Irena Balzhyk, PhD in Law
National University "Odesa Law Academy", Ukraine

CHURCH LAW AS A MANIFESTATION OF LEGAL PLURALISM

The concept of legal pluralism was formed within the sociological school of law. Legal pluralism associates law not only with a positive system of law, but with corporate law of multinational companies, quasi-precedent law of arbitration established by sports associations, many forms of "unofficial law" and so on. Therefore, an adequate approach to the problem of modern understanding of law is seen legal pluralism, which allows taking into account achievements of available concepts of law, to remove conflicts between them, to perceive law as an integral phenomenon.

The Church as a powerful social institution occupies one of the leading places in the spiritual and moral revival of society. Moreover, of all public institutions, only the Church has a specific church law, fully developed in the first millennium of Christian history and actually acting today.

There are different views on legal nature of church law: 1) the church law - is a special legal system; 2) church law refers to corporate law; 3) church law is a comprehensive legal formation; 4) church law is a branch of law.

Key words: church law, branch of law, legal pluralism.

The concept of legal pluralism was formed within the sociological school of law, which representatives see society as a set of varying social groups, communities, which are alien to common values beginnings, and so, from the standpoint of sociological approach, initially recognized the pluralistic state legal system, within which law and other regulations coexist[1]. Rene David also believes that "in today's world every state has its law, but it also happens that in the same country there are several competing legal systems. A non-state and community have their own law: canonical law, Muslim law, Hindu law, Jewish law"[2]. In accordance with generally accepted definition by S.E. Merry, under legal pluralism is understood "a situation where two or more legal systems coexist in the same social field"[3]. At the same time, legal pluralism does not limit the law of the state legal system, but extends it to various forms of institutionalized social organizations, such as international law and numerous forms of informal law[4].

Thus Lev Petrazhitsky allocates official and unofficial law, positive (heteronomous) and intuitive (autonomous)[5]. Official law, recognized and guaranteed by a state, is functioning together with unofficial law, which arises within different social groups. In contrast to formal legal monosystem, unofficial law is characterized by normative value diversity, much broader scope, multi-leveled structure. Following sociological and positivist tradition of legal pluralism, rising back to L. I. Petrazhitsky, A. V. Poliakov recognizes the existence along with the state law and social law - of legal systems, produced and supported by various social structures (family, corporation), because "law is a universal social phenomenon that exists on different levels of social, including inter-social (e.g., interfamily, intergroup) and extra-social (e.g., interstate) legal order. The reverse side of the universalism of law is its pluralism"[6].

In recent years, in the domestic jurisprudence appears the interest to communicative theory of law. Its

[1] Ван Хоек, М. (2006). Право как коммуникация. *Правоведение*, *2,* 44-54.
[2] Давид, Р., Жоффре-Спинози, К. (1998). *Основные правовые системы современности*. Москва: Международные отношения.
[3] Стриджбош, Ф. (1999). *Концепции правового плюрализма и их применимость в контексте изучения юридической практики у молуккцев в Нидерландах.* Москва, 213.
[4] Ван Хук, М. (2012). *Право как коммуникация.* Санкт-Петербург: Издательский дом С.-Петерб. гос. ун-та, ООО «Университетский издательский консорциум».
[5] Петражицкий, Л.И. (2011). *Теория и политика права. Избранные труды*. Санкт-Петербург: "Университетский издательский консорциум "Юридическая книга".
[6] Поляков, А.В. (2004). *Общая теория права: проблемы интерпретации в контексте коммуникативного подхода*. Санкт-Петербург, 507.

methodological basis determined legal pluralism, a broad understanding of law, considering the law as a normative system of social control. Legal pluralism binds law not only with a positive system of law, but with corporate law of multinational companies, quasi-precedent law of arbitration established by sports associations, many forms of "unofficial law" and so on. Legal pluralism as the theory develops on marginal jurisprudence, on the border between law and social sciences - in the field of legal anthropology and legal ethnology showing embeddedness of legal existence into everyday space (ethnic) culture[1].

Thus, should not be ignored the fact that legal reality is much richer than official law; there are other levels of "life" of law. The analysis of sociological aspects of law suggests that the relationship between law and a state is not indispensable and exclusive. Characteristically, the representatives of sociological understanding of law by criticizing the definition of law as a product of state activity, indicate precisely on the church law as an example of such a legal reality, which does not fit into the normative understanding of law. Formulating its own definition of law they derive from the fact that in society exist relations that are legal by nature. In other words, within the framework of legal pluralism the law is not considered as the exclusive domain of the state, as well as other legal orders may also be regarded as a law in the full sense of the word. Essentially, this approach denies the single-line evolution of law and recognizes the primordial multiplicity of forms of its existence[2].

