



Freedom of Religion as a Subjective Human Right: Philosophical and Legal Analysis

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ABSTRACT

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The article provides a philosophical and legal analysis of freedom of religion as one of the fundamental subjective human rights, which has a natural, inalienable, and system-forming character within the structure of constitutional rights and freedoms. Theoretical approaches to understanding freedom of religion as a legal opportunity for an individual to independently determine their attitude toward religion, faith, worldview beliefs, and the forms of their external expression are examined. It is substantiated that freedom of religion is directly connected with a person's inner world, conscience, spiritual needs, the right to self-determination, and the protection of human dignity. Special attention is paid to the distinction between the internal sphere of freedom of belief and the external forms of religious manifestation. It has been established that forum internum covers the inner spiritual sphere of an individual, including the right to have, adopt, change, or reject religious beliefs, and has an absolute nature that excludes any state interference. In contrast, forum externum is related to the external manifestation of faith through worship, religious rites, missionary activity, religious education, and the establishment of religious organizations, and therefore may be subject to legitimate restrictions provided that the principles of legality, proportionality, and non-discrimination are observed. The structural and substantive content of freedom of religion has been analyzed, including the right to profess any religion or none, to change religious affiliation, to receive religious and secular education, to raise children according to one's own beliefs, to participate in collective religious life, as well as the right to alternative (non-military) service based on reasons of conscience. It is proven that freedom of religion has both positive and negative dimensions, ensuring not only the right to profess religion but also the right to refuse any religion. The mechanism of legal protection of freedom of religion has also been examined separately, the basis of which consists of the Constitution of Ukraine, the Law of Ukraine "On Freedom of Conscience and Religious Organizations," international legal acts, and the practice of the European Court of Human Rights. It has been established that the effectiveness of the implementation of this right depends on the state's ability to ensure a balance between the spiritual autonomy of the individual, the principle of ideological neutrality, and the need to protect public order, public health, morality, and the rights of others. It is concluded that the level of guaranteeing freedom of religion is an important indicator of the democratic nature of the state, and the improvement of legal regulation in this area should be carried out in accordance with European standards of human rights protection.

KEYWORDS

freedom of religion, freedom of conscience, subjective right, forum internum, forum externum.





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У статті здійснено філософсько-правовий аналіз свободи віросповідання як одного з фундаментальних суб'єктивних прав людини, що має природний, невідчужуваний і системоутворюючий характер у структурі конституційних прав і свобод. Досліджено теоретичні підходи до розуміння свободи віросповідання як правової можливості особи самостійно визначати власне ставлення до релігії, віри, світоглядних переконань та форм їх зовнішнього вираження. Обґрунтовано, що свобода віросповідання безпосередньо пов'язана з внутрішнім світом людини, її совістю, духовними потребами, правом на самовизначення та захистом людської гідності. Особливу увагу приділено розмежуванню внутрішньої сфери свободи переконань та зовнішніх форм реалізації віри. Встановлено, що *forum internum* охоплює внутрішній духовний простір особи, її право мати, приймати, змінювати або відмовлятися від релігійних переконань і має абсолютний характер, не допускаючи жодного державного втручання. Натомість *forum externum* пов'язаний із зовнішнім проявом віри через богослужіння, релігійні обряди, місіонерську діяльність, релігійне навчання та створення релігійних організацій, а тому може підлягати легітимним обмеженням за умов дотримання принципів законності, пропорційності та недискримінації. Проаналізовано структурно-змістовне наповнення свободи віросповідання, яке включає право сповідувати будь-яку релігію або не сповідувати жодної, змінювати релігійну належність, здобувати релігійну та світську освіту, виховувати дітей відповідно до власних переконань, брати участь у колективному релігійному житті, а також право на альтернативну (невійськову) службу за мотивами совісті. Доведено, що свобода віросповідання має як позитивний, так і негативний вимір, забезпечуючи не лише право на сповідання релігії, а й право на відмову від будь-якого віросповідання. Особливо досліджено механізм юридичного забезпечення свободи віросповідання, основу якого становлять Конституція України, Закон України «Про свободу совісті та релігійні організації», міжнародно-правові акти та практика Європейський суд з прав людини. Встановлено, що ефективність реалізації цього права залежить від здатності держави забезпечувати баланс між духовною автономією особи, принципом світоглядної нейтральності та необхідністю захисту громадського порядку, здоров'я населення, моралі та прав інших осіб. Зроблено висновок, що рівень гарантування свободи віросповідання є важливим показником демократичності держави, а вдосконалення правового регулювання у цій сфері має здійснюватися відповідно до європейських стандартів захисту прав людини.

