Abstract

The 19,638 Act, which deals with the incorporation of churches and religious organizations, regulated the Chilean religious organizations from a civil law perspective by distinguishing those organizations that already had a public law personality and those that could acquire this personality from there on. This distinction supposed establishing, on the one hand, a general regime for churches and religious groups lacking this personality by the time the law went into effect and, on the other hand, a special regime for churches that already had this personality that consisted of recognizing this preexisting legal personality, namely, the Roman, Catholic Apostolic Church and the Orthodox Church linked to the Antioch Patriarchy. This article deals with this special regime by shedding light on the legal framework, the direct sources and material context that presided over the regime creation process, and the effects of this regime. It also anticipates a coherent solution for the emerging interpretative issues. Particularly, it analyzes the legal regulation of the Catholic Church from the perspective of the Ecclesiastic Law of the Chilean State, as well as it proposes an interpretation regarding the legal situation of this church that takes aim at solving one of the most debated issues during the legislative process, whose effects lasts up to this day.

Keywords
Legal Persons, Law and Religion, Legal Regulation of the Catholic Church.