

Legal Status and Institutional Position of Ma'had Darussalam Liltadrib Al-Islami Within the Framework of Religious Governance in Vietnam

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Abstract

This study aims to examine the legal status and institutional position of Ma'had Darussalam Liltadrib Al-Islami within the framework of regulations and religious governance in Vietnam. This institution is the only Islamic school in Tay Ninh Province that has obtained official government permission and plays a vital role in religious education for the Muslim minority community, particularly the Cham ethnic group. This research employs a normative juridical method using statutory and conceptual approaches, with John Rawls' theory of justice as the analytical framework. The analysis focuses on the Law on Belief and Religion No. 02/2016/QH14, Decree No. 162/2017/ND-CP, and the Education Law No. 43/2019/QH14. The findings indicate that Ma'had Darussalam Liltadrib Al-Islami holds legal status as a state-recognized non-governmental religious educational institution after fulfilling administrative requirements. However, it is not integrated into the government's institutional structure, as Vietnam's political system places religion within the socio-cultural sphere rather than within the state's political or administrative structure. This study offers new contributions by explaining the dynamics between legal recognition and state supervision of religious educational institutions in a socialist state, while enriching comparative studies on religious governance in Southeast Asia.

Keywords

Ma'had; Legal Status; Normative Jurisprudence; Religious Governance; Vietnam

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1. INTRODUCTION

Since the Doi Moi policy, religion has been actively discussed in Vietnam as a means of maintaining national unity and constructing a national identity during the country's new era. In 2007, the White Paper on Religion and Religious Policies was released with a special reference to the six state-recognized religions: Buddhism, Catholicism, Protestantism, Islam, Cao Dai, and Hoa Hao (Yoshimoto, 2012).

Vietnam adopts a socialist political system, with the Communist Party of Vietnam as the leading force in governance. Its structure consists of the National Assembly, the highest legislative body, and the Government, the executive branch. It also includes a regional administrative system covering provinces, districts, and communes. All these bodies operate under Party oversight to ensure unified direction and



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policy implementation. Consequently, every state decision, including matters related to religion, is strictly regulated and controlled. This centralized framework shapes how religious institutions operate within the country (Anh, 2021).

In the sphere of religion, Vietnam officially recognizes various faiths, including Buddhism, Catholicism, Protestantism, Cao Dai, Hoa Hao, and Islam. However, the role of religion in public life is limited and supervised by the Ministry of Ethnic and Religious Affairs. This institution monitors all religious activities to ensure they align with socialist principles and do not conflict with national interests. It also enforces compliance with legal provisions that define the boundaries of religious practice. Such oversight creates a specific context for the existence and development of religious communities (USCIRF'S Mission, 2024; Vu, 2024).

Islam is a minority religion in Vietnam, with the largest Muslim communities belonging to the Cham ethnic group. These communities are mainly concentrated in An Giang and Ninh Thuan provinces in the southern and central regions. To fulfill their spiritual and educational needs, they have established mosques and Islamic educational institutions locally referred to as *ma'had*. These institutions function as centers of learning and cultural preservation for the community. However, they do not hold any formal position within the official government structure (Chung & Tuấn, 2022).

Generally, the term *ma'had* refers to institutions that provide in-depth religious education, often in a boarding school setting. They focus on teaching classical Islamic sciences such as *tafsir*, *hadith*, and *fiqh*, as well as spiritual and social guidance. In Indonesia, *ma'had* are well-established residential institutions focused on faith, morals, and religious scholarship. The *ma'had* serves as a strategic academic pillar for strengthening students' character in Islamic higher education institutions (Abubakar, 2018). It also contributes significantly to Islamic higher education and the preservation of traditional learning traditions. Their role in contemporary Islamic studies continues to gain broader recognition and importance (Ismail, 2021; Kamila et al., 2025).

