

Микола Володимирович Матійко

Кафедра цивільного права  
Національний університет «Одеська юридична академія»  
Одеса, Україна

## ДЕРЖАВНІ НАГОРОДИ СПОРТИВНОЇ СФЕРИ, СПОРТИВНІ ЗВАННЯ, СПОРТИВНІ РОЗРЯДИ, НАГОРОДИ СПОРТИВНИХ ЗМАГАНЬ ЯК ОБ'ЄКТИ СПОРТИВНОГО ПРАВА

**Анотація.** Стаття присвячена дослідженню правового режиму спортивних нагород як об'єктів спортивного права. В якості спортивних нагород розглянуті державні нагороди спортивної сфери, спортивні звання, спортивні розряди, нагороди спортивних змагань. З огляду на загальнотеоретичне підґрунтя та приватноправовий підхід автором розглянута соціальна природа спортивних нагород та їх функції, проаналізовані особливості спортивних нагород як об'єктів спортивного права, наведена їх диференціація. Встановлено, що спортивні нагороди та нагородні системи надзвичайно різноманітні й достатньо умовно піддаються теоретичному узагальненню, але при цьому теоретична конструкція спортивних нагород має ряд специфічних рис. Виявлено, що законодавець не встановлює загальних вимог до якості спортивних нагород. Ці питання розглядаються на рівні місцевого нормативного регулювання.

**Ключові слова:** об'єкт спортивного права, спортивні нагороди, спортивні звання, спортивні розряди.

Mykola V. Matiiko

Department of Civil Law  
National University "Odessa Academy of Law"  
Odessa, Ukraine

## STATE AWARDS SPORTS, SPORTS TITLES, SPORTS EVENTS, AWARDS SPORTS COMPETITIONS AS AN OBJECTS OF SPORTS LAW

**Abstract.** The article is devoted to the study of the legal regime of sports awards as objects of sports law. State sports awards, sports titles, sports categories, sports competitions awards were considered as sports awards. Taking into account the general theoretical provisions and the private law approach, the social nature of sports awards and their functions are considered, the features of sports awards as objects of sports law are analyzed, their differentiation is given. That is determined that sports awards and award systems are extremely diverse and relatively conditionally subjected to theoretical generalization, but the theoretical design of sports awards has a number of specific features. It is revealed that the legislator does not establish general requirements for the quality of sports awards. These issues are considered at the level of local regulatory regulation.

**Keywords:** object of sports law, sports awards, sports titles, sports categories.

## INTRODUCTION

By determining the term “sport” in Article 1 of the Law of Ukraine “On Physical Culture and Sports” dated 24.12.1993 as an activity of the physical culture and sports subjects aimed at identifying and unified comparison of people’s achievements in physical, intellectual and other spheres by holding sports competitions and corresponding preparation therefor, the legislator stresses on the importance of competitiveness in the field of sports and fair awarding of sports achievements. Stimulation measures and “soft” influence, specific for the private law, fully contribute to the state policy implementation in the field of physical culture and sports, since the current tendency is that “the significance of reward as a legal instrument is constantly increasing” [1].

Rewarding is not only an award for achievements, but also an incentive for further achievements in creative initiative and abilities [2].

Sports awards are a sufficiently effective instrument, which stimulates positive and socially beneficial behavior and contributes to sports achievements growth, mass sports popularization and healthy lifestyles, helping to create a positive image of the state in foreign affairs. By affecting consciousness, including at the psychological level, sports awards create additional incentives for higher achievements, children’s sports, children’s and youth sports, reserve sports, professional sports, masters sports, applied military sports and sports for people with disability, and have a positive impact on physical culture and recreational activities, as well as stimulate mass sports and physical education development.

In general, the author of Theory of Awards I. Bentham defined the award as a certain share of welfare gifted for the real or designated service, while the notion of award for sure implied an act that considered as welfare [3]. In Ozhegov’s Dictionary award is interpreted as “what is given or obtained as a sign of special gratitude, acknowledgement” [4].

In the field of sports, there are many honors for merits in the field of physical culture and sports, i.e. medals, ribbons, badges and cups awarded to the winners of the competition, record holders and their coaches. Sports awards are presented to the winners of sports competitions for their hard work, skills and will-to-win spirit. Sports awards can be diplomas, certificate of achievement, certificate, badge, medal, championship ribbon, cup and others. According to us, one of the signs of a sports award, regardless of its name, can be an award for sports achievements to the subject of award introduction. Sports awards can be presented to the individual athletes, coaches, judges or teams, clubs or sports organizations. Presentation of a sports award is addressed both in the past and in the future, therefore, it has two goals at the same time: to stimulate further sports achievements and to reward an individual for the sports results already achieved.

