

Article

Achievements, challenges and directions for building the socialist rule of law in Vietnam

Nga Thi Thuy Pham

The Institute of State and Law, Vietnam Academy of Social Sciences, Hanoi 100000, Vietnam; ngapham@isl.gov.vn

CITATION

Pham NTT. (2024). Achievements, challenges and directions for building the socialist rule of law in Vietnam. *Journal of Infrastructure, Policy and Development*. 8(14): 9837. <https://doi.org/10.24294/jipd9837>

ARTICLE INFO

Received: 23 October 2024
Accepted: 14 November 2024
Available online: 25 November 2024

COPYRIGHT



Copyright © 2024 by author(s).
Journal of Infrastructure, Policy and Development is published by EnPress Publisher, LLC. This work is licensed under the Creative Commons Attribution (CC BY) license. <https://creativecommons.org/licenses/by/4.0/>

Abstract: This article focuses on analyzing the achievements, challenges, and lessons learned in the process of building the Socialist Rule of Law in Vietnam after nearly 40 years of renovation, with the goal of proposing the direction of building and perfecting the Socialist Rule of Law in the new period, and ensuring its conformity with Vietnamese realities and international integration. The article draws on data from documents of the Communist Party of Vietnam, the 2013 Constitution, relevant laws and resolutions, along with data from reports on administrative reform and the promulgation of legal documents. The research methods used include document analysis, comparison, and synthesis in order to assess the reality and propose solutions to the problems identified. Alongside the achievements gained, building a Socialist Rule of Law State in Vietnam still faces many challenges. This article identifies the main orientations for constructing a Socialist Rule of Law State in Vietnam in the coming period.

Keywords: Vietnam; the rule of law; the socialist rule of law; 40 years of renovation

1. Introduction

The principle of Good Governance has been widely applied in today's world, where one of its key elements is the Rule of Law. In Vietnam, the Sixth National Congress (1986) of the Communist Party of Vietnam determined that "the country should be governed by law, not only by morality" (Communist Party of Vietnam, 1987). The Rule of Law was first recognized in the Resolution of the Seventh Mid-term Conference of the Communist Party of Vietnam in 1994 (Communist Party of Vietnam, 1995) and was officially enshrined in the 2013 Constitution as "The Socialist Rule of Law of the People, by the People, for the People" (Article 2) (National Assembly, 2013). The 2013 Constitution continues to expand the scope of legislative, executive, and judicial reforms. To date, Vietnam's legal system has completed a basic phase of development. The role of law and law enforcement is increasingly emphasized. The mechanism of allocation, coordination, and control of power between state agencies in exercising legislative, executive, and judicial powers is becoming clearer and has led to positive changes. All power belongs to the people, with a system in place for the allocation and coordination of control over the implementation of the three branches of government—legislative, executive, and judicial—under the leadership of the Party. The state apparatus has been gradually reorganized towards streamlining, effective, and efficient operation. Human rights and citizens' rights are increasingly respected, protected, and guaranteed. These results have created important conditions for the effective implementation of the state's role and function in the socialist-oriented market economy, facilitating Vietnam's solid and deep integration into the global economy.

Vietnam is a country undergoing a significant transformation. The indicators are all trending in the right direction, and there have been many positive changes in both the economy and society. Since the beginning of Doi Moi (Renovation), Vietnam has become a dynamic economy. GDP per capita (at constant 2015 US dollar prices) increased from \$481 in 1986 to \$2655 in 2020 (World Bank, 2022) and continued to rise to \$4284.5 in 2023, an increase of \$160 compared to 2022 (General Statistics Office, 2023). The social functions of the Vietnamese state have undergone many positive changes. The happiness index of Vietnamese people is increasing. Vietnam's happiness index in 2022/2023/2024 increased from 77/65/54 respectively (Helliwell et al., 2023; Layard et al., 2024). Developing society from ensurance and stability to stability and development; associated with the management of sustainable social development, improving the social welfare of the whole people, ensuring social security, human security and social security.