КЛЮЧОВІ СЛОВА

свобода віросповідання, свобода совісті, суб'єктивне право, *forum internum*, *forum externum*.



1. Introduction

The relevance of the study of freedom of religion as a subjective human right is due to the fact that freedom of religion is one of the fundamental natural and inalienable human rights, which are directly related to one's inner world, conscience, worldview, spiritual needs and the right to personal self-determination. In the modern conditions of the development of a democratic legal state, this right is an important guarantee of human dignity, moral autonomy and the ability to freely form one's own system of values without external coercion or discrimination. Freedom of religion encompasses not only the right of a person to profess a certain religion or not to profess any, but also the ability to change beliefs, openly express them, and realize religious needs both individually and collectively. That is why the study is of great importance for understanding the place of a person in the system of constitutional and legal values and determining the limits of permissible state interference in the sphere of spiritual freedom of a person.

No less important is the relevance of the philosophical and legal analysis of freedom of religion in the context of the need to clearly distinguish between internal freedom of beliefs (*forum internum*) and external forms of their implementation (*forum externum*), which is of fundamental importance for determining the boundaries of legal regulation of religious life. In the context of social transformation, religious pluralism, martial law, pandemic challenges and the growing role of international standards for the protection of human rights, the issue of ensuring freedom of religion acquires particular practical significance. The state must simultaneously guarantee the inviolability of the internal freedom of the individual and ensure a fair balance between the external manifestation of religious beliefs and the need to protect public order, security, the health of the population and the rights of other persons. That is why a comprehensive study of freedom of religion as a subjective human right allows not only to deepen the theoretical understanding of this legal category, but also to form scientific approaches to improving national legislation in accordance with European human rights standards.

2. Literature Review

The degree of scientific development of the problem of freedom of religion as a subjective human right indicates its significant theoretical and practical relevance, as well as the interdisciplinary nature of the study. Certain aspects of the philosophical and legal provision of freedom of religion were the subject of scientific analysis in the works of O. V. Batanov, O. M. Bykov, O. V. Bilash, M. P. Brinchak, O. P. Vasylchenko, I. I. Dakhova, M. S. Vasin, M. M. Kolyba, O. A. Lavryk, O. P. Melnychuk, V. V. Novikova, L. V. Yarmol and other scientists who studied the essence of freedom of conscience and religion, the relationship between *forum internum* and *forum externum*, the limits of permissible restrictions on religious freedom, mechanisms for its judicial protection, international standards of guarantee and features of the implementation of this right in the conditions of the activities of religious organizations, military service, the penitentiary system and modern social challenges. At the same time, despite a significant number of scientific works, a comprehensive philosophical and legal analysis of freedom of religion as a subjective human right, taking into account modern European standards for the protection of human rights, the practice of the European Court of Human Rights, and current transformations of legal regulation in Ukraine, remains insufficiently systematized, which necessitates further scientific research on this issue.