Therefore, legal pluralism is seen as an adequate approach to the problem of modern understanding of law, which allows taking into account achievements of available concepts of law, to remove conflicts between them, to perceive law as an integral phenomenon. Understanding of law is one of the postulates of law as a legal reality clots displaying[3]. The genesis of law throughout the history of its formation, operation and development clearly demonstrates that law reflects and reinforces social and cultural diversity of human activities, sense-dominant which can significantly vary or directly contradict each other. The basis of these differences are the basic postulates of value, orienting certain social communities on a special way of life, forming and objectifying stable patterns of social interaction. Recognition and understanding of civilizational pluralism is a logical consequence of legal pluralism, which in turn makes it possible to justify the existing diversity of forms of expression of law, to see conditionality essential-substantive aspects of law, by the specifics of socio-cultural reality[4]. It should also be noted that the postulate, called legal pluralism, gained recognition acting as the presence of various sources of law in legal life. The system of social regulating, use of the term "source of law" makes it possible, first of all to delimit the scope of law from other areas of social life, and secondly, allows providing a variety of sources of law used in legal society[5].

An important contribution to doctrinal formation of the theory of legal pluralism, as has been said, have become sociological theories of law, emphasizing that the law was formed in the process of social interaction and relatively independently from a state. The most significant impact on legal pluralism had a theory of law of G. Gurvich. According to that, "social law", "individual law", and "subordination law" are acting in the national legal system. Each one and their many specific types interact, dialectically flow into one another and create a dynamic legal landscape. Each active social group creates its own legal traditions that involve legal regulation and practice[6].

The Church as a powerful social institution occupies one of the leading places in spiritual and moral revival of society. Moreover, of all public institutions, only the Church has a specific church law, fully developed in the first millennium of Christian history and actually acting today.

Church law originally was a special legal reality perceived in Rus from Byzantium Empire with Christianity. Church and legal requirements for a long time were the regulators of social relations, but later,

[1] Тихонова, С.В. (2014). История правовых норм: правовой плюрализм и коммуникативные теории права. *Альманах «Дискурсы этики», 2(7),* 81-98.

[2] Некрасов, А.П. (2013). Концептуальные и методологические аспекты феномена "плюрализм". *Вектор науки ТГУ*, *1,* 214–216.

[3] Оборотов, Ю.Н. (2001). Правопонимание как аксиоматическое начало (постулат) права. *Право Украины*, *1,* 107-114.

[4] Белоносов, В.О., Некрасов, А.П. (2013) Правовой плюрализм: теоретический аспект. *Вектор науки ТГУ*, *1(23),* 149.

[5] Оборотов, Ю.М. (2014). Надійність права як відображення його імунної властивості. *Вісник Південного регіонального центру Національної академії правових наук України, 1*, 222–230.

[6] Гурвич, Г.Д. (2004). Идея социального прав. *Философия и социология права: избр. соч.* Санкт-Петербург, 41–212.

many of these requirements were reflected in legislation, that had a great impact on further formation and development of domestic law[1]. Appeal to historical and legal heritage of ancient state of Rus helps to clarify legal development patterns inherent to Kiev Rus, to recreate and reconstruct formation of law of this age in stadial and chronological order, and facilitates determination of historical and legal phenomena; some of which was due to the presence of deep connections between formation of the legal system of Rus and a number of socio-cultural factors, among which an important place had factor of Christian influence. Evaluating socio-cultural aspect of this formation and development of ancient Rus' legal system, it should be noted that this approach is fruitful to express legal innovations that took form of legal norms, institutions, ideas, beliefs, principles, and finally law. Kyiv Rus did not know the distribution at branches of law, the nature of feudalism led to such feature of law as syncretism; legal syncretism led to the fact that systematization of law expressed the estates' principle. The estates' principle was implemented in secular and religious systems of law and has been fixed in the legislation of Rus, it matched the ideology of the era and objectively reflected possible organization of social life.

