award has become invalid in relation to the person who refused the award. This acknowledgement is based on the awardee's refusal to receive the state award.

24 Draft Law no 5829 'On Amendments to the Law of Ukraine "On State Awards of Ukraine" on Improving the System of State Awards of Ukraine' of 26 July 2021 <http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=72603> accessed 25 September 2023.

Furthermore, the Draft Law provides for the legal consequences of state awards deprivation. Persons who have had their state awards deprived, including those whose Presidential Decrees for state awards have been revoked, as well as those who have refused state awards, forfeit their right to enjoy all benefits and privileges provided for awarded persons.

In the spring of 2022, the Supreme Council of Ukraine adopted, as a basis, the draft Law on Amendments to Certain Laws of Ukraine on Measures to Prevent Threats to National Security – Depriving Persons of State Awards (No. 6163).²⁵ This draft Law entails a revision of an article within the existing Law of Ukraine, “On State Awards of Ukraine”, regarding the deprivation of state awards. According to the new wording of Article 16 of the aforementioned Law, the President of Ukraine may revoke state awards in the following cases:

- 1) in the case of conviction of the awardee for a serious or particularly serious crime at the request of the court;
- 2) upon a substantiated proposal of the Supreme Council of Ukraine or the National Security and Defense Council of Ukraine, in case:
 - c) the awardee committed actions aimed at popularising or promoting the bodies of the aggressor state and its officials;
 - d) the awardee committed actions aimed at justifying, recognising the legality or publicly denying the armed aggression of the Russian Federation against Ukraine, the annexation of the territory of Ukraine by the aggressor state, violation of the territorial integrity sovereignty of Ukraine;
 - e) law enforcement agencies of Ukraine established the participation of the awardee in carrying out armed aggression against Ukraine or the occupation forces and/or occupation administrations of the aggressor state.²⁶

6 SOCIAL POLICY OF THE STATE REGARDING PERSONS WHO HAVE BEEN AWARDED MILITARY STATE AWARDS OF UKRAINE

For persons awarded the state awards of Ukraine for their military service receive social benefits in the form of pension supplements.²⁷ These range from 35 to 40 percent of the subsistence minimum determined for persons who have lost their ability to work (amounting to 16 to 18.4 euros). This specific percentage depends on the number and types of state awards awarded to a person. The amount of the allowance is determined in accordance with the scheme for determining the amount of allowances based on merit to Ukraine. This scheme has been endorsed by the central executive body responsible for shaping social welfare policy.

When a mother, entitled to a pension supplement, dies, or her parental rights are revoked, and her children up to six are raised by the father, the father becomes eligible for a particular merit pension. This consideration also extends to the upbringing of children who have been legally adopted.

25 Draft Law no 6163 ‘On the Introduction of Amendments to Some Laws of Ukraine Regarding Measures to Prevent Threats to National Security - Depriving Persons of State Awards’ of 11 October 2021 <https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=72968> accessed 25 September 2023.

26 ‘Deprivation of State Awards: The Council Adopted the Draft Law as a Basis’ *Legal Newspaper* (Kyiv, 15 April 2022) <<https://yur-gazeta.com/golovna/pozbavlennya-derzhavnih-nagorod-rada-priynyala-zakonovu-zakonoproekt.html>> accessed 25 September 2023.

27 Law of Ukraine no 1767-III ‘On Pensions for Special Services to Ukraine’ of 1 June 2000 (as amended of 1 July 2023) <<https://zakon.rada.gov.ua/laws/show/1767-14>> accessed 25 September 2023.

If the Pension Fund of Ukraine receives documented information about the existence of a pensioner's criminal record for committing an intentional criminal offence by decision of the territorial body of the Pension Fund of Ukraine, such a pensioner will lose their entitlement to the established pension for special merits.

In the event of the death of a person who was entitled to the above-mentioned allowance, the family members of the deceased, whose list is defined in the second part of Article 36 of the Law of Ukraine "On Mandatory State Pension Insurance", are eligible for a pension in the event of the loss of a breadwinner. This pension amounts to 70 percent (11.2 - 12.9 euros) for one disabled family member or 90 percent (14.5 - 16.5 euros) for two or more disabled family members. This percentage is calculated on the supplement received by the deceased breadwinner's pension or allowances that would have been entitled to them.²⁸ Such persons are:

1. Spouse, father, mother, if they are persons with disabilities or have reached retirement age as defined in Article 26 of the Law of Ukraine "On Mandatory State Pension Insurance";
2. children, including those born within 10 months from the day of the breadwinner's death, who have not yet reached the age of 18 or are older but became persons with disabilities before reaching the age of 18;
3. children studying full-time in general educational institutions of the system of general secondary education, as well as vocational and technical higher educational institutions. This provision extends to the period between the completion of studies at one of the specified educational institutions and admission to another educational institution or in the period between the completion of studies at one educational and qualification level and the continuation of studies at another, provided that such period does not exceed four months.- Such support lasts until the children graduate from educational institutions but no longer than when they reach the age of 23. Orphans, irrespective of their student status, are eligible for support until they reach the age of 23.
4. the husband (or wife), or in their absence - one of the parents or a brother or sister, grandfather or grandmother of the deceased breadwinner. This applies regardless of age and ability to work, as long as they are not working and actively caring for the deceased breadwinner's children up to the age of 8.²⁹

In addition, in accordance with the Statute of the title of Hero of Ukraine,³⁰ persons who have been awarded **the title of Hero of Ukraine** for the performance of a remarkable heroic act are paid a one-time monetary reward in the amount of 50 times the subsistence minimum established for able-bodied persons on January 1 of the calendar year in which the title of Hero of Ukraine is awarded (2953.6 euros in 2022). In case of awarding the title of Hero of Ukraine with the award of the "Golden Star" order posthumously or the death of a person who was awarded the title of Hero of Ukraine with the awarding of the "Golden Star" order, a one-time monetary reward is paid to the family members of such persons.

The sphere of social security does not stand still, and, as of January 1, 2023, the Law of Ukraine "On Monthly Cash Payments to Certain Categories of Citizens",³¹ introduces a monthly

28 'Pension for Special Services to Ukraine' (WikiLegalAid, 1 August 2023.) <<https://wiki.legalaid.gov.ua/index.php/>> accessed 25 September 2023.

29 Law of Ukraine no 1058-IV 'On Mandatory State Pension Insurance' of 9 July 2003 (as amended of 7 September 2023) <<https://zakon.rada.gov.ua/laws/show/1058-15>> accessed 25 September 2023.

30 Decree of the President no 1114/2002 (n 5) Statute.

31 Law of Ukraine no 2454-IX 'On Monthly Cash Payments to Certain Categories of Citizens' of 27 July 2022 <<https://zakon.rada.gov.ua/laws/show/2454-20>> accessed 25 September 2023.

financial payment in the amount of:

- 3 minimum wages, established on January 1 of the calendar year, to persons awarded the title of Hero of Ukraine with the award of the “Golden Star” order (487.5 euros);
- 2 minimum wages - for knights of the Bohdan Khmelnytskyi Order of three degrees (full knights) (309.5 euros);
- 1 minimum wage - to knights of the Order “For Courage” of three degrees (full knights) and awarded with the Princess Olga Order of three degrees (154.7 euros);
- 1 minimum wage (calculated per month per family) – to family members of deceased or posthumously awarded persons who were awarded the title of Hero of Ukraine with the awarding of the Order of the Golden Star, Knights of the Bohdan Khmelnytskyi Order of three degrees (full knights), knights of the Order “For Courage” of three degrees (full knights) and awarded with the Princess Olga Order of three degrees (154.7 euros).

7 LEGISLATIVE WORK ON CORRUPTION RISKS IN THE AWARDING SYSTEM. THE STATE REGISTER OF AWARDEES

As Ukraine continues its fight against corruption, the Supreme Council’s specialised committee is currently working on the Draft Law of Ukraine on Amendments to the Law of Ukraine “On State Awards of Ukraine” regarding the improvement of the system of state awards of Ukraine, registered on July 26, 2021.³² This draft law proposes to legislate a number of anti-corruption norms, including **the prohibition of awarding deputies of all levels and high-ranking officials during their tenure** (awarding state awards to the President of Ukraine, the Chairman of the Supreme Council of Ukraine, the First Deputy and Deputy Chairman of the Supreme Council of Ukraine, People’s Deputies of Ukraine, Prime Minister of Ukraine, First Deputy Prime Minister of Ukraine, Deputy Prime Ministers of Ukraine, Ministers, heads of other central executive bodies, deputies of representative bodies of local self-government is allowed **only after they have completed their powers** with the exception of awarding for personal courage and heroism and awarding presidential honours in the form of commemorative and jubilee medals). A similar provision exists in French and Belgian legislation.