3. Problem Statement

The purpose of the study is a comprehensive theoretical-legal and philosophical-legal understanding of freedom of religion as one of the fundamental natural and inalienable human rights, determining its essence, structure, content and place in the system of constitutional rights and freedoms, as well as studying the features of the relationship between internal freedom of belief and external forms of faith implementation. Special attention is paid to the analysis of the powers that constitute the content of this right, the limits of its implementation, the grounds for permissible restrictions, as well as the mechanism of legal support and protection of freedom of religion in the national and international legal dimension. The study is also aimed at identifying problems of law enforcement and the formation of scientifically substantiated proposals for improving the legislation of Ukraine in the field of guaranteeing freedom of religion in accordance with European standards of human rights protection.

4. Results and Discussion

Freedom of religion in modern legal doctrine is considered one of the fundamental subjective human rights of general social (natural) origin, which is an integral part of the system of personal rights and freedoms [1]. Its legal nature is that it is directly related to the inner world of a person, his conscience, worldview, spiritual needs and the ability to independently determine his own attitude to religion, faith and beliefs. That is why freedom of religion, by its ontological essence, belongs to the fundamental, natural and inalienable human rights, acting as a necessary component of his personal self-determination and spiritual development [2].

In the context of philosophical and legal research, the subjective right to freedom of religion is expedient to be considered as one of the basic components of the legal status of a person, reflecting his ability to independently determine his own attitude to religion, faith, worldview beliefs and forms of their external expression. This right is defined as an exact measure of a person's possible behavior, which is ensured by the corresponding obligation of the state, its bodies, officials, as well as other subjects of law to refrain from unlawful interference in the sphere of a person's religious self-determination and to provide appropriate conditions for the exercise of this right [3].

The essence of the subjective right to freedom of religion is not only the abstract possibility of a person to have certain religious or non-religious beliefs, but also the real ability to be the bearer of specific legal opportunities, which he realizes at his own discretion without the need to obtain additional permission, approval, or sanction from the state authorities. This is a legally guaranteed opportunity to freely form his own system of spiritual guidelines, change it, abandon previous beliefs or, conversely, deepen religious self-identification in accordance with the person's inner convictions.

A feature of this right is its close connection with the inner world of a person, his consciousness, conscience and personal autonomy. That is why freedom of religion has a deeply personalized nature and is among the natural rights that are not created by the state, but only recognized by it and subject to legal protection. A person as a subject of legal relations cannot actually completely refuse to exercise this right, since each person has certain worldviews that shape his or her attitude towards the world around him or her, the meaning of life, moral values, and spiritual priorities - from deep religious faith to convinced atheism or agnosticism [4].

The scientific literature emphasizes that freedom of religion is not only an important democratic value, but also a complex subjective human right, which has a natural, inalienable and inalienable character [5]. This right is not created by the state, but exists objectively as such an opportunity that arises from the very nature of man, his ability to spiritual search, moral choice and the formation of his own system of values. That is why freedom of religion acts as a "cornerstone" of the system of personal and cultural rights of the individual, since it provides a basic condition for the realization of the inner autonomy of the individual and the protection of his human dignity [6].

As a subjective legal right, freedom of religion is the individual's ability, guaranteed by the state and the international community, to freely choose the object of his faith, to determine his own inner attitude towards it, and to carry out external actions aimed at the realization of religious needs [7]. It is not only about the right to profess a certain religion, but also about the opportunity to change one's beliefs, to renounce them, not to profess any religion, or to adhere to a non-religious worldview. In this aspect, freedom of religion encompasses both the positive and negative dimensions of freedom, providing a person with the right to independent spiritual self-determination without external coercion.

As a subjective legal right, freedom of religion is transformed from a natural state into a system of specific legal opportunities enshrined in national legislation and international legal acts. It is the legal enshrinement that creates a mechanism for the practical implementation of this right, giving a person the opportunity to freely satisfy their spiritual needs within the legal field, and also provides protection from unlawful interference by the state, religious organizations, or other persons [8]. In this sense, freedom of religion acquires the features of a legally guaranteed instrument for the implementation of personal autonomy.

