



The issue of determining the legal status of new religions

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Abstract

New religions, also known as New Religious Movements (NRMs), have emerged and developed strongly in the 20th and early 21st centuries. These religions often carry doctrines and practices different from traditional religions, and their legal status in society is often controversial. This paper analyzes the factors affecting the determination of the legal status of new religions, including the legal framework, freedom of religion, and social recognition. It also highlights the factors to be considered in examining and determining the legal status of new religions in Vietnam.

Keywords: legal status, new religions, religious organizations, law

Introduction

New religions are those formed and developed in modern times, often possessing distinctive features compared to long-established traditional religions. In the modern context, the emergence of new religions has become increasingly common. Determining their legal status plays an important role in ensuring freedom of religion—a fundamental human right widely recognized in international conventions and the constitutions of many countries.

The legal status of new religions is often complex, depending on the regulations of each country and varying legal criteria. This article presents the main factors influencing the determination of the legal status of new religions, such as national legal frameworks, freedom of religion, and the degree of social recognition.

Some Theoretical Issues Concerning New Religions

As early as the 1960s, when many “new religious phenomena” began to appear in European and American countries, researchers referred to these unusual religious manifestations with terms such as “new religions.” The religious scholar François Houtart employed the concept of “new religious movements” to indicate their difference and opposition to traditional or mainstream religions. Meanwhile, some religious researchers in England and France referred to them as “minority religions” or “marginal religions” [see: Françoise Champion (translated by Nguyễn Văn Kiệm, 2001), p.13]. Champion also used the term “floating religions” [Đỗ Quang Hưng, 2001, p.6], implying vague, loosely defined, and arbitrary forms of religion. The French sociologist J.P. Williame referred to new religious phenomena as “sects” (les sectes) [Đỗ Quang Hưng, 2001, p.6].

Several Russian researchers such as N.S. Capustin, D.M. Ugrinovic, and R.A. Spazhnicop preferred the term “syncretic religions,” while V. Maliavin used “hybrid religions.” From such terminology, it becomes evident that scholars studying new religious phenomena generally regard them as “heterogeneous constructs”—fragments of previously divided religions. This is considered a fundamental distinction between new religions and traditional or mainstream religions.

In East Asia, scholars from Japan, China, Taiwan, and Hong Kong commonly use the terms “new religions,” “neo-

religions,” or “emergent religions” to describe religious phenomena that differ from “traditional religions,” having appeared after them and exhibiting new forms and characteristics.

According to the Chinese scholar Cao Su Ninh: “New religions refer to all religions that have emerged alongside the process of global modernization since the mid-19th century. They have broken away from the orbit of traditional religions and introduced new doctrines and rituals.” [Cao Su Ninh, 1999, pp.15–22]. Thus, it can be seen that most new religions are still in the process of formation, lacking stability, and have only emerged in recent decades.

In contrast, traditional religions possess a long historical foundation, a stable and complete system of doctrines, organizational structures, modes of operation, and rituals. They have become integral parts of human culture, exerting a profound influence on the development of human civilization. New religions, however, tend to have shorter histories—spanning only a few decades—and are unstable, transient, and sometimes elusive.

As Vietnamese scholar Nguyễn Duy Hinh has argued, “new religions” or “new religious phenomena” are “religions that have emerged since the 1950s. They are generally small in scale, limited in scope, with vague doctrines, and some have even faced opposition from the majority of the population. This is because they lack doctrines with a truly humanistic character.” [Nguyễn Duy Hinh, 2011, pp.470–471].

From the above perspectives, it can be understood that discussions of new religions usually encompass the following elements: they refer to sects or religious groups; they involve belief in the leader of that sect; they often display temporary forms of community organization; and they embody cultural values, lifestyles, and ethical systems that differ from, or even oppose, those of traditional or mainstream religions.

Factors Influencing the Determination of the Legal Status of New Religions

In the modern context, the emergence of new religions has become increasingly common. The determination of their legal status by nation-states plays a crucial role in ensuring the right to freedom of religion—a fundamental human right widely recognized in international conventions and in the

constitutions of many countries. For a new religion to exist and be officially recognized by the state, several key factors cannot be overlooked:

1. Legal Framework

Most countries in the world have distinct legal frameworks concerning religion, and these directly affect the legal status of new religions. In many states, freedom of religion is guaranteed by the constitution and current legal instruments. At present, these frameworks can generally be categorized into the following groups:

Countries with open and tolerant policies toward new religions, allowing them to register officially and operate publicly. In such states, new religions may enjoy privileges such as tax exemptions, property ownership rights, and the right to organize religious activities. For example, in the United States, religion is regulated by the First Amendment of the Constitution and the Civil Rights Act of 1964, which concretizes general rights, including freedom of religion. Under such frameworks, new religions in the U.S. are guaranteed freedom of belief and practice, and can develop without undue state interference—unless they pose a threat to national security.

