

# POLICY AND LAW ON RELIGION IN THE CONTEXT OF GLOBALIZATION AND INTERNATIONAL INTEGRATION OF VIETNAM

## POLÍTICA E LEGISLAÇÃO SOBRE RELIGIÃO NO CONTEXTO DA GLOBALIZAÇÃO E DA INTEGRAÇÃO INTERNACIONAL DO VIETNÃ\*

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**Abstract:** Globalization and international integration have created many favorable conditions for Vietnam in the process of law-making and policy design for social management, but at the same time create many complicated locks and challenges; including policies and laws on religion. Vietnam always respects the people's right to freedom of religion and belief; efforts to ensure that religions can operate normally within the framework of the law. Religions are also subject to the management of the State and must comply with the provisions of law and this is completely consistent with Clause 3, Article 18 of the International Covenant on Civil and Political Rights: "Rights freedom of expression of religion or belief may be limited only by law and where such limitation is necessary for the protection of the security, public order, public health or morals, or for the protection of fundamental rights and freedoms of others". This study focuses on analyzing the actual situation of belief and religious activities in Vietnam; policies and laws on religion; and at the same time, make some recommendations to improve the policy and law on religion in the context of globalization and international integration of Vietnam.

**Keywords:** Policy and law. Religion. Freedom of belief and religion. Globalization. International integration. Vietnam.

**Resumo:** A globalização e a integração internacional criaram muitas condições favoráveis para o Vietnã no processo de elaboração de leis e projetos de políticas para a gestão social, mas ao mesmo tempo criam muitos bloqueios e desafios complicados; incluindo políticas e leis sobre religião. O Vietnã sempre respeita o direito do povo à liberdade religiosa e de crença; esforços para garantir que as religiões possam operar normalmente dentro da estrutura da lei. As religiões também estão sujeitas à administração do Estado e devem cumprir as disposições da lei e isto é completamente consistente com a Cláusula 3, Artigo 18 do Pacto Internacional sobre Direitos Civis e Políticos: "A liberdade de expressão da religião ou crença só pode ser limitada por lei e quando tal limitação for necessária para a proteção da segurança, ordem pública, saúde pública ou moral, ou para a proteção dos direitos e liberdades fundamentais de terceiros". Este estudo se concentra na análise da situação real das crenças e atividades religiosas no Vietnã; políticas e leis sobre religião; e, ao mesmo

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tempo, faz algumas recomendações para melhorar as políticas e leis sobre religião no contexto da globalização e da integração internacional do Vietnã.

Palavras-chave: Política e direito. Religião. Liberdade de crença e de religião. Globalização. Integração internacional. Vietnã.

## 1. INTRODUCTION

Religion is an existing and growing reality, spreading in both depth and breadth in today's world. In the context of international integration and globalization, there are seemingly contradictory phenomena, which are civilizational and cultural conflicts and civilization and culture homogeneity in which belief and religion are not the same. must be an exception and the role of the legal system governing this field requires more improvement and practicality.

The effectiveness of the law in everyday life is inevitable. The Vietnamese legal system related to religion has been actively contributing to the religious activities of Vietnamese believers as well as the construction of Vietnam on the momentum of integration development today.

Vietnam is a country with 54 ethnic groups living on an S-shaped strip of land. If in 2010, the population of Vietnam was only 86 million people with more than 20 million followers (Tuan, 2010), then in 2010. By 2022, Vietnam's population is expected to increase by 784,706 people and reach 99,329,145 people by early 2023 (MarvelVietnam, 2022) with more than 26.5 million believers (27% of the population) (Government Committee on Religious Affairs, 2021) belonging to different religions such as Buddhism, Catholicism, Protestantism, Islam, Hoa Hao Buddhism, Cao Dai, Baha'i, etc. Thanks to the right policy of the State of Vietnam toward religion and the tolerance of religions, religions live in harmony and interweave and so far, there has been no religious conflict (Trung et al., 2020).

Implementing the “Doi moi” (Innovation) process, Vietnam's economic life is increasingly developing according to the trend of integration, and spiritual life is increasingly concerned, especially the need for religious and religious activities to attract a large number of people participants (Van, 2020 & 2021). Vietnam always respects the people's right to freedom of religion and belief; efforts to ensure that religions can operate normally within the legal framework (Vu, 2020 & 2021; Dao & Van, 2020).