## 1. MATERIALS AND METHODS

The social and legal nature of sports awards was considered on the basis of the laws and special and scientific literature analysis, and practice of sports awards use and observations. Social relations arose in relation to sports awards were material for study.

In the process of study, general scientific and special methods were used. Methodological basis for study was a dialectical method that allowed to review the issues in their development and interconnection.

Methods of analysis and synthesis were used to determine the nature of sports awards as an object of civil legal relations and to review the practice of the sports awards use.

The formal and logical method was used to formulate the definition of sports awards. Using the structural and functional approach, the functions of sports awards were determined. Experience of sports awards use in other legal systems was reviewed using comparative and legal method. Historical method used in historical aspects study related to sports awards appearance and formation.

Using method of analysis, it was established that sports awards as legal objects have certain features of legal regime, which can be developed in a number of aspects:

1. Due to sign of rarity and function of aesthetics, the external form of the sports award is largely embodied in the individually defined things, which “only have the attributes that allow them to distinguish from all other things (similar and different)” [5].

2. The external form of sports award is mostly a moving thing. Moreover, the award process provides for a certain registration procedure for awards in circulation, which, depending on the type of sports awards, can be carried out at different levels, accompanied by prize papers and record in a register of awards of a certain level.

3. The external form of sports awards is mostly embodied in things being in free civilian circulation. In this case, the sports award symbol (its external form) transfer from the rewarded athlete to another subject does not involve all other benefits transfer associated with the award.

The works of well-known foreign researchers were used in the article preparation, among which are Katarina Pijetlovic [6], M. Maciel & A. Walton [7], Oscar van Maren [8], R. M. Rodenberg, J. Sackmann & C. Groer [9], Rosmarin van Kleef [10], John Didulica [11], Leonardo dde Oliveira [12], Jack Kerr [13], Karen Jones, Frans de Weger [14], Frank John Vrolijk [15].

## 2. RESULTS AND DISCUSSION

### *2.1. Sports awards as a special type of incentive*

Sports awards are the special type of incentive. The sports achievement, for which the sport award is presented, is qualified as particularly significant. Awards usually encourage not for current sports achievements, but for the most weighty ones. Merits of the final nature are marked with sports awards. Such merits are the subject

of pride for any athlete, its distinction from other athletes. At the same time, such merits are fundamentally important for the competition organizer, fans, judges, other athletes and masters of sport. Such sports achievements can be treated as important factors of a particular sport development, sport in general, popularization of physical culture and healthy lifestyle.

Such a category as a rarity of awarding can distinguish sports award among other types of incentives. As rarely high-level sports achievements are made worthy of sports award level, so rarely the sports awards are presented. The rarity of sports awards has two aspects: personal and social. In a personal aspect, sports awards are characterized by a social response to significant sports achievements. Sports trainings ensure development only subject to their duration and integrity, and all of these characteristics are directly related to the athlete experience and the time spent for training. Therefore, in personal aspect, sports award is a formal point that records result of the rewarded athlete activities; this is a point of reference for athlete assessment by the organizer of the competition and for rewarded athlete perception by other athletes, fans, and society. In a social aspect sports awards are rare as they mark only sports achievements that are essential for the organizer of the competition. Therefore, sports awards are not presented in large numbers. Regarding the number of athletes in a single sport, or a range of athletes by another sign, the number of rewards is relatively small.

Sports awards, as opposed to other types of incentives, are the merits of rewarded athlete, which define its special status with respect to other athletes. A required result of reward is any change in the social and legal status of the sports award holder in a sports environment. From a meaningful point of view, sports award serves as a condition for the athlete's career growth, increase of its income and property and a simplified or extended access to the best training conditions, rest, rehabilitation and other social benefits. From a formal point of view, award received by athlete changes its position in the system of social and regulatory relationships, becomes a basis for changes in athlete behavior, and the circle of its environment.

On this basis, there is a need for such a feature of sports awards as external distinctiveness, demonstrability and presentability. The sports award shall have a certain design. The objective form of the sports award serves to recognize the rewarded athlete and points out to its social and legal status and sports achievements recognized in the sports environment and society. In everyday life, a sports award is usually meant an appropriate external honor, a certain sign, i.e. regalia presented to rewarded athlete (medal, certificate of achievement, cup, badge, ribbon, belt, etc.).

Without award objectivization, the change in rewarded athlete status in society will be sufficiently complicated and its access to social benefits will be impossible. That is why things that are created or adapted for a public demonstration usually serve as an objective form of sports award. Possible situations where some sports award is objectified immediately in several forms, for example, title of the best football player of the year in Europe is combined with awarding of the Golden Ball award.