However, the practice of building the Socialist Rule of Law in Vietnam also faces many difficulties and inadequacies. The Communist Party of Vietnam also frankly pointed out: "Building the Socialist Rule of Law has not yet met the requirements of socio-economic development and national governance in the new situation" (Communist Party of Vietnam, 2021). In order to promote the country's economic development towards the goal set by the 13th Congress of the Communist Party of Vietnam "by 2030, Vietnam will be a developing country with modern industry and high middle income, by 2045 Vietnam will become a developed country with high income" (Communist Party of Vietnam, 2021), the issue of national governance in general, and the construction and perfection the Socialist Rule of Law in particular, need to continue to clearly recognize the challenges (including limitations and inadequacies), and to summarize lessons learned in the process of implementing the guidelines and tasks of state and legal reform. On that basis, and with a new vision, the major orientations for building and perfecting the Socialist Rule of Law in the new context and stage must be more clearly defined.

2. Literature review

In the history of the state and law worldwide, the Rule of Law is not a new issue. It represents the knowledge and progressive values of humanity, which have been summarized and affirmed through history over hundreds of years. Globally, the concept of the Rule of Law is explained from a variety of approaches. The rule of law is explained from the aspect of form, content, combining both formal approach and approach to the content of the rule of law and explained from the procedural aspect (Nguyen, 2018); it is an open concept and does not have a uniform definition (Grote, 1999; World Bank, 2005). The idea of the Rule of Law has developed through many stages (Nguyen, 2018) and the theory of the Rule of Law has been fostered over time. Hence, the debate over the Rule of Law is still ongoing (Brian, 2004). However, it is evident that the 'Rule of Law' and the 'Rule of Law State' are universal values. In the UN Charter and in many international documents, the three major value groups—namely Democracy, the Rule of Law, and Human Rights—have been identified as values that are closely related to each other, inseparable, and considered core global values. Prof. Dr. Dao Tri Au, Former Chairman of the State Council of Professors of

Law, pointed out: ‘The popular and progressive ideas and values of the Rule of Law are: Firstly, upholding the role of the law in its relationship with the power of the state. Accordingly, the State must place itself under the law and be bound by it; Secondly, the idea of people’s sovereignty, with its character as the origin and legitimacy of the state, is oriented towards people, all serving the people; Thirdly, upholding the values of fairness, justice, and human rights’ (Dao, 2021). The Rule of Law, in addition to its universal values, also includes specific values. The specificity of the Rule of Law is determined by the historical, traditional, cultural, and socio-psychological conditions of each nation, as well as the political regimes, economic systems, culture, and geographical environment of each country. These factors not only create the characteristics and uniqueness of each nation in the process of building, preserving, and developing the country, but also determine the level of absorption and tolerance of the prevailing values of the Rule of Law. It is impossible to have a unified common model of the Rule of Law that applies to all countries and peoples. Each country and people, depending on their historical, economic, political, and cultural characteristics and level of development, will build an appropriate model of the Rule of Law for themselves. The prevalence of the rule of law is most prominently reflected in the constitutions of countries worldwide. According to statistics from Oceana’s *Constitutions of the Countries of the World Online*, out of 125 national constitutions, 95 incorporate the concept of the rule of law (Nguyen and Nguyen, 2010). Many scholars agree that when designing and establishing a rule-of-law framework, countries aim to adopt common principles deemed essential while adapting them to their own values, considering each nation’s unique historical, cultural, and political context (Dao, 2022).

In Vietnam, there have been many in-depth research works helping to form a rich documentary system on the Rule of Law and the Socialist Rule of Law of Vietnam.

The concept of popular sovereignty has a long history of development in Vietnam. Many studies of Ho Chi Minh’s thoughts on the state and law show that “the connotation of Ho Chi Minh’s thoughts on people’s democracy and sovereignty, and the Constitution is completely in line with the progressive and humane thought of the times (Dao, 2016)”, laying the first foundations of the Rule of Law and the Rule of Law state in Vietnam. The concept of ‘Rule of Law’ was mentioned by President Ho Chi Minh (Nguyen Ai Quoc) as early as 1919, in the ‘Vietnam yêu cầu ca’ version (the translation into Vietnamese in the form of an octave poem, ‘The Claim of the People of An Nam,’ sent to the Conference of Versailles in 1919). Among the eight claims, Ho Chi Minh wrote (Ho, 1995):

“Seventh, ask for the promulgated constitution, A hundred things must have the Rule of Law.”