Ancient Rus law "grew" from legal practice of conflict resolution, which had casuistic nature. Analysis of legislation period allow us to call several groups of objects of legal regulation (personal rights, freedoms, things, etc.); as offenses were considered violations of individual rights, freedom, destruction of others things, the use of other people's things, crimes against the government and Christian faith against family law and morality. Crimes against Christian faith and family law and morality, sacrilege offenses made up a group of crimes which were in the jurisdiction of church. Church regulated relations that emerged and developed with the strengthening of Christianity, increased legal significance of church; in the process of development were church legislation, its first motion was carried sideways adjustment and adaptation to ancient Rus conditions, the later conducted systematizations reflected the features of new needs of society[2].

The canonical norms regulated not only issues of church government and church life, but practically all family law matters. Because law of Byzantium, mostly represented a systematized Roman law (codification of Emperor Justinian in VI century), thus in part the system and norms of Roman law were accepted.

There are different views on legal nature of church law. The first view is that church law is a special legal system which may serve as an analog of international law. According to another view, church law refers to corporate law. The third approach is that church law is a comprehensive legal formation. Finally, the fourth view is that church law under certain conditions, may be considered as a branch of law[3].

Pre-revolutionary lawyers believed that church law was special legal system[4]. And one of the recognized specific legal systems is international law. Let's turn to the analogy between church and international law, pursued by pre-revolutionary lawyers. Prominent church law expert A. Pavlov stressed that church law has more in common with international law, than even with the state law[5]. In recognition of the international law as a special system of law different from national law, and the idea that church law has a proper legal nature, regardless of its recognition by a state and as a special kind of law along with secular law, let's try to compare these phenomena.

Experts in international law following the dualistic concept of relations between national and international law, paid great attention to analysis of the specificity of the latter. It was noted that in the two different systems of law there are different ways of formation of norms, subjects, objects of regulation, ways of functioning and others.

Is there a set of rules in church law, similar to international law? This question is meaningful only in relation to the Orthodox, not Catholic law, because the structure of the Catholic Church is characterized by a single supreme authority and a high degree of centralization of lawmaking and governance. The Orthodox

[1] Боровой, Д.Д. (2004). *Каноническое (церковное) право как нормативная система социально-правового регулирования*. Ставрополь.

[2] Федоренко, Т.М. (2001). *Вплив християнства на формування правової системи Київської Русі з кінця X по 40-ві роки XIII століття.* Київ.

[3] Дорская, А.А. (2008). *Церковное право в системе права Российской Империи конца XVIII - начала XX вв.* Санкт-Петербург.

[4] Бердников, И. (1885). Церковное право как особая, самостоятельная правовая область. *Православный собеседник*, *3,* 172–195; Павлов, А.С. (2002). Курс церковного права. *2-е издание.* Санкт-Петербург: Издательство "Лань", 13-16.

[5] Павлов, А.С. (2002). Курс церковного права. *2-е издание*. Санкт-Петербург: Издательство "Лань".

Church, where such "vertical of power" is absent, can be legally described as a community of "autocephalous" (independent), or "local" (operating in the territory of certain countries and regions) Churches[1].

If we turn to the second point of view that the church law is corporate law, some analogue in pre-revolutionary science can be found. G. Puhta, F. K. Savigny, R. F. Mole, G. Ahrens, V. N. Leshkov attributed church law to social law, standing out on a par with public and private law[2]. It occurs regardless of the state for different purposes.

Today, in jurisprudence, the term “social law” is not used. As some analogue the term "corporate law" may serve, but its meaning causes discussion. In works of M. Yu Varias, E. P. Garanova, D. D. Borovoi suggested that corporate law governs real-life relationships of people within a particular corporate community, such as the Church[3]. It is a system of rules established by an owner or an administration of a company (commercial organization) and regulating various intercompany relationships (for example, working procedure regulations, provisions on the awarding, and so on). The majority of scholars are of the opinion that corporate law is part of civil law, a set of legal rules governing legal status, the order of creation and activity of business entities.

Theologians (V. Tsypin, A. Bondach, A. Zadornov) believe that church law cannot be regarded as a corporate law, as under corporate law implied conglomerate rules applicable in commercial organizations, trade unions and other associations. Such regulations govern, as a rule, an economic activity, they are based on the principles of equality of parties involved, freedom of contract and so on. The church also affects legal relations in the spiritual sphere, reflects hierarchical structure of church, and establishes subordination in relations between the parties, the need for strict adherence to the rules. The Christian religion and the Church in its origins not related to a state; its aim is, ultimately, salvation of souls of believers[4].