Additionally, the proposed amendment suggests the inclusion of a provision according to which a person who has been awarded a state award can only be presented for another award no earlier than three years after the publication of the decree of the President of Ukraine for the prior award, with the exception of nominations for acts demonstrating personal courage and heroism. Furthermore, if a person is nominated for a subsequent award, only the merits or deeds accomplished after the previous award are taken into account.

The designs of state awards of Ukraine emblems are approved through a well-established procedure based on the results of competitions organised by the Commission of State Awards and Heraldry. The copyright for these designs is transferred to the state following the approval of competition results.

The production of state awards emblems (except for presidential awards in the form of commemorative and jubilee medals) and documents certifying their awarding is carried out exclusively by the Banknote Mint of the National Bank of Ukraine.

Samples of state awards are approved by the President of Ukraine following an open competition among manufacturers, which can be conducted free of charge.

³² Draft Law no 5829 (n 24).

In addition, the draft law amending the Law of Ukraine "On State Awards of Ukraine" regarding the improvement of the system of state awards of Ukraine, registered on July 26, 2021,³³ seeks to establish an open State Register of awardees (excluding those awarded by decree of the President of Ukraine with limited access). This register will include the recipient's surname, first name and patronymic, the primary organisation (person) that initiated the award, and the responsible person who approved the nomination. The procedure for maintaining the Register of awarded persons will be through a decree of the President of Ukraine. According to the bill's authors, this innovation will make the system of state awards in Ukraine transparent and, therefore, democratic.

8 THE FOREIGN MODEL OF AWARDING AS A STATE POLICY (ON THE EXAMPLE OF CONTINENTAL EUROPE STATES AND THE ANGLO-SAXON LEGAL SYSTEM)

In contrast to Ukraine, France and Belgium have different approaches to awards, specifically for act of bravery, which involves lower rank distinctions. To raise the significance of these awards, dual-purpose awards are used. In France, this includes the Military Cross (Croix de Guerre) (est. 1915) and the Cross of Military Valor (Croix de la Valeur Militaire) (est.1956). There are also older distinctions such as the Military Medal (Médaille militaire) (est.1852) and the Order of the Legion of Honour (Ordre national de la Légion d'honneur) (est.1804).

Belgium employs a similar strategy by using the Military decoration (Décoration Militaire/Militaire Decoratie) (est. 1791) to implement a system of awards. National orders are then conferred in order of seniority. A disadvantage of this system is that dual-purpose awards can diminish the prestige of combat awards.³⁴

Conversely, other countries, like Bulgaria, Poland, and Sweden, adopt a different system where a special combat award holds seniority and, as a rule, all awards for meritorious service in wartime typically stem from it. In Bulgaria, this is embodied in "For Courage" (est.1880), in Poland – Virtuti Militar (est.1792), and in Sweden - Svärdsorden (est.1522). Usually, in peacetime, such orders are "dormant"; that is, they are either not awarded at all or are awarded extremely rarely. Such orders are limited to a certain number of degrees. Moreover, in some countries, the degree of the order corresponds to the military rank. Thus, there are grades of awards for lower ranks, for officers and for generals.³⁵ Often, such orders are awarded not only for bravery but also, for example, for commanding troops.

Another award system has three or four decorations awarded according to the level of bravery on the battlefield. Such systems exist in the United Kingdom, Commonwealth countries, the USA, Italy, Israel, etc. The government award system in the United Kingdom consists of four award levels. At the same time, awards of the third level in each type of armed forces are their "own". For example, for the Army of the Ground Forces, the first level award is the Victoria Cross (est. 1856), the second - the Conspicuous Gallantry Cross (est. 1993), the third - the Military Cross (est. 1914), the fourth - the Commemoration Mentioned in dispatches (est. 1919). In addition, in the United Kingdom, there are orders for military service and combat merit, which are intended mainly for officers and generals and are not related to personal bravery.³⁶

The system is similar in the USA. There is also a division by type of armed forces and four levels of awards. If we take the same ground troops as an example, the first level award for

33 *ibid.*

34 Gherasymchuk (n 17).

35 *ibid.*

36 *ibid.*

them is the Medal of Honour (est. 1862), the second - the Distinguished Service Cross (est. 1918), the third - the Silver Star Medal (est. 1932), the fourth – Bronze Star Medal (est. 1944).

