

Religion and Law as Value-Normative Institutions in Modern Society

Mykhailo Kelman

Doctor of Juridical Sciences, Professor,
Lviv Polytechnic National University, Lviv, Ukraine, 12, S. Bandera str., 79013
mykhailo.s.kelman@lpnu.ua, ORCID: 0000-0002-4393-4626

<http://doi.org/10.23939/veritas2025.02.032>

Abstract. Throughout its historical existence, humanity has sought to comprehend, understand, and become aware of itself, the surrounding world, its place within the world, and the world within itself. In this respect, the realms of religion and law are no exception. Since ancient times, humanity has been interested in the nature and essence of human relations, as well as the norms and rules that define their characteristics. The object of human understanding has consistently been the relationships between religious and legal phenomena, their ontological foundations, and their values and significance in individual and societal life. Religion and law play a significant role in the lives of individuals and communities. They provide a sense of meaning and purpose in difficult times and help people navigate complex ethical and moral issues. Religion and law have played a significant role in shaping human history and culture, influencing art, literature, music and philosophy, and contributing to the development of social and political institutions. However, the relationship between religion and law is complex and multifaceted.

In addition, not everyone finds religion relevant or important to their lives, and there are many different beliefs and perspectives on the role and meaning of religion. Ultimately, the role of religion depends on individual beliefs, values and experiences and can vary across cultures, societies and historical periods. Nevertheless, for many people, religion can offer a source of meaning, community, guidance and support that enriches their lives and helps them navigate the complexities of the world.

There are almost no attempts to theorize the relationship between religion and law in scholarly works. The forms of influence of religion on lawmaking and law enforcement remain outside the attention of legal scholars. Existing research in this area is often characterized by fragmentation.

Modern jurisprudence contains little information about the interaction of religious norms and law in regulating social relations. Under such conditions, there is an urgent need for a scientific analysis of this issue.

The purpose of this research is to establish, on the basis of modern legal understanding, the basic principles of the relationship between religion and law, and to clarify the role of religion in the legal plane.

Today, the church and religious organizations play a significant role in the life of Ukrainian society, making every effort to solve certain problems. This became especially evident during Russia's large-scale treacherous invasion of Ukraine and the Russian-Ukrainian war.

The issues of the relationship between religion and law have been the subject of consideration by many scholars, including A. Baumeister, V. Blikhar, O. Vovk, O. Danilian, R. Dvorkin, E. Yevgrafova, and others.

The philosophical and methodological foundation of the study is based on the principle of pluralism in the selection of methodological approaches, methods, and techniques, as these form the basis of the scientific and cognitive process. This principle ensures unity and purposefulness in the examination of the shared features of religion and law in law-making and law enforcement, such as ritual, tradition, authority, and universality.

Suggested Citation:

Kelman, M. (2025). Religion and Law as Value-Normative Institutions in Modern Society. *Veritas: Legal and Psychological-Pedagogical Research*. 1(2), 32–41. DOI: doi.org/10.23939/veritas2025.02.032

Journal homepage: <https://science.lpnu.ua/veritas>

Article history: Received: 02.03.2025. Revised: 20.05.2025. Accepted: 28.05.2025.

Copyright © The Author(s). This is an open access Article distributed under the terms of the Creative Commons Attribution License 4.0 (<https://creativecommons.org/licenses/by/4.0/>)

It is argued that in modern society, although religious values are losing their former meaning of the “sacred image” of the world, and even if Christian principles do not have a direct impact on the legal system, they still play a significant role in legal life, because European legal culture was created under the influence of Christianity and the Christian view of the world. Modern European legal systems operate in a social system that has absorbed Christian religious values.

The research is aimed at further developing the general theory and philosophy of law, deepening knowledge about the relationship between religion and law in the system of social regulation, and improving legislation. The results obtained can be used in law-making and law enforcement practice, in the preparation of textbooks, manuals, for lawyers, philosophers, sociologists and all those who are not indifferent to the development of legal consciousness.

Keywords: religion, law, human, norm, society, reason, justice, law, politics, state.

Introduction

The fact that religion has exerted a profound influence on the formation of law does not imply that the relationship between the two has been ideal. Nevertheless, religious rituals, ceremonies, and cults constituted the environment within which rules governing human behavior began to emerge. Therefore, attention to clarifying the essential foundations of the relationship between law and religion – in the context of existing interactions, interdependencies, and interconnections between these social phenomena – is of significant importance for contemporary worldviews.

