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IMPROVING LEGAL DRAFTING WORK OF THE STATE SERVICE OF UKRAINE FOR ETHNIC AFFAIRS AND FREEDOM OF CONSCIENCE

The State Service of Ukraine for Ethnic Affairs and Freedom of Conscience was established relatively recently. It is a public authority that is still in the process of establishing its activities, active research. This is the first starting point of the report.

The second starting point of the report is that in the context of the coronavirus pandemic, many problems arise in the field of public health, the health of everyone. And these problems are often not only physical but also psychological. In such conditions, a person, in case of impossibility to receive qualified medical care, seeks to improve his psychological state on his own, including through active participation in the functioning of religious organizations.

The third starting point of the report is that the constitutional legislation of Ukraine on religious organizations is almost underdeveloped. Therefore, the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience may intensify its law drafting, and especially - rule-making activities in terms of the laws of Ukraine.

Constitutional law is a profiling branch of Ukrainian law, and therefore hardly any branch study - both constitutional, and conducted within another branch - is possible without reference to the provisions of constitutional law, without the development of constitutional law. A study of the legal status of religious organizations is no exception.

In this regard, it is rather surprising that the issues of the constitutional status of religious organizations in Ukraine have hardly been analyzed since independence. Also, in the Ukrainian legal literature it is impossible to find the concept of the term "constitutional status of religious organizations."

We don't have such a constitutional tradition in Ukraine. This statement is proved by the Soviet Constitutions 1919, 1929, 1937 and 1978.

The Constitution of the Ukrainian Socialist Soviet Republic of 1919 stipulated that those, who do not pursue any social or political goals, could have the freedom of religion, as well as be atheists, but it should not contradict the communist views. This Constitution also mentioned, that the USSR gives asylum to all foreigners who suffer persecution for religious transgressions, as well as for transgressions directed against the interests of the government, which prohibits the interests of the bourgeois classes.

The Constitution (Basic Law) of the Ukrainian Soviet Socialist Republic of 1929 established that 'in the Ukrainian Soviet Socialist Republic the church is separated from the state and the school from the church and the will of religious confessions and anti-religious propaganda is recognized by all citizens'.

The Constitution (Basic Law) of the Ukrainian Soviet Socialist Republic of 1937 proclaimed that "in order to ensure citizens' freedom of conscience, the church in the USSR was separated from the state and the school from the church. Freedom of religion and freedom of anti-religious propaganda are recognized for all citizens".

Finally, the Constitution (Basic Law) of the Ukrainian Soviet Socialist Republic of 1978, as amended, established that "Citizens of the Ukrainian SSR are guaranteed freedom of conscience, i.e. the right to profess any religion or not to practice any religion, worship. Incitement to hatred in connection with religious beliefs is prohibited. The church in the Ukrainian SSR is separated from the state and the school is separated from the church". Equality of citizens of the Ukrainian SSR was also envisaged, regardless of their religious beliefs (among other factors).

Changes and additions that liberalized freedom of conscience and positively affected the opportunities for development, improvement and diversification of religious organizations began to be introduced in the Constitution of the USSR in 1990-1991, and in independent Ukraine before the adoption of the 1996 Constitution there was a proper basis for development analyzed status. Also, attention should be paid to the Law of Ukraine of April 23, 1991 "On Freedom of Conscience and Religious Organizations".

One of the main shortcomings of this law, researchers say, is that it contains almost no definitions.

In the context of this study, it is important that this Law:

-does not provide a definition of "religious organizations", but only provides an exhaustive list of those types of religious organizations to which it applies (in particular, the list states the possibility of forming a religious community with legal personality or without such rights, the possibility of these communities to unite under the direction of departments and centers, etc.);

- does not provide a list of elements of the legal status of religious organizations in general and the constitutional status of these organizations in particular.

The fact that the Law of Ukraine of April 23, 1991 "On Freedom of Conscience and Religious Organizations" does not define the concept of "legal status of religious organizations", sectoral statuses, in our opinion, is quite logical and gives grounds to propose to develop these concepts in the legal literature. Especially important, given the above, is the wording of the definition of "constitutional status of religious organizations."

These and other gaps could be covered by the law draft and legal activity by the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience, based on the national legislation and the works of the Ukrainian researchers.