In the Vietnamese context, the term *ma'had* is used more broadly to refer to local Islamic schools, or *madrasas* (Fonte & Huang, 2026). According to Azim (2023), a *ma'had* is an Islamic educational institution that serves not only as a center for religious instruction but also as a medium for preserving Islamic values and community identity. These institutions are managed by the Cham community and adapted to suit local socio-cultural conditions. They must also comply with all state policies and regulations regarding education and religion. Although not always labeled as a *ma'had* in official government documents, it is recognized as a community-based learning center. Their existence reflects the unique reality of religious life in a non-Muslim majority country (Khozin, 2019).

Unlike in some Islamic nations where religious bodies may be integrated into state administration, ma'had in Vietnam hold no official authority. As argued by Capucao (2021), the legal relationship between the state and religious institutions varies depending on each country's constitutional and political system, particularly in states that exercise extensive regulation over religious affairs. All their educational and community activities are monitored by local People's Committees and national religious authorities. Even so, they remain vital for groups with limited access to formal Islamic education. They operate as non-governmental bodies focused on preserving the religious and cultural identity of Muslims. Their status is limited to fulfilling spiritual and educational needs rather than holding public office (Chung & Tuấn, 2022; Langgam, id, 2025).

Ma'had Darussalam Liltadrib Al-Islami, located in Tay Ninh Province, is the only Islamic school in Vietnam to be granted official permission to operate. It serves over 200 students aged 13 to 17, mostly from economically disadvantaged families. Its main objective is to nurture a generation that is knowledgeable, morally upright, and socially responsible. This objective is consistent with Azim's (2023) view, which states that Islamic educational institutions are designed to develop intellectual competence, moral character, and social responsibility simultaneously. Despite its legal recognition, previous studies have mostly described its social role rather than analyzed its legal standing. There is limited research examining how such institutions are positioned within the national legal framework (Trust, 2024).

This research fills that gap by analyzing the legal status and institutional position of Ma'had Darussalam Liltadrib Al-Islami under Vietnamese law. It uses John Rawls' theory of justice as an analytical framework to assess the balance between state control and religious freedom. The study clarifies whether the institution is part of the government structure or operates as an independent body. It contributes to comparative studies on state-religion relations and provides empirical insight into minority religious education in a socialist system. The findings also offer a reference for understanding similar institutions in other countries.

2. METHODS

This study uses the normative juridical method, which focuses on analyzing written legal norms and relevant legal doctrines to understand, interpret, and examine the substance of positive law governing religious life and education in Vietnam (Nguyen et al., 2025). This method is appropriate because the research primarily focuses on statutory regulations and legal principles governing the existence, recognition, and operation of religious educational institutions. In normative legal research, the emphasis is on examining the coherence of legal norms and their practical implications within the legal system, rather than on empirically observing social behavior.

It applies two main approaches: the statutory approach, which involves a detailed review of the Law on Belief and Religion No. 02/2016/QH14, the Decree No. 162/2017/ND-CP, and the Law on Education No. 43/2019/QH14 to identify the rights and obligations of religious institutions (Nurdiansyah & Leste, 2024). The statutory approach also enables the researcher to compare the substance of different legal instruments in order to assess their consistency, legal hierarchy, and complementary functions in regulating religious education. Through this approach, the legal position of Islamic educational institutions can be comprehensively examined within the applicable legislative framework.

It also uses a conceptual and theoretical approach, applying John Rawls' theory of justice as fairness as an analytical lens to assess whether existing regulations provide equitable space for religious freedom and education for minority groups. The conceptual approach provides a normative foundation for interpreting legal provisions by relating them to broader concepts of equality, liberty, and justice. Accordingly, Rawls' theory is employed to evaluate whether the existing legal framework ensures equal protection of rights and fair opportunities for minority religious communities to establish and operate educational institutions within the limits prescribed by law.

Data for this research were collected through library research, covering two main categories of sources. Primary sources include official Vietnamese legislation and government documents that form the legal basis of the study. Secondary sources include peer-reviewed journals, academic books, and credible research reports that provide supporting information and relevant analysis from prior studies. This approach enables researchers to construct legal arguments systematically by integrating statutory provisions with doctrinal perspectives developed in previous scholarly works (Isharyanto, 2020). Furthermore, library research allows the researcher to examine legal issues comprehensively by comparing legislative provisions with academic interpretations and previous research findings. The integration of primary and secondary legal materials strengthens the validity of legal reasoning and ensures that the analysis is supported by both authoritative legal sources and established scholarly discourse.