Freedom of religion is of particular importance for ensuring the inner freedom of a person, since it plays the role of a "reliable and necessary for everyone" condition for satisfying one's own religious needs and realizing personal self-determination. It ensures a person's autonomy in the spiritual sphere, where religious belief is a matter of one's personal conscience, and not a subject of external coercion or state control [9]. It is in this sphere that freedom of religion is closely linked to the categories of human

dignity, moral autonomy, and the right to be oneself regardless of dominant social or political tendencies.

In a democratic state governed by the rule of law, the development and proper provision of freedom of religion is an important prerequisite for religious pluralism, worldview diversity, and social tolerance. This right guarantees the equality of all citizens regardless of their attitude to religion, belief, or atheistic beliefs, and also makes it impossible to establish a privileged position for individual confessions. It is through ensuring freedom of religion that the state implements the principle of ideological neutrality and confirms its orientation to the protection of human rights as the highest social value.

As an object of philosophical and legal analysis, freedom of religion is considered in the plane of a person's legal ability to freely choose, accept, change or renounce religious beliefs, as well as to objectify their faith through external actions [10]. Such forms of external implementation can be participation in worship, performing religious rites, professing faith individually or collectively, religious teaching, missionary activity and the creation of religious organizations. Therefore, freedom of religion encompasses not only the internal spiritual dimension, but also the external social manifestation of religious identity.

The legal nature of this right is determined by its belonging to the system of personal non-property rights that ensure the social existence of an individual, his spiritual development and the realization of internal autonomy [11]. Unlike property rights, freedom of religion has no economic content; however, its significance for the legal status of a person is exceptionally important, since it provides the possibility of free formation of personality, protection of his beliefs and realization of the right to a dignified and conscious life. That is why freedom of religion occupies a special place in the system of constitutional human rights and remains one of the fundamental guarantees of a democratic society.

In the structure of the constitutional and legal status of a person, freedom of religion performs not only the function of protecting spiritual autonomy, but also serves as the foundation for the self-identification of a believer, the formation of his life concept, moral guidelines and system of values. Through the implementation of this right, a person determines his own place in society, the way of interacting with other people, attitude to social institutions and models of behavior. In this aspect, freedom of religion is closely related to human dignity, since it provides the opportunity to be oneself without fear of coercion, discrimination, or persecution on religious or ideological grounds.

At the same time, despite its fundamental and natural nature, the exercise of this subjective right is not absolute in terms of its external manifestation. If the internal freedom of belief is inviolable, then the forms of its implementation may be subject to legal regulation. The legislator has the right to establish certain restrictions on freedom of religion, but only if there are constitutionally defined grounds and subject to compliance with the principle of proportionality. Such restrictions are permitted only in the interests of protecting public order, public health, public morality, as well as to protect the rights and freedoms of others [12].

The conceptual understanding of freedom of religion as a subjective right is based on its definition as the ability of a person to perform certain actions or refrain from performing them, through which their religion is objectified. This right is characterized as an intrinsic human ability to free religious self-determination and as a legal opportunity to realize such self-determination [13].

The conceptual understanding of the limits of the realization of freedom of religion is based on the fundamental distinction between the internal sphere of beliefs and external forms of their expression. The philosophical and legal doctrine emphasizes that the freedom to have, accept and change religion stems from the very nature of man, and therefore is absolute, not subject to limitation and under no circumstances can it be the subject of state interference [14].

Structurally, freedom of religion encompasses both the internal sphere of a person's personal beliefs (*forum internum*), which is absolute and inviolable for state interference, and the external form of their objectification (*forum externum*), which includes the ability to freely adopt, change, and publicly or privately profess one's religion or beliefs in teaching, worship, and observance [15].