In general, we share the opinion that human society becomes complete and balanced only when it effectively assimilates two experiences: science and religious experience of cognition of the laws of spirit.

Noting that the purpose of his research “is to determine the influence of the religious factor on state-building processes”, G. Yermakova, the author of the current publication, quite rightly states: “Religious norms largely influence the behavior of individuals, their inner convictions, and thus the system of principles and values that determines their existence as a whole” [1, p. 19]. Emphasizing the importance of “the religious dimension and the view of state building”, the scholar limits himself to the need to guarantee religious rights”.

Literature Review

Thematically and in terms of problematic orientation, G. Yermakova’s article “echoes” the work of O. Lvivova, presented in a solid collective monograph devoted to the problems of realizing the rights and freedoms of man and citizen in Ukraine, which was edited by well-known scholars Professors N. Onishchenko and V. Zaychuk. Exploring the core relationship between law and religion,

the author highlights several key aspects, notably that in ancient prehistory, legal systems emerged from religious beliefs, and subsequently, religion remained closely intertwined with legal thought, positively influencing its development. It is appropriate to outline, in general terms, the process of emergence and gradual advancement that led to prosperity, followed by decline, as well as the overall trend from rigid formalities and procedures toward more humane and lenient practices, all of which characterized this relationship [2, p. 313–320]. As Y. Paidia observes, addressing this topic involves understanding a wide range of processes, not only within national history but also in the broader contexts of world history and the evolution of religious thought. The subject holds significant academic value, particularly in light of the methodological diversification present in contemporary jurisprudence, the shift away from ideological monism, and the incorporation of international legal scholarship. Within this framework, a key objective becomes the re-evaluation of the role of law within the broader system of social regulation. This is especially relevant when considering the influence of religion on the emergence and progression of legal systems – a factor that was largely dismissed or viewed negatively by late Soviet legal scholarship, which was rooted in Marxist philosophy and the sociology of religion [3, p. 11].

In this context, it is worth mentioning the article by N. Arabaji, which is small in scope but somewhat pretentious in title. It is difficult to even imagine how the author, given the “conditions for the transformation of state-religious relations” (we are talking about 2021 (and what is meant by this is a mystery), could solve his task of revealing “the influence of Christianity on the legal system of Ukraine” [4, p. 102].

Professor M. Kelman notes that, having given way to the so-called secular written law, religious norms in many countries continue to be used along with other social norms to regulate social relations, and even to oppose legal norms formulated by the state [5, p. 108–109].

It is obvious that the integrity of society, and ultimately a unified vision of development prospects, largely depends on the state of religious consciousness and understanding of law.

Purpose

To draw the scholarly attention of legal researchers to the issues of examining the influences on law-making and law-enforcement processes, as well as the multifaceted interrelations and interdependencies of two of the most significant social phenomena – religion and law – in the context of shaping contemporary foundations of legal understanding.

Methodology

This research employs general philosophical and scientific methodologies to comprehend various phenomena and processes. Specifically, it utilizes methods of analysis and synthesis, deduction and induction, as well as generalization, classification, grouping, and systematization – all of which are particularly significant in the development of the conceptual and categorical framework.

Results and Discussion

A new era of mutual understanding between science and religion has begun, prompting the search for new forms and formulas of relations within the framework of alternative, and more often compatibility and mutual confirmation. Today, this involves cultivating new values and perspectives in addressing the crucial and often debated question of religion's decisive role in the formation and evolution of law.

The law, and thus the fundamental pursuit of justice, has always been at the center of lawyers' attention. The search for justice in each individual case, as well as in the definition of law as such in general, was not just a task for lawyers, but a commonplace. This habituality can, after all, be characterized as an expression of a widespread awareness. Concepts such as "just and unjust" are also characteristic of attitudes toward actions and thoughts. Ana-

lysis of the literature suggests that justice was a measure of law evaluation. The idea of justice was a model in their lawmaking and the belief that written law could be derived from the basic principles of natural law, and thus the understanding that the latter was a prerequisite for the former.

The establishment of legal principles and ethical categories, their emergence in antiquity, subsequent decline, and eventual disappearance—alongside the collapse of social structures, legal institutions, and state systems—have historically been closely connected to the rise and fall of religious polytheism. The dismantling of ancient political and state-legal frameworks, rooted in materialistic traditions, was primarily carried out by slave labor, which is why manual work was regarded as dishonorable for a free individual [5, p. 109].

