Artículo de investigación

Concept and features of religious marriage

Поняття та особливості реглігійнго шлюбу
El concepto y las características de un matrimonio religioso

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Abstract

The urgency of the research of the topic of the article is that according to the legislation of Ukraine the marriage ceremony is not the basis for the occurrence of rights and duties of a spouse to a woman and a husband, except for cases when the religious ritual of marriage took place before the creation or restoration of state bodies of registration of acts of civil status. The object of the research article was the problem of recognition of religious marriage at the state level. The authors argue that the state could recognize religious marriages as evidence and a form of detection and recognition of mutual responsibilities between a man and a woman who, for whatever reason, did not register their marriage with the state body of the National Civil Registration Authority, but live by one family and act in the interests of children. The article states that in many countries a religious marriage has the same legitimate power as the marriage registered with the relevant state authorities.

The authors of the article in the conclusions suggest amending the legislation of Ukraine to recognize a religious marriage as valid, with the condition that the spouse will subsequently register it in the state bodies of the National Civil Registration Authority. Subsequent registration shall take place not later than five years after the marriage was made through a religious rite during the period of the status of the temporarily occupied territories, or not later than two years after the abolition of the status of the temporarily occupied territories.

Keywords: marital legal relations, marriage, religious marriages, family law.

Анотація

За законодавством України обряд шлюбу не є підставою для виникнення в жінки і чоловіка прав і обов'язків подружжя, крім випадків, коли релігійний обряд шлюбу відбувся до створення або відновлення державних органів реєстрації актів цивільного стану.

При цьому, держава могла б визнавати релігійні шлюби як доказ і форму виявлення і визнання взаємних обов'язків між чоловіком і жінкою, які з якихось причин не зареєстрували свій шлюб у державному органі РАЦС, однак проживають однією сім'єю та діють в інтересах дітей.

У багатьох країнах релігійний шлюб має таку саму легітимну силу, як і зареєстрований у відповідних державних органах шлюб.

Автори статті пропонують внести зміни до законодавства України, якими визнати релігійний шлюб дійсним, з умовою того, що подружжя в подальшому зареєструє його в державних органах РАЦС. Подальша реєстрація відбувається не пізніше п'яти років після укладення шлюбу шляхом релігійного обряду під час дії статусу тимчасово окупованих територій або не пізніше двох років після скасування статусу тимчасово окупованих територій.

Ключові слова: шлюбні правовідносини, шлюб, релігійний шлюб, сімейне право.

Resumen

La urgencia de la investigación del tema del artículo es que, de acuerdo con la legislación de Ucrania, la ceremonia matrimonial no es la base para el cumplimiento de los derechos y deberes de un cónyuge para una mujer y un esposo, excepto en los casos en que el ritual religioso El matrimonio tuvo lugar antes de la creación o restauración de los organismos estatales de registro de actos de estado civil. El objeto del artículo de investigación fue el problema del reconocimiento del matrimonio religioso a nivel estatal. Los autores argumentan que el estado podría reconocer los matrimonios religiosos como evidencia y una forma de detección y reconocimiento de responsabilidades mutuas entre un hombre y una mujer que, por cualquier motivo, no registraron su matrimonio ante el organismo estatal de la Autoridad Nacional de Registro Civil. pero vive de una sola familia y actúa en interés de los niños. El artículo establece que en muchos países un matrimonio religioso tiene el mismo poder legítimo que el matrimonio registrado con las autoridades estatales pertinentes.

Los autores del artículo en las conclusiones sugieren enmendar la legislación de Ucrania para reconocer un matrimonio religioso como válido, con la condición de que el cónyuge lo registre posteriormente en los organismos estatales de la Autoridad Nacional de Registro Civil. El registro posterior tendrá lugar a más tardar cinco años después de que el matrimonio se haya realizado a través de un rito religioso durante el período del estado de los territorios ocupados temporalmente, o no más tarde de dos años después de la abolición del estado de los territorios ocupados temporalmente.

Palabras clave: relaciones matrimoniales, matrimonio, matrimonios religiosos, derecho de familia.