Analysis is conducted qualitatively using systematic and teleological legal interpretation. Systematic interpretation examines the relationships among related regulations, while teleological interpretation considers the law's intent and purpose. The application of systematic and teleological interpretation is widely recognized in normative legal research because it facilitates an understanding of legislative intent while maintaining coherence among interconnected legal norms (Sudhiarsa, 2022). By combining these two methods of interpretation, this research identifies not only the literal meaning of legal provisions but also their broader objectives within the overall legal system. This interpretative approach is particularly relevant for assessing whether the regulation of religious educational

institutions reflects consistency with legislative objectives, constitutional principles, and the practical protection of religious freedom.

The findings are then analyzed through Rawls' theory to assess their alignment with the principles of justice and fundamental freedoms, and conclusions are drawn using both deductive and inductive reasoning. The deductive approach is employed to derive conclusions from general legal principles and statutory norms and apply them to the specific case of Ma'had Darussalam Liltadrib Al Islami. In contrast, the inductive approach is used to synthesize the results of legal interpretation into broader conclusions regarding the institutional position of Islamic educational institutions within the Vietnamese legal system. The combination of these reasoning methods enhances the study's analytical rigor and supports the formulation of well-founded legal conclusions.

3. FINDINGS AND DISCUSSION

3.1. Legal Framework Governing Religious Institutions in Vietnam

The status of ma'had in Vietnam is regulated by a comprehensive national legal framework that covers both religious affairs and education. In addition, religious educational institutions help preserve minority cultural identity through structured religious instruction and socialization processes (Azmira, 2026). The primary legal basis is the Law on Belief and Religion No. 02/2016/QH14, which establishes procedures for registration and provides legal space for religious organizations to operate, including in religious education (Cuong et al., 2022).

The enactment of this law marks a significant development in Vietnam's legal framework by providing a more comprehensive regulatory basis for the recognition and supervision of religious organizations. Rather than merely regulating religious practices, it establishes legal certainty regarding the rights, obligations, and administrative procedures that religious institutions must meet to conduct their activities lawfully. Consequently, religious educational institutions may operate within a clearly defined legal framework while remaining subject to state oversight and accountability mechanisms.

Under Article 39, every religious educational institution must submit a formal notification to the Government Committee for Religious Affairs (GCRA), accompanied by documents such as the deed of establishment, organizational rules, student admission policies, a list of administrators, and reports on financial and physical facilities (Vu, 2024). These administrative requirements are intended to ensure institutional transparency, organizational accountability, and compliance with national legal standards prior to the competent authority's formal recognition of educational activities. The submission of legal and administrative documents also enables the GCRA to assess the institutional capacity, governance structure, and operational readiness of religious educational institutions in accordance with the objectives of the Law on Belief and Religion. Accordingly, Article 39 functions not only as a procedural

requirement for registration but also as a legal instrument through which the state monitors the legitimacy and sustainability of religious educational institutions operating within its jurisdiction.

Technical provisions are further specified in Decree No. 162/2017/ND-CP, effective as of January 2018. This regulation details the requirements for establishing, supervising, and dissolving religious institutions, as well as rules regarding curriculum changes and the use of religious texts. Ma'had also functions as an institution for character development by strengthening ethical values, discipline, and communal responsibility (Bahtiar, 2023). It confirms that institutions receive official recognition as non-profit legal entities only after fulfilling all administrative requirements (Tien, 2024).

This legal requirement demonstrates that the establishment and operation of religious educational institutions in Vietnam are based not solely on religious considerations but also on comprehensive administrative procedures prescribed by national legislation. Such procedures are intended to ensure that each institution possesses a clear legal identity, transparent organizational governance, and accountability in carrying out its educational and religious activities. Consequently, legal recognition is granted only after an institution has demonstrated compliance with the applicable regulatory framework, thereby enabling the state to oversee its operations in pursuit of the broader objectives of public administration and social governance.