In this context, it is important to highlight several factors that, as Livy described, are "as old as they are well known" and contributed to the fall of Rome. These include moral decay and the deterioration of the patrician class, whose hearts were captured by the idols of deified figures and the pursuit of wealth. The erosion of the spiritual foundations of human life and the moral principles bestowed by God paved the way for the victory of destructive forces and the decline of ancient legal culture [5, p. 109].

In ancient times, Roman law was traditionally viewed as the most flawless form of law grounded in private property. Over time, this idea became an unquestioned truth in various periods. Regardless, this fact at least indicates that Roman law was extensively examined for over a thousand years by legal scholars. If we heed Descartes' recommendation to approach the issue naturally, we can clearly identify ancient religion as the real foundation of Roman law, which in some measure ensured the universally acknowledged perfection. It is worth noting that other legal systems such as those of the Sumerians, Hindus, and Egyptians also developed private property institutions and even surpassed Roman law in some respects. Nonetheless, the civilizational path favored other systems, where the emerging and increasingly influential religion was Christianity.

The Italian philosopher Gianbatista Vico, who explored the origins of legal concepts, directly connects them to natural phenomena. For instance, he traces the legal term "lex" (law) back

to the word “ilex” (holly or fire oak). Even before the invention of writing, “lex” referred to a gathering of citizens essentially a public assembly where the collective presence and agreed will of the people created and enforced contracts and wills, thus constituting the law. Notably, the selection of letters and the creation of words and phrases (such as *Legeze* meaning “to read”) originated from *Lex* [2, p. 315].

The increasing and unifying influence of religion, as well as its role in strengthening society, does not imply that everything is fixed or rigid like a monolith. The Roman pantheon developed and evolved over time. Even Titus Livy noted the presence of gods associated with the heavens, the earth, and the underworld [6, p. 18].

It is important to highlight another ancient invention—the epitaph (derived from the Greek word meaning tombstone). The style of epitaph common in European culture was adopted and further developed in antiquity, serving not only to express a connection to the cult of the dead and concern for posthumous honor, as is often assumed, but more accurately representing an oro-acoustic dialogue [6, p. 22]. The long-lasting inertia that focused solely on centrifugal forces such as class conflicts fails to explain why Rome, known as the hope of the world, remained a source of amazement and admiration for over a millennium despite internal and external pressures. This suggests the existence of genuine and strong centripetal forces that effectively united society. These forces were religious in nature: the Latin term “relegire” means “to bind”. It signifies the bond between each believer and a higher power, while also connecting all believers to one another.

Religious ties permeated social institutions both horizontally and vertically (from the Olympian gods down to the realm of shadows). Socialization was so deeply rooted in these connections that it could withstand both external and internal challenges. The unifying power of religion was felt not only at the highest levels but also in specific individual cases. In his monograph *The Formation and Functioning of State Institutions and the Law of the Vatican*, B. Hutiv highlights the importance of the term “cult”, which is no coincidence. It reflects the essential practice of worship, the ancient historical religion of “cult” as the outward expression of religious reverence, and sacraments as a conscious and

existing aspect of deity worship. Regardless of any ironic attitudes towards this phenomenon, we must acknowledge that it conceals a process of great significance in the development of culture [7, p. 77].

One of the main foundations of the sociology of religion is the statement that it is in periods of rapid change and crisis that people are especially vulnerable to religious ideas that can guarantee them security and perspective in an uncertain and unpredictable world. Ancient history has several such turning points, when political and social changes accompanied new forms of religion and new forms of religion emerged that promised personal support. In ancient times, mystery cults performed such functions. As a rule, these were unofficial cults that were dedicated to the respective deity and provided the believer with a sense of personal closeness to him or her, as well as a happy otherworldly perspective through the initiation of the believer into the cult practice that was strictly secret from outsiders, that is, something that the gods on Olympus, though remote from humans, could not promise.

For ancient man, history was not a problem. Before the emergence of Christianity, genuine historical consciousness did not exist; only the mere passage of time occurred, which alone allows for the assessment and organization of historical events. Civilization can be understood as a phase in human development when social bonds begin to take precedence over natural ones, and society starts to evolve and operate on its own foundation. The term “civilization” (from the Latin *civilis* – meaning public, social, state, or civic) was introduced into scholarly discourse by the French Enlightenment thinker Honoré Gabriel Mirabeau in 1756. According to this definition, the French Enlightenment viewed civilization as a society grounded in reason and justice [8, p. 19]. Naturally, this reverence led to the establishment of *jus civile* – civil law, political rights, and a comprehensive legal culture that included legal practice and legal awareness. It is evident that a shared faith, a common deity, collective worship, and universally understood language and customs laid the foundation for economic and commercial development, rather than the other way around. The elevated status of religion also bolstered an exemplary state and social legal order, contributing to Rome’s military successes. Despite its deep integration into daily life and governance, religion did not become, in essence, a tool for totalitarian oppression.