Countries with stricter legal provisions, requiring new religions to undergo rigorous examination before being formally recognized. This process often involves submitting applications, providing information on doctrines, organizational structures, and membership, and registering with the government for official recognition. In some cases, new religions may be deemed illegal or restricted if considered harmful to public order or in violation of the law.

Countries where freedom of religion is heavily restricted, in which new religions face significant obstacles to legal recognition (mainly certain Islamic states). For example, in Iran, the legal and social system is primarily based on Islamic Sharia, the state religion. Sharia law governs most aspects of civic and administrative life, including the regulation of minority faiths and unrecognized religious groups. Although Iran's Constitution formally recognizes and protects certain minorities such as Judaism, Christianity, and Zoroastrianism, most new religions are not recognized—for instance, the Bahá'í faith often faces discrimination and persecution. Followers of such religions may struggle to practice their faith, access education, employment, and civil rights. Iranian law prohibits proselytizing and conversion to unrecognized religions, with such acts punishable by imprisonment or, in some cases, the death penalty. As a result, the legal status of new religions in Iran is extremely limited and unprotected.

2. The Principle of Religious Freedom

Freedom of religion is one of the fundamental human rights enshrined in the Universal Declaration of Human Rights (1948). Article 18 states: "Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance."

Accordingly, all individuals are entitled to freedom of belief, the practice of religion, and the expression of faith. These rights apply not only to traditional religions but also

to new ones. However, freedom of religion is not absolute. To safeguard national security, public order, and the legitimate rights of others, most countries impose certain restrictions—especially on new religions. This often results in new religions being closely monitored or limited if they are deemed inconsistent with security and social order criteria.

Consequently, the exercise of religious freedom by new religions often encounters challenges. They face social stigma, discrimination, suspicion, and state surveillance. In some states, new religions are labeled as "cults" or "sects" and subjected to strict control measures. For example, in Indonesia, only six religions are officially recognized: Islam, Protestantism, Catholicism, Buddhism, Hinduism, and Confucianism (in certain contexts). This recognition framework directly affects the legal status of new religions and smaller groups, whose followers face difficulties in civil matters. For instance, Indonesians must declare one of the recognized religions on their national identity cards. Members of unrecognized faiths or new religions face complications in marriage registration and, in particular, in applying for government positions [Nguyễn Thanh Xuân & Nguyễn Quỳnh Trâm, 2023, p.300].

3. Social Acceptance

Social recognition plays a vital role in determining the legal status of new religions. Such groups often need to build credibility and persuade society of their legitimacy and value. This can include involvement in charitable, educational, and social activities. However, this process is fraught with challenges, particularly suspicion and resistance from both the public and state authorities. Because new religions often adopt revolutionary positions or challenge traditional values, they are frequently viewed as heretical or cult-like.

If a new religion garners widespread community support, aligns with prevailing moral values, and poses no threat to national security, achieving legal status becomes easier. Conversely, if it is perceived as violating morality, social customs, or national security, it risks rejection, stigmatization, denial of legal rights, and even dissolution.

A notable example is the Shincheonji Church of Jesus in South Korea. Following its role in triggering a major COVID-19 outbreak in Daegu in 2020, over 552,000 citizens signed an online petition on February 22, 2020, demanding the government forcibly disband the group. Under Korean law, any petition exceeding 200,000 signatures within a month requires an official response from the Blue House. Petitioners accused Shincheonji of violating human rights and freedoms through aggressive proselytization and deception for the benefit of its leader. Reports alleged that members obstructed epidemiological investigations and public health efforts. This case highlights the crucial role of social acceptance in shaping the legal status of new religions.

4. Legal Disputes

In many instances, new religions must engage in litigation and legal disputes to defend their rights. Such disputes may concern property ownership, freedom of speech, or the right to conduct religious activities. Court rulings in these cases often have significant effects on the legal status of new religions and may set important precedents for the future.

For example, Shincheonji in South Korea became the subject of heated debate over its legal status following the 2020 COVID-19 outbreak. Daegu, a city of over two million, accused Shincheonji and its leader Lee Man-hee of ignoring social distancing measures, thereby accelerating the spread of the virus. On June 18, 2020, the city government filed a lawsuit against Shincheonji and Lee in Daegu District Court, seeking damages for the outbreak that strained the city's healthcare system and finances. The government requested 100 billion won (approximately USD 82.3 million)—two-thirds of its epidemic control budget of 146 billion won—and indicated that further claims would follow pending additional evidence of financial harm.