## 2. RESEARCH RESULTS AND DISCUSSION

### 2.1. Overview of religious life in Vietnam

Vietnam is a multi-faith and multi-religious country. According to incomplete statistics, Vietnam has about 95% of the population with religious life (among thousands of beliefs, the most popular beliefs are ancestor worship and Mother Goddess worship). Up to now, the whole country has about 45,000 belief establishments, of which there are more than 2,900 relics associated with belief and religious establishments, some relics recognized by UNESCO as world heritages. Every year, Vietnam has nearly 13,000 festivals, including 5 types: folk festivals, revolutionary history festivals, religious festivals, festivals imported from abroad, cultural - sports, and industry festivals.

Particularly in the field of religion, Vietnam has more than 26.5 million followers (accounting for 27% of the population), 43 organizations of 16 religions recognized or certified by the state for operation registration. The whole country currently has more than 57.4 thousand dignitaries, over 147,000 positions, and more than 29.6 thousand places of worship. A number of followers according to current religions: Buddhism 15.1 million; Catholic 7.1 million; Cao Dai 1.1 million; 1 million gospel; Islam 80,000; Hoa Hao Buddhism 1.3 million, the rest are other religions (Pure Land Laity Buddha Assembly, Four Anan Hieu Nghia, Brahmin, Buu Son Ky Huong, Minh Master Dao, Minh Ly Dao, etc.) (Government Committee on Religious Affairs, 2020).

In all parts of the country, especially in cities, major religious centers such as Hanoi, Hue, Ho Chi Minh City, etc. In Ho Chi Minh City, Hai Phong, Nam Dinh, Ninh Binh, Tay Ninh, Can Tho, etc., religious activities are quite vibrant, diverse, and abundant (Trung et al., 2020; Van, 2020 & 2021).

The activities of religious institutions have made certain contributions in gathering and mobilizing the masses to follow a religion - an important force in the great national unity bloc - to participate in the construction and development work. country (Hinh, 2007; Them, 2016). The solemn holidays, rituals, and religious festivals are held more solemnly and on a larger scale than before and attract more and more followers to attend. Many religious activities have become community cultural activities that are attended by a large number of people with a spirit of excitement, peace of mind, and confidence (Vu, 2020 & 2021). Festivals such as Buddha's Birthday,

Catholic and Protestant Christmas, Cao Dai's initiation celebration, Hoa Hao Buddhism, Muslim fasting month of Ramadan, etc. are organized solemnly, dignified, and ensure security and order. Festivals of all religions have become festivals of the whole nation such as the Hung Temple Festival, Noel, and La Vang festival (Long & Van, 2020 & 2021).

Especially, Buddha's birthday of Buddhism has been officially recognized by UNESCO as one of the world's major religious festivals. A number of secular festivals are highly appreciated by the public, such as The ceremony of intercession for those who died in the resistance war organized by the Vietnamese Buddhist Church in 2005; The 27th La Vang Pilgrimage Congress combines the "Year of the Eucharist" with a large scale organized by the Vietnam Bishops' Conference; The 50th anniversary of the establishment of the Church was organized by the General Association of Evangelical Churches of Vietnam (Northern) in 2005, etc.

According to the Government Committee for Religious Affairs, in 16 years (2001-2017), the number of followers of recognized religious organizations increased by 6% in the population. That is not to mention the unrecognized small group religions (mainly Protestant house groups) and new religious phenomena that are difficult to quantify. The number of followers of all religions has increased, with the fastest increase being Protestant, from 670,000 in 2004 to over 1.2 million in 2015, which is nearly 2 times higher in 2015. 10 years. The sudden development of Protestantism took place mainly in the northern mountainous areas and the Central Highlands. These are also the two areas with the strongest religious faith conversion during the renovation period.

With the number of followers, dignitaries, places of worship, training schools, and the number of published scriptures of religions increasing rapidly in recent years, the international relations activities of religious organizations have increased rapidly. religion is increasingly expanding (Van et al., 2020). The fact that active activities of religious organizations today are the clearest proof of the achievements of respecting and ensuring freedom of religion and belief in Vietnam.

## **2.2 Policy and law on the religion of Vietnam**

Since the founding of the country (1945), the Party and the State of Vietnam have always been interested in religious activities and issued guidelines and policies to create conditions for religions to operate in accordance with their principles and purposes. Constitution and laws. The

consistent view of the Communist Party of Vietnam and the State of Vietnam is to respect and ensure the people's right to freedom of belief and religion, the right to follow or not to follow the religion, and to ensure equality and non-discrimination. to be treated for reasons of religion or belief, and to protect the activities of religious organizations by law. These consistent views have been enshrined in the Constitution, from the 1946 Constitution to the 2013 Constitution.