The virtues that the Romans idolized in antiquity “went away” to the world of people, to their social relations, largely to legal communication. Ethics was determined not by religion, but by law, law, the need to serve the state, and the needs of the entire nation. The community, the people, and the state honored those who fulfilled their duties with appropriate recognition, while punishing and stigmatizing those who neglected their responsibilities, sinned, or broke the law. Varron highlights the precedence of social and public interests over religious ones, stating: “At the end of the Republic, the weakest generation follows the ‘spear-bearing’ Quirinus-Romulus [9, p. 234].

Archetypes of Religion as a Way to Influence Economics, Politics, Morality, and Law

Having substantiated that religion not only gave the name to law, but also initially supported its existence in every possible way. In addition, religious postulates, cults, rituals and ceremonies became the environment in which the rules governing human behavior were born and “lived”. It was named *ius* from Jupiter. The highest deity in the Roman pantheon was called law, blessed by his authority and foretold a prosperous and honorable future. The respectful attitude to the law of the “child” of Jupiter comes from respect for the “father” [11, p. 115].

Analyzing religion as a phenomenon, we came to the conclusion that it had its own *ius* right as a command of heaven, of the gods. Being an obvious right, *ius* existed apart from human law.

In the beginning, *ius* acted as a regulator of life relations in the sphere that the gods left to the discretion of people. Over time, *ius* acquired a comprehensive understanding and was used in the sense of a system of religious norms. Cicero also understood *ius* as natural law, the supreme unwritten law. It should be noted that legally significant actions took place in solemn circumstances in front of a crowd. Religious worship taught people to respect the law and to have a respectful attitude towards it [12, p. 31–108].

A significant foundation of law lies in the comprehensive set of legal principles and institutions derived from Roman law. This heritage taught people to respect the law, bolstered legal culture, and nurtured legal consciousness. Religion instructed individuals not only in performing legal acts but also in recognizing the sanctity of the places where these acts took place – places consecrated as temples rather than ordinary, secular locations.

Even the most rudimentary forms of religion played a crucial role by uniting fragmented tribes, facilitating the creation of a legal space, laying the groundwork for a unified market and economic system, and stimulating the growth of national culture. Moreover, religion formed the psychological and spiritual foundation for the procedures, actions, rules, and norms governing these sacred activities. It was perceived as a virtue in fulfilling one’s duties, embodying conscience, doubt, and the associated emotional tension—that is, the inner moral effort and struggle intrinsic to humans. As Professor Yu. Oborotov emphasized, this is not relaxation but a profound spiritual tension and moral exertion, without which it is impossible to address socially important legal matters or to appeal to the gods [10, p. 78].

Affirming that the impact of religion on the origin and evolution of law is clearly relevant to the broader research theme. The ritual aspects of religion are fundamentally oral, relying on spoken language. Without any irony, it can be said that ancient law was, in essence, a form of song. Later, while remaining oral, it followed the path of prose and formalization. And oral creativity degenerated into libel, spells, conspiracy, magic, which was punishable as a crime under the Laws of the XII Tables [13, p. 317].

It is widely recognized that politics also emerged in antiquity and, to some degree, preceded law. However, despite their close connection, there was a strong internal resistance between them. The tension between law and politics was reflected in the destinies of individuals such as Socrates and Cicero, as well as in the fate of states like the Ancient Polis. This conflict is also apparent in theoretical discussions [14, p. 208, 300].

The law does not know and should not know anything illegal, anything unlawful. Political relations involve various participants: leaders, managers, executives of various levels, party masses, dissidents, migrants, etc.

And finally, it should be emphasized that completely different factors and arguments shape the picture of the relationship between religion and law. Let us emphasize once again that ancient law – was influenced by the beneficial effects of both early pagan and Christian faiths. The former contributed concrete legal content, while the latter reinforced it on a conceptual and spiritual level, with the “light of law” emerging as a reflection of the

light of Christ. Thus, it was Christianity itself as a new religion, which emerged during the heyday of the early Roman Empire more than two millennia ago, and which, at the beginning of its establishment in the first three centuries, underwent incredibly difficult trials, influenced law with its religious and mystical, philosophical, emotional and ethical visions. This interaction of this religion with law became especially decisive after the epochal historical events of 313, when Emperor Constantine issued the so-called Edict of Milan, according to which Christianity was legalized in the vast majority of the Roman Empire, and in 321, by decree of the same ruler, the Christian Church became a legal entity (according to our modern concept), and was able to own and dispose of property. Thus, the church began to actively solve not only its own, but also a certain part of social problems in a legal way, and this was done in a democratic way by holding special meetings of a wide representation of believers – councils. The first of these was the ecumenical council of 325 in Nicaea.