Demonstrability and external distinctiveness include arrangement of a particular awarding procedure. When presenting sports awards, regulated process (award procedure) often takes place, i.e. a sequence of certain procedural stages, steps and actions, and distribution of procedural roles. Sports awarding held solemnly and publicly. The entire procedure of awarding is aimed at taking a form of ceremony or ritual, formalizing sports achievements and emphasizing the features of a particular sports activity.

## *2.2. Analysis of attributive properties of the sports environment*

The formal nature of sports awards causes their direct connection to the system of moral norms existing in sports environment. Sports awards point out to the place of their holder in the sports environment, their merits to the state and society. So, strict observance of the rules of honest competition by an experienced athlete, who has a large number of weighty sports awards, and its respect for rivals, fans, and referees, should be always an example for young athletes. At the same time, the athlete, awarded with the sports awards, should never forget about its particular moral status in society in general, which, together with the privileges, requires a certain behavior from the athlete. Both at public events and in everyday life the awarded athlete shall be an example of a healthy lifestyle, politeness; it shall think over every its step and every word, not forget that in the eyes of society it is an embodiment of courage, strength, honesty and expertise achieved with hard work.

The athlete rewarded with a sports award should be an example of moral norms observance formed in the field of sports, which, in turn, should be strengthened by authority of the athlete rewarded. For example, champion in boxing should not use its skills for socially harmful purposes. This shall fully strengthen the moral requirements of the oath give by any boxer beginner, which can be found on posters in some boxing clubs, should be an example for athletes beginners and in other areas, emphasizing the importance of comprehensive development of the individual by confirming the practice of some boxing trainers to review school diaries of athletes beginners.

The embodiment of a sports award in the form of a particular object leads to another feature of sports awards – their symbolism. A symbol influences on a person through its form, by images, associations, etc. On this basis the stereotypes, fixed in public and individual consciousness, connected with the general need for a healthy lifestyle and mass sports with the individual development due to sports activities, and the importance of international sports cooperation, are formed. In this aspect, the Olympic emblem, which can be placed on the medals, can serve as a good example: 5 interlaced rings located in two rows. Ring colors: blue, yellow, black, green and red. Rings are the symbol of alliance (unity) of five parts of the world and the worldwide character of the Olympic Games.

The sports award generates a symbolic context among the athletes of a specific sports type or a specific sports area, which strengthens sports environment that un-

derstands and accepts this symbol. In this aspect, the award not only unites the sports environment, but also distinguishes this social group from external environment that does not understand and does not accept sports award. Examples of symbolism in sports awards can be an award presented to the FIFA's best scorer – “Gold Bout” and award to the best goalkeeper of the FIFA World Cup – “Golden Gloves”.

Attributiveness follows from the symbolism of award. Sports award is one of the attributes of the sports environment, which shows itself in the ability of the organizer of the competition to reward showing the power. By presenting sports award, organizer of the competition causes specific social and legal consequences in the sports environment. The award is a social and legal given, the appearance of which in the sports environment depends on the will of the organizer of the competition. So, sports reward is not only an incentive, but also, in social and psychological terms, a compulsion of the sports environment members who are forced to understand and recognize the sports award, as well as to accept the rewarded athlete as a winner. For this reason refusal from the sports award shall mean context rejection, non-acceptance of the organizer of the competition authority or other subject of power, withdrawal from a certain group of sports environment or refusal to be involved in.

The large amount, complexity and need in sports awards structurization shall determine such their feature as a systemacity. To compete for certain types of high sports awards, there may be a need for a certain number and quality of other sports awards. The systemacity of sports awards causes the need in their differentiation. Sports awards have their own hierarchy.

The highest status of sports awards among other sports incentives, and more prestigious status can be distinguished among other features of the sports awards. After all, to obtain sports reward, one shall demonstrate the best sports achievements among certain circle of athletes.

When studying the peculiarities of sports awards it should be mentioned that sports awards and award systems are extremely diverse – and quite conditionally subject to a theoretical generalization. Based on this conclusion, the sports award is a symbolic incentive that affects the athlete's status in sports environment, system of social relationships and moral norms established and applied for significant merits that determine the athletic achievements of the rewarded individual and are of high importance to the sports environment.

The main goals of the sports awards are incentive for already demonstrated sports achievements and encouragement of the rewarded athlete and other athletes for further achievements.

Awarding is a reaction to a well-deserved sports achievement and its fair consequence. The abovementioned aspect of the sports awards does not imply the equivalent payback. The nature and degree of athletic achievement are usually more significant than the wellness given for it. Sports award is not a fee for sports achievement, but mainly a positive evaluation and approval.