The seventh claim in ‘Vietnam yêu cầu ca’ clearly reflects Ho Chi Minh’s thoughts on building a new type of state: ‘A hundred things must have the spirit of the Rule of Law,’ expressing the requirement of social management according to the law, a constitutional State, a state of the people, by the people, for the people. Along with the idea of building a new type of state, on the basis of inheriting and promoting the tradition of loving the people and safeguarding the country of Vietnamese people, Ho Chi Minh affirmed that “The country takes the people as the root, a steady root is a durable tree. Building victories on the basis of the people” (Ho, 2021). Ho Chi Minh’s

principle of ‘the people as the root’ was firmly established in Vietnam’s first Constitution, the 1946 Constitution, which states in Article 1: ‘All powers in the country belong to the entire Vietnamese people.’ The concept of popular sovereignty, as the source of state legitimacy and authority, has been consistently recognized in Vietnam’s subsequent constitutions. Vietnam’s legal framework provides comprehensive provisions for forms of direct democracy (Thao, 2022). Studies by UNDP and OXFAM indicate that Vietnam’s current Constitution and political structure create opportunities for citizen participation in governance, both directly (through direct involvement at the local level) and indirectly (through the election of People’s Council and National Assembly representatives). However, these studies also emphasize the importance of enhancing the substantive quality of public participation in socio-economic development, oversight, and dispute resolution, as well as addressing issues such as proxy voting by women, the elderly, and youth (Wells-Dang and Nguyen, 2015).

The principle of constitutional supremacy and the rule of law in the socialist rule of law state was first enshrined in the 2013 Constitution. Although the term ‘Rule of Law’ was officially mentioned for the first time in the Party’s document in 1994 (in the Resolution of the Seventh Mid-term Conference of the Communist Party of Vietnam (1996): “Continue to build and gradually perfect the Rule of Law of Vietnam), the concept of a “the Socialist Rule of Law of Vietnam” was first constitutionally enshrined in Article 2 of the 1992 Constitution (amended in 2001) and further recognized in Clause 1, Article 2 of the 2013 Constitution: “The Socialist Republic of Vietnam is the Socialist Rule of Law of the People, by the People, for the People” (Communist Party of Vietnam, 1996, p.100). This demonstrates a clear shift in essence, from the principle of socialist legality (Article 12 of the 1992 Constitution) to the principle of the rule of law. The 2013 Constitution represents a new development regarding constitutional supremacy and the rule of law (To, 2020), as it establishes that Communist Party organizations and members operate within the framework of the Constitution and the law (Article 4 of the 2013 Constitution). Human rights and citizens’ rights are recognized, respected, protected, and guaranteed by the Constitution and the law (Article 14 of the 2013 Constitution). The rule of law and its binding nature on the State and state organs is consistently reflected through various new legal principles, such as the requirement that the State is organized and operates in accordance with the Constitution and the law (Article 8 of the 2013 Constitution) and the principle of the presumption of innocence (Article 13 of the 2015 Criminal Procedure Code).

The concept of the law’s binding nature on the State in Vietnam is based not only on legal provisions but also on fairness, justice, and respect for human rights. The values of the rule of law regarding fairness, justice, and human rights are consistently affirmed in Ho Chi Minh’s thought (Do et al., 2022), and in the Party’s and the State’s policies and guidelines (Communist Party of Vietnam, 2021). Moreover, in a rule of law state, the laws enacted must be comprehensible and promptly implemented. The Politburo’s Resolution No. 49-NQ/TW, dated 2 June 2005, on the Judicial Reform Strategy to 2020 (Politburo, 2005), clearly articulates the perspective that the principles of fairness, justice, human rights, and access to justice serve as guiding

concepts not only for judicial and legal reforms but for the entire process of building and perfecting the rule of law state in Vietnam.