So, a concept created by church doctrine canonists lies in the fact that, given fundamental differences in the subject matter of legal regulation and in the material sources, law may be differentiated into mundane, secular law in general, which applies to corporate law, and church law. It is possible to speak about a broader concept of religious law, because many, including non-Christian, religious communities have their own legal rules[5]. But in our country, where the Orthodox Church is the most traditional and uniting majority of the population, great practical importance for society and the state has Orthodox church law.

At the same time, A. Dorskaia believes that modern church law can rightly be called corporate law, but to the pre-revolutionary church law this term is not applicable. By virtue of the existence of "the dominant Russian Orthodox Church" church rules were observed by each citizen of the Russian empire, regardless of faith. The Russian state has formed not only church authority of the Russian Orthodox Church, but also Protestant, Roman Catholic, Armenian Gregorian Churches. Government intervention in the management of non-Christian religious associations formally denied, but the individual behavior of each non-Christian as a citizen of the empire regulated by.

Consider the following view, which is that the church law under certain conditions can be considered as a branch of law. For example, A. S. Smykalin writes about canonic law: "This branch of law for our relatively young legislation, although, paradoxically, has nearly a thousand years of history. This is an independent branch of law in the system of legal norms, has its own specific object"[6].

Church law in the Russian Empire was a branch of law, which is a set of legal rules governing the status of churches, as well as rights and obligations of clergy, nationals (citizens), depending on the attitude towards them. Attention should also be paid to the fact that the terms "church law" and "canonical law" in

[1] Бондач, А.Г. (2004). *Еще раз о природе церковного права: сравнительно-правовой аспект.* Екатеринбург: УрГЮА, 40–43.

[2] Лешков, В.Н. (2011). *Критика. Полицейское право г. Андреевского.* Москва: Книга по Требованию.

[3] Гаранова, Е.П. (2007). *Церковное право и российская правовая система.* Кострома: Изд.-во Костромск. госуд. технол. ун.-та.

[4] Цыпин, В.А. (1996). *Церковное право: 2-е изд.* Москва: Изд. -во МФТИ; Бондач, А.Г. (2003). *Церковное право как автономная правовая реальность в системе российского права.* Екатеринбург: УрГЮА, 3-6. Задорнов, А. Современные проблемы русского церковного права. *Богослов. RU*. <http://www. bogoslov. ru/text/220951.html> (2015, July, 13).

[5] Дорская, А.А. (2010). Эволюция места канонического (церковного) права в системе права России. *Юриспруденция*, *2,* 37-43.

[6] Смыкалин, А.С. (2005). *Церковное право: публичное или частное*. Санкт-Петербург, 189-193.

Russia in the late XVIII - early XX century vary significantly. The norms of canon law are taken only by church authorities and becomes the norm of church law, if are permitted only by the state. For example, in the Charter of spiritual consistories church law is a positive law, the source of which is the state. Today, research and analysis of traditional approaches to the question of relationship between canonical and church law, lead to the conclusion that they related as elements of a regulatory framework, which are inseparably linked. The study of these components makes it possible to better reflect the structure and function of the regulatory framework under consideration to determine the relationship between religious norms with the norms of the positive law in the process of social regulation and understand the social and regulatory function of church law.

A. Dorskaya in her research analyzes from the standpoint of dogma of law signs of field of law in relation to church law and offers it to the consideration of these signs:

The object of church law regulation is all areas of life directly or indirectly related to the interests of the church. The subject of church law is public relations arising in the implementation of the rights of believers and the church organization.

The methods of church law can be attributed to both imperative and dispositive, with the predominance of the first. In particular, with respect to the Orthodox acted imperative method: banned the leaving the orthodoxy; if one of the parents was Orthodox and the other belonging to other Christian confessions, the child could only be Orthodox; existed only the church form of marriage and so on. With regard to other nationals the dispositive method used; for example, non-Christians can go to any Christian denomination, but a different religion - into Orthodoxy.

Church law has a certain degree of internal organization to enable this set of rules to perform part of the legal system as a whole.

It should be noted that none of the official sources reveal the system of church law. This issue was not resolved also by Laws of the Russian Empire. In the System of church law allocated: 1) the external law of the church, containing the legal regulation of relations with the state and other churches and religious unions; 2) the internal law of the Church, including problems of church apparatus (entry to the church, the personnel of the church community, church organs of power) and the church administration (Church procedural questions, the sanctifying power of the Church, church-property rights).