INTRODUCTION

The sphere of marital legal relations of each country has its own rules of regulation of the same legal relations.

Marital legal relationships are a consequence of the application of family law to specific marital and family relationships (Civil law of Ukraine, 2010).

Modern civil society is created with the help of certain forms of self-constitution and self-mobilization. It is institutionalized and generalized through the mediation of laws and, in particular, the consolidation of subjective rights that stabilize social differentiation (Kharytonov, Kharytonova, Tolmachevska, Tkalich, & Fasii, 2019).

Traditionally, in accordance with the current family law of Ukraine, there is a family union of women and men, registered in the National Civil Registration Authority (hereafter – NCRA). Marriage is the ground for the emergence of marital legal relationships. Residence by one family of a woman and a man without marriage is not the basis for the emergence of the rights and responsibilities of the spouses since the family law of Ukraine recognizes only registered marriage as a fact that generates family rights and responsibilities. At the same time, the Family Code of Ukraine (hereinafter - FC of Ukraine) contains certain discrepancies regarding the regulation of these legal relations, a number of articles (for example, Articles 74, 91 of the FC of Ukraine) establish the same property rights for persons who are in actual marital relations but not registered marriage, as for the spouses (fo example the right of joint ownership of the property). In addition, it should be noted that recent trends in the development of family law of Ukraine on the way to European integration are not taken into account in domestic legislation, therefore, there is an urgent need to review those legal constructions that have long been formed and do not take into account the needs of the present.

As for religious marriages, according to Part 3 of Art. 21 of the FC of Ukraine, the religious ritual of marriage is not the basis for the emergence of the rights and responsibilities of the spouse, except when the religious ritual of marriage took place before the creation or restoration of the state bodies for registration of acts of civil status.

METHODOLOGY

The authors used general scientific methods of analysis, synthesis, induction, deduction, and the like. Among the special scientific methods used in the course of the work, one should name the method of system research, the method of comparative law, the method of complex analysis and the method of legal modeling.

With the help of the method of systematic research, the special legal nature of the institute "religious marriage" was discovered and separated from similar legal constructions. The method of comparative law allowed to reveal similar and distinctive features in the provisions of the civil doctrine and civil law of Ukraine and foreign countries in the study of the legal properties of religious marriage. The method of complex analysis made it possible to analyze the peculiarities of the Institute of religious marriage as part of the family law of Ukraine and foreign countries.

PRESENTATION OF KEY RESEARCH FINDINGS

The position of the legislator is as follows: the conclusion of a marriage ceremony by a man and woman according to the customs of a particular nationality, or marriage religious ceremony (wedding), is not the basis for the emergence of rights and responsibilities of the spouses. An exception to this rule is the cases when the religious ritual of marriage took place before the creation or restoration of public authorities of the NCRA. Therefore, it is necessary to distinguish between marriages registered in the organs of the NCRA, and religious marriage, the conclusion of which is a personal matter of persons who enter into marriage. Considering international norms on the regulation of marital legal relationships, one can draw attention to the position of the Vatican church committee, which, based on the Familiaris Consortio and the Catholic tradition. The Committee proposes the following definition of the concept of a family: a family is an intimate community of people who are connected with each other by blood, marriage or adoption for life. Consequently, in the Catholic tradition, the family proceeds from the fact that marriage is an intimate, exclusive, permanent and faithful partnership between husband and wife.

This concept is rooted in the New Testament - the love of Jesus Christ. He believed that the family "is a special revelation and awareness of church communion, and for this reason, the family may also be called the domestic church" (The foundations of the social concept of the Ukrainian Orthodox Church, 2002). The concept proclaims that family life is holy and family activities are saints. Churches also offer unique family missions, that is, places where families are in the service of the house of God. This mission also encourages families to protect and unleash their intimate, shared life in love.

The tendency to resolve issues of legitimacy of religious and civil marriages is stipulated in draft legislative acts on the additions to the FC of Ukraine, as well as in the National Strategy for Human Rights for the period up to 2020, however, in international practice there are different approaches in this regard – some countries recognize only civilian marriages (for example, France, Germany), and some admit religious marriages also (for example, England, the United States – in certain states).