In the Party's documents, the view is always consistent: Belief and religion are a spiritual needs of a part of the people who are and will exist with the nation in the process of building socialism in Vietnam. our country. Religious compatriots are part of the great national unity bloc. Consistently implementing the policy of respecting and ensuring the right to freedom of belief, following or not following a religion, and the right to normal religious activities in accordance with the law. Religions operate within the framework of the law and are equal before the law.

The Platform for National Construction in the Transitional Period to Socialism in Vietnam (supplemented and developed in 2011) - a document with the highest legal value of the Communist Party of Vietnam also clearly states: "Respect and protect ensure the people's right to freedom of belief and religion and non-belief and religion in accordance with the law. To fight and strictly handle all acts of violating freedom of belief and religion and taking advantage of religious beliefs to harm the interests of the Fatherland and the people.

In separate documents on religion and belief, you can see Decree No. 69/ND-HDBT dated March 21, 1991 of the Council of Ministers of the Socialist Republic of Vietnam "Regulations on religious activities". catechism" is the opening text. On June 4, 1993, the Government issued Decree No. 37-CP stipulating the tasks, powers, and organizational structure of the Government's Committee on Religion, the agency with the function of State management over religious activities. education nationwide. After that, a series of other documents were issued such as Decree 26/1999/ND-CP dated April 19, 1999, of the Government on religious activities, Decision No. 125/QD-TTg of the Prime Minister Government, dated June 18, 2003, on approving the Government's action plan to implement the Resolution of the 7th Central Committee (Session IX) on religious work, etc.

On March 12, 2004, the Communist Party of Vietnam issued Resolution No. 25-NQ/TW on religious work. Up to now, this Resolution is still considered a "guideline" for religious work and religious life in Vietnam. Resolution 25-NQ/TW affirms the consistent policies of the Communist Party of Vietnam towards religion. The Resolution affirms that belief and religion are

the spiritual needs of a part of the people, which are and will exist with the nation in the process of building socialism in Vietnam. Religious compatriots are part of the great national unity bloc. The Party and the State of Vietnam consistently implement the policy of respecting and guaranteeing the right to freedom of belief, following or not following any religion, and the right to normal religious activities in accordance with the law. Religions operate within the framework of the law and are equal before the law.

Another important milestone to mention is that on June 18, 2004, the President of the Socialist Republic of Vietnam signed and promulgated the Ordinance on Belief and Religion. Continuing to implement the views and policies of the Party and State regarding religion, the Law on Beliefs and Religions was approved by the XIV National Assembly of the Socialist Republic of Vietnam at its 2nd session on November 18, 2020. 2016 and signed by the State President Order No: 12/2016/L-CTN dated December 1, 2016, promulgating the Law on Belief and Religion. The promulgation of the Law on Belief and Religion is the concretization of the Vietnamese Communist Party's viewpoints and policies on religion, a consistent expression of the policy of respecting the people's freedom of belief and religion. The Law on Belief and Religion also concretizes the provisions of the 2013 Constitution on human rights and citizenship related to everyone's right to freedom of belief and religion. New contents of the Law on Belief and Religion were also added to make it compatible with international law in the context of Vietnam's deep integration with the world, signing, and implementation of many agreements.

In the Report of the 12th Central Committee of the Party on documents submitted to the 13th Party Congress, in the system of central tasks and the fifth main solution, our Party emphasized: "Focus on perfecting and well implement policies on ethnicity and religion; have specific policies to deal with difficulties for ethnic minorities; well implement religious solidarity and great national unity. Strictly punish all plots and acts of division, undermining the great national unity bloc, and hindering the development of the country. In the Political Report of the 12th Party Central Committee at the 13th National Congress (2021) of the Party, in the section on building and promoting cultural values and the strength of the Vietnamese people, Our Party clearly states: "Promoting positive and humane factors in religions and beliefs. Criticize and prevent negative, superstitious, and superstitious expressions.

Regarding the tasks and solutions to implement religious work, our Party affirms: "Mobilizing, uniting, and gathering religious organizations, dignitaries and believers to live a "good

life and a good religion" actively contribute to the construction and defense of the Fatherland. To ensure that religious organizations operate in accordance with the law and their charters and charters recognized by the State. Promote cultural values, good ethics, and resources of religions for the development of the country. Resolutely fight and strictly handle those who take advantage of religion to oppose the Party, State, and the socialist regime; divide and destroy religious unity and the great national unity bloc" (Communist Party of Vietnam, 2021)

Like all countries in the world, the State of Vietnam exercises its right to manage society in the territory of Vietnam in all areas of social life, including religion (Kien, 2021). In order for the State management of religion to be really effective, bring into play its effectiveness, and create all favorable conditions for people's religious activities, beliefs, and religious activities, of course, the State of Vietnam must apply measures to prevent violations of citizens' rights to freedom of belief and religion, and especially actions that take advantage of religion for different purposes that are contrary to the Constitution and laws of Vietnam (Dao & Van, 2020).

