

Sociocultural approach - an important orientation in the research of legal regulation of state-confessional relations in Vietnam

Научный руководитель – Немытина Марина Викторовна

Nguyen Son Nam

Аспирант

Российский университет дружбы народов, Юридический факультет, Москва, Россия

E-mail: sonnamnguyen0212@gmail.com

State-confessional relations are some of the main problems in society. These relations are closely related to the political, social, cultural and civil development of each nation. In Vietnamese published studies, there was a lack of researches on the historical aspect of the legal regulation of state-confessional relations. The evolution of the legal regulation of state-confessional relations has not been fully clarified. A new research orientation will be based on a sociocultural approach to clarify the entire process of the formation and development of legal regulation of state-confessional relations in Vietnam. The importance of this research orientation is reflected in the following major points:

The first, the sociocultural approach helps fill up the historical gaps in previous studies on the history of legal regulation of state-confessional relations. In Vietnam, published researches often examine the right to freedom of belief and religion from the view of constitutional law. Among the rare works based on the conception of the history of state and law, the authors only considered the period of modern Vietnam (from 1945 to the present) and divided the historical development of legislation in accordance with the constitutional amendments of the Socialist Republic of Vietnam. This usually leads to studies of legal regulation of state-confessional relations often have restricted to the constitutional periods of the modern Vietnamese state. With this new approach, the whole evolution of legal regulation of state-confessional relations will be spread over a continuous row of ribbons - called culture.

However, this is not the same as denying or reducing the values of previous works. In this new approach, the inheritance will still be implemented. One of which must include the analysis of Professor Do Quang Hung in a project entitled “Religious Problems in the Vietnamese Revolution - Theory and Practice.” The book highlighted the main features, mainly from 1945 to 2005, as the theory and practice of the religious work of the Vietnamese state; the history of state awareness of religion and the first outline of this process; the process of state-building and improvement of the religious policy during historical periods, satisfaction of religious innovations. All of which raised several problematic issues as the basis for the completion of religious laws in the current period.

The second, the sociocultural approach provides a fresh perspective on the matter of legal regulation of state-confessional relations in Vietnam.

In the history of the Vietnamese nation, the Vietnamese people have absorbed the values of imported culture through voluntary ways (cooperation, exchange, integration) or forced ways (colonized, invaded). Culture and law have a cohesive and inseparable relationship. The formation of Vietnamese law on religious issues has had a connection with the Vietnamese cultural element.

Based on this approach, the research hypothesis is set as follows: “Legal regulation of state-confessional relations has occurred since the advent of the state and religion in Vietnam. The movement of this regulation is closely related to Vietnamese culture and the development of civilization in Vietnam. Up to now, this movement has identified certain trends for the state in establishing state-confessional relations in the present and future. These rules and trends have

particular importance in the process of legal regulation of state-confessional relations both in the present and in the future.”

The third, the sociocultural approach contributes to solving existing problems in the legal regulation of state-confessional relations in Vietnam.

- Beliefs and religions in Vietnam are deeply changing in the context of globalization.

Currently, in Vietnamese society, profound changes are occurring associated with confessional relations. Firstly, internal changes, such as the structure, the number, and the composition of religion... Secondly, external changes come from such factors as the religious needs of people, confessional relations... These changes shown pose requirements and problems for the regulation of state-confessional relations. Changing religious life in Vietnam is closely connected with the expansion of the exchange and international integration of Vietnam in the context of globalization. At the same time, there are many requirements for the Vietnamese state to conduct proper behavior in religious matters, to build adequate and effective state-confessional relations. In line with the problems that have arisen, the Vietnamese state should not only study the experience of foreign secular countries in regulating state-confessional relations but also examine the history and traditions of the culture of Vietnamese society.

- Vietnamese society comes in the fourth cultural contact.

Previous cultural contacts of Vietnam, such as contacts with Chinese, French, and Soviet culture, open the way for contact with the culture and civilization of globalization. Cultural contacts entail changes in legislation and are closely related to the issue of religion. During these cultural periods, changes are taking place in the legal regulation of state-confessional relations.

Since the advent of the state, Vietnamese society has witnessed stages in the development of religion and state-confessional relations. History also shows that the resolution of state-confessional relations is crucial for the stability and development of society and the nation in general. The regulation of state-confessional relations in each historical period of the development of the society in Vietnamese territory has its characteristics. It is necessary to conduct a study on the regulation of state-confessional relations in the historical periods of Vietnam to generalize the experiences of solving real problems.

In conclusion, state-confessional relations are a large issue associated with most of the changes in the history of the country and the nation. Studying this issue in jurisprudence requires diversity to have a multi-dimensional view. The sociocultural approach is a significant direction in the case of Vietnam.