State power in the socialist rule of law state of Vietnam is unified, with the allocation, coordination, and control of legislative, executive, and judicial powers among state bodies (Clause 2, Article 3 of the 2013 Constitution). The 2013 Constitution also clearly defines the roles of each branch: the National Assembly exercises legislative power (Article 69), the Government exercises executive power (Article 94), and the People's Courts exercise judicial power (Article 102). For the first time, 'power control' was enshrined in the 2013 Constitution. Power control is an essential requirement of any rule of law-based state order. Questions continue to arise regarding the difference between the concept of unified state power—with the allocation, coordination, and control among state bodies in the exercise of legislative, executive, and judicial powers in the socialist rule of law state of Vietnam—and the doctrine of separation of powers. There is no dispute that the allocation, coordination, and control among state bodies in Vietnam are grounded in the Constitution. Accordingly, the courts are independent and serve as the final arbiter of all public acts. Thus, it can be asserted that Vietnam does not contradict the principles of the doctrine of separation of powers (Nguyen, 2011). Prof. Dr. Dao Tri Uc observed that the unification of state power, in its essence, from both a social and an organizational-legal perspective, does not exclude but rather requires power separation. In this context, the separation mechanism is understood as the organizational-legal aspect of state power rather than its essence (2022). The purpose of the principle of allocation, coordination, and control of power is to ensure that bodies exercising legislative, executive, and judicial powers perform their functions, duties, and authority according to the Constitution and the law, prevent abuse of power, and maintain the unity of state power.

From a practical perspective, numerous international organizations have published studies illustrating the status of building the socialist rule of law state in Vietnam. According to the World Justice Project (WJP), Vietnam's rule of law index from 2015 to 2023 has fluctuated slightly, but during the last 5 years (2019–2023), Vietnam's rule of law score has remained stable at 0.49. This indicates that there has been no major change in the overall assessment of Vietnam's adherence to the rule of law according to WJP criteria (World Justice Project, 2015, 2016, 2018, 2019, 2020, 2021, 2022, 2023). This reflects stability in maintaining the rule of law in Vietnam, despite the need for improvement to enhance global and income-based rankings. According to UNDP, the period from 1990 to 2022 shows that Vietnam's HDI has grown positively and continuously, with a significant improvement compared to the global average. Vietnam's HDI value in 2022 is 0.726, ranking 107th out of 193 countries and territories (UNDP, 2024). GDP per capita (at constant 2015 US dollars) increased from \$481 in 1986 to \$2655 in 2020 (World Bank, 2022) and continued to increase to \$4284.5 in 2023, an increase of \$160 compared to 2022 (General Statistics Office, 2023). According to the World Happiness Index Reports, the happiness index of the Vietnamese people is increasing. Vietnam's happiness index in 2022/2023/2024 rose from 77th/65th/54th place, respectively (Helliwell et al., 2023; Layard, 2024).

Consequently, Vietnam's happiness index in 2024 reaches its highest ranking since 2015, standing at 54th in the world.

However, the practice of building the Socialist Rule of Law in Vietnam also faces some challenges. During the 5-year period of 2016–2020, the Communist Party of Vietnam has frankly pointed out the limitations and shortcomings in building the Socialist Rule of Law: “Building the Socialist Rule of Law has not met the requirements of socio-economic development and national management in the new situation...The power control mechanism is incomplete; the supervisory role of the people has not been strongly promoted. The legal system still has some regulations that are not uniform and do not meet practical requirements in a timely manner. Law compliance is generally not strict; discipline and law are still neglected in some places, violations of the law are not handled in a timely manner, and sanctions are not sufficiently deterrent. Administrative reform and judicial reform have not fully met the requirements of national development. The organization and activities of local authorities have not been strongly innovated; functions, tasks, hierarchy, and decentralization are not very clear, and the effectiveness and efficiency of operations are still limited” (Communist Party of Vietnam, 2021).

3. Materials and methods

The main research method of this article is the qualitative research method, particularly when approaching and studying the research subjects, which are the documents of the Communist Party of Vietnam, and the provisions in the State's policies and laws on building and perfecting the Socialist Rule of Law in Vietnam. The primary research methods of this article include methods of analysis, comparison, statistics, and synthesis to identify new contents, detect emerging issues related to the assessment of the current situation, highlight the achievements and challenges in the Socialist Rule of Law of Vietnam over the recent period, and propose important orientations for building and perfecting the Socialist Rule of Law in Vietnam in the future.