Sports awards encourage athletes to trainings, healthy lifestyle and sports regime observance. However, sometimes exceptional desire to obtain some sports award generates such a strong motive that empowers athlete to be in sports or strive for sports achievement only for the sake of sports reward, although such an opportunity also exists. Such a desire can be a significant condition among other conditions for the relative motivation appearance. This aspect is often used by trainers, especially to motivate young athletes before their performances at the first competitions in their competitive career. But in general the athlete's life regime reorganization, certain self-sacrifices in the sphere of its own education, risk to loose health, partial sacrifice of their family and material well-being at the altar of goals achievements in sport, are the basis of not external stimulus in sports awards, but the internal psychological setting formed in becoming a results-oriented person. For many athletes, the award is objectively illusory, its subjective expectation has no the most principal value among other conditions motivating to be in sports. The ideology of sports awards is in its designation for those who are capable of self-sacrifice acting as a social guide. The fact of sports award emphasizes not only the achievements demonstrated by awarded athlete, but also a stable social and positive personal attitude of the athlete associated with the sports popularization and healthy lifestyle. Therefore, sports achievements and, accordingly, awards are, as a rule, in close connection with the athlete's attitude to training, rest, rehabilitation and general social orientation of its actions. History knows some refusals from award and awards forfeiture, the grounds for which were the facts related to the sports activities, but in some aspects were related to certain athlete's behavior that could not be recognized as socially oriented in the system of social relationships that has developed in a society or any part of it at a certain historical stage of its development.

The greater sports achievement, the fewer opportunities to encourage athlete to make it by sports awards. The sports award is not equivalent to athletic achievement, and the higher achievement, the bigger gap between its social value and athlete's self-sacrifice. Sports awards are most effective to athletes for whom sports award, as a sign of public recognition, is on the list of crucial tasks.

Award procedure also serves as a means of obvious demonstration of the system of values. The organized awarding events for athletes fix values and promote memorizing sports achievements and outstanding athletes, which in turn becomes an integral part of culture. The legends created around the athletes reflect the history, transfer inherited value orientations in a certain form, and contribute to prerequisites for new achievements.

By presenting sports awards, the organizer of the competition or the subject of authority fixes socially meaningful behavioral patterns, i.e. healthy lifestyle, motivation for strength, courage, endurance, concentration and purposefulness, and through them declare sports values and ideology of a healthy life style in sports environment

and in society in general. Sports awards represent a mechanism for sports elite creation and upbringing, as well as help in their development in other areas of human activities.

Conditions for sports awarding direct members of the social group to a useful behavioral option, i.e. to do sports, trainings and a healthy lifestyle observance while there is no talk about permission for such behavior, its prohibition or guidance for its binding nature.

Sports award is also a “visiting card” of any athlete, which in itself attributes certain merits and status to its holder and indicates its involvement in sports environment.

### *2.3. Analysis of sports awards from social and legal regulations point of view*

The sports awards possessed by athlete involve special social and legal regulations applied to it as to a special subject of sports environment.

Sports awards strengthen social relations established by the athlete with the sports environment and society. Sports awarding brings pleasure to rewarded athlete and strengthens its sense of self-worth and respect for judges who appreciated its achievements. By distinguishing athlete from the masses of other athletes, sports awards unite the sports environment around them and simultaneously tie the athletes rewarded to it, providing qualities of association. Sports awards differentiate sports environment, complicate its structure by distinguishing different levels of athletes, their separation from athletes who have not yet received any sports awards, and their differentiation on the basis of various sports awards possessed. Athletes are differentiated thereby eliminating formal uncertainty of differences between them; social hierarchy is built and due to this the sports environment unites. Moreover, the effect of integration from sports awards promotes legitimacy of the organizers of the competitions and judges.

The rewarded athlete is informed of a special behavioral model, a special type of social relations, and even a special psychological image – a sample of healthy lifestyle, strength and courage, which it shall follow, thus affecting the personality of the rewarded athlete and its responsible position in the sports environment and society.

Sports award is deemed by athletes and fans as a special value thing, a certain standard of beauty. Without above things the sports awards could not fully influence by above-mentioned directions. In aesthetics sphere of sports award, one of the main elements of the psychological mechanism of its impact on athletes and society is laid in its attractiveness. Therefore, sports awards can be a cultural and artistic value, and works of art and contain precious metals and stones. A vivid example is a World Cup of FIFA World Cup produced in 1974. This sports award is “not just a symbol of leadership in the most popular game on the planet, but a model of a Jeweller’s art. The trophy that depicts two human figures holding the Earth is placed on a malachite podium and having 36 cm height it weighs 6.18 kg of which 5 kg is a pure gold” [16].

The sports award has its form and content. The content of the sports award is the benefit given to the rewarded athlete. The benefits stipulated by the award can be nominally divided into sports awards symbols and social and legal benefits.

