

благодарность «за освобождение Беларуси немецкими войсками из тяжелого гнета чужого господствующего издевательства и анархии». Но руководство Германии официально БНР не признало.

В силу непростого военно-политического положения Рада БНР не смогла реализовать идею государственного суверенитета. После денонсации Брестского мира Германия начала вывод войск с оккупированных территорий. В декабре 1918 г. части Красной Армии вошли в Минск. Правительство БНР переезжает в Вильно, а затем в Гродно. Руководство республики вынуждено было продолжить свою деятельность в эмиграции. Попытки создания независимой республики происходили в условиях, когда белорусские земли находились в сфере военно-политического влияния советской, немецкой, польской властей, которые открыто выступали против белорусской государственности.

Белорусская Народная Республика многие годы является политическим феноменом в истории белорусской нации, который вызывает самые разные, нередко полярные, оценки. Однако несомненно одно — это была одна из серьезных попыток продекларировать создание независимого государства, которая вынудила большевиков изменить свою политику и признать право белорусов на собственное государство.

#### *Литература*

1. Беларуская Народная Рэспубліка – крок да незалежнасці: да 100-годдзя абвяшчэння: гістарычны нарыс / А.А. Каваленя [і інш.]; Нацыянальная акадэмія навук Беларусі, Інстытут гісторыі. – Мінск: Беларуская навука, 2018. – 157 с.

2. Міхалюк Дарота. Беларуская Народная Рэспубліка 1918-1920 гг.: ля вытокаў беларускай дзяржаўнасці. / Дарота Міхалюк. – Смаленск, 2015. – С. 352.

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### **LEGALIZATION OF SAME-SEX MARRIAGES**

Legalization of one-gender marriages is a very much debatable question all over the worlds. Same-sex or same-gender marriages are the official family unions between people of the same gender. To understand the positive and negative sides of their legalization it is needed to make a scientific research on the issue.

We have to admit that there are two approaches to this theme in the world. The first one implements the death penalty for same-sex sexual acts. It is used

in such countries as: Iran, Saudi Arabia, Sudan, Yemen, in some provinces of Somalia and Nigeria, Iraq (controlled parts of northern Iraq and northern Syria). In Afghanistan, Pakistan, Qatar, UAE, Mauritania the death penalty is in the law but not carried out. According to the second approach, same-sex marriages have been legalized in: the Netherlands, Belgium, Canada, Spain, South Africa, Norway, in some jurisdictions of Mexico, Sweden, Iceland, Portugal, Argentina, Denmark, Uruguay, New Zealand, France, Brazil, the United Kingdom, Luxembourg, Finland, Ireland, the United States of America, Colombia, Germany, Malta. Australia became the 23rd country in the world that legalized gay marriage [1].

Critics argue that marriage is defined as the union of a man and a woman, and to change that would go against natural law and risk undermining both the institution of marriage and the family's role in holding society together. Legalization denies marriage's central role as a step towards procreation. There are civil partnerships available for gays, but marriage is a step too far. In the French context, the changes in the law will remove the terms "mother and father" from the civil code weakening the rights of heterosexual families. Gay marriage runs fundamentally counter to many people's religious views. To legalize it would offend deeply held beliefs and further erode the key role religion plays as moral bedrock in society. Christian, Jewish and Islamic leaders have all spoken out against gay marriage and point out that it runs counter to sacred writings. It makes no sense to talk about equal rights in this context. If that were the case, polygamous or incestuous marriages would have to be legalized too. There are always limits to rights. Legalization would be another step towards the mainstreaming of homosexuality in society. Nobody is stopping gay people from loving each other or staying in relationships, but that does not mean they can marry [2].

At the same time, the arguments to legalize same-sex marriage are strong too. Allowing gays the opportunity to get married will increase marriage rates because fewer couples will get divorced due to incompatibility or infertility. Marriage licenses grant innumerable rights to married couples, rights that are not endowed to gay couples in civil unions. Gay marriage will increase the chances for thousands of foster children to gain loving parents and families [3].

In Ukraine, same-sex marriages are also impossible: no authority will register such an alliance. The reason lies in the domestic legislation. The Constitution of Ukraine puts it very clear that marriage is based on the voluntary consent of a man and woman (Article 51). In turn, the Ukrainian Family Code quite unequivocally determines that "marriage is a family union of a woman and man registered in the state registry of acts of civil status" (Article 21) [4].

In November 2015 the anti-discrimination amendment to the Labor Code (relative Harmonization of Legislation in the Field of Prevention and Counteraction of Discrimination with the law of the European Union) has been

adopted. The article 2<sup>1</sup> states that any discrimination is prohibited in the workplace, including violation of the principle of equal rights and opportunities, direct or indirect restriction of workers' rights based on race, color, political, religious and other beliefs, sex, gender identity, sexual orientation, ethnic, social and foreign origin, age, health, disability, suspected or actual presence of HIV-AIDS, family and economic status, family responsibilities, location, membership in trade union or other association of citizens, participation in strike, appeal or intention to apply to a court or other authorities to protect their rights or supporting other workers in defense of their families...[5].

Summarizing the mentioned above, we have to stress that on the one hand, same-gender marriages legalization is the way to protect human right of sexual minorities. At the same time, we agree with Oksana Myronets that Ukraine is not ready to legalize same-gender marriage right now [6, p. 59]. This question is opened for the Ukrainian society, and in case of European integration, it will be much debate there.

#### *Literature*

1. G. Seetharaman. Here's a list of countries where same-sex marriages are legal and illegal / G. Seetharaman // The Economic Times [Electronic source]. – The mode of access: <https://economictimes.indiatimes.com/industry/miscellaneous/heres-list-of-countries-where-same-sex-marriages-are-legal-and-illegal/articleshow/61165415.cms>

2. Arguments for and against gay marriage [Electronic source]. – The mode of access: <http://www.debatingeurope.eu/focus/arguments-for-and-against-gay-marriage>.

3. 10 reasons why gay marriage should be legalized [Electronic source]. – The mode of access: <https://infogram.com/10-reasons-why-gay-marriage-should-be-legalized-1gd0gmj7rzdym1q>.

4. Same-sex marriage in Ukraine: accept or deny? [Electronic source]. – The mode of access: <https://www.unian.info/society/2395054-same-sex-marriage-in-ukraine-accept-or-deny.html>

5. Закон України «Про внесення зміни до Кодексу законів про працю України щодо гармонізації законодавства у сфері запобігання та протидії дискримінації з правом Європейського Союзу» від 12.10.2015 [Електронний ресурс]. – Режим доступу до ресурсу: <http://zakon3.rada.gov.ua/laws/show/785-19>.

6. Миронець О.М. Легалізація одностатевих шлюбів в Україні / О.М. Миронець, Т.С. Ярошенко, А.В. Яценко // Міжнародний науковий журнал «Інтернаука». – 2017. – № 16 (38), 2 т. – С. 56-59.