In the early Middle Ages (from 387 to 787), seven Ecumenical Councils were held, each of which developed and adopted not only documents relating primarily to internal church affairs, dogma and ritual, but also acts that raised legal issues [15, p. 34–35]. It was these acts that became the source base for the formation of canon law, which O. Voloshchenko quite reasonably considers a separate system of law [16, p. 52–56]. Thus, this fact is another confirmation of the religious order in law-making processes. And this is a reason for further reflection.

Law focuses on tangible, earthly realities and addresses fundamental questions typical for legal practice: “who?”, “what?”, “where?”, and “when?”. It attempts to understand human affairs and everyday matters. However, when faced with transcendent truths or the ultimate essence of Truth itself, law may produce distorted judgments. In doing so, it aids jurisprudence in overcoming its persistent challenge – legal relativism. If the pursuit of Truth, which is only ever approachable, is disregarded, then indifference toward an absolute Truth—one that cannot be invented or fabricated by human creativity – might take root in the heart of the lawyer as an active mindset, even in that of a “creator”. The creators of their own legal realm naturally took pride in the legal framework they had constructed. However, various principles, norms,

legal institutions, and entire areas of legal regulation give rise to the multiplicity and opposition of truth criteria and the relativity of truths themselves. This should be constantly considered when reflecting on the essential purpose of such universal social phenomena as law and religion [17, p. 1–8].

Ancient lawyers and lawmakers who formulated legal norms saw themselves not only as architects of their own legal realms but also as servants of the divine, carrying out mandates believed to be bestowed from above. Roman law is considered to be one of the pinnacles of the spiritual creativity of the legal elite. Official scholarship praised it, emphasizing its technical, instrumental perfection. The authority of legal scholars was at a height unattainable in comparison with virtually all past and even modern states of the world. During the Roman Republic, a career as a lawyer opened up the widest opportunities for ambitious people from all walks of life, and for those who did not belong to the senatorial class, it was generally the only possible path to the highest public office. The notion that Roman private law represents “the most perfect form of law” should be interpreted with some limitation, as it mainly applies to the civil law domain. It is indeed well-suited for regulating everyday matters and individual, often self-interested concerns. However, religion operates on a different level – one of sacred and spiritual understanding of existence. Faith, from its inception, elevated the law by setting high standards, preventing it from becoming stagnant or fixed at a single moment. [18, p. 90–97].

It is reasonable to consider that law originated within a setting of devotional and ascetic reflection, deeply connected to primitive religious beliefs. Legal scholars are often referred to as creators or initiators of the law. However, there also exists a religious conception of the Creator. Evil arises when an individual becomes trapped in their own arrogance, equating themselves with a god, while a legislator operates without self-purification or an effort to transform their spiritual direction. The creative gift is a great gift from God, which man was given in accordance with the plan for the world. Like many other blessings, man tries to use this gift for self-identification, self-aggrandizement, and to oppose himself to the Creator. Genuine human creativity is revealed only through collaboration with God, through a shared energy and the harmony of two wills—the Creator’s and that of His creator [19, p. 97–99].

There exists a risk of becoming an isolated Creator or a closed-off elite: lawmakers nurture an idea rooted in the origins of Christianity, which embraced the profound concept of the Holy Trinity as revealed in the Gospel. However, focusing solely on the creative principle carries the inherent danger of tyrannical domination. Christianity quickly acknowledged this threat. A lawmaker who gives in to the desire for absolute control acts oppressively toward those under their authority; such self-assertion tends to be despotic, as it requires the submission of others' wills. This temptation is especially strong when one attempts to impose objective law over individual will. Even early forms of religion, such as mythology, symbolically represented the struggle to overcome inertia and the hardships of earthly existence, urging people to elevate their spirit.

Humans are created in God's image and likeness, called to act as agents of Divine will and to unite the entire world with God. Both religion and law converge in emphasizing the necessity of a certain foundation, especially in times of hardship and distress. People need to sense a stable ground beneath the abyss, to experience the calm of a sanctuary above their suffering and sorrow. This foundation can be found in the law [20, pp. 122–126].