It should be noted that in the popular literature quite often the term "civil marriage" is used incorrectly, which is understood as the actual residence of a man and woman like one family without registration of a marriage, but in the FC of Ukraine, these relations are called actual marital relations. In addition, a marriage is recognized as a civil marriage, concluded with the observance of certain requirements in the organs of the NCRA, therefore the use of the term "civil marriage" for the legal regulation of actual marriage relations is inappropriate and incorrect from the legal point of view.

However, in spite of the non-acceptance of religious marriages by the state, they essentially have the idea of strengthening the family as such and, as a consequence, strengthening society as a whole. In addition, if a husband and wife held a religious rite and entered into a religious marriage, the said should be considered as the actions of the newly formed family union in the interests of future children, because in fact there is a marriage. It also provides for the moral aspects of creating a family of spouses (male and female) and children (Zacepyn, 1991).

In many countries, a religious marriage has the same legitimate power as marriage registered with the relevant state authorities. A religious marriage is also registered and concluded at the time of the religious rite. The marriage of a single family in a religious marriage has the same marriage rights and responsibilities as the marriage that registered its marriage with the relevant state authorities.

Analyzing the above-mentioned aspects, one can conclude that a state can recognize religious marriages as evidence and a form of detection and recognition of mutual responsibilities between a man and a woman who, for whatever reason, have not registered their marriage with the NCRA, but live with the same family and act in the interests of children.

Although religious marriage can be conventionally considered to be the most relevant to actual marital relations, since in itself religious marriage does not create rights and obligations in the sense of the FC of Ukraine, as in the marriage, however, in this case, it is more appropriate to consider the religious marriage separately. The document issued by the relevant church or other religious organization will unequivocally testify to the exact moment (a specific date) of the beginning of the formation of legal relationships, such as marital legal relations, between persons who are in a religious marriage.

It should also be noted that the recognition of religious marriage as a registered union between man and woman is relevant in cases where registration of such an alliance in accordance with the requirements of family law is not possible for men and women in the presence of important circumstances. In particular, today this is the case in the temporarily occupied territories of Ukraine, where a man and a woman have expressed a desire to register their marriage under the legislation of Ukraine, but they are not able to register a marriage because they live in temporarily occupied territories where the legislation of another country – the Russian Federation. These territories include the land territory of the Autonomous Republic of Crimea and the city of Sevastopol and the internal waters of these territories of Ukraine. The Law of Ukraine "On ensuring the rights and freedoms of citizens and legal regime in the temporarily occupied territory of Ukraine" dated 15.04.2014, No. 1207-VII, determined that any bodies and their activities in the temporarily occupied territory are considered illegal if these bodies are designated in the unforeseen by the law of Ukraine. Only local governments, formed in accordance with the Constitution and the laws of Ukraine, are recognized as legitimate (Part 1, 2, Article 9) (On ensuring the rights and freedoms of citizens and legal regime in the temporarily occupied territory of Ukraine: the Law of Ukraine, 2014). That is why the citizens of Ukraine who are forced to live in the temporarily occupied territory and who decide to marry under the legislation of Ukraine, and not under the legislation of the Russian Federation, marry a religious organization (churches) through religious rites, and thus there is a religious marriage between a man and a wife.

Consequently, the proposal to recognize a religious marriage is valid, and the spouse may subsequently register it in the public authorities of the NCRA. Also, consider that such a marriage can be recognized as a marriage in the meaning of art. 21 of the Criminal Code of Ukraine, if further registration will take place not later than five years after the marriage was made through a religious rite during the status of the temporarily occupied territories, or not later than two years after the abolition of the status of temporarily occupied territories.

Thus, the existence of the problem of registration of marriage under the legislation of Ukraine in the temporarily occupied territories necessitates the existence and introduction of the category "religious marriage".

