

## Summary

**Klapkiv M. I. Management of the Church's temporal property in accordance with the norms of the Code of Canons of the Eastern Churches in the context of Ukrainian legislation.** – *manuscript*.

The aim of the research is to analyse the property regulations of the Church, namely, acquisition, management and alienation of the Church's temporal property after the example of the Ukrainian Greek Catholic Church (UGCC) on the basis of the Code of Canons of the Eastern Churches (CCEO), the particular law of the UGCC and national legislation of Ukraine.

The basic sources for the paper include laws and other official documents of the Catholic Church, regulations of the particular law of the UGCC, statutory regulations of international and Ukrainian legislation, collections and commentaries. The author has also used monographs, popular literature, journals, archival materials, statistical and internet resources. The paper consists of an introduction, four chapters, a conclusion and list of references.

The first chapter deals with the concept of religious freedom on the grounds of natural and common law. The basis for this analysis includes a corpus of international and Ukrainian statutory regulations and Church norms. On the basis of a systematic analysis of Church Doctrine and the aforementioned regulations at different levels, it is implied that the right to religious freedom stems from the universal human right to freedom. Consequently, the right to establish religious legal persons stems from the right to religious freedom. And, therefore, the right to possess material assets, needed for the implementation of the Church's mission, emerges. Hence, the Church, as an institution that functions in the world, requires material goods for the implementation of its mission.

The second chapter covers the question of the history of formation and the development of common and particular ecclesiastical property law. The author has analysed the perspectives of the UGCC, whose development to a large extent depends on the efficient management of temporal property. In other words, the more solid the Church's material and technical resources are, the better the conditions it can create to achieve the mission of the Church – to sanctify, to serve and to witness to the Good News. The aforementioned notwithstanding, the author puts forward arguments to support the statement made by St. Clement of Alexandria, according to which, no one can do good to their neighbour if they themselves possess nothing.

The third chapter of the paper offers a systematic overview of the property law of the UGCC on the basis of the CCEO and the UGCC's particular law. The paper shows a systematic procedure for the acquisition of temporal property, differentiating its modes, and highlights how the Church acquires temporal property, including ecclesiastical records and foundations. A lot of attention is paid to the administrative property of the Church, differentiating the concept of property manager, that is the Pontiff of Rome, the eparchial bishop, the eparchial financial officer, and the economic affairs council, as well as a number of other administrative cabinets and departments. Property alienation is described on the basis of three forms, depending on the value of the alienated property and the level of competence of the respective cabinets that approve of the alienation. The author describes certain legal gaps here that should be solved at the level of the UGCC's particular law.

The fourth and last chapter deals with the administration of temporal property by the UGCC from the viewpoint of Ukraine's current civil legislation. The focus is given to the Constitution of Ukraine and the Law of Ukraine "On Freedom of Conscience and Religious Organizations", codified statutory regulations of civil, commercial, labour, land and tax legislation. The content, peculiarities and perspectives of the resolution of problems of the restitution of Church property in Ukraine have been determined.

The main methods of the research are historico-legal, dogmatico-legal, synthetic, analytical and comparative.

The practical value of the thesis lies not only in the thorough and systematic academic analysis of the topic, but also in its practical proposals. The author proposes to re-evaluate the funding model of the Church in Ukraine based on the example of a system of voluntary contributions from individual income tax for the needs of the Church, which is functioning in a number of European countries. Legal gaps in the concept of church-government relations between the Catholic Church in Ukraine and the Ukrainian state in the future should be solved by the Concordat between the Holy See and Ukraine. A proposal is put forward to develop a complex programme in the sphere of Church property management for the clergy, who after receiving church office, as a rule, are in charge of the management of temporal property locally. The author stresses the need to have solid material means, a strong normative corpus of documents, efficient and qualified management that will enable the Church to be equipped with the tools necessary for its mission. Notwithstanding this, it is stressed that the UGCC should not be a state entity, but a state-crafting entity, as it is by itself part of civil society. Consequently, it is responsible for the development of the state. Moreover, the Church, while

developing its temporal assets, should be financially independent, especially from political influences and resources, so that it would not be involved in various ideological intrigues. Such a Church will be better able to help those who are in need and to contribute to the development and stabilisation of the state. Such a course of events is possible only on condition that the Church opens its material assets for all those in need, without reserving them exclusively for the needs of a certain group of people.

To sum up, it should be stressed that the paper should attract significant interest in the academic sphere among experts in canon law, and especially ecclesiastical property law. Experts in civil law could also find it interesting, especially those who work within the sphere of Church-State relations. This thesis has a practical function for the managers of temporal property at different levels. They will find here a source for the efficient administration of the material and technical assets of the Church. Finally, this is one of the first steps in the sphere of the academic study of property law in the UGCC, which opens up new perspectives for further research.

**Key words:** UGCC; property law; acquisition, management, alienation of temporal property; ecclesiastical records and foundations; religious organisations; manager; charitable foundations; concordat; funding model of the Church; Church tax.