Additionally, Education Law No. 43/2019/QH14 sets clear boundaries by prohibiting religious instruction or rituals in public schools and universities, while requiring religious educational institutions to incorporate Vietnamese History and Law into their curricula as part of the national education framework (Hung & Chinh, 2017; Khozin, 2019). These provisions reflect the Vietnamese government's efforts to distinguish between public education and religious education while ensuring that all educational institutions, regardless of their religious affiliation, contribute to strengthening national identity and civic responsibility.

The inclusion of subjects related to national history and legal principles is intended to promote students' understanding of the country's constitutional order, legal system, and historical development without limiting their opportunity to receive religious instruction in institutions specifically authorized for that purpose (Hung & Chinh, 2017). Furthermore, the law provides that failure to comply with these educational standards and administrative requirements may result in administrative sanctions, including warnings, restrictions on institutional activities, or other legal measures imposed by the competent authorities, thereby reinforcing the state's supervisory role in religious education (Khozin, 2019).

The Government Committee for Religious Affairs (GCRA) is the principal state institution responsible for formulating, implementing, and supervising policies on religious affairs in Vietnam (Vu, 2024). In carrying out this mandate, the GCRA coordinates with provincial and local authorities to monitor the activities of recognized religious organizations, evaluate their compliance with existing legislation, and facilitate communication between religious communities and the government. Its responsibilities extend beyond administrative oversight to include policy implementation, institutional guidance, and conflict prevention in matters relating to religion and society, ensuring that religious activities remain consistent with the constitutional principles and developmental objectives of the Vietnamese state.

Through this regulatory framework, the Vietnamese government seeks to balance the constitutional guarantee of freedom of belief and religion with the state's responsibility to maintain public order, national unity, and social stability (Government Committee for Religious Affairs, 2022). Rather than adopting a model of complete institutional separation between religion and the state, Vietnam applies a system in which religious freedom is legally recognized but exercised within clearly defined legal and administrative boundaries. Accordingly, religious organizations are permitted to conduct worship, provide religious education, and engage in community service provided that these activities comply with applicable laws and do not conflict with national interests or public security. This governance model reflects the state's broader policy of integrating religious affairs into the national legal system while ensuring that religious institutions continue to contribute positively to social development and intercommunal harmony.

3.2. Legal Status and Position of Ma'had Darussalam Liltadrib Al-Islami

For the Muslim community, especially the Cham ethnic group, *ma'had* functions not only as a center of religious learning but also as a space to preserve ethnic and cultural identity. Historically, the Cham have practiced religious education through various forms, from informal study in mosques to structured boarding schools; therefore, their role must be understood in relation to both state law and community traditions (Noseworthy & Huyen, 2023). Islamic educational institutions in Vietnam serve as centers for preserving religious values and cultural identity within the Muslim community. Thus, the existence of Ma'had Darussalam represents not merely an educational institution but also a vital means of safeguarding Cham Islamic traditions (Saputri, 2024).

According to the official report of the Tay Ninh Provincial People's Committee (2021), Ma'had Darussalam Liltadrib Al-Islami is formally registered under the religious institution registration number 12/DK-TN and has fulfilled all administrative, facility, and curriculum requirements set by the government. This document also confirms that it is the only officially licensed Islamic educational

institution in the province, with a recorded student population of 217 for the 2020–2021 academic year, most of whom are from economically disadvantaged families within the Cham Muslim community. The legal recognition granted by the government is consistent with the principle that "religious organizations are recognized after fulfilling the requirements prescribed by law" (Government Committee for Religious Affairs, 2022), thereby demonstrating that administrative legitimacy is a prerequisite for the operation of religious educational institutions in Vietnam (Kien, 2023).

Under Vietnamese law, this *ma'had* is not classified as part of the government bureaucracy or administrative structure. Instead, it holds legal status as a non-governmental religious educational institution recognized by the state only after completing all administrative requirements (Chung & Tuấn, 2022; Vu, 2024). It has no authority to make public policies or perform governmental functions; its recognition is limited to fulfilling the spiritual and educational needs of the Muslim minority. According to Van (2023), "freedom of religion in Vietnam is exercised within the framework of state management and legal regulation." Therefore, legal recognition does not imply institutional independence from state supervision.