Church law interactes with other branches of law. Thus, church law has had a significant impact on criminal law, and at times it has contributed to his development and stagnation. Due to the church was an important state institution, religious crimes by severity have always been in criminal law after the crimes against the state. Criminal principles such as the presence of guilt as a sign of a crime, the offender admission of remorse, the approval of different purposes of punishment were borrowed from church law, and not just intimidation. They served as the starting point for the further development of criminal law.

Church law almost did not affect the development of civil law. Rather, the civil law has made the church a privileged subject of civil legal relations.

Church law had a huge influence on the development of national family law. Until the XVIII century the marriage and family affairs were entirely within the jurisdiction of the church. However, since the end of the XVIII century there has been increasing state intervention in the legal regulation of family relations, which gradually grew in the XIX century. At the end of XIX - early XX century the state power, despite the drafting of the introduction of civil marriage and divorce, the most preserved old foundations: church form of marriage, the conditions of marriage, assignment the divorce to the church courts. This process is significantly slowed the emergence of family law as a branch of law.

Modern jurisprudence cannot ignore that church law has the set of features that allow to consider it as a specific regulatory system of social regulation.

Review of sources of church law reveals that the nature of the regulatory impact of the canonical norms on public relations depends on its relationship with legal system, an important feature of the regulatory norms of church law is the possibility of their use in cases of failure of state regulation.

For a long time the church law was acknowledged as a part of legal system and only after the separation of church and state, it has lost its legal significance. Despite this, the basic principles of the Christian religion, as set out in the canonical establishments, are reflected in the legislation of the modern state as the bases of many legal acts are religious values. So, to church law (jus ecclesiasticum) may be attributed all the church legal provisions outlined in the legislative acts of the Church and state laws for the church, based on prescriptions of canon law. In other words, church law is law that has as its object the regulation of church-legal relations in the state, while being a result of the activity of the Church, not only

as a source of their law but also the state as the power to define the legal status of the church organization, taking into account the historical features of the development of the society and the state.

Church law includes a combination of two areas of regulation: the area of internal and external church-legal relations, the basis of the regulation which is exactly canonical law. Church law is a system of rules governing the relations developing both within the church and its relations with other associations and with a state.

This approach eliminates the uncertainty in the application of these concepts to establish a common understanding and clear demarcation of the religious and dogmatic rules of church and the legal and proper use of these concepts in church law and the whole system of jurisprudence. But the division of concepts is rather conditional, but it does not prevent its direct use to study church law as a regulatory system in the framework of legal science. Holding the line, even a conditional, between these concepts makes it possible to distinguish more clearly in the process of learning the rules used in the legal regulation of social relations, from the religious and dogmatic standards available in ritual and spiritual and moral significance.

This vision of church law allows to better reflect its structure and function determine relationship of church and secular standards in regulation of public relations, as well as to understand social and regulatory function of church law as a specific regulatory framework. In the modern sense, church law is a system of law regulating a specific, real-life relations of people within a particular religious community - the Church.

According to N. N. Hlubokovskii: "The Church, realizing in the world, brings its own rules, which establishes and regulates the typically Christian life, different from any other apparatus in its' very. So there is a church and the legal order, which in its crucial importance require special scientific historical and theoretical analysis, and for the church life is a church law "[1].

Analyzing the views of scientists on the features of the legal nature of the rules of church law, we note that the church law is inherent: normativity, outward expression, and consistency, functionality, and security mechanisms.

For a correct understanding of the essence of church law as a regulator of social relations it is necessary to consider that aspect of social regulation in general and law in particular is its effect on the will and consciousness of subjects.

The aim of church law is to regulate relations in society, by establishing rules of conduct. Considering compulsion as a defense mechanism of legal norms, it should be noted the significant features of canonical norm, namely sanctions, the main purpose of which is not punishment but correction.

Before church law has found the kind of completeness and gained a foothold in society, it has passed a long and difficult path of development, from the baptizing of Rus by Prince Vladimir. Church-legal regulations were actual regulator of social relations; moreover, many of these provisions are reflected in national legislation, providing the overall impact on the further formation and development of the domestic positive law.

Church law has played a huge role in the formation of modern European legal system. As noted by M. Yu. Varias, "essentially church law was the first pan-European supranational system of law; institutions and legal procedures emanating from the proto-system, ahead of the national legal regulation of the time of its appearance, became the basis of formed within national legal systems in Europe"[2].