There are numerous points of intersection—for instance, law's sanction and religion's fear of God, the awe before an all-seeing gaze from the heavens. However, this is not a mere human fear but a profound awareness of our limited ability to fully meet the expectations and demands of the Almighty. It is fitting that the Holy Scriptures proclaim: "The fear of the Lord is the beginning of wisdom" [24, Proverbs 1:4]. This involves the prevention of unlawful acts, ideally in the most effective way.

The transcendent nature of religion is considered unwavering because, within the Christian tradition, peace is viewed as an essential attribute of the Creator's supreme perfection and the sanctity of holiness. By its nature, law is conservative and consistent. It is regarded as "perfect" to the extent that it remains unchanged over extended periods. Comprehensive legislation attempts to cover every possible circumstance and scenario to accommodate all parties. Religion supports the law in this regard. Law serves as a behavioral standard, a set of routine rules that can be followed, applied, and realized.

Religion safeguards its teachings by holding up an ideal. Within religion, the ideal of holiness cannot be fully realized in everyone simultaneously, yet occa-

sionally a person emerges who embodies this ideal, serving as a beacon of Truth whose spiritual light offers hope to those in despair. Common law provides security, protecting us from harm and injustice, while faith offers salvation in eternal life. Both religion and law share characteristics of being collective, universal, and socially purposeful. Neither assumes that all individuals will strictly adhere to its commandments. Both stand firmly against division, discord, and hostility among members of a nation, combating the "destructive diversity of the world". The principle that the collective good outweighs individual interests was fundamental to both religious and legal mindsets. Ancient culture aimed to cultivate and preserve within individuals a harmonious unity between the external environment and their inner world [21, pp. 27–38]. In conclusion, it is important to acknowledge the profound and intricate connection between law and religion, which should not be underestimated.

Conclusion

1. It has been substantiated that religion and law are interconnected through the mutual influence of their elements – including religious ideology and legal consciousness, religious (ecclesiastical) and secular courts, law-making and law-enforcement bodies, as well as religious and legal norms; the unidirectional orientation of homogeneous elements of both systems toward other social systems and public life (for example, religion and law influencing moral and ethical concepts); the mutual regulation of social relations by legal and religious norms; the direct interaction of heterogeneous elements of the religious and legal systems (such as the regulation of religious behavior and relationships, intra-confessional activities, etc. by legal norms), or indirect interaction (such as the influence of religious ideology on the formation of legal norms through legal consciousness, resulting from the reception of religious ideas and concepts by legal consciousness).

2. In considering the nature of religion, a "broad" approach is used (attributing to the phenomenon of religion secular ideologies that have common features with religion), which in legal research makes it possible to: (a) reassess the national legal tradition in the Soviet period, which cannot be considered completely devoid of attempts to legitimize law through religious means; (b) rethink the role of the religious factor in law-making and law application processes.

3. As normative regulators, law and religion arise as a result of the breakdown of primitive mononorms, are normative, mostly formalized, have a hierarchical system of sources, organizational and institutional formations, and are provided with liability for violation of their prescriptions (common features). Differences can be observed in the areas of regulation, methods of legitimization of norms (heteronomy of law and autonomy of religion), in the structure of norms, language features of sources, subject composition, degree of conflict between subjects, nature of responsibility and functional load.

4. Influence of religion (or its elements) on law, their interaction is manifested in religious determination of law-making, support by religious means of legal provisions and law and order in general, influence of the church on public institutions, contradictions arising between the norms of law and religion. The mechanism for overcoming these contradictions should be based on the primacy of legal prescriptions, combined with legislative creation of conditions for the exercise of religious rights by subjects and prevention of violence against religious feelings and beliefs of believers (without violating the rights of others). The influence of the right to religion is quite limited and is manifested in the promotion of reducing the authoritarianism of the religious worldview, preventing different faiths from absorbing each other, regulating the mechanism and forms of implementation, the limits of exercise of religious rights, and the preservation and development of legal forms of activity by individual religions.

5. The forms of religious influence on law-making include: (a) the state's sanctioning of religious norms (direct form), and (b) promoting the genesis of new legal norms or inhibiting this process, (c) determining the evolutionary movement of the legal system as a whole and the development of legal science (indirect forms). The sanctioning of religious norms takes place in 2 directions: the transfer into legal reality of norms that directly regulate social relations, and the sanctioning of general principles, foundations, principles that unite individual norms into a single system. With the

development of the process of secularization of law and politics, the scope of authorization of religious norms is decreasing, and religious influence is taking on mostly indirect forms.