Sports awards symbols shall mean external differences of rewarded athlete which are representative and able to perform all sports award functions as a kind of symbol distinguishing its holder in society. The social and legal benefits will be moral (mental), material (property) and organizational benefits that are not the symbols, for example, the ability to act at the certain types of sports competitions, in which athletes can not take part without certain awards, the right to attend jubilees, parades, official receptions and other solemn events, preferential career growth, and the right to allowances.

The sports awarding also includes the right of any rewarded athlete to receive a sports awards symbol. Social and legal benefits are associated with additional conditions, as a rule, with the special will of the rewarded athlete.

The social and legal benefits given to the athlete may be additionally set after awarding, and may, to the contrary, be subsequently changed or even canceled. But it is impossible to change or withdraw the decorations outside the awarding procedure established.

Sports awards symbols can be established and described in the different level regulations, which can be generalized by the category of reward right. Social and legal benefits are stipulated, as a rule, not by awards law, but regulatory sources of another kind: regulations on the status of sports events, legislation on benefits, etc.

The form of the sports award is the award symbol, which often names the relevant award. Moreover, the choice of the form, as a rule, is subject to the organizer of the competition's discretion, and may not only be a tribute to the tradition, but also an object for its invention. In this regard, situations, when the awarding form of the sports award is not always chosen as an award symbol which is most suitable for performing all sports award functions, are possible. Situations, where influence of value and significance of the sports event is made on the small in value objective form of award at the very beginning thus creating a unique design, occur. A vivid example is the world-famous trophy – the Stanley Cup, which history begins in 1892, when a cup bowl was purchased “for \$50” (in that prices) in London to present it to the best amateur team in Canada. Thus, the cup had neither artistic nor economic value, both the event itself was not world-wide and was not as popular as today. Only in 1910 the trophy became a symbol of superiority in professional hockey. The original bowl of the Stanley Cup is difficult to view from design and Jeweller's art position” [16]. During the time period this sports award exists, numerous changes were made to its form.

Special attention was paid to such a phenomenon of awards as awards documents. This term is widespread in the Phaleristics, a science which studies the history of various awards and decorations, their systems and attribution.

Awards document is a form documenting sports awards, a kind of copy of act about sports awards, which reproduce the act about sports awards.

The main role of the awards document is to certify the fact of awarding in relations with the social group members, who are personally not aware of the fact of this person rewarding [17].

The sports awards symbol is often clear only to the sports environment, while the awards document executed in a common language is clear to the whole society.

Certificates, athlete`s classification record books with their sports achievements and other documents play the role of awards documents. Awards documents and sports awards symbols may have quite different legal regime: for example, issuance of duplicate sports awards signs and duplicate awards documents may be carried out according to the different rules.

Anti-awards are also known in the sports sphere, which contain not approval of sports achievement, but mostly the desire to cheer up unsuccessful attempt of the athlete, attempt to more easily look at the competition, thereby attracting more participants to them. An example of abovesaid can be an award presented to the cyclist, who took the last place in the general tour of Tour de France – Lanterne Rouge (from French “Lanterne Rouge”; red lantern). Its name originates from a red lantern located on the last train carriage.

The issue of fair achievements recognition and, accordingly, awarding, formed the basis of idea of awards law, proposed by I. Bentam and E. Xu [18], which was supported in modern conditions by V. V. Nirkov in terms of state awarding by the courts [19]. Not offering the general distribution of these ideas all over the entire sports sphere, it is possible to state the general need in clearer regulation of awarding, for example in the spheres of higher-level and professional sports.

In accordance with Article 6 of the Law of Ukraine “On Physical Culture and Sports” dd. December 24, 1993, the central executive body, which ensures state policy establishment in physical culture and sports, determines the system of sports decoration and awards. Sub-clause 17 of clause 4 of the Regulation on the Ministry of Youth and Sports of Ukraine approved by the Resolution of the Cabinet of Ministers of Ukraine dated July 02, 2014 No. 220 provides for the list of sports awards for winners and record holders of all-Ukrainian sports events among other tasks of the Ministry. Moreover, the Regulation on the Uniform Sports Classification of Ukraine approved by the Order of the Ministry of Youth and Sports of Ukraine dd. 11.10.2013 No. 582 establishes the system of sports categories and titles, which can be also attributed to sports awards and generally called as departmental sports awards. The Law of Ukraine “On State Awards of Ukraine” dated 16.03.2000 establishes the list of state awards of Ukraine, which, in accordance with Article 1 of this law, are the highest form of citizens awarding for outstanding achievements in economics, science, culture and social sphere development, protection of the Motherland, constitutional rights and freedoms, state building and public activities, and for other

merits to Ukraine and, accordingly, can be presented also for certain high sports achievements, but are not highly specialized sports awards, since the basis for their presentation can be achievements in other spheres. The only award from this list of state awards the most close to the sphere of physical culture and sports can be the honorary title “Honored Worker of Physical Culture and Sports of Ukraine”, which according to the Regulation “On the Honorary Titles of Ukraine” approved by the Decree of the President of Ukraine dd. 29.06.2001, is granted to the specialists and organizers of the physical culture and sports movement, outstanding scientists, trainers (coaches), teachers of physical culture, health and sports educational establishments and other workers of physical culture and sports, athletes for high achievements in the international sports competitions and significant merits in the national sports personnel preparation.