Thus, the Law on Belief and Religion (2016) and Decree 162/CP guiding the implementation of the Law, effective from January 1, 2017, are the main legal documents regulating religious groups and activities. their movements. By the end of the year, the decree stipulating penalties for violations of the new law had not yet been issued. The Law reaffirms citizens' right to freedom of belief and religion and also stipulates that individuals must not take advantage of the freedom of belief and religion to undermine peace, independence, and national unity; incitement to violence or propaganda of war; propaganda contrary to the laws and policies of the State; divide people, divide ethnic groups, divide religions; causing public disorder, infringing upon the life, health, honor, dignity, and property of others, obstructing the exercise of citizenship rights and obligations, performing superstitious activities or performing other illegal acts.

### **2.3. Some achievements in policies and laws on beliefs and religions of Vietnam**

Human rights and religious freedom in Vietnam are better and better guaranteed; religions have grown rapidly both in terms of the number of adherents and establishments of worship. If in 2006, there were only 6 religions and 16 religious organizations recognized and registered in the whole country, but up to now, the Government has recognized 38 religious organizations and one practice (a set of religious practices). practices) belongs to 15 separate religions as classified by the



Government. The 15 religions are Buddhism, Islam, Bahai, Catholicism, Protestantism, Church of Jesus Christ of Latter-day Believers, Hoa Hao Buddhism, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si, Tu An Hieu Nghia, Nam Tong Buddhism, Minh Su Dao, Minh Ly Dao, Tam Tong Mieu, Khmer Brahmanism, and Tu An Hieu Nghia Ta Lon Buddhism.

The sects belonging to each of these religions have their own registration and/or recognition procedures. There are three more groups, namely the Pentecostal Gospel Church, Hieu Nghia Ta Lon Buddhism, and Hoi Thanh Phuc Am Toan Ven Vietnam, which have been granted "registration of religious activities" but have not yet been recognized as an official religious organizations.

Worshiping facilities of religions have been built more and more spaciouly and many social and charity facilities have made an important contribution to the implementation of social work. Training institutions for religious dignitaries of all levels, such as Buddhism Academy, Christian Seminary, and colleges and intermediate schools of religions have been operating with the help of the local government level. Religious publications are facilitated by the State in printing and distribution.

Every year in Vietnam, about 8,500 religious and belief festivals are held. In the hierarchy of religions today, many of them are facilitated by the State to go and train in countries around the world. Many major religious festivals in Vietnam have been held such as the United Nations Vesak Day in 2008, and 2014; the Closing Ceremony of the Holy Year 2011 of the Catholic Church of Vietnam was solemnly held in La Vang parish, Quang Tri province; The Great Celebration of the 72nd Anniversary of the Enlightenment of Hoa Hao Buddhism; The great celebration of the 30th founding anniversary of the Vietnam Buddhist Sangha and receiving the Ho Chi Minh Medal; Since 2011, the Vatican has sent a non-resident representative to Vietnam and this non-resident special envoy has made many visits to most of the provinces in Vietnam.

#### **2.4. Some policy and legal limitations**

In addition to the achieved results, the actual implementation of the Law on Belief and Religion and related guiding documents and legal regulations still has some shortcomings, specifically as follows:



The system of policies and laws on belief and religion in recent years has been developed and promulgated, but there is still a lack of systematicity, and overlapping regulations, making it difficult for research, research, and organization to work with implementing agencies. Some policies are specified in the law but have not been clearly explained or are slow to institutionalize, which are also barriers to policy implementation. The legal document system has some shortcomings; a number of regulations are not really practical, incomplete, and inconsistent between the Law on Belief and Religion and relevant laws; Propaganda and dissemination have been paid attention to, but the effectiveness is not high; The application of the Law into practice in some places has not been consistent.

The implementation of the Law in many localities is still confusing. Coordinating relations between ministries and branches at the central level, between departments, departments, and branches in the locality; between the state management agency in charge of belief and religion and religious organizations is not really close and regular. The organization of the apparatus for the state management of beliefs and religions is not commensurate with the requirements of the tasks; The capacity to manage houses of the cadres and civil servants in some localities is still uneven; the assignment and arrangement of cadres to do religious work at district and commune levels is not reasonable.