Before the trial, the court approved the temporary seizure of some of Shincheonji's assets and those of its leader. The lawsuit was intended to provide restitution for Daegu's citizens affected by COVID-19 and hold Shincheonji accountable. This case significantly impacted the group's legal status. Although Shincheonji remains legally permitted to operate in South Korea, it has since faced tremendous pressure from both government authorities and the public.

The Legal Status of New Religions in Vietnam

In Vietnam, since the 1990s and the early years of the 21st century, most researchers and social administrators have commonly referred to new religious phenomena using the terms “new religions” or “strange religions” (đạo lạ).

The concept of new religions or strange religions was articulated by the Center for Research and Training in Religious Affairs, Government Committee for Religious Affairs, in its 2008 report *Overview of the Survey on the Current State of New Religions in Our Country: Solutions and Recommendations*, as follows:

“New religions may be understood as belief- or religion-related phenomena that emerged alongside the process of economic transformation in our country during the late 20th and early 21st centuries. They adopt and blend elements of doctrines from traditional beliefs and religions in a syncretic fashion, yet operate outside the scope of influence of those traditional systems. Their founders are often women, who claim for themselves the role of saviors.” [Center for Research and Training in Religious Affairs, Government Committee for Religious Affairs, 2008, p.9].

According to this view, new religions in Vietnam typically contain the following characteristics: founders (or religious leaders) are usually individuals in difficult or abnormal circumstances, often disillusioned with the times, and most of them are women; doctrines and rituals are simple, folk-based, and lack the systematic structure of traditional religions; most contain elements of superstition, and some even carry political overtones; organizational structures are often loose, operating semi-publicly and semi-secretly.

In the 2014 postgraduate curriculum on religion at the Institute for Religious and Belief Studies, Ho Chi Minh National Academy of Politics, new religions were defined as follows:

“New religious phenomena are those with religious characteristics, emerging in recent years, aimed at gathering followers around a figure self-proclaimed as a ‘prophet’ or incarnation of deities or superhuman beings with extraordinary powers, who establishes a religion. Such groups create their own doctrines—often superficially assembled from multiple sources—form loosely organized structures, and practice rituals of their own. However, they

remain phenomena with religious characteristics rather than fully-fledged religions.” [Institute for Religious and Belief Studies, Ho Chi Minh National Academy of Politics, 2014, pp.1317–1318].

Researcher Vũ Văn Chung (2016, pp.85–87) identified several distinctive features of new religions in Vietnam:

- 1. Influence of Buddhism:** Due to Vietnam's long-standing ties with Buddhism (compared to Christianity and Islam, which entered later), Buddhism—introduced as early as the beginning of the Common Era—has profoundly shaped the nation's spiritual life. As a result, many new religious phenomena are more closely related to Buddhism than to Catholicism, Protestantism, or Islam.
- 2. Folk belief foundation:** As an agrarian society with deep-rooted polytheistic traditions—“worshiping any saint, revering any spirit,” venerating sacred trees, and holding animistic beliefs—Vietnamese people are highly inclined toward folk beliefs. In the modern context, this cultural legacy explains why the majority of new religions are tied to folk beliefs, more so than to traditional religions. This makes Vietnam's new religious phenomena distinct from those in Western countries.
- 3. Impact of modernity:** The development of science, technology, information, and globalization has shaped the complexity of new religions in Vietnam. Their nature and identity remain fluid and ambiguous, making it difficult to categorize them in relation to established religions or beliefs.
- 4. Ambivalence:** New religions in Vietnam exhibit diverse and unstable tendencies, with both positive and negative aspects. This duality creates significant challenges for governance and social management.

Given these characteristics, most new religions in Vietnam have not been formally recognized. Nevertheless, they continue to exist as social realities, compelling state authorities on belief and religion to devise ways of handling them—balancing the respect for freedom of belief and religion, as guaranteed by the Party and the State, with measures to curb negative impacts.

According to statistics from the Government Committee for Religious Affairs (Official Dispatch No. 6955/BNV-TGCP, December 28, 2020), “Vietnam currently recognizes 41 religious organizations as legal entities or with certificates of registration for religious activities, belonging to 16 different religions.” Beyond these 41 recognized organizations, Vietnam is also home to indigenous new religions such as Hồ Chí Minh worship groups, Chân Không, Tô Dương Extrasensory School, as well as imported ones like Master Ching Hai's Supreme Master Ching Hai movement and Yiguandao. These phenomena have had significant impacts on socio-political life and complicated state management.