So, according to the aforesaid, the relevant system of sports awards has been established in the State, the main levels of which can be recognized:

1. Level of state awards. At this level, special for the sports sector award is the honorary title “Honored Worker of Physical Culture and Sports of Ukraine”. The originality of this level, first of all, is that the awarding is held not by the organizer of the competitions, but by the subject of authority on behalf of the State. In accordance with Part 2 of Art. 5 of the Law of Ukraine “On State Awards of Ukraine” awarding with state awards is made by the Decree of the President of Ukraine. Such awarding shall meet all requirements of the awarding procedure, which regulates the procedure for the state awards of Ukraine granting. This level also includes the rewards of foreign states, which according to Part 4 of Art. 5 of the Law of Ukraine “On State Awards of Ukraine” may be awarded to the citizens of Ukraine.

2. The level of departmental sports awards. The sports titles are among them: Honored Coach of Ukraine, Honored Master of Sports of Ukraine, Master of Sports of Ukraine, World Class (Grandmaster of Ukraine – chess, checkers), Master of Sports of Ukraine and sportsclasses: candidate for the master of sports of Ukraine, the first category, the second category, the third category, the first youth category, the second youth category, the third youth category. The features of this level of sports awards is that awarding, according to the type of awards, is held in accordance with the Sections IV and VII of the Regulation on the Unified Sports Classification of Ukraine approved by the Order of the Ministry of Youth and Sports of Ukraine dd. 11.10.2013 No. 582:

- sports titles – by the Order of the Ministry of Youth and Sports of Ukraine
- sports category “Candidate for the master of sports of Ukraine” and the first sports category – by the Order of the structural division of the physical culture and sports of the regional and Kyiv city state administration (if required, by decision of the structural division of physical culture and sports of the regional and Kyiv city state administration; powers for the sports category “Candidate for the master of sports of Ukraine” and the first sports category assignment can be given to the struc-

tural division of physical culture and sports, executive authority of local government in cities of oblast subordination),

– second level and third level – structural division of physical culture and sports of district state administration, executive authority, local government in cities of oblast subordination

– first, second and third youth sports categories – in the Olympic and non-Olympic sports – institutions of physical culture and sports, statutory documents of which provide for the appropriate sports development; in the types of sports for disabled – regional centers of physical culture and sports for disabled “Invasport”.

Regulation on the Unified Sports Classification of Ukraine approved by the Order of the Ministry of Youth and Sports of Ukraine dd. 11.10.2013 No. 582 also stipulates conditions for awarding, description of the award form of this level and description of awards documents.

3. Awards in sports competitions and contents of all kinds. Sports awards in the international competitions, sports awards in all-Ukrainian sports competitions and other sports awards can be distinguished among the awards of this level.

Transitional awards (awarded in turn to those who win in sports competition) and non-transitional awards (remain with the winner forever) can be distinguished among the sports awards. Some sports awards can be remained with the winner until determining the winner of the next competitions but some of them are remained with event organizer all the time. So, until 2006, the FIFA World Cup was handed over to the country that won the tournament, and this country kept the trophy until the final draw of the FIFA World Championship. Now, according to the current FIFA Rules, the trophy shall be handed over for storage to the winners, but since 2016 it is stored in the World FIFA Museum in Zurich and displayed only during the Trophy Tour, at the final draw of the World Championship and during the final tournament match and awarding procedure.

That is, in fact, the athlete awarded with non-transitional sports award acquires title to its outer form (medal, decoration, etc.). In case of transitional award, the winner in the competition may keep an award symbol for a certain period of time or even only hold it in his hands for a certain period of time, which is a symbol of awarding by itself. So, only the world champions and heads of the States can touch upon the main FIFA World Cup.

