



Lecture 9

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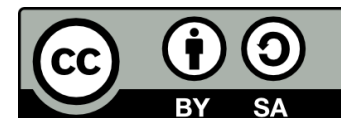


Ευρωπαϊκή Ένωση
Ευρωπαϊκό Κοινωνικό Ταμείο



ΥΠΟΥΡΓΕΙΟ ΠΑΙΔΕΙΑΣ & ΘΡΗΣΚΕΥΜΑΤΩΝ, ΠΟΛΙΤΙΣΜΟΥ & ΑΘΛΗΤΙΣΜΟΥ
ΕΙΔΙΚΗ ΥΠΗΡΕΣΙΑ ΔΙΑΧΕΙΡΙΣΗΣ

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Lecture contents

1. The Greek law concerning the legal form of religious communities



Lecture objectives

1. To examine and analyze the Greek law concerning the legal form of religious communities





**ΑΡΙΣΤΟΤΕΛΕΙΟ
ΠΑΝΕΠΙΣΤΗΜΙΟ
ΘΕΣΣΑΛΟΝΙΚΗΣ**

Law 4301/2014

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

Law 4301/2014, article 3

The documents attached to the application for the registration of a religious legal person are:

1. The instrument of incorporation signed by all its founders' members, indicating their identity and residence.
2. The confession of faith.
3. A list of names of the members of the administration.
4. A list of places of worship.
5. The Statutes, dated, and signed by its members.



Article 3, § 1, Verse 3

- “A member cannot participate in another religious legal entity of the same or of another religion”. This disposition is problematic because it requires that a member must not participate in another legal entity of the same religion.
- Example: If there is a local religious legal person and a regional religious legal person, and the first one depends on the second, then, the religious organization needs 300 members for the local, and (different) 300 for the regional.
- This requirement is excessive and incompatible with the constitutional and international standards on religious human rights, especially of the rights of manifestation and religious association, which oblige the state to facilitate the acquisition of the basic level legal personality for the religious organizations, and not to make it more difficult, in comparison with common associations.



Article 3, § 1, Verse 3 (2)

- “A member cannot participate in another religious legal entity of another religion”. Some religions prohibit their members to belong to another religion, but other religions permit it.
 - In general, the religions of the Abrahamic tree of religions, which has Judaism, Christianity, and Islam as its branches, do not permit to their members to belong to other religions.
 - The Oriental religions, especially the Brahmanic tree of religions, composed of Hinduism, Buddhism, and Jainism, permit their members to belong to other religions. Example: Someone can enter to the religious life through Hinduism, be married through Buddhism, and prayed after his death through Jainism.
- So this disposition , which does not permit a member to participate in another legal entity of another religion is incompatible with the international and constitutional religious human rights, especially to religious liberty.



Article 3, § 1, Verses 4 & 5

- Verse 4: The court orders a hearing for the case to be discussed.
 - Verse 5: At least 15 days before the hearing a copy of the requests with the act of the courts and all the requested documents are submitted by the applicants to the minister of education and religious affairs and to the public executor of the first instance court.
- These two verses contain some details of the procedure.



Article 3, § 2

The identity of the founding members of the religious legal persons, except for the names of the members of the board who sign the request, shall not be provided to any third party nor shall they be included in the register of religious legal persons.

➤ This is another detail of the procedure.



Article 3, § 3

- The religious legal persons to be established, attached spiritually and administratively to an “ecclesiastical” legal person, shall submit a joint request with the latter.
- If a religious legal person is subjected spiritually and administratively to an ecclesiastical legal person, that is - according to that law concerning religions - if a local or regional religious legal person is subjected to an ecclesiastical legal person, i.e. to a national legal person, the religious legal person shall submit the application to the court for the acquisition of its legal personality in common with the ecclesiastical legal person to which it is subjected.