In order to ensure the protection of the rights and protected interests of Ukrainian citizens residing in the temporarily occupied territories of the Crimea and in the zone of ATO and deprived of the possibility of marriage in accordance with the procedure established by the current legislation of Ukraine, it is proposed:

- to include in the grounds of quasi-marital legal relations, such as marital legal relations, religious marriage with the subsequent registration of marriage in the organs of the RCC, for which to make appropriate changes to Art. 7 of the Law of Ukraine "On ensuring the rights and freedoms of citizens and legal regime in the temporarily occupied territory of Ukraine", supplemented Part 7 of the provisions in the following wording: "Citizens of Ukraine who are in relationships similar to marriages (in a religious marriage entered into during living in a temporarily occupied territory) can register a religious marriage in the NCRA after the conclusion of a religious marriage and after the abolition of the status of the temporarily occupied territory";

- to make changes and additions to Part 5 of Art. 7 of the Law of Ukraine "On ensuring the rights and freedoms of citizens and legal regime in the temporarily occupied territory of Ukraine" by defining the notion of religious marriage of a man and woman similar to marriage of a family union who are not blood relatives (siblings, father and daughter, son and mother), live with one family, have a common household, have mutual marriage rights and responsibilities, and are registered with the appropriate religious organization;

- to establish that a man and a woman living in the temporarily occupied territory have expressed a desire to establish a family and to be in marital legal relations under the legislation of Ukraine, however, under subjective and objective circumstances, they are not able to

register their marriage with the NCRA, but have the opportunity to hold a religious ceremony, may be considered married and have quasi-marital legal relationships since the registration of a religious marriage.

At the same time, it is proposed to supplement Part 6 of Art. 7 of the Law of Ukraine "On ensuring the rights and freedoms of citizens and legal regime in the temporarily occupied territory of Ukraine" and to lay it out in the following wording:

"The religious ritual of marriage is not the reason for the occurrence of the rights and responsibilities of a spouse to a woman and a husband, except when the religious rite of the conclusion of a religious marriage occurred before the creation or restoration of state registration of civil status acts, as well as when a religious marriage was concluded between citizens Ukraine, living or living at the moment of making this marriage in the temporarily occupied territory of the ARC or in the zone of ATO».

In addition, the proposed Art. 21 of the FC of Ukraine should be worded as follows:

"Article 21. Concept of marriage, marriage legal relations and legal relations, similar to marriage

1. Marriage is a family union of a woman and a husband who is not related with each other, living with the same family, conducting a common household, having mutual marriage rights and duties, registering their relations in the state body of registration of acts of civil status in accordance with the law order.

2. Marriage can be legitimized and illegitimate (actual).

Legitimized marriage is a marriage between a man and a woman (spouses) who registered a marriage with a state body for registering civil status acts in accordance with the law.

Illegitimate (actual) marriage is a marriage which is concluded between a man and a woman who are in actual marital relations in accordance with Art. 74 of the FC of Ukraine.

Individuals are not allowed to stay in other similar unions at the same time.

3. The actual marital relationship is the family union of a woman and a man living with the same family, leading a common household, having mutual marriage rights and duties in accordance with Art. 74 of this Code.

4. Quasi-marital relations are relationships that are similar to marital relationships that may occur between a woman and a man in a religious marriage and between persons (different or one sex) in a civil partnership.

5. Religious marriage - a family-like union of women and men living with one family, a common household, and having mutual marriage rights and responsibilities, registered in the respective religious organization. Women and men who are in a religious marriage can register their marital relations in the organs of the NCRA.

The date of the conclusion of a religious marriage will be evidence of the initiation of marriage relations between a man and a woman to establish the moment of the beginning of these relations in the course of resolving disputes in court.

6. Civil partnership - is similar to the marital relationship of two equal individuals of one or different sex, living in the same family, conducting a common household, having mutual rights and duties, similar to marriage.

7. Marital legal relations may arise between: 1) married couples registered in a state body for registering civil status acts in accordance with the procedure established by law; 2) a man and a woman who are in actual marital relations in accordance with Art. 74 of the FC of Ukraine.
8. Quasi-marriage relations may arise between: 1) a man and a woman who are in a religious marriage; 2) two individuals (one or different sex) who are in a civil partnership.

