

REWARDS IN THE IMPLEMENTATION OF LAW

Introduction. The aim of this paper is to indicate the presence of rewards in law, as well as their role and significance. The paper is of a descriptive nature and is based on Polish legal regulations, literature, and observation.

The purpose of this article is to highlight the phenomenon of rewards as instruments ensuring the implementation of law. It may be said that this is a type of legal regulation gaining increasing importance in contemporary legal systems. Law is more and more often perceived as a specific technique used to regulate increasingly complex social relations. As L. Morawski noted, the traditional dispute between natural law theories and legal positivism is losing its importance. Currently, two dominant approaches to understanding law can be distinguished: “law as discourse” and “law as a technique.”

The first concept is based on Jürgen Habermas’s theory of communication and is applicable in democratic systems or European law. The second concept perceives law as a means of managing social processes on a mass scale. Law is treated as an instrument steering these processes. Within this framework, one may distinguish **hard regulation** – a system of commands and prohibitions backed by negative sanctions (penalties) – and **soft regulation**, which refers to systems of incentives, the foundation of which lies in rewards. [1, s. 39–61]

Using this technique, legislators increasingly resort to rewards, particularly in areas such as economic law, administrative law, and tax law. This study is descriptive and based on Polish legal scholarship.

1. The Concept of Rewards in Law. The title of this article is somewhat provocative, as law – both in common understanding and often in scholarly discourse – is associated with force, coercion, sanctions, and punishment. However, is this truly the case?

It should be noted that non-legal sciences such as sociology, ethics, and psychology – whose subject of study also includes norms – distinguish between **negative sanctions** (punishments) and **positive sanctions** (rewards). Jeremy Bentham argued that pain and pleasure are the fundamental motives of human behavior. [2, s. 150–153]

Should legal science therefore ignore the issue of rewards in law? This raises an important question: does law rely exclusively on sanctions, or does it also employ rewards, and what role do these rewards play?

By *rewards in law*, I understand broadly conceived benefits provided for in legal provisions when addressees act in accordance with legal norms. Legal norms referring to rewards do not prohibit or command anything; they merely create opportunities – usually conditional – for achieving certain benefits.

The issue of rewards in law has been insufficiently explored in Polish legal scholarship [3, 4, 5, 6], although recently growing interest in this topic can be observed. [7, s. 78–91] This article aims to provoke reflection on this phenomenon. It should also be noted that in Polish legal scholarship, terms such as **positive sanctions**, **gratifications**, and **incentives** are often used as synonyms for rewards. Without engaging in terminological disputes concerning the concept of the implementation of law, for the purposes of this article, the implementation of law is understood as behavior of addressees consistent with the pattern of conduct contained in a legal norm, resulting in specific effects in social reality.

2. Rewards as a Means of Coercion. Law is typically viewed through the prism of coercion and negative sanctions, which foresee adverse consequences for non-compliance. But is this perspective adequate today?

Law undoubtedly has a coercive character. However, coercion itself is a broader phenomenon involving the use of measures that overcome the will of a subject, leading to specific behavior. At the outset, one can distinguish physical coercion, involving the use of **physical force** or means such as tasers or handcuffs. In

such cases, the addressee has no choice of behavior. In modern legal systems, the state holds a monopoly on the use of physical coercion (with limited exceptions such as self-defense).

However, the widespread use of **physical coercion** is undesirable due to its high cost and its tendency to provoke resistance and escalation. Alongside physical coercion, there is psychological coercion, where the addressee retains the possibility of choice. Law primarily operates through psychological coercion, using normative announcements such as threats, promises, or pressure [8, s. 59–60].

Within psychological coercion, one can distinguish: **threats** (negative sanctions), **promises** (rewards/positive sanctions), **pressure** (based on authority or social norms). Promises represent a more subtle means of influencing behavior. In this case, law refers to rewards granted for compliance. These legislative promises – based on rewards, incentives, or gratifications – constitute the main focus of further analysis.