When assessing the current status of the process of building the Socialist Rule of Law in Vietnam after nearly 40 years of Renovation since 1986 (especially in assessing limitations and inadequacies), the article is evaluated based on summary data and statistics officially published by authorized Vietnamese agencies to ensure reliability to ensure reliability. Simultaneously, to ensure objectivity, the article utilizes data and assessments about Vietnam from international organizations such as the World Bank (WB), the United Nations Development Programme (UNDP), the World Economic Forum, Transparency International, and the World Justice Project.

Furthermore, the article conducts interviews with scientists who are professors with many years of research on the rule of law and substantial experience in senior management positions (directors, deputy ministers, ministers) in agencies of the National Assembly, the Ministry of Justice, and academic research institutions. They provide insights into building the rule of law as well as the challenges that Vietnam is facing.

4. Discussion

4.1. Achievements in building the socialist rule of law in Vietnam after nearly 40 years of renovation

The achievements in building and perfecting the Socialist Rule of Law in Vietnam over the past period are manifested in the following basic aspects: (1) The development of awareness and theory about the Socialist Rule of Law in Vietnam since the renovation in 1986 until now; (2) Results in the practice of building and perfecting the Rule of Law in Vietnam, in relation to the changing reality of the world and the practice of renewing global legal thinking.

After nearly 40 years of Renovation and more than 30 years of implementing the Platform for National Construction in the Period of Transition to Socialism (Platform in 1991, supplemented and developed in 2011), the construction of the Socialist Rule of Law in Vietnam, of the People, by the People, and for the People under the leadership of the Party has achieved very important milestones:

Firstly, the awareness and reasoning of the Socialist Rule of Law in Vietnam are becoming more and more unified, complete, and profound.

First of all, the awareness of the characteristics expressing the common and universal values of the rule of law is becoming more comprehensive. Vietnam recognizes the universal values of the rule of law, including: (1) The rule of law in modern society is associated with democracy; the Rule of Law is the state of the people, by the people, and for the people. People's sovereignty is the legitimate and lawful foundation of the State. The State is responsible for ensuring social order and safety, as well as the common interests of the social community, maintaining and protecting the peaceful life of the people and the normal operation of agencies and organizations; (2) Human rights are recognized, respected, protected, and guaranteed. All state agencies, organizations, and individuals must respect and protect human rights and citizens' rights; (3) Respect for the Constitution and laws in the organization and operation of state agencies, cadres, civil servants, public employees, and in society at large. All state agencies and the exercise of state power must abide by the law, be accountable before the law, and must not be above the law. State power is limited by the Constitution and laws; the organization and implementation of state power must be within the framework of the Constitution and law. In the rule of law, everyone is equal and treated fairly before the law, responsible before the law, and no one is allowed to be above the law; (4) The Court has the task of protecting justice, human rights, and citizens' rights. The court adjudicates independently and only according to the law; (5) Each nation has different methods of assigning and coordinating legislative, executive, and judicial powers, depending on its historical, economic, political, and cultural characteristics, but all aim at the implementation of rights in accordance with the nature of the rights. The legislative, executive, and judicial bodies are organized and operate in accordance with the constitutional order, ensuring mutual control in the implementation of legislative, executive, and judicial powers.

Besides, through the congresses, the policy of building the Socialist Rule of Law of Vietnam has been continuously affirmed by the Communist Party of Vietnam and increasingly supplemented, developed and perfected.

Theoretical thinking on democracy, democratization, people's sovereignty and people's power in the Socialist Rule of Law is becoming more and more comprehensive and profound. Affirming that democracy is the essence of the regime and the Rule of Law, both the goal and the driving force of the country's renewal and development; the socialist democracy in Vietnam expresses both the universal democratic values of mankind and the typical values reflecting the identity, cultural characteristics and traditions of Vietnam.