9. Persons who are in a marriage or quasi-marriage relations may enter into any agreements between themselves on the settlement of their property rights and obligations in accordance with the provisions of the current legislation of Ukraine. "

It is proposed to supplement the FC of Ukraine with Art. 211 "The moment of marriage legal relations" of the following content:

"Article 211. The moment of occurrence of marriage and quasi-marital legal relations

1. Marital legal relations arise between spouses since the moment of registration of marriage in state bodies of registration of acts of civil status.

2. In actual marital legal relations, marital legal relationships arise from the moment of the conclusion of a contract between a man and a woman. In the event that such a contract is not concluded, the moment of the occurrence of marital legal relations will be established in court. In the event of subsequent marriage to the specified persons, the date of the marital legal relationship will be the date of registration of the marriage, unless another moment is established by the court.

3. In the case of the conclusion of persons by religious marriage, the moment of occurrence of legal relations, like marriage, is the date of registration of religious marriage by the corresponding religious organization.

Registration of a religious marriage does not deprive individuals of the right to register marriages in state registration bodies of civil status acts. In this case, marital legal relationships will be considered as having arisen since the registration of the marriage with the state body for the registration of civil status acts.

4. Relationship, similar to marriage, between persons who are in a civil partnership, arise from the moment of conclusion of the agreement on the civil partnership ";

Since ancient times, marriage in the churches was an ecclesiastical sacrament. Consequently, according to the teachings of the Church in the sacrament, the bride and groom, united by love and mutual consent, receive the grace and blessing of God for the creation of a family, for mutual consent in marital life, blessed birth of children, multiplication of the family, upbringing children in the Christian faith, the ultimate goal of which is the salvation of all family members. The family in Christianity is a "small church".

The official condition of church marriage is the union of faith, that is, the affiliation of the spouses to the Orthodox Church. The community of faith makes a true Christian marriage. Religious marriage in Christianity consists of three main ritual forms: marriage, wedding, and drinking from a common bowl. Engagement is the ancient side of a religious marriage belonging to the Old Testament Church and preserved at that time in Judaism (Zhylinkova, 2001; Mullokandova, 2014 & Nyzhnyk, 2003). The wedding came to Christianity from paganism, at the beginning of the crown were from plants. In the fifth century, the wedding was already a Christian marriage and received a new meaning in Christianity. The crucifixion of a common bowl is a reminder that in ancient times all Christians in life, including marriage, are sanctified by the Communion of the Body and Blood of Christ. Accordingly, the marriage feast was an image of early Christian agape - "dinner of love".

In the understanding of the Romans, marriage was not a means to ensure eternal life in the offspring, but an agreement between two free people (Ancient Church and Roman Law, 2017). A well-known principle of Roman law, which states that "marriage is not communication, but consent". Ancient scientist and lawyer, Modestino, said that cohabitation with a free woman is marriage, unlike in other situations where a man marries a woman who is not free, that is when a man has a concubina relationship with a woman. Taking into account the above, it is considered that the joint residence with a slave who does not have the right to freely consent, under no circumstances will be called a marriage. This became the basis of the civil law of many modern civilized countries. The essence of marriage is seen in accord, which in turn shows the great significance and legality of a marriage contract.

The attitude to marriage in Roman law as an agreement between two free persons was progressive, especially if we compare it with the views on marriage in other countries of the Ancient World. This understanding became the basis for the widespread emancipation of women and their equation in rights with her husband.

A man and a woman are entering into a marriage and concluding an ordinary legal contract, and therefore the marriage was not needed by any third party, in the guarantee of its legal effectiveness. The state provided itself with the right to register marriage contracts, which

allowed them to monitor their legality and provided materials to the court if it was submitted to disputes related to marital relations.

Roman law, like the Law of Moses, provided for the possibility of termination of a marriage contract. The conditions which are necessary for divorce were quite varied both before and after the start of the Christian era.

The Christian church, in the times of persecution, and in the era of the alliance with the Roman state, obeyed to the Roman laws governing marriage. Even when Christianity became a state religion, the ancient definition of marriage as a contract was introduced in state laws and even in the churchreligious law: "Nomokanon of fourteen chapters". We find confirmation of this fact in the Slavic version of Nomokanon, the so-called "Karmic Book", which was the basis of the canonical right of the Slavic countries to the beginning of the XIX century.