An important aspect of scientific analysis is the distinction between the internal and external forms of the exercise of these freedoms. The freedom encompassed by the doctrine of *forum internum* is the absolute, unrestricted ability to have, adopt, and change a religion or belief that stems from the very nature of a person. In contrast, freedom of religion is often identified with the external

manifestation of faith (*forum externum*), which consists in the ability to “perform certain actions or refrain from performing them, thereby objectifying one’s religion” [16].

The internal sphere, which directly concerns the choice of faith and the formation of beliefs, is absolute and is not subject to state regulation or interference [17]. In contrast, freedom of religion as a subjective legal right concerns external manifestation – the objectified behavior of a person, his participation in the activities of religious organizations and religious education [18]. Therefore, the state cannot regulate the choice of faith itself, but is obliged to create conditions for its unhindered expression in society [19].

Understanding the difference between the concepts of *forum internum* and *forum externum* is key to determining the boundaries of legal regulation of religious life, since these categories cover fundamentally different aspects of a person’s spiritual existence [20].

Forum internum denotes the internal dimension of freedom of religion, which is associated exclusively with the mental activity of the individual, his deep inner convictions, thoughts, as well as the process of choosing or changing the object of faith [21]. According to international legal acts and philosophical and legal doctrine, this internal aspect is absolute in nature, that is, it cannot be the subject of any state restrictions or interventions [22]. The logic of absolute freedom in this area is based on the fact that thoughts or ideas that are not expressed externally and not embodied in actions are not capable of causing social harm, and the state technically does not have the ability to control the processes occurring in the depths of the human soul. Within the *forum internum*, the state is obliged not only to refrain from imposing any ideology, but also to protect the individual from forced “deprogramming” or other forms of psychological manipulation by religious associations or private individuals [23].

Unlike internal beliefs, *forum externum* encompasses external forms of expression of faith through which a person objectifies his or her religion in the physical world [24]. This sphere includes the observance of cults, the performance of religious rites and ceremonies, the profession of faith both individually and collectively, the conduct of religious propaganda, and the creation of religious organizations [25]. The fundamental difference of *forum externum* is that this dimension is not absolute and may be subject to legal restrictions [26]. Since the external activities of believers affect the interests of other members of society, the state has the right to regulate these relations and introduce restrictions if they are established by law and are necessary to protect public safety, public order, health, morals, or the rights and freedoms of others [27].

So, if in the internal sphere (*forum internum*) a person is completely sovereign, then in the external sphere (*forum externum*) his actions must be consistent with the requirements of the law and order, and the state acts as a neutral coordinator that ensures the tolerant coexistence of different worldview groups.

The structural and substantive content of the subjective right to freedom of religion encompasses a complex system of interrelated powers that provide a person with the opportunity for free spiritual self-determination, the realization of their own religious beliefs and the protection of internal autonomy in the sphere of conscience. In the legal dimension, this right appears as a specific set of opportunities for a person to perform certain actions or refrain from performing them, through which their religion is objectified. The key feature of this subjective right is its multi-level structure, which includes the freedom to have, accept, change, or abandon religion or beliefs of their own choice.

The main rights that constitute the content of freedom of religion include the ability to adopt, change, to profess any religion or not to profess any, individually or together with others, as well as to receive religious and/or secular education [28]. This right encompasses not only the internal freedom of a person to form his own attitude towards religion, but also the external opportunity to openly express his faith, implement it in public life and protect his own religious identity. Thus, freedom of religion as a subjective right implies not only the passive right to “have” faith, but also the active opportunity to spread it, openly express it and carry out religious activities [29].

The content of this right includes the right to profess any religion or not to profess any, the right to independently and without any coercion to choose the object of faith, as well as the right to religious education and the upbringing of children in accordance with one’s own beliefs. A special place among these rights is occupied by the right to change one’s religious affiliation, which is an integral element of a person’s spiritual freedom [30]. Although this right is not directly enshrined in the text of the Constitution of Ukraine, it has found its normative reflection in relevant legislation and international legal acts, which confirms its fundamental nature. It is the ability to change religious beliefs without fear

of persecution or discrimination that is one of the key indicators of the reality of freedom of religion in a democratic society.