## CONCLUSIONS

So, the sports awards of a certain level may also stipulate the features of the legal regime. So, before the circulation of the badge to the honorary title “Honored Worker of Physical Culture and Sports of Ukraine”, which is the state award in accordance with the Law of Ukraine “On State Awards of Ukraine” as well as for other state awards, certain restrictions are established, namely: orders, medals, badges for the honorary titles of Ukraine, badges for laureates of State Prizes of Ukraine and presidential

awards, as well as documents certifying award, are manufactured exclusively by the Banknote Printing and Minting Works of the National Bank of Ukraine. Persons awarded with the state awards should be careful with their safety. In case of award loss, the persons awarded shall retain their rights to them in accordance with the law. The awarded person may receive duplicate award or awards documents if the Commission on State Awards and Heraldry recognizes that the loss of state award has been caused by natural disaster, military operations or other reasons beyond the control of the awarded person. The citizens of Ukraine, foreigners and stateless persons, awarded with the state awards, or their successors in the event of their departure outside Ukraine have a right to export state awards and awards documents. The state awards export, the right to which is not confirmed by the relevant documents, shall be prohibited. The state awards of Ukraine withdrawn by the law enforcement and revenue bodies, from the persons who illegally own them shall be transferred to the relevant state authorities. After awarded person death, in case of successors, the state award remains with the family of the deceased. With the consent of the successors, state awards can be transferred for temporary or permanent storage to museums. The state awards shall be handed over to the museums on the basis of the decision taken by the Commission on State Awards and Heraldry if the relevant application was submitted by museum. The state awards handed by the successors of the deceased or awarded posthumously to the museums for permanent storage shall not be returned. In the absence of any successor of the deceased awarded person, the state awards and awards documents should be transferred for storage to the State.

Sports awards made of precious metals or precious stones, as well as those of cultural and historical value can have certain restrictions as to the procedure for their export from Ukraine.

Concerning departmental sports awards (sports titles and categories) Section IX of the Regulation on the Unified Sports Classification of Ukraine approved by the Order of the Ministry of Youth and Sports of Ukraine dd. 11.10.2013 No. 582 titled "Procedure for awarding, wearing and storing the badges, certificates for sports titles and sports categories" essentially provides only the following: persons who have been awarded with a sports title shall be presented with a certificate and a badge of the specimen established by the Ministry of Youth and Sports of Ukraine, the issuance of certificates and relevant badges "Honored Trainer of Ukraine", "Honored Master of Sports of Ukraine", "Master of Sports of Ukraine, World Class (Grandmaster of Ukraine)" and "Master of Sports of Ukraine" shall be made by the Ministry of Youth and Sports of Ukraine, the procedure for badges and certificates for sports categories issuance shall be determined by organizations that assign them. So, notwithstanding the title of the section, requirements for badge wearing and storing and certificates for sports titles and sports categories are not provided in the Regulation. This discrepancy, in our opinion, can be eliminated by adding the relevant clauses to the specified section, or by changing the title of the section.

Concerning the level of awards for sports competitions and contests of all kinds, the legislator does not establish general requirements for qualities and circulation of the objects, leaving them to the discretion of local or local statutory regulation. Considering the application to this type of relations of the private and legal principles of regulation quite justified, the general proposal in this aspect can determine the legislative establishment of the most general limits to the transparency of the level and type of competitions, sports achievement, and the possibility to use symbols and words in the award presented to the athlete, and in the relevant awards documents.

4. With a view to the signs of external expressiveness, attributivity, symbolism, rarity of sports awards, and ability to perform aesthetic function by them and in this regard the possibility of their specific design, sports awards can be resulted in intellectual creative activities embodying the features of the legal regime of the intellectual property rights. Almost all known cups feature a unique design, for some of them a lot of time and creative effort have been applied.

5. The internal content of the sports award may act as an integral characteristic of its subject and directly affect the personal non-property rights. In this regard, the law stipulates the athletes' rights and obligations for their rewarding with sports awards and the grounds for the sports awards withdrawal. So, with regard to departmental sports awards, the Regulation on the Unified Sports Classification of Ukraine approved by the Order of the Ministry of Youth and Sports of Ukraine dd. 11.10.2013 No. 582 stipulates that the athletes shall have a right to take part in sports competitions in accordance with the rules for competitions and regulations on sports competitions, have a right to be assigned with the relevant sports titles and categories subject to qualification norms and requirements imposed by the Unified Sports Classification of Ukraine, the right to obtain the documents certifying sports titles and categories assignment; and athletes are obliged to meet requirements of Ukrainian legislation, the Olympic and Paralympic Charter, Rules and Regulations of the International Deaflympic Committee and the Rules and Regulations on the international federations and all-Ukrainian public organizations of physical culture and sports, general provisions on sports ethics in relations with the judges, service personnel, other contestants and viewers, lead and promote a healthy lifestyle by personal example and adhere to anti-doping rules.

Along with this Regulation it is provided that the athlete or coach (coach-instructor) shall be withdrawn with the sports title in case of inadequate information identified in the documents submitted for the sports title awarding, or in case of a life sports disqualification of an athlete or coach (coach-instructor).