6. The unifying element of the entire typology of legal systems is the values and principles supported by all major religions and protected in most legal systems of the world (life, property, traditional marriage, established social order, fair public procedures).

7. In order to improve the legal regulation of religious relations, it is proposed or supported that the current legislation of Ukraine be amended to grant the church the status of a legal entity, to detail mechanisms for ensuring the exercise of freedom of conscience by military personnel and refugees; as well as ways to improve law enforcement practice regarding the exercise of religious duties by believers (for example, pilgrimage), and to ensure non-interference of churches in political processes.

Thus, the true understanding of the essence of law, inspired and nurtured by religious holiness, can be the general recognition of the rule of law in all legal systems of the world.

Acknowledgements. None.

Funding. The author declares no financial support for the research, authorship, or publication of this article.

Author contributions. The author confirms sole responsibility for this work. The author approves of this work and takes responsibility for its integrity.

Conflict of interest. The author declares no conflict of interest.

Institutional review board statement. Not applicable.

REFERENCES

1. Yermakova, G. S. (2016). The religious factor and its influence on the consolidation of human rights and freedoms in the legal field of the European Union. *Scientific Bulletin of the International Humanities University. Series: Jurisprudence*, 22, 19–23.

2. Lvova, O. L. (2007). Functional interaction of law and religion in the aspect of realization of human rights and freedoms. In: N. M. Onishchenko, O. V. Zaychuk (Eds.). *Problems of realization of human and civil rights and freedoms in Ukraine* (pp. 313–320). Kyiv: Yurydychna Dymka.
3. Païda, Yu. Yu. (2012). The role of law and religion in the improvement of the mechanism of realization of human rights. *Legal Bulletin "Air and Space Law"*, 1, 65–70.
4. Arabadzhi, N. (2021). The influence of Christianity on the legal system of Ukraine in the transformation of state and religious relations. *Public Law*, 2(42), 130–136.
5. Kelman, M. S., Stratonov, V. M. (2020). *General theory of law*. Kherson: OLDI-PLUS.
6. Lytsky, I. M. (2012). Implementation of moral, ethical and religious norms in the basic provisions of the Constitution of Ukraine. *Scientific and Information Bulletin of the Ivano-Frankivsk University of Law named after King Danylo Halytsky*, 6, 17–22.
7. Gutiv, B. I. (2021). *Formation and functioning of state institutions and the law of the Vatican*. Lviv: HALYCH-PRESS.
8. Vovk, D. O. (2008). *Law and religion* (Doctoral dissertation, Yaroslav Mudryi National Law University, Kharkiv, Ukraine).
9. The Bible, or the Book of Scripture of the Old and New Testaments. (1993). Kyiv: Ukrainian Bible Society.
10. Oborotov, Y. M. (2003). *Church law in the domestic legal tradition*. Odesa: Jurydychna literatura. Golfner, J. (2002). *Cardinal. Christian social teaching*. Lviv: Svichado.
11. Fuller, L. L. (1999). *Anatomy of law*. Kyiv: Sfera.
12. Pavlenko, O. (2011). Civilization. In: Yu. Levenets, Yu. Shapoval (Eds.), *Political Encyclopedia* (p. 770). Kyiv: Parliamentary Publishing House.
13. Samokhvalov, V. V. (2000). Legality and justice in antiquity and the Middle Ages. *Constitutional State*, 11, 510–519.
14. Cicero, M. T. (2020). *About laws. About the state. About the nature of the gods*. Lviv: Apriori.
15. Voloshchenko, O. M. (2006). Canon law as a separate system of law. *Journal of Kyiv University of Law*, 2, 52–56.
16. Kelman, M., Nesprava, M., Tokarska, A., Vovk, V., Skrypa, Ye. (2020). Ontology of good and evil in the understanding of the great Christian teachers and saints. *Journal of Legal, Ethical and Regulatory Issues*, 23(5). Retrieved from: <https://www.abacademies.org/articles/ontology-of-good-and-evil-in-the-understanding-of-great-christian-teachers-and-saints-9668.html>
17. Kelman, M., Kristinyak, M., Andrusiak, I., Panchenko, S., Kelman, R. (2021). The influence of the ruling elite on political activity in the conditions of deconstructing the essence of the philosophy of law. *WISDOM*, 1(1), 91–97. DOI: <https://doi.org/10.24234/wisdom.v1i1.603>
18. Kalinin, Y. A., Kharkovshchenko, E. A. (1994). *Religious studies*. Kyiv: Naukova Dumka. [In Ukraine].
19. The Holy Scriptures. (2021). Lviv: Svichado.
20. Rechysky, V. V. (2007). *Symbolic reality and law*. Lviv: VNTL-Classics.

