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THE ORGANIZATIONAL AND LEGAL ISSUES OF PARTICIPATION OF CHAPLAINS IN VOLUNTEER MILITARY FORMATIONS AND IN THE UNITS OF THE ARMED FORCES OF UKRAINE

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The article deals with the issue of participation of priests with military forces in the conflict in eastern Ukraine. The regulatory framework of participation of priests in the composition of combat units of the Armed Forces of Ukraine and the organization of their activities were analyzed.

Recently, in connection with the anti-terrorist operation (ATO) unfolding debate about participation in carrying out such an operation of priests takes place in Ukraine.

This issue is very complex, because each member of ATO may have different refer to religion, have different religious beliefs, but most citizens of Ukraine who are involved in the ATO are Orthodox, or identify themselves as Orthodox, and therefore there is a need to consider organizing the participation of the clergy or volunteer chaplains in military formations, and in the Armed forces of Ukraine.

It should be noted that the legislation, which would provide priests participated in the Armed Forces of Ukraine and volunteer military units in Ukraine was adopted only in 2015. Ever since the Soviet Union it was thought that the church is separated from state. And so the school and education and the army and other government agencies do not engage in religion and in some cases religious beliefs were the subject to liability.

The revolution of dignity and aggression of the Russian Federation has put the issue of changing many stereotypes and philosophical points of view, especially about the role of religion in Ukrainian society. The most acute issue it was for the participants of ATO members and volunteer military formations. In this article we put the problem of legal regulation of the participation of the clergy in the volunteer military formations and in the Ukrainian Army units and possible ways to solve it.

As it was mentioned the participation of the clergy in public institutions or in the Army of the Soviet Union, in schools and other government units considered

critical and is therefore say that the scientists studied this question makes no sense. Questions about the trends regarding changes in the position of the Church and the Army we can only see in publications on the Internet, and these publications were published long before the Revolution of dignity.

Back in 2011, Rostislav Kravchenko raised the question of changing the reference in the relations of the army and the church.

He wrote that "extensive cooperation between the army and the Church is essential for strengthening military training of the soldiers, as to the army come recruits, and more than a third part of them consider themselves believers, but after being in the army, most of them change their points of view, therefore some of them remain faithful "[1]. Their religious beliefs' changed in a period of military service in peacetime and only a small number of soldiers remain solid in compliance with ethical norms of faith and of religious ceremonies. As the practice show following rules and religious ceremonies help to normalize relations between the military and improve discipline. Therefore, the author then raised the question of the need to introduce clergy in the army [1].

At the present stage of the army, and also the emergence of volunteer military forces raises the question of the use of priests as the Armed Forces of Ukraine [2], and in the volunteer military formations. However, the implementation of the normative documents as for the introducing of the priests is not brought to an end.

The aim of our research is to study the pastoral care of the clergy and participation of the priests in volunteer military units that are and were the first military forces that rose up in defense of Ukraine after the Revolution of dignity.

It is known that volunteer military units were established immediately after the Revolution of dignity and they primarily contributed to protect the state from aggression by the Russian Federation.

The emergence of volunteer military forces is quite interesting phenomenon that does not have parallels in the modern history of Ukraine. However, it should be noted that in principle the establishment of them is the people's initiative of patriots. Since this was the public initiative, we can not look at them in terms of law, but certain organizational aspects of the law were still present.

It is interesting that aspect that the emergence of volunteer military units was popular initiative, so their activities to some extent have Ukrainian national characteristic mental traits. It could be noted that in the Ukrainian character are traits such as respect for elders from junior form comfortable arrangements', if there is a need, religion and so on [3].

Therefore, we note that not all participants of volunteer military units and have clear religious beliefs and even some of them never went to church. But being under fire of Russian invaders, being in situations where a person can die contributed to some extent the spread of religious beliefs in certain part of fighters of volunteer military formations.

Thus we can conclude that participation in volunteer military formations promoted religious beliefs of members of these groups.

On the other hand this to some extent contributed to the fact that from the very beginning of the war in the East the role of the priests of the Ukrainian Or-

thodox Church of the Moscow Patriarchate was clearly outlined. They were in the forefront of those who blocked the arrival of the Armed Forces of Ukraine and volunteer military formations.

One can clearly state that priests UOC MP got instructions from Cyril Gundyayev Moscow Patriarch, but they believed that there was no Revolution of dignity and power in Kiev was captured with the help of Western governments and politicians and that should lead to the destruction of Orthodox churches and the domination of Western values in society.

The cases were recorded that showed the direct involvement of priests UOC MP in combat during the conflict in eastern Ukraine. For example, the commander of the volunteer battalion "Dnepr -1" Yuri Bereza recalls the fact that the priest of UOC MP shoot at him, but did not kill him .

Now we see that the priests of UOC MP deliver a lot of speeches for peace, but they are doing nothing to ensure that peace came to the Ukrainian lands. Rather latest developments and so-called religious procession, which had the goal to pray for peace was aimed at aggravating the situation in the society [4].

Even more reason for the fall of rating and confidence in the priests UOC MP was that the head of the UOC MP Anufriy did not got commemorated as heroes who died in the East of Ukraine [5].