Operationally, the *ma'had* remains under strict supervision by local authorities, including the Provincial People's Committee and the Department of Religious Affairs. This arrangement reflects Vietnam's principle of placing religion in the socio-cultural sphere rather than the political domain. In the centralized system, where the Communist Party leads all decision-making, no religious institution holds formal governance roles; thus, the *ma'had* operates as a social-religious entity rather than a state body (Vu, 2024). This finding is consistent with Ploszka (2023), who explains that "state management of religious activities aims to ensure social stability and national security". Accordingly, the supervision exercised over *Ma'had Darussalam* should be understood as part of Vietnam's broader model of religious governance rather than as a denial of religious freedom.

3.3. Analysis Using John Rawls' Theory of Justice

From a normative perspective, John Rawls' theory of justice offers a relevant framework to evaluate this arrangement. Rawls argues that every individual and community should enjoy equal basic freedoms, including freedom of religion, as a fundamental right essential to human dignity. Justice requires the state to guarantee these rights equally to all citizens, including minorities (Hasanuddin, 2018; Sunaryo, 2022). This understanding is consistent with Vietnam's contemporary legal framework, which recognizes freedom of belief while simultaneously requiring religious activities to be conducted within the boundaries established by state law (Hoover, 2023).

Applying this principle, the Vietnamese state has taken a positive step by legally recognizing Ma'had Darussalam and granting it space to operate, thereby acknowledging the religious rights of the Cham and Muslim communities. However, the fact that the ma'had is excluded from the institutional structure and subjected to strict supervision indicates that this freedom is procedural and limited rather than fully substantive. The state acts to prevent religion from becoming an independent political force, thereby restricting its institutional autonomy (Mendrofa, 2024). This regulatory approach reflects Vietnam's policy of balancing constitutional guarantees of religious freedom with state-imposed mechanisms designed to preserve political stability and social order (Contreras, P., & Saavedra, 2023).

From Rawls' perspective, a truly just state remains neutral toward all beliefs and provides equal institutional support. However, recent studies indicate that legal recognition of religious institutions in Vietnam does not automatically confer institutional autonomy, as government oversight remains integral to religious governance (Alhumaira et al., 2025). In this context, while formal recognition exists, the lack of structural inclusion and ongoing control means that the conditions for *substantive justice* have not been fully achieved. The ma'had is recognized symbolically and functionally, but without equal institutional standing, which reflects the balance between legal rights and state interests in Vietnam's political system. This condition illustrates the continuing interaction between the protection of religious rights and the state's responsibility to regulate religious affairs within the framework of socialist governance (Sayuti A, 2023).

4. CONCLUSION

This study finds that Ma'had Darussalam Liltadrib Al-Islami holds legal status as a state-recognized non-governmental religious educational institution after fulfilling the requirements stipulated in the Law on Belief and Religion No. 02/2016/QH14, Decree No. 162/2017/ND-CP, and the Law on Education No. 43/2019/QH14. As the only officially authorized Islamic educational institution in Tay Ninh Province, it plays a vital role for the Cham Muslim minority community; however, it is not structurally integrated into the government's administrative system and remains under strict supervision by state authorities, given that Vietnam places religion within the socio-cultural sphere rather than the political domain.

Viewed through the lens of John Rawls' theory of justice, this legal recognition constitutes a positive step toward guaranteeing the right to freedom of religion. However, the freedom granted remains largely procedural and not yet fully substantive. Theoretically, these findings enrich the application of justice theory to analyzing state-religion relations within a socialist system; in terms of policy, they show that while space for religious institutions to exist has been established, further balance is needed to ensure that educational activities are not hindered. Accordingly, it is recommended that the government

grant greater institutional autonomy, provided it does not conflict with public order. At the same time, the ma'had itself should continue to improve the quality of its services and maintain compliance with existing regulations.

Overall, this research contributes by clarifying the dynamics between legal recognition and state oversight of religious educational institutions within a socialist context. The findings also serve as a valuable reference for comparative studies on state-religion relations and the provision of education for minority groups across Southeast Asia.

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