



# Lecture 7

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Ευρωπαϊκή Ένωση  
Ευρωπαϊκό Κοινωνικό Ταμείο



ΥΠΟΥΡΓΕΙΟ ΠΑΙΔΕΙΑΣ & ΘΡΗΣΚΕΥΜΑΤΩΝ, ΠΟΛΙΤΙΣΜΟΥ & ΑΘΛΗΤΙΣΜΟΥ  
ΕΙΔΙΚΗ ΥΠΗΡΕΣΙΑ ΔΙΑΧΕΙΡΙΣΗΣ

Με τη συγχρηματοδότηση της Ελλάδας και της Ευρωπαϊκής Ένωσης



ΕΣΠΑ  
2007-2013  
πρόγραμμα για την ανάπτυξη  
ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΩΝΙΚΟ ΤΑΜΕΙΟ



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# Lecture contents

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1. The Greek law concerning the legal form of religious communities
2. Religions and acquisition of legal personality



# Lecture objectives

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1. To examine the procedures of acquisition of legal personality by religious communities in Greece and internationally





**ΑΡΙΣΤΟΤΕΛΕΙΟ  
ΠΑΝΕΠΙΣΤΗΜΙΟ  
ΘΕΣΣΑΛΟΝΙΚΗΣ**

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**Law 4301/2014**

**Organization of the Legal Form of Religious  
Communities and their Organizations in  
Greece**

# Law 4301/2014

- This law does not concern:
  1. The Orthodox Church in Greece under all its regimes.
  2. The Jewish communities and their coordination body, and
  3. The Muslim community in Thrace,
- It is about all the other churches and religious communities.



# Law 4301/2014 (2)

- This is a very recent law, and until now there was an important and urgent need for such a law concerning the acquisition of the legal personality of churches and religious communities in Greece.
- Until its publication in the government gazette, the only way to acquire legal personalities for churches or religious communities whose regime had not been regulated by law, was by civil court.
- The civil court provides different types of common legal personality for all social organizations, religious communities, and churches. The most usual forms were that of a corporation and of an association.





# Law 4301/2014 (3)

- Now, there is a special law for the legal personality of religious organizations.
- Under the rights recognized by the constitution and the international law on human rights, the state is obliged to regulate the legal personality of churches and religious communities as it does for other social organizations but in a different and special manner.



# Differences between religious organizations & other social organizations

- Religious organizations are protected and recognized by the constitution and the international law on human rights, especially by the rights of manifestation of religious belief and by the rights of association.
- Religious organizations enjoy the rights to autonomy, which is constitutional and it means that churches or religious communities have the right to regulate, to administrate, and to manage or judge their internal affairs by their internal organs or bodies.



# Internal affairs

The internal affairs of the churches or religious communities, which are regulated by the internal organs or bodies of religious organizations, are determined by the religious activities of the religious groups, recognized by the constitution and by the international law of religious human rights.



# Law 4301/2014, article 1

- “A Religious Community is a sufficient number of individuals with a specific confession of faith in a “known religion” who are permanent residents of a specified geographical region and whose aim is to carry out collectively the duties of worship and observance required by their religion”.
  - Article 1 refers to a local religious community.
  - The adjective “sufficient” is specified in another article.
- The competent court will consider an application for legal personality by a local religious community if that community belongs to a “known religion”.
- According to the supreme administrative court, a “known religion” is the religion which does not have secret doctrines or secret religious practices.



# Law 4301/2014, “Legal Personalities”

- There are two types of legal personalities:
  1. The legal personality of religious legal person, and
  2. The ecclesiastical legal person.
- These legal persons are of a basic level, which is different than the level of the recognition of a religious organization.
  - The legal personality of the basic level serves the management of the affairs of a religious organization under that special law on religion.



# Acquisition of legal personality

- Since there is a wide range of affairs which require acquisition of legal personality e.g. to open bank accounts, hire personnel etc, the acquisition should be voluntary rather than mandatory.
- The state is obliged to provide different forms of legal personality.



# Legal persons

- Legal persons are obliged to have democratic policy, meaning democratic organization and administration.
- Not all religious organizations have legal internal organization administration, and they are not obliged to.
- Their policy is indicated by their religious beliefs because according to the constitutional international rights of religious conscience or religious beliefs, they have the right to adopt the type of policy they want.
- Religious communities with democratic policy are the Jewish and the Baptist communities.



# Religious communities with hierarchical policies

Churches or religious communities can have hierarchical policies, meaning hierarchical administrations organizations. By that is indicated that these could be monarchical or oligarchic. There can be different types of policy on different levels. The levels are:

1. Local,
2. Regional,
3. National, and
4. International





# Germany & the Bahá'í's case

- In Germany, the civil codes, especially the charter on juridical persons, must be interpreted according to religious liberty, which is recognized by the constitution and the international law on religious human rights, which are laws superior to the civil code in the pyramid or in the hierarchy of laws.
- In the Bahá'í's case, concerning the acquisition of the legal personality as an organization, the board of directors of this religious community, according to the statutes had not any competencies on decision but consultative competencies only, because it was dependent from another Bahá'í's association which legally expressed a superior organization. This was in conformity with religious freedom according to the interpretation of the civil code in Germany. In this way, Germany does not need to have a special law on the acquisition of the legal personality of religious organizations.



# The Netherlands

In the Netherlands there is no need for a special law for the acquisition of the legal personality of religious organizations. In the charter concerning legal persons in the civil code of the Netherlands, it is written that religious organizations are exempted from the obligation to adopt the organization administration of the common association, which is a democratic one.



# Βιβλιογραφία

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## 1. [Law 4301/2014](#)





# End of Lecture

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