The creation of holy fathers is also built on the Roman notions and terminology of marriage. Here is the word of the 2nd-century writer Athenagoras in his "Apology" to Emperor Marcus Aurelius (Chapter 33): "Each of us considers his wife the woman on whom he is married according to your laws." St. John Chrysostom (404 AD) refers to a "civil law" when he defines marriage as "nothing but an association or means" (Homily 56 in Gen.2).

These New Testament texts show that the new reality provided a completely new attitude to marriage, which is radically different from Jewish and Roman. But this new reality was not expressed in any original marriage ceremony, its nature did not require the abolition of the laws of secular society. Christians correctly understood the significance of Roman jurisprudence. They appreciated her progressive social aspects of the party. But at the same time, they never forgot that in baptism and the Eucharist they are given a new experience of life and improvement, the experience is unique and general. Therefore, the ceremonial party at the conclusion of the marriage by Christians initially did not have a determining significance; the focus was on the marriage of its participants, their own personalities. If the marriage became a Christian, he meant Christian responsibility for each other and the experience of the Christian life. Therefore, for Christians, marriage became a sacrament and not a legal treaty between the two people.

In the modern world secularization has led to the fact that the church in most countries has ceased to regulate marital legal relations, therefore in solving a number of legal problems that arise in marriages, dominated secular, that is, civil, in particular, family law. Most foreign countries, however, support religious marriages, regulate it at the legislative level and protect, through a number of legislative acts, freedom of conscience and religious freedom.

As for the Ukrainian traditional family model, it should be noted that the family law was well developed in the ancient Kievan Rus, and the flowering of this right fell on the X century. The regulation of marriage relations in those days was carried out with the help of the norms of the "Russian Truth", which were known and valid both in Kievan Rus and in Volyn, Galician land, Sivershchyna, Minsk, Beresteyshchyna, Kholmshchyna, Belarusian and some Moscow lands (Marusy`k, 1997). In "Russian Truth", marital legal relations were regulated by a court instance - a church court, whose actions spread to the clergy, as well as members of their families, church servants, and physically ill people. That marriage law was directed to the protection of the Institute of a marriage. As an example, it is possible to single out certain rules of the " Church Statute of Prince Vladimir ", which described the abduction of the bride, knocking between a man and woman for a house, etc. as a crime (Tabinskyj, 1938). At the same time, "Russian Truth", which was built on the principles of equality of men and women, protected the property rights and dignity of the woman, recognized her right to inherit the land, etc. (Dany`lova, 1974).

Since the adoption of Christianity, the church has established a legislative role in the regulation of marital legal relationships, in particular, the right to marry. The jurisdiction of the church court belonged to all marriage cases. "Church Statute of Prince Yaroslav", which devoted a lot of attention to family affairs, "gave all cases about marriage and divorce to the church:" The lack of any ranks of people, and nobody will venture to judge the breeding of anything, from the secular authorities ". Also, the said statute abolished the possibility of a bigamy: "... if someone in the life of a woman took another and went for him," knowing the wife of his former wife, if she is alive, "then both would be subject to a penalty of" a thousand rubles wide " (Lotoczkyj, 1931).

In the XVIII century, there were very important changes in the system of marriage and family law in Ukraine. They mainly concerned the

strengthening of the control of the church in the field of marital legal relations. The marriage itself was recognized as one of the sacraments of the Church. This church affair was regulated by the state. The church and state were opposed to the dissolution of marriages. They did everything to reconcile the spouses and not bring the matter to divorce (Ly`man, 2004 & Orlenko, 1914).The state paid much attention to the proper regulation of the functions of the clergy in relation to marital legal relations. This was due to the role that was given to the Orthodox Church in the system of public-state relations. Measures of power objectively contributed to the weakening of the identity of the church's relations and parishioners in Ukraine. At the same time, marital legal relations were regulated mainly by norms of customary law. However, since the second half of the XVIII century, the role of the Orthodox Church in Ukraine has intensified, and thus the marriage, divorce and other areas of marital legal relations have become the prerogative of the church authority, which regulates and sanctifies them (Lyman, 2000; 2004).