Релігія та право як ціннісні та нормативні інститути в сучасному суспільстві

Михайло Кельман

Доктор юридичних наук, професор, Національний університет “Львівська політехніка”,
вул. С. Бандери, 12, 79013, Львів, Україна, mykhailo.s.kelman@lpnu.ua, ORCID: 0000-0002-4393-4626

Анотація. На всіх етапах свого історичного існування людина прагнула досягнути, зрозуміти і усвідомити себе, навколишній світ, себе у світі і світ у собі. У цьому плані світ релігії і права не є винятком. Людство здавна цікавилось природою і сутністю людських відносин, нормами і правилами, що визначають їхні особливості. Предметом людського розуміння завжди були відносини між явищами релігії та права, їхні онтологічні основи, цінності та значення в житті людини і суспільстві.

Релігія і право відіграють значну роль у житті окремих осіб і спільнот. Вони надають сенс і мету в скрутні часи та допомагають людям орієнтуватися у складних етичних і моральних питаннях. Релігія і право відіграли значну роль у формуванні історії та культури людства, вплинули на мистецтво, літературу, музику та філософію, а також сприяли розвитку соціальних і політичних інститутів. Однак взаємозв'язок між релігією та правом є складним і багатограним.

Крім того, не всі вважають релігію важливою або значущою для свого життя і є багато різних поглядів та переконань щодо ролі та значення релігії. Зрештою, роль релігії залежить від індивідуальних переконань, цінностей та досвіду і може відрізнятися в різних культурах, суспільствах та історичних періодах. Проте для багатьох людей релігія може бути джерелом сенсу, спільноти, наставництва та підтримки, що збагачує їхнє життя та допомагає орієнтуватися у складнощах світу.

У наукових працях майже немає спроб теоретичного осмислення взаємозв'язку між релігією і правом. Форми впливу релігії на законотворчість і правозастосування залишаються поза увагою правознавців. Дослідження в цій галузі часто характеризуються фрагментарністю.

Сучасна юриспруденція містить мало інформації про взаємодію релігійних норм і права в регулюванні суспільних відносин. За таких умов є нагальна потреба в науковому аналізі цього питання.

Метою цього дослідження є встановлення на основі сучасного правового розуміння основних принципів взаємовідносин між релігією і правом, а також з'ясування ролі релігії в правовій площині.

Сьогодні церква та релігійні організації відіграють значну роль у житті українського суспільства, докладаючи всіх зусиль для розв'язання певних проблем. Це стало особливо очевидним під час масштабного зрадницького вторгнення Росії в Україну та російсько-української війни.

Питання взаємовідносин між релігією і правом були предметом розгляду багатьох учених, серед яких А. Баумейстер, В. Бліхар, О. Вовк, О. Даніліан, Р. Дворкін, Е. Євграфов та інші.

Філософською та методологічною основою є використання принципу плюралізму у виборі методологічних підходів, методів і технік, оскільки вони формують основу наукового та пізнавального процесу, забезпечують єдність і цілеспрямованість у вивченні спільних рис релігії та права у законотворчості та правозастосуванні, таких як ритуал, традиція, авторитет та універсальність.

Стверджується, що в сучасному суспільстві, хоча релігійні цінності втрачають своє колишнє значення "священного образу" світу, і навіть якщо християнські принципи не мають прямого впливу на правову систему, вони все ж відіграють вагомий роль у правовому житті, оскільки європейська правова культура була створена під впливом християнства та християнського світогляду. Сучасні європейські правові системи функціонують у соціальній системі, яка ввібрала християнські релігійні цінності.

Дослідження спрямовано на подальший розвиток загальної теорії та філософії права, поглиблення знань про взаємозв'язок релігії та права в системі соціального регулювання, вдосконалення законодавства. Отримані результати можуть бути використані в законодавчій та правозастосовній практиці, під час підготовки підручників, посібників, для юристів, філософів, соціологів та всіх, хто не байдужий до розвитку правової свідомості.

Ключові слова: релігія, право, людина, норма, суспільство, розум, справедливість, закон, політика, держава.