The awareness and viewpoints on the characteristics expressing the specific elements of the Socialist State and the characteristics of the Socialist Rule of Law of Vietnam are becoming clearer and more complete. Vietnam affirms and recognizes politically and legally that the Socialist Rule of Law of the people, by the people, for the people led by the Communist Party is one of the eight characteristics of socialism in Vietnam; building the Socialist Rule of Law of the people, by the people, for the people is one of the eight basic directions of socialist construction in Vietnam, which is an important component of one of the major relationships "among the Party's leadership, the State's management and the people mastering" (Communist Party of Vietnam, 2011). This concept has been gradually concretized and realized more deeply by the Communist Party of Vietnam in the documents of the congresses, in the resolutions and corresponding documents of the Party, institutionalized in the Constitution (the 1992 Constitution and the 2013 Constitution) and laws. Up to now, the awareness of the characteristics of the Socialist Rule of Law of Vietnam has taken a new step when Resolution No. 27-NQ/TW dated November 9th, 2022 of the 6th Meeting of the XIII Party Central Committee on continuing to build and perfect the Socialist Rule of Law of Vietnam in the new period (hereinafter referred to as Resolution No. 27-NQ/TW) affirms 8 characteristics of the Socialist Rule of Law of Vietnam, namely: (i) The Socialist Rule of Law of Vietnam led by the Communist Party of Vietnam; (ii) The State of the People, by the People, for the People; (iii) human rights and citizens' rights are recognized, respected, guaranteed and protected in accordance with the Constitution and law; (iv) The State is organized and operates in accordance with the Constitution and law, and the society is managed by the Constitution and law; (v) State power is unified, clearly assigned, closely coordinated and effectively controlled among state agencies in implementing legislative, executive and judicial powers; (vi) the legal system is democratic, fair, humane, complete, synchronous, unified, timely, feasible, public, transparent, stable, accessible, strictly and consistently implemented; (vii) the independence of the court according to the adjudicating competence, the judge and the jury shall adjudicate independently and only obey law; (viii) to respect and ensure the implementation of international treaties to which the Socialist Republic of Vietnam is a signatory, to ensure national interests on the basis of the basic principles of the UN Charter and international law the highest.

Theoretical thinking on law, the rule of law, and the principle of the rule of law has been fundamentally renewed. Theoretical thinking on the supremacy of the law and the supremacy of the Constitution has been posed, affirmed, and gradually promoted. Thinking about people, human rights, and citizenship has been fundamentally renewed. Humans are identified as the center of the strategy of development, with the goal of building and developing comprehensive individuals in terms of ideology, intellect, soul, body, morality, personality, and lifestyle. Legislative

thinking on human rights has made great strides, which is reflected in the large number of legal documents related to human rights that have been promulgated. Thinking about enforcement, guaranteeing, and protecting human rights is valued. Institutions and mechanisms for ensuring and protecting human rights have been strengthened and developed. The core content is to recognize, respect, guarantee, and protect human rights, citizens' rights, and people's right to ownership, associated with citizens' responsibilities and obligations, to create more and more adequate conditions for the liberation of all people's potential and creative capacities (Central Internal Affairs Commission, 2015).

Theoretical thinking on political power, the Communist Party of Vietnam, and the Party's leadership over the Socialist Rule of Law is more clearly and fully defined: Continue to affirm our Party as the vanguard of the working class and add: The Communist Party of Vietnam is also the vanguard of workers and the Vietnamese people (according to Ho Chi Minh's Thoughts). Thinking and theoretical awareness of the Party's role, authority, and responsibilities have been more clearly defined. Thinking is becoming clearer and more complete, with the ideological foundation of the Party being Marxism-Leninism and Ho Chi Minh's Thoughts. Thinking on the ruling Party, the Party's leadership over the Socialist Rule of Law has been clearly reflected in the Platform for National Construction in the Transition Period to Socialism (supplemented and developed in 2011) (Communist Party of Vietnam, 2011), the Constitution of Vietnam in 2013, and Resolution No. 27-NQ/TW.

Secondly, the practice of building and perfecting the Socialist Rule of Law of Vietnam over the past period has achieved important results.