Italy's four-level system consists of the Gold (est. 1793), Silver (est. 1833) and Bronze (est. 1833) medals "For military valour" (Al Valore Militare), along with the Cross of the same name (Croce al valor militare) (est. 1922), which completes the set of awards for military merit.³⁷

It is interesting to note that European countries have also established awards to honour civilians for bravery, in particular, in the face of the enemy. For example, in the already mentioned United Kingdom, there are separate bravery awards for civilians, which have four levels, like military awards. These awards can also be given to military personnel for bravery in peacetime. In Belgium, during the First and Second World Wars, on the basis of the Civil decoration (Décoration Civique) already established in 1867, wartime Civil decorations (Décoration Civique 1914–1918, etc.) were created. This award was given for resisting the enemy or performing their work in life-threatening conditions (for example, to fishermen who went out to sea under the threat of being drowned by enemy ships).³⁸ In the system of state awards of Ukraine, the peacetime award is the Order "For Courage".

In addition, in some states, there are special combatant awards. In France, for example, to receive the Combatant's Cross (Croix du Combattant) (est. 1926), one must serve in combat units for at least three months. Being wounded or captured gives the right to be awarded without taking into account this term. The Cross of the Combatant Volunteer (Croix du Combattant Volontaire) (est. 1953) was also additionally established, which is awarded to French citizens and foreigners who fall under the statutory definition of a volunteer. Only the US Air Force has a separate medal for active participation in ground or air combat (Air Force Combat Action Medal) (est. 2007).³⁹ In Ukraine nowadays, such a combatant award is the "War veteran" badge.

No war is complete without the capture of certain people. In certain states, special state awards have been established to reward persons who were in captivity. For example, in France, there is a "Medal of Fugitives" (Médaille des Évadés) (est. 1926) to award persons who escaped from captivity. It has been used for almost a century. The Prisoner of War Medal (est. 1985) was established in the USA.⁴⁰ In Ukraine, there is also a similar award - the Cross Petro Kalnyshesky "For dignity in captivity", which, however, is awarded by the All-Ukrainian public organization "Kraina".

9 CONCLUSIONS

The model of awarding military awards existing in Ukraine neither reflects Soviet influences nor directly traces the European award system. Rather, the national award model is unique, unlike any other.

Since 2014, the system of military state awards of Ukraine, as outlined by the Law of Ukraine "On State Awards of Ukraine" in 2000, has evolved in response to the country's circumstances. This evolution is exemplified by the introduction of the Order of Heroes of the Heavenly Hundred.

The procedure of nominating and presenting follows a set of general principles and protocols established in both general and special legal acts. Today, because of objective circumstances,

37 *ibid.*

38 *ibid.*

39 *ibid.*

40 *ibid.*

military awards are most actively used.

The ongoing reforms in the field of state awards in Ukraine are responsive to today's challenges, as reflected in the developed legislative framework in place. One normative act entered into force on January 1, 2023, and the other - on amendments to the Law of Ukraine "On State Awards of Ukraine" regarding improving the system of state awards of Ukraine - is under consideration by the specialised committee of the Supreme Council of Ukraine.

Although Ukrainian legislation formally stipulates grounds for deprivation of state awards, these grounds, as well as the procedure for deprivation, are being improved and expanded in accordance with modern requirements.

To ensure the Euro-Atlantic course of Ukraine, the legislator brings the regulation of this sphere closer to the European model, introducing anti-corruption and democratic norms.

Even though there are benefits for persons awarded with state awards of Ukraine in the form of pension supplements, the social security of these persons is still insufficient. This fact reduces the prestige of awarding military awards.

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AUTHORS INFORMATION

Yurii Prytyka

* Dr. Sc. (Law), Professor, Head of the Department of Civil Procedure, Taras Shevchenko National University of Kyiv, Ukraine

prytykau@knu.ua

<https://orcid.org/0000-0001-5992-1144>

Oksana Uhrynovska

** Ph. D., Associate Professor, Department of Civil Law and Procedure, Ivan Franko National University of Lviv, Ukraine

oksana.uhrynovska@lnu.edu.ua

<https://orcid.org/0000-0002-3642-5903>

Nataliya Maksymchuk

*** 1st year student of the Master's degree, specialization "Justice and judicial administration", Faculty of Law, Ivan Franko National University of Lviv, Ukraine

Corresponding author, solely responsible for the manuscript preparing.

Please use Credit for defining the roles of each co-authors:

Yurii Prytyka – Conceptualization, Methodology, Project administration, Resources, Supervision, Writing – review & editing

Oksana Uhrynovska – Conceptualization, Methodology, Formal Analysis, Writing – review & editing

Nataliya Maksymchuk – Writing – original draft, Formal Analysis.

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