3. Types of Rewards in Polish Law and Their Significance. Under the socialist system, legislators rarely used rewards as instruments for ensuring compliance with law. A significant change occurred in Poland after the political transformation. In the Polish legal system, rewards are primarily: **material**, and **non-material** (including prestigious distinctions such as titles and decorations).

This article focuses mainly on material rewards. Examples include: tax exemptions for foreign-invested companies operating in Poland during the transformation period; exemptions from customs duties and VAT on capital contributions, tax deductions for housing construction, purchase, or renovation; social benefits such as the “800+” **child benefit**, aimed at increasing demographic growth; reduced social security contributions for new entrepreneurs; tax exemptions for young employees under 26; incentives for retirees to continue working.

These measures aim to stimulate economic development, entrepreneurship, and demographic growth.

Non-material rewards also exist, particularly in criminal law: **extraordinary mitigation of punishment** in exchange for cooperation, **conditional early release** based on proper conduct.

Rewards are particularly prevalent in economic law, where development is more effectively stimulated through incentives than through prohibitions or commands. They also appear in civil law (e.g., finder's rewards), administrative law, and tax law.

Zygmunt Ziemiński [9, s. 442–443] proposed viewing rewards through the lens of sanctioning by refusing rewards. However, this approach oversimplifies the motivational function of law. Motivation driven by punishment differs fundamentally from motivation driven by rewards – the latter fosters a positive attitude toward the source of regulation.

4. Final Conclusions. The issue of rewards should become the subject of broader scholarly analysis. Legislators should more frequently use incentives based on rewards as instruments of legal regulation.

Rewards already play an increasingly important role in the Polish legal system, especially in economic law. This regulatory method has many advantages:

- it stimulates entrepreneurship,
- it does not generate negative attitudes toward the legislator or public authority.

However, it also has a significant drawback – it is often costly. Nevertheless, this form of regulation should not be abandoned.

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Niesiołowski J. Rewards in the implementation of law

The author addresses a topic that has been insufficiently explored in Polish legal scholarship – rewards in law. The paper defines the concept of rewards, describes their types, and provides examples from Polish law. The issue is also analyzed within the broader context of coercion as a specific form of legal regulation, taking into account its advantages and disadvantages.

Keywords: coercion, legal coercion, rewards in law, legal regulation through rewards.

Нієсьоловські Я. Винагороди при реалізації закону

У статті досліджується малорозроблена в юридичній науці проблема застосування нагород як засобу забезпечення реалізації права. Метою роботи є визначення сутності нагород у праві, їх ролі та значення в сучасних правових системах. Обґрунтовується, що поряд із традиційними засобами правового впливу, такими як заборони та санкції негативного характеру, дедалі більшого значення набувають стимули, засновані на обіцянці вигоди за правомірну поведінку.

Нагороди в праві розглядаються як передбачені нормами права матеріальні або нематеріальні блага, що надаються за дотримання встановлених правил. Вони виступають формою позитивних санкцій і виконують мотиваційну функцію, спонукаючи суб'єктів до бажаної поведінки. Особлива увага приділяється аналізу нагород у контексті психологічного примусу, де поряд із загрозою застосування санкцій важливу роль відіграє обіцянка заохочення.

Проаналізовано основні види нагород у польському праві, зокрема податкові пільги, соціальні виплати, стимули для підприємницької діяльності, а також інститути кримінального права, що передбачають пом'якшення покарання або умовно-дострокове звільнення. Показано, що найбільш активно нагороди застосовуються у сфері господарського, адміністративного та податкового права як інструмент стимулювання економічного розвитку та соціальної активності.

Зроблено висновок про доцільність ширшого використання нагород як ефективного засобу правового регулювання, який, на відміну від примусу, формує позитивне ставлення до права. Водночас підкреслено, що застосування таких механізмів пов'язане з певними фінансовими витратами, що потребує зваженого підходу законодавця.

Ключові слова: примус, юридичний примус, винагороди в праві, правове регулювання через винагороди.

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