Up to now, the system of regulations, policies, and laws has not specifically defined which agency to manage belief and religious establishments as scenic spots ranked by the authorities. The Ministry of Culture, Sports, and Tourism only manage festivals, including religious festivals, while the management of activities of belief and religious establishments has not yet been regulated. The Law on Belief and Religion also only mentions the competent authority to accept the registration of the organization of a belief or religion festival, without specifying which agency is responsible for managing festival activities. Due to the lack of clear regulations, in recent years, the organization of religious and religious festivals still has many shortcomings, limitations, and many religious activities have deviations from the standard.

Along with that, some individuals take advantage of belief and religious activities to practice superstition and personal gain, greatly affecting public health and social order, and security. Policies and laws on belief and religion permit religious organizations to participate in educational and training activities; care and protection of the People's health and charity. However, in the current regulations of the sectoral legal system, there are no specific and detailed guidelines, so the

implementation of the policy still faces many difficulties. While the Party's policy is to encourage compatriots, dignitaries, and religious followers to participate in social activities.

## **2.5. Some policy recommendations**

First, continue to study and institutionalize the viewpoints and guidelines of the Party, policies, and laws of the State on religious work, especially Resolution No. 25-NQ/TW dated June 3rd/ 2013 of the Party Central Committee (9 term) on strengthening and renewing the Party's leadership in mass mobilization work in the new situation; Directive No. 18-CT/TW dated January 10, 2018, of the Politburo (term 12) on religious work in the new situation and the Document of the 13th National Party Congress.

Second, continue to improve policies and laws on religion, first of all, review the system of regulations specified in the Law on Belief and Religion and the system of regulations related to regulations on religion. social protection, grant of land use right certificates, education, health care, etc. to ensure uniformity. In addition, it is also necessary to renew and improve the quality of the implementation of the State's policies and laws on belief and religion. In the immediate future, it is necessary to focus on the management of religious activities and religious activities. of foreigners in Vietnam; manage evangelism via internet platform; manage construction and repair activities of worship facilities and educational, cultural, charitable, humanitarian, etc. activities of religious organizations and legal entities.

Third, continue to study and promulgate specific guiding documents on the authority of state management agencies for belief and religious establishments that are scenic spots, to overcome the overlap in the performance of the management function between the cultural management agency and the belief and religion management agency.

Fourth, it is necessary to study and amend the land regulations in the direction of clearly stipulating the authority to allocate land, the process and procedures for land allocation to religious establishments, the conditions for land allocation, and regulations on the allocation of land to religious establishments. grant more appropriate land use right certificates to religious establishments. Strengthen the inspection and examination of the implementation of policies and laws on land management, and strictly handle violations in the land field. The functional agencies should focus on inspecting and examining activities that easily generate complex problems and disorderly order, such as belief and religious festivals; concentrated religious activities, preaching

(especially in the context of the recent complicated situation of the Covid-19 epidemic); activities of "strange religion" groups, etc.

Fifth, in order to have legal bases and ensure consistency in the management of new religious phenomena in the coming time, the authorities also need to study, review and issue legal documents. manual to make the operation of these religious phenomena more stable. The Government Committee for Religious Affairs also needs to advise the Ministry of Home Affairs to issue documents on administrative sanctions in this area.

### 3. CONCLUSION

The Communist Party of Vietnam (2021) assesses the importance and role of state management of religious affairs in Vietnam: "Improve the capacity, effectiveness, and efficiency of state management of religious affairs in Vietnam". The above viewpoint emphasizes the element of state management over activities related to religion, in which state management of religious affairs must be the center, and functional agencies must have sufficient capacity, legal system, and appropriate mechanisms to ensure and improve the quality and efficiency of religious work.

With the contents related to religion, religious policies and laws mentioned in the Party's line and the State's laws have shown the inheritance, supplementation, and absorption of valuable contributions from organizations and individuals at home and abroad, especially the aspirations of religious compatriots, in line with the vivid realities of religious and belief life in our country. This is the oriented basis in awareness and effective implementation of religious work, continuing to promote "resources of religions" for the cause of national construction and defense in the new situation, at the same time. struggle to defeat all plots and activities of hostile and reactionary forces taking advantage of beliefs and religions to oppose our country's revolution.

In order to effectively promote the resources of religions, we must use a combination of appropriate impact methods, and objectively recognize the impacts of religion on society, both positive and negative. negative, neither exaggerating nor denying the contributions of religions; have proper and timely mechanisms and policies, creating all favorable conditions for religions to use their resources to participate in activities serving the cause of national construction and defense.

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