Today, the folding system of relations between the state and religious organizations in Ukraine is gradually acquiring the character of cooperation (partnership) on the basis of the separation of functions, and therefore requires knowledge and understanding of the norms of church, many of which have evolved over the centuries. It should also be noted that theme of Christian traditions in the law appears directly related to present problems of legal education, which aims at creation of such a system of knowledge that would form the worldview, culture, legal rights, and intellectually enriched ensure adherence to the norms of morality.

It can be argued that in the present time in Ukraine, along with the secular law, church law functioning as an independent system of legal norms established by the Church authorities and the regulatory authorities as the internal relations of believers about spiritual wealth, and various aspects of the status of the Orthodox Church in society. The norms of church law, having signs of normativity, are a kind of regulator of social relations, adding to the legal capacity of the state in social regulation, and the church law, regardless of its formal recognition by the state, it is law in the strict sense of the word.

[1] Глубоковский, Н.Н. (2002) *Русская богословская наука в ее историческом развитии и новейшем состоянии.* Москва: Издательство Свято-Владимирского Братства, 2002.

[2] Варьяс, М.Ю. (1997). *Церковное право в романо-германской правовой системе.* Москва.

Legal life is not just a conglomerate operating officially recognized legal norms, generating legal, but all are usually legal reality, which always present in latent legal life and finds itself in practical life. Rejecting monism pluralistic approach allows not opposing the law as a form of «lower» and «higher», and integrating them into one legal matrix of interconnected and interdependent legal fields, opening up a wide range of co-existence of different legal cultures[1]. At the core of the genesis of law lies the multilinearity and diversity, in any historical situation in every nation there are many areas of legal development. Even in the history of the individual state the development of law does not occur uniformly, it is often in a status of differentiation and pluralism, develops relatively diverse in time and space, transforming into various forms and systems. Different historical periods of development of society leave original prints in its legal life, which is reflected in the legal thinking in a rationalized theoretical form, and in the unconscious field at the level of archetypes.

Socio-cultural relativism of the law is that the idea of law in real life is relative, has a variety of content characteristics and forms of objectification, which is due to the uniqueness and diversity of legal cultures. It is confirmed by the specificity of perception of western legal values in the eastern countries: from total denial and rejection to the partial perception (transformation involving modification) while preserving traditional culture. Thus, the development of law, of legal thinking, legal culture and consciousness of legal rules and legal thought and it have relatively due to the type of culture appropriate time[2]. Summing up, we may state that legal pluralism is a methodology of knowledge of the genesis of law, based on multiple sources of its origin and not necessarily associated with the law-making activity of a state. The center of gravity in the development of law, both in antiquity and in modern conditions is not in the legislation, not jurisprudence not in the judicial practice and in society (Erlikh), law may dispense with the state (G. Gurvich) and church law is a bright example.