The practical implementation of freedom of religion is carried out through the profession of religion or belief, which is traditionally manifested in four main forms: worship (worship), teaching, performance and observance of religious and ritual rites [31]. These forms cover a wide range of specific actions, including the establishment and maintenance of places of worship, the use of religious symbols, the celebration of religious holidays, the appointment of clergy, the organization of the internal structure of religious communities in accordance with their own canonical norms, missionary activity, teaching, state registration of religious organizations, maintaining ties between religious communities, the establishment of educational institutions, the distribution of religious literature, the receipt of donations and other forms of religious activity [32].

The implementation of the specified right also provides for the possibility of the practical profession of the chosen faith through the observance of cults, the conduct of rites and ceremonies, both individually and together with others, publicly or privately. It is this external form of realization that allows a person not only to internally identify with a certain religious tradition, but also to publicly demonstrate their belonging to it, participate in the life of a religious community and realize the collective dimension of freedom of religion.

An important element of the subjective right to freedom of religion is the opportunity to obtain religious and secular education, which allows a person to receive the necessary amount of knowledge to form their own worldview, consciously choose religious beliefs and acquire practical skills for professing the chosen faith [33]. The educational aspect of this right is of particular importance, since it provides not only freedom of access to religious information, but also creates conditions for raising children in accordance with their own worldview and moral beliefs, which is an important component of parental rights.

A separate important element of freedom of religion is the possibility to demand replacement of certain obligations to the state, in particular military service, with alternative (non-military) service on grounds of religious beliefs in cases provided for by law. This right is a manifestation of the state's respect for the freedom of conscience of an individual and the recognition that coercion to actions that contradict a person's deeply held religious beliefs is incompatible with the principles of a democratic state governed by the rule of law [34].

In addition to the positive aspect, the content of freedom of religion also includes the so-called negative dimension - the ability not to profess any religion, to adhere to atheistic, agnostic, or other non-religious beliefs, as well as to refrain from participating in religious practices or performing actions that contradict the internal beliefs of the person. Such an approach ensures the real ideological neutrality of the state and excludes any coercion to religious self-identification.

The reality of freedom of religion as a subjective right directly depends on the presence of an effective mechanism for its legal enforcement, since the very normative consolidation of the right without proper guarantees of its implementation does not ensure its actual implementation. The effectiveness of this right is determined not only by the proclamation of freedom of conscience and religion at the constitutional level, but also by the existence of a holistic system of legal, organizational, law enforcement and judicial means aimed at the implementation, protection and defense of the relevant right [35; 36].

The basis of such a mechanism in the national legal system is the Constitution of Ukraine, in particular Article 35, as well as the Law of Ukraine "On Freedom of Conscience and Religious Organizations", which define the content, guarantees and limits of the exercise of freedom of religion. It is at the level of the Basic Law that the right of every person to freedom of worldview and religion is enshrined, the possibility of unhindered exercise of religious activity is guaranteed, and the principle of equality of all religions, confessions and faiths before the law is established [37]. In this context, the state, recognizing freedom of religion as one of the fundamental human rights, assumes a constitutional obligation to uphold and ensure human rights and freedoms, and therefore is obliged to create appropriate legal and factual conditions for the exercise by all persons of the right to freedom of religion.