In modern times, both in Ukraine and in other countries, a number of questions arise concerning the relationship between the state and religion as part of the normative regulation of the legal relationship between persons with the observance of the norms and provisions of the freedoms and beliefs of individuals and the norms of law. In modern Ukraine, the construction of temples, churches, and schools are being renewed more and more frequently, introducing the discipline "Fundamentals of Christian Ethics", in the territories of higher educational establishments, military units, hospitals, and hospitals, they put chapels to which citizens of Ukraine and even foreigners come.

In the churches, the marriage between the persons is concluded with the help of a wedding ceremony. In countries where the decision to conclude a religious marriage is not a ground for its state registration, the marriage is performed only for couples who are already in civil (that is, officially registered with the NCRA or other authorized state body) marriage. As a rule, marriages are concluded between two people of the opposite sex who profess the Triune God.

Conditions for marriage in churches: 1) the mature age of both brides (according to the limits of the marriage age, accepted in the state); 2) sincere faith in God; 3) water baptism (with the same nuances regarding its term and form, adopted in a certain denomination for church membership); 4) absence of church disciplinary punishments (remarks, excommunication) for both (not for all denominations); 5) obligatory consent of both parties.

In most cases, marriages are concluded between representatives of one denomination. Marriage between believers and non-believers, according to the interpretation of Christians, is forbidden by the Scriptures (see New Testament). The offenders stand apart from the church. Intimate relationships before marriage are also prohibited by the Scriptures as a sin of fornication.

Religious marriage ruptures in very rare cases, according to church ministers. The only indisputable reason for the dissolution of a religious marriage may be the unwillingness of one of the spouses to continue their common marriage. The second marriage occurs in very rare cases.

In order to recognize a marriage of relationships that are not legally registered, the law of a number of foreign countries requires the joint residence of the family during a certain time, confirmation and acceptance by neighbors of such a couple as a family and the implementation of several more ceremonies.
Taking into account the fact that the church and religious organizations in Ukraine are separated from the state, traditionally, the marriage, which was registered in the organs of the RCC, is favored. The state registration of a marriage is preceded by a religious marriage, that is, clergymen take the newlyweds to marriage in the presence of a marriage registered in the NCRA organs. In the event of a wedding ceremony for the registration of the marriage, clerics require to submit to the office of the church the relevant certificate of registration of the marriage in the NCRA.

The state does not recognize religious marriages but does not prohibit it. When analyzing the provisions of the family law of Ukraine, as well as the provisions of a number of EU member countries, one must pay attention to the fact that it is possible to improve the situation with the possibility of combining civil and religious marriage, with the registration of religious marriage in the the NCRA. The marriage, after the conclusion of a religious marriage, receives the relevant certificate of a single sample and, in the future, within the prescribed period, must register this certificate in the bodies of the NCRA to enter the record of the marriage into the Uniform State Register.

CONCLUSIONS

Despite the fact that religious marriage is not registered with the public bodies of the RCC, as well as in the understanding of the FC of Ukraine does not create rights and obligations as a spouse, it can be definitely considered relevant to an actual marriage and to legal relationships similar to marriages - quasi-marital legal relationships.

At the same time, religious marriage can be regarded as the basis for the emergence of legal relations, such as marital legal relations, ie, quasi-marital legal relationships, and the time of the commission of the appropriate rite is the moment of the emergence or termination of quasi-marital legal relationships.

It is proposed to consider a religious marriage in two aspects: 1) as an alternative to the existence of a registered marriage and the possibility of recognition in certain cases of marriage, especially if it is in the interests of minor children; 2) as evidence (additional confirmation) of the existence of actual marriage relations and determining the moment of their occurrence.

It is emphasized that stopping this type of quasi-marital relationship can: 1) a religious organization; 2) the desire of persons who were in this marriage (in fact, from a legal point of view, in accordance with Article 21 of the FC of Ukraine, such relations do not give rise to the rights and responsibilities of the spouses); 3) dissolution of the marriage (in the event before or after the ceremony the registration of the marriage took place in the state body of the NCRA).

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