On the other hand the priests of Ukrainian Church Kiev Patriarchate during the Revolution of dignity actively supported the participants of the revolution and they also went with them to a volunteer military formations and took up arms because they thought that their duty is to protect their land from the enemy.

So within volunteers of volunteer military formations spontaneously arose to a certain extent the credibility of the UOC-KP. The development of events led to the fact that initially certain priests themselves went to the front as a volunteer, but then raised the question of providing pastoral care to a higher level.

Thus among the priests that support ATO and the battle with regular Russian troops remained in the majority only representatives of the UOC-KP with Greek Catholics and representatives of the Ukrainian Autocephalous Church.

But we can not say that today the question of participation of priests in the army and especially volunteer military formations is settled.

First of all, the normative base mentioned before was updated in 2015 [6], while some priests in the volunteer military units were taking part in the war against the Russian aggression in eastern Ukraine from its beginning.

Also the idea of pastoral help is often criticized and sometimes openly challenged by some propaganda "warriors" that are associated with Moscow. For example, in the article "The blessing for the killers" V. Maltsev writes that from the very beginning of the conflict in eastern Ukraine all the priests UOC MP supported Ukrainian soldiers and took part in the hostilities.

Especially important was the role of the Orthodox Church of Kyivan Patriarchate, headed by the metropolitan bishop Filaret. V. Maltsev writes that from the very beginning of the war, which he does not mention as war and indicates it as internal conflict of the Ukrainian government supporters federalization, which clearly defined as "pro-Russian separatists" [7]. UOC-KP Orthodox Church is ac-

tively involved in pastoral work among the participants of volunteer military units and the military of Armed forces of Ukraine.

He wrote that such actions provided by the church can be outlined as "blessing for the killers" because that is an internal conflict and from his point of view there is no need to support any of the parties, and the priests who support Ukrainian army bless killers.

On the other hand the fact that the UOC MP priests bless Russian military, which came to the Ukrainian land, is indisputable. And the fact that to the conflict in eastern Ukraine regular troops of the Russian Federation are involved has proved not only the Western diplomats, it was acknowledged even by Putin himself.

Vladimir Maltsev also recalls about the pastoral care to the volunteer soldiers of the military units of the other Orthodox priests denominations. In this he tries to share the Christian communities of Ukraine into western and eastern and stress that only western part of Ukraine support ATO [7].

However, the active anti-Ukrainian position of UOC MP and Russian propaganda which proclaims the idea of brotherly peoples of Russia and Ukraine lead to gradual loss of confidence of citizens of Ukraine to the churches, as it was evidenced by the poll results [8].

It shows that the church and religious beliefs are playing big role in the Armed forces of Ukraine and the participants of volunteer military units and this question should be settled because it is not only the question of religion it is a political and legal question.

Summary. Creation of a volunteer military units in Ukraine during the Russian aggression is an entirely new phenomenon in the history of Ukraine as a whole and this phenomenon should be studied in more meticulously by scientists

Participation of citizens of Ukraine in volunteer military units and provision to the system of voluntary military formations religious beliefs is typical for the Ukrainian mentality.

The participation of priests in the armed forces of Ukraine and provision of pastoral care to soldiers are already regulated by the relevant order of the Minister of Defense of Ukraine, but nevertheless the regulatory framework regarding the participation of priests in the volunteer military units currently does not exist.

The most active help to the members of volunteer military units is given by the priests of the Orthodox Church UOC-KP, however, it requires to set regulation of the participation of the clergy of other faiths in pastoral help to the participants of volunteer military forces, because in volunteer military units except the Orthodox Ukrainian Catholics, Muslims and representatives other faiths take part so perhaps there is a need to settle this problem more comprehensively.

Джерела

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It was proved that the participation of the priests in the fighting Ukrainian units is necessary, because the pastoral care helps soldiers during the fighting, injuries and deaths of the counterparts. A certain amendments to the existing regulations in support of military priests in the armed forces of Ukraine were proposed.

Розглядаються питання щодо участі священників у складі військових формувань у конфлікті на Сході України. Проаналізовано нормативну базу участі священників у складі бойових підрозділів Збройних сил України та організацію їхньої діяльності. Доведено, що участь священників у бойових діях українських підрозділів є необхідною, адже душпастирське піклування допомагає бійцям під час бойових дій, поранень та смерті побратимів. Запропоновано окремі зміни і доповнення до існуючих нормативних актів у сфері забезпечення діяльності священників у бойових підрозділах Збройних сил України.

Рассматриваются вопросы участия священников в составе воинских формирований в конфликте на Востоке Украины. Проанализированы нормативная база участия священников в составе боевых подразделений Вооруженных сил Украины и организация их деятельности. Доказано, что участие священников в боевых действиях украинских подразделений является необходимым, ведь пастырское попечение помогает бойцам во время боевых действий, ранений и смерти братьев. Предложено отдельные изменения и дополнения в существующие нормативные акты в сфере обеспечения деятельности священников в боевых подразделениях Вооруженных сил Украины.

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