The legal mechanism for ensuring this right provides not only a negative obligation of the state to refrain from unlawful interference in the sphere of religious self-determination of an individual, but also a positive obligation to actively promote the implementation of religious rights. This is of particular importance for persons who are in a state of certain institutional dependence on the state, in particular military personnel, convicts, persons in places of deprivation of liberty, patients of medical institutions,

students of specialized institutions and other categories of persons for whom access to the exercise of religious rights is objectively difficult. In such cases, the state must not only guarantee the formal right, but also create real mechanisms for its implementation. An important component of the national mechanism for ensuring freedom of religion is the principle of separation of church and state, which serves as a guarantee of the ideological neutrality of state power and the equality of all confessions before the law. This principle means that the state has no right to interfere in internal church affairs, determine the correctness of religious doctrine or give advantages to individual religious organizations. At the same time, it does not mean the isolation of the state from the religious sphere, but provides for fair legal regulation aimed at ensuring a balance between freedom of religion and public interests.

Of particular importance in the formation of a national mechanism for ensuring freedom of religion is the international legal standard, which acts as a kind of coordinate system for the domestic legislation of states. At the international level, this right is enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, as well as in the Convention for the Protection of Human Rights and Fundamental Freedoms, the provisions of which are part of the national legislation of Ukraine [29]. It is international acts that define the basic standards of inadmissibility of discrimination on religious grounds, guarantee the freedom to change religion and ensure the right to both individual and collective practice of faith.

Central among international legal guarantees is Article 9 of the European Convention on Human Rights, which enshrines freedom of thought, conscience and religion and forms the main guidelines for the law-enforcement practice of the participating states. Practice The European Court of Human Rights consistently emphasizes that freedom of religion is one of the foundations of a democratic society, since it forms the identity of a believer and is valuable not only for religious persons, but also for atheists, agnostics and people with a non-religious worldview [18]. The Court proceeds from the fact that pluralism, tolerance and a breadth of worldview choice are necessary features of a democratic system, and therefore any arbitrary interference by the state in the sphere of religious freedom contradicts the principles of the rule of law.

Separately, the European Court of Human Rights emphasizes the inextricable link between freedom of religion and freedom of association, guaranteed by Article 11 of the Convention, since religious life is traditionally implemented not only individually, but also through organized structures - religious communities, associations, churches, spiritual centers and other forms of collective self-organization [27]. That is why the state must ensure the opportunity for religious communities to acquire the status of a legal entity, which allows them to legally carry out worship, educational, charitable and other statutory activities regardless of the doctrinal features of a particular faith.

The subjective right to freedom of religion is implemented both individually and collectively. In the individual dimension, it encompasses the right of a person to independently determine his or her own attitude to religion, to profess any faith, or not to profess any. In the collective dimension, this right is manifested through the ability of believers to freely unite into religious communities, create religious organizations, hold joint worship services, carry out missionary activities, and jointly satisfy spiritual needs [38]. It is the combination of individual and collective aspects that makes freedom of religion a full-fledged subjective right that ensures both the internal spiritual autonomy of a person and his right to social religious self-organization.

6. Conclusions

Thus, freedom of religion is one of the fundamental subjective human rights, which has a natural, inalienable and system-forming character in the structure of constitutional rights and freedoms. Its content is not limited only to the ability to profess a certain religion or to renounce any religion, but encompasses a wider range of rights related to internal freedom of belief, the right to change religious affiliation, external manifestation of faith, obtaining religious and secular education, as well as the possibility of alternative performance of certain duties in accordance with the requirements of conscience. It is such a multi-component structure that ensures the spiritual autonomy of a person, the inviolability of his inner world and creates appropriate conditions for self-realization, protection of human dignity and formation of personal identity.

At the same time, the reality of freedom of religion as a subjective right depends on the effectiveness of the mechanism of its legal enforcement, which includes constitutional guarantees, special legislation, international legal standards and practical mechanisms of protection against

unlawful interference. The state is obliged not only to recognize this right, but also to provide conditions for its full implementation, adhering to the principles of equality, religious pluralism and ideological neutrality. The level of guaranteeing freedom of religion is an important indicator of the democracy of the state, and further improvement of legislation in this area should be aimed at eliminating terminological inconsistencies, strengthening legal guarantees and bringing national legal regulation into full compliance with European standards for the protection of human rights.

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