Concerning the honorary title "Honored Worker of Physical Culture and Sports of Ukraine", Articles 16 and 17 of the Law of Ukraine "On State Awards of Ukraine" stipulate that the state awards may be withdrawn by the President of Ukraine only in case of awarded person imprisonment for a serious crime upon submission of the

court in cases, provided for by the law. Restoration of the rights to state awards of the persons who were deprived of these awards shall be made by the President of Ukraine in cases stipulated by law. Upon Presidential Decree entry into force on the rights restoration to the state awards, the awarded person shall receive its awards and awards documents.

## REFERENCES

- [1] Nyrkov, V. V. (2003). *Encouragement and punishment as paired legal categories*. (Candidate thesis, Saratov State Academy of Law, Saratov, Russian Federation).
- [2] Karinskiy, S. S. (1961). Legal issues related to awards establishment and application and incentives for excellent work. *Jurisprudence*, 3, 76–85.
- [3] Sorokin, P. (1999). *Crime and punishment, feat and reward. Sociological etude on the basic forms of social behavior and morality*. St. Petersburg: Publishing House RKhGI.
- [4] Ozhegov, S. I., Shvedova, N. Yu. (2000). *Explanatory Dictionary of the Russian Language*. Moscow: Azbukovnik.
- [5] Kharitonova, E. O., Drishliuk, A. I. (2005). *Civil law of Ukraine*. Odessa: Legal literature.
- [6] Pijetlovic, K. (2017). EU sports law: a uniform algorithm for regulatory rules. *Int Sports Law J*. Retrieved from <https://link.springer.com/article/10.1007/s40318-017-0114-7>.
- [7] Maciel, M. & Walton, A. (2019). Can player economic value rights be used as collateral? *Int Sports Law J*. Retrieved from <https://link.springer.com/article/10.1007/s40318-018-0140-0>.
- [8] van Maren, O. (2017). How to bail out your local club: the application of the state aid rules to professional football clubs in financial difficulty. *Int Sports Law J*. Retrieved from <https://link.springer.com/article/10.1007/s40318-017-0106-7>.
- [9] Rodenberg, R. M., Sackmann, J. & Groer, C. (2016). Tennis integrity: a sports law analytics review. *Int Sports Law J*. Retrieved from <https://link.springer.com/article/10.1007/s40318-016-0096-x>.
- [10] van Kleef, R. (2013). The legal status of the disciplinary regulations in sport. *Int Sports Law J*. Retrieved from <https://link.springer.com/article/10.1007/s40318-013-0035-z>.
- [11] Didulica, J. (2019). Changing the game: the management of human performance data and related safety considerations in women's professional sports. *Int Sports Law J*. Retrieved from <https://link.springer.com/article/10.1007/s40318-018-0138-7>.
- [12] de Oliveira, L. V. P. (2017). Lex sportiva as the contractual governing law. *Int Sports Law J*. Retrieved from <https://link.springer.com/article/10.1007/s40318-017-0116-5>.
- [13] Kerr, J. (2017). How to build an «open» match-fixing alert system. *Int Sports Law J*. Retrieved from <https://link.springer.com/article/10.1007/s40318-017-0115-6>.
- [14] Jones, K. (2014). Lunch and learn: WADA Code 2015 – the key changes. *Int Sports Law J*. Retrieved from <https://link.springer.com/article/10.1007/s40318-014-0046-4>.
- [15] de Weger, F. M. & Vrolijk, F. J. (2017). Overdue payables in action: reviewing 2 years of FIFA jurisprudence on the 12bis procedure. *Int Sports Law J*. Retrieved from <https://link.springer.com/product/10.1007/s40318-017-0113-8>.
- [16] Zyrianova, A. V. (2012). *Design of award-winning passing cups* (Candidate thesis, Moscow State University of Instrument Engineering and Computer Science, Moscow, Russian Federation).

- [17] Trofimov, E. V. (2013). Concept and features of awards. *Sociodynamics*, 2, 23–67.
- [18] Korytko, D. G. (2010). Warding practice in Ukraine: legal analysis of the main concepts. *Forum of Rights*, 3, 206-215.
- [19] Nyrkov, V. V. (2001). Encouragement and punishment as a means of legal policy implementation. *Legal Policy and Legal Life*, 3, 193–202.

**Mykola V. Matiyko**

PhD (Candidate of Juridical Sciences)

Associate Professor

Department of Civil Law

National University “Odessa Academy of Law”

65009, 23 Fontanskaya Road, Odessa, Ukraine

**Suggested Citation:** Matiyko, N. V. (2018). Sports awards (state awards sports, sports titles, sports events, awards sports competitions) as an object of sports law. *Journal of the National Academy of Legal Sciences of Ukraine*, 25 (4), 142–157.

Submitted: 09/08/2018

Revised: 16/10/2018

Accepted: 09/12/2018