References

1. Antonov, M. V. (2013). Oygen Erlih: zhivoe pravo protiv pravovogo plyuralizma? Izvestiya vyisshih uchebnyih zavedeniy. *Pravovedenie, 1,* 151–175.
2. Belonosov, V. O., Nekrasov, A. P. (2013). Pravovoy plyuralizm: teoreticheskiy aspekt. *Vektor nauki TGU, 1(23),* 149.
3. Berdnikov, I. (1885). Tserkovnoe pravo kak osobaya, samostoyatelnaya pravovaya oblast. *Pravoslavnyiy sobesednik, 3,* 172–195.
4. Bondach, A.G. (2003). *Tserkovnoe pravo kak avtonomnaya pravovaya realnost v sisteme rossiyskogo prava*. Ekaterinburg: UrGYuA, 3-6.
5. Bondach, A. G. (2004*). Esche raz o prirode tserkovnogo prava: sravnitelno-pravovoy aspekt.* Ekaterinburg: UrGYuA, 40–43.
6. Borovoy, D. D. (2004). *Kanonicheskoe (tserkovnoe) pravo kak normativnaya sistema sotsialno-pravovogo regulirovaniya*. Stavropol.
7. Van Hoek, M. (2006). Pravo kak kommunikatsiya. *Pravovedenie, 2,* 44-54.
8. Van Huk, M. (2012). *Pravo kak kommunikatsiya*. Sankt-Peterburg: Izdatelskiy dom S.-Peterb. gos. un-ta, OOO «Universitetskiy izdatelskiy konsortsium».
9. Varyas, M. Yu. (1997). *Tserkovnoe pravo v romano-germanskoy pravovoy sisteme*. Moskva.
10. Garanova, E. P. (2007). *Tserkovnoe pravo i rossiyskaya pravovaya sistema*. Kostroma: Izd.-vo Kostromsk. gosud. tehnol. un.-ta.
11. Glubokovskiy, N. N. (2002). *Russkaya bogoslovskaya nauka v ee istoricheskom razvitii i noveyshem sostoyanii.* Moskva: Izdatelstvo Svyato-Vladimirskogo Bratstva, 2002.
12. Gurvich, G. D. (2004). Ideya sotsialnogo prav. *Filosofiya i sotsiologiya prava: izbr. soch.* Sankt-Peterburg, 41–212.
13. Guseynov, A. I. (2006). *Pravo kak fenomen kulturyi*. Moskva: Izd-vo Mosk. gumanit. un-ta.
14. David, R., Zhoffre-Spinozi, K. (1998). *Osnovnyie pravovyie sistemyi sovremennosti*. Moskva: Mezhdunarodnyie otnosheniya.
15. Dorskaya, A. A. (2008). *Tserkovnoe pravo v sisteme prava Rossiyskoy Imperii kontsa XVIII - nachala XX vv*. Sankt-Peterburg.
16. Dorskaya, A. A. (2010). Evolyutsiya mesta kanonicheskogo (tserkovnogo) prava v sisteme prava Rossii. *Yurisprudentsiya, 2,* 37-43.
17. Zadornov, A. Sovremennyie problemyi russkogo tserkovnogo prava. *Bogoslov. RU*. <http://www. bogoslov. ru/text/220951.html>(2015, July, 13).

[1] Антонов, М.В. (2013). Ойген Эрлих: живое право против правового плюрализма? *Известия высших учебных заведений. Правоведение, 1,* 151–175.

[2] Гусейнов, А.И. (2006). *Право как феномен культуры*. Москва: Изд-во Моск. гуманит. ун-та.

18. Leshkov, V. N. (2011). *Kritika. Politseyskoe pravo g. Andreevskogo*. Moskva: Kniga po Trebovaniyu.
19. Nekrasov, A. P. (2013). Kontseptualnyie i metodologicheskie aspektyi fenomena "plyuralizm". *Vektor nauki TGU, 1,* 214–216.
20. Oborotov, Ju. M. (2014). Nadiĭnist' prava jak vidobrazhennja ĭogo imunnoi vlastivosti. *Visnik Pivdennogo regional'nogo centru Nacional'noi akademii pravovih nauk Ukraini, 1,* 222–230.
21. Oborotov, Ju. N. (2001). Pravoponimanie kak aksiomaticheskoe nachalo (postulat) prava. *Pravo Ukrainy, 1,* 107-114.
22. Pavlov, A. S. (2002). Kurs cerkovnogo prava. *2-e izdanie.* Sankt-Peterburg: Izdatel'stvo "Lan'.
23. Petrazhickij, L. I. (2011). *Teorija i politika prava. Izbrannye trudy*. Sankt-Peterburg: "Universitetskij izdatel'skij konsorcium "Juridicheskaja kniga".
24. Poljakov, A. V. (2004). *Obshhaja teorija prava: problemy interpretacii v kontekste kommunikativnogo podhoda.* Sankt-Peterburg, 507.
25. Smykalin, A. S. (2005). *Cerkovnoe pravo: publichnoe ili chastnoe*. Sankt-Peterburg.
26. Stridzhbosh, F. (1999). *Koncepcii pravovogo pljuralizma i ih primenimost' v kontekste izuchenija juridicheskoj praktiki u molukkcev v Niderlandah*. Moskva.
27. Tihonova, S. V. (2014). Istorija pravovyh norm: pravovoj pljuralizm i kommunikativnye teorii prava. *Al'manah «Diskursy jetiki», 2(7),* 81-98.
28. Fedorenko, T. M. (2001). *Vpliv hristijanstva na formuvannja pravovoï sistemi Kiïvs'koï Rusi z kincja H po 40-vi roki XIII stolittja*. Kiyv.
29. Tsypin, V. A. (1996). Cerkovnoe pravo. *2-e izd*. Moskva: Izd.-vo MFTI.