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CONSTITUTIONAL AND LEGAL STATUS OF RELIGIOUS ORGANIZATIONS IN UKRAINE

Having gained independence in 1991, Ukrainian state condemned the policy of totalitarian system and began relations with religious organizations. One of its first legislative acts was the Law of Ukraine "On Freedom of Conscience and Religious Organizations". The main tasks of which were to guarantee the right to freedom of conscience to the citizens of Ukraine; ensure social justice, equality, protection of the rights and legitimate interests of citizens, regardless of their attitude to religion; determine responsibilities of the state in relation to religious organizations and duties of religious organizations, according to the Constitution of Ukraine, the Declaration on State Sovereignty of Ukraine and the norms of international law [1].

The purpose of this article is to study the essence and significance of religious organizations as subjects of the right to freedom of religion in Ukraine. To achieve this goal it is necessary to find out: firstly, the legal nature of the concept of "religious organizations"; and secondly, their role and significance in the social development of our state.

Considering the concept of "religious organizations", it should be noted that it has its own determinations and legal constructs of various branches of law. Clarification of the essence of any concept is important for a correct and objective view of a given issue. In this regard, S.S Alekseev notes that the definitions do not directly imply either legal rights and obligations or measures of influence, but they contribute to the correct understanding and implementation of regulatory measures [2, p.366].

The realization of the right to freedom of religion in Ukraine is regulated by the Law of Ukraine "On Freedom of Conscience and Religious Organizations" of April 23,

1991, which defines the content of the right to freedom of conscience and religion and the principles for its implementation, defines the types and legal status of religious organizations, establishes the principles of their relationship with the state [9].

One of the most important aspects of the legal regulation of religious relations in Ukraine is the clear legal definition of the principles of relations between the state and the church. First of all, it should be emphasized that relations between the state and the church in Ukraine are determined by the secular nature of the state. In accordance with the Law of Ukraine "On Freedom of Conscience and Religious Organizations" the state: has no right to interfere with the activities of religious organizations, to form and control it, to keep records on this basis or to force a person to act in favor of a certain association of believers. At the same time, religious organizations should not interfere in state affairs, participate in election campaigns, activities of political parties, and campaign for those or other candidates in elections. However, the ministers of these organizations have the right to participate in the elections as citizens of Ukraine. [3] The state, its bodies and officials have no right to change person's attitude to religion; the state does not speak on behalf of religion or group of believers, has no right to support any party in interreligious conflicts; the state should not relate to organizations based on the purpose of implementation of the right to freedom of religion, less favorably than to secular citizens' associations [7], in addition, according to D.O.Vovk, the secular state does not interfere in matters of liturgical or theological character, the content of beliefs, rites, ceremonies, the internal church hierarchy and the system of governance, including the normative element, as well as in the educational process of educational institutions association of believers [8].

The partnership between the state and the church is based on the recognition that both these social institutions, being separate and sovereign in matters of their exclusive competence, act in the interests of Ukrainian society. Consequently, the common goal of the state and the church is to ensure the human right to freedom of conscience, consolidation of Ukrainian society, preservation and increase of its traditional religious culture, formation of its value orientations, and solution of social problems [4, p.51].

The role of religious institutions in solving social problems can be really significant and can be manifested in several aspects of their activities. Firstly, religious organizations with significant spiritual potential can play an important role in solving social problems through such social aspects of religion as ideological, integrating,

regulating and communicative. In the process of realization of the most important social functions of religion, a cohesive organization of believers is created, in which there are special ethical standards, a special communicative space is created, and behavior is regulated in a special way. Secondly, religious organizations have special social and psychological means of influencing people and society, which have accumulated for centuries and have the ability to correct important features of an individual and influence its ideological and motivational aspects [5, p. 58]. In this regard, G.Gofding notes that the religious states in which a person feels himself in the closest unity with the highest known beginning, generates a new force in the world and give new points of departure [6, p. 113].

Considering the main problems of legal regulation of religious relations, attention should be paid to the procedure of the organization of peaceful gatherings. The Law of Ukraine "On Freedom of Conscience and Religious Organizations" contrary to Art. 39 of the Constitution of Ukraine establishes a permissive procedure for carrying out religious mass events. In practice, it leads to the increasing of other problems based on discrimination, intolerance or arbitrary interpretation of legislation by public authorities [9].

From these facts, one may conclude that that the Ukrainian legislation on freedom of religion is sufficiently liberal to determine the procedure for the exercise of this constitutional right by the citizens of Ukraine, the definition of the legal status of religious associations and their relationship with the state. However, the administrative practice of state authorities and local self-government establishes many unwarranted obstacles to the implementation of the right of individuals to freedom of religion and belief, in particular the question of the internal activities of religious organizations. At the same time, such actions of the authorities and certain provisions of the legislation do not comply with the provisions of the Convention for the Protection of Human Rights.

Literature

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