Article 4

For the statute to be valid, it is not allowed to offend public order or the good usages and it must set out:

1. the name, which shall include the basic Greek word identifying the religion or the transcription of the word in Greek letters and the indication “religious legal person”
2. the seat
3. the internal organizational structure
4. the governing bodies, the procedures for their appointment or selection and for their discharging
5. the selection procedures for their religious ministers
6. their representation in and out of court



Article 4 (2)

7. the procedures for their members' adherence, withdrawal or expulsion as well as their rights and duties
 8. the procedures under which their supreme body meets and decides
 9. the origin of their funding
 10. any relations of interdependence or spiritual and administrative bonds with a national "ecclesiastical" person or with foreign religious communities or organizations
 11. the procedures for amending the statute and
 12. the conditions for the dissolution of the legal entity.
- The statute includes the religion and confession of faith of the legal entity, the religious teaching and worship events as well as all the holy texts and rules which set up its religious and organizational framework".



Article 4 (3)

- Article 4 contains the mandatory content of the statute of religious legal person.
- In the beginning it is stated that the statute must not offend public order and public morals. This is valid according to the civil codes for the common associations as well.



Mandatory data

The mandatory data which has to be contained in the Statutes are the following:

1. The name which shall include the basic Greek word identifying the religion or the transcription of the word in Greek letters and the indication “religious legal person”.
 - Example: Buddhist community of Thessaloniki is a religious legal person. The basic Greek word identifying the religion is Buddhism in this case and it must be added to the indication “religious legal person”.
2. The seat.
3. The internal organizational structure.
 - The internal organizational structure constitutes the policy, or a fundamental part of the policy of the religious legal person. If its structure is democratic or hierarchical, if it is monarchical or oligarchic on any level or combinations of these types of policies on different levels.



Mandatory data (2)

4. The organs.

- The procedures for their appointment or selection and for their discharging.

5. The selection procedures for their religious ministers.

- As it is clear, the governing organs, the procedures for their appointment or selection and for their discharging are accommodated to the policy of the religious legal persons. So, each religious legal person writes in the statutes the governing organs corresponding to each policy, according to its religious beliefs.

6. The selection procedures for their religious ministers.

- There are special data for a religious legal person and they are not met in the common associations.



Mandatory data (3)

7. Their representations in and out of court.
 - The same is required for any legal person especially for common associations.
8. The procedures for their members' adherence, withdrawal or expulsion as well as their rights and duties.
 - This data is valid for common associations as well, and taken from the internal law of the respective church or religious community.
9. The procedures under which their supreme body meets and decides.
 - There is a problem here, because not all the religious legal persons have supreme bodies. The supreme authority can be an individual according to its religious beliefs, so this requirement is against the right of religious manifestation in conjunction with the right of religious association.



Mandatory data (4)

10. The origin of their funding.

- This is also required for the common associations.

11. Any relations of interdependence or spiritual and administrative bonds with a national “ecclesiastical” person or with foreign religious communities or organizations.

- These are data which are specific for religious legal persons. They are not met in the common associations, but they can be met proportionally to some types of associations; for example the association of the syndicates where there is a three level organization association (federations for workers or for employers). Any dependence with the national ecclesiastical person or with foreign religious communities or associations, spiritual or administrative, must be written.



Mandatory data (5)

12.The procedures for amending the statute.

- This is required also for the common associations.

13.The conditions for the dissolution of the legal entity.

- Also required for the common associations, but in this case, if the internal law of the respective religion contains dispositions on this topic, then the disposition of the internal law of the respective religion will be written in the place of these data concerning the dissolution of the legal entity.



Mandatory data (6)

- Except the above mentioned data, the statutes must also refer to the religion to which these religious legal person belongs. It has to refer the confession of faith of the legal entity despite the fact that there is another document concerning the confession of faith. The confession of faith is required to be written also in the statutes.
- In addition, religious teaching and practices, as well as holy texts and rules which set up its religious and organizational framework, have to be mentioned in the statutes.



Βιβλιογραφία

1. [Law 4301/2014](#)





End of Lecture

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ΕΣΠΑ
2007-2013
πρόγραμμα για την ανάπτυξη
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