Some new religions conflict with Vietnamese traditions and morals. A notable example is the World Mission Society Church of God (Hội thánh Đức Chúa Trời Mẹ), whose teachings encourage followers to abandon ancestral worship, neglect filial piety, and embrace superstition and spiritual coercion. Such practices threaten social order and public security.

On the other hand, certain new religions maintain doctrines and rituals that align with Vietnamese traditions and social ethics, addressing the spiritual needs of segments of the population without violating the Constitution, the Law on Belief and Religion, or threatening national security, social order, or public health. For these groups, the state should adopt an approach similar to that taken with traditional religions and facilitate the recognition of their legal status.

The recognition of new religions' legal status ultimately reflects respect for the right to freedom of belief, religion, or non-belief. States cannot prohibit or force individuals to abandon these practices. The most effective approach is to promote awareness and education so that individuals may exercise their rights freely. At the same time, policymakers must acknowledge the dual nature (positive and negative) inherent in all religions. Thus, in defining the legal status of new religions, Vietnamese state authorities should consider several factors:

1. **Recognition process:** To be recognized as an official religion, new religious organizations must undergo an application process and be approved by local authorities. They must meet legal requirements regarding organization, activities, and financial management. The 2016 Law on Belief and Religion stipulates that religious organizations must register their activities and will only be recognized upon fulfilling specific standards and conditions. This ensures that freedom of religion is protected within the framework of the law and national security. However, recognition can be challenging, with strict standards imposed to ensure reliability, sustainability, and social stability.
2. **Guaranteeing freedom of religion:** While the Vietnamese Constitution guarantees freedom of belief and religion, individuals and organizations must not exploit this right to infringe upon the interests of the State, political parties, the nation, or other religions. Accordingly, the government is tasked with overseeing and regulating religious activities, including those of new religions, to prevent abuse for political purposes or threats to social order and national security.
3. **Community interaction and acceptance:** For new religions, engaging with authorities and communities is essential to achieving sustainability and harmony within Vietnam's socio-political environment. Recognition and survival require widespread social acceptance and active contributions to society, such as social welfare programs and support for disadvantaged groups

In conclusion, determining the legal status of new religions in Vietnam requires careful balance between safeguarding freedom of religion and upholding national legal frameworks. A flexible legal system that respects religious freedom while ensuring social order and national security is key. Only under such conditions can new religions thrive and contribute to Vietnam's cultural and spiritual diversity.

Conclusion

The legal status of new religions is a complex and multidimensional issue, shaped by various factors such as the national legal framework, the right to freedom of religion, social recognition, and legal disputes. To safeguard religious freedom and foster the development of new

religions, it is essential to establish a transparent and fair legal framework that respects human rights. At the same time, society should adopt an open and respectful attitude toward religious diversity in order to build a harmonious environment and ensure sustainable development.

References

1. The Government Committee for Religious Affairs, in Official Dispatch No. 6955/BNV-TGCP dated December 28, regarding the list of religious organizations and organizations granted certificates of registration for religious activities, 2020.
2. Vũ Văn Chung, *Exploring New Religious Phenomena in the Red River Delta Region*, Religious Publishing House, 2016
3. Françoise Champion (translated by Nguyễn Văn Kiệm, "Minority Religious Groups, Marginal Religious Groups: The Case of New Religious Movements," *Religious Studies Review*, 2001, 5.
4. Graduate Textbook on Religious Studies, The Institute for Religious Studies, Ho Chi Minh National Academy of Politics, 2014.
5. Nguyễn Duy Hinh, *Buddhism in Vietnamese Culture*, Cultural Information Publishing House, 2011, 470–471.
6. Đỗ Quang Hưng *New Religious Phenomena: Some Theoretical and Practical Issues*, National Political Publishing House, 2001.
7. Cao Sư Ninh, *A Discussion on Modernization and New Religions*, *World Religious Studies*, 1999:4:15–22.
8. Nguyễn Thanh Xuân Nguyễn Quỳnh Trâm, *Religion and Religious Policies in Several Countries around the World*, Religious Publishing House, 2023.
9. Center for Research and Training in Religious Affairs, *Government Committee for Religious Affairs Overview Report of the Survey Project on the Current Situation of New Religions in Vietnam: Solutions and Recommendations*, 2008.
10. *The Mystery of the Shincheonji Sect: Many People Shun It, Countries Remain on Guard* (nld.com.vn)
11. *South Korean City Demands Over 82 Million USD in Compensation from the Shincheonji Sect – Quang Ngai Online Newspaper* (baoquangngai.vn).