The legal system has undergone significant completion, basically ensuring comprehensiveness, accessibility, and increasingly aligning with the criteria of consistency, appropriateness, and feasibility. The role of law and law enforcement has been emphasized in the organization and activities of the State and society. The legal system is constructed and refined according to the requirements of developing a multi-component commodity economy, operating according to the market mechanism under the management of the State, in the socialist orientation, gradually embracing international integration and advancing towards the socialist-oriented market economy. In many aspects, especially in the economic field, Vietnam has actively engaged in and participated extensively in many international commitments, becoming a responsible and reliable member of the international community. The law on science and technology has also created a significant and important legal corridor for continuing to vigorously and synchronously innovate the organization, management mechanisms, and operations of science and technology activities, creating positive steps and making practical contributions to the nation's socio-economic development (Ministry of Science and Technology, 2024). The law on social policies, in the spirit of institutionalizing policies on social justice, has been gradually perfected, better ensuring the rights to access and use health insurance and social insurance services, creating a legal basis for social relief activities, hunger eradication, poverty reduction, and implementing social preferential policies for policy beneficiaries. In general, "the legal system, mechanisms, and policies continue to be perfected in line with the requirements of building a modern market economy and international integration" (Communist Party of Vietnam, 2021). "The quality of legal documents submitted and

promulgated by the Government, ministries, and ministerial-level agencies within their jurisdiction is increasingly improved, the content ensures constitutionality, and generally ensures the legality, consistency, and synchronization of the legal system; it ensures feasibility and meets practical requirements; many documents have introduced institutional breakthroughs for the development of sectors and fields, solving difficulties, obstacles, and inadequacies in practice. Legal documents promulgated by local administrations are drafted and promulgated in accordance with the actual local situation, and the quality of legal documents promulgated by local administrations is increasingly improved, ensuring the constitutionality, legality, and consistency of documents with the current legal system, and in accordance with the local socio-economic situation, creating a mechanism to attract resources, making an important contribution to socio-economic development and improving the life of local people” (Ministry of Justice, 2024).

The regulations on the organization of law enforcement have been relatively seriously complied with and implemented by ministries, sectors, and localities. The monitoring of law enforcement has achieved many positive results, promptly detecting inadequacies and overlaps in legal documents, thereby proposing solutions to competent agencies to improve the efficiency of law enforcement and perfect the legal system (Ministry of Justice, 2024). Attention has been given to legal interpretation, gradually contributing to ensuring consistency in the implementation and application of the law and in fulfilling international commitments. From 2005 to now, the National Assembly Standing Committee has issued 4 resolutions explaining the law. Resources (facilities, funding, and quality of legal staff) for law enforcement are increasingly a focus of concern. Inspection and examination efforts have yielded many encouraging results, promptly detecting violations by many agencies, organizations, and individuals.

Human rights and citizens’ rights and obligations have been concretized and continue to be institutionalized by law, aligning with international law and in accordance with Vietnamese practice. The 2013 Constitution contains 120 articles, including 36 articles governing human rights, citizens’ rights, and obligations. Vietnam has ratified and acceded to 7/9 basic conventions of the United Nations on human rights and 25 ILO conventions, including 9/10 basic conventions. There is one convention, Convention No. 87, on the right to freedom of association and on the protection of the right to organize, in 1948, which Vietnam is considering ratifying (International Labour Organization, n.d.). Vietnam’s achievement in poverty reduction is an outstanding result, having reached the finish line ahead of schedule according to the United Nations Millennium Development and Sustainable Development Goals, and is a bright spot recognized and appreciated by the international community. Vietnam, from a country with a poverty rate of nearly 60% in 1986, has remarkably reduced this rate to less than 4.03% in 2022 (Ministry of Labor, Invalids and Social Affairs, 2023) and 2.93% in 2023 (Ministry of Labor, Invalids and Social Affairs, 2024) according to the new multidimensional poverty line; the income of the poor has improved significantly, the average income of poor households in 2020 being 3.5 times that of 2010. According to the 2023 Global Gender Gap Report published by the World Economic Forum, Vietnam is currently ranked 72nd on this list with a gender equality progress of 71.1%, up 11 places compared to

its position in 2022. Vietnam has progressed by 2.3 percentage points since 2007 (point 68.9%) when it was first reported. While the 2022 Gender Gap Report indicated that there were no female ministers, in 2023 there are 11.1% of female ministers, bringing the equality score on the political empowerment index up from 13.5% to 16.6%. In terms of education level, Vietnam achieved equality of 98.5%. There is also complete equality in the percentage of women working as technical workers and women now earn 81.4% of the estimated earnings of men. Equality in labor force participation is 88.1% though only 25.6% of senior officials are women. Overall, Vietnam achieved a score of 74.9% in the Economic Participation and Opportunity sub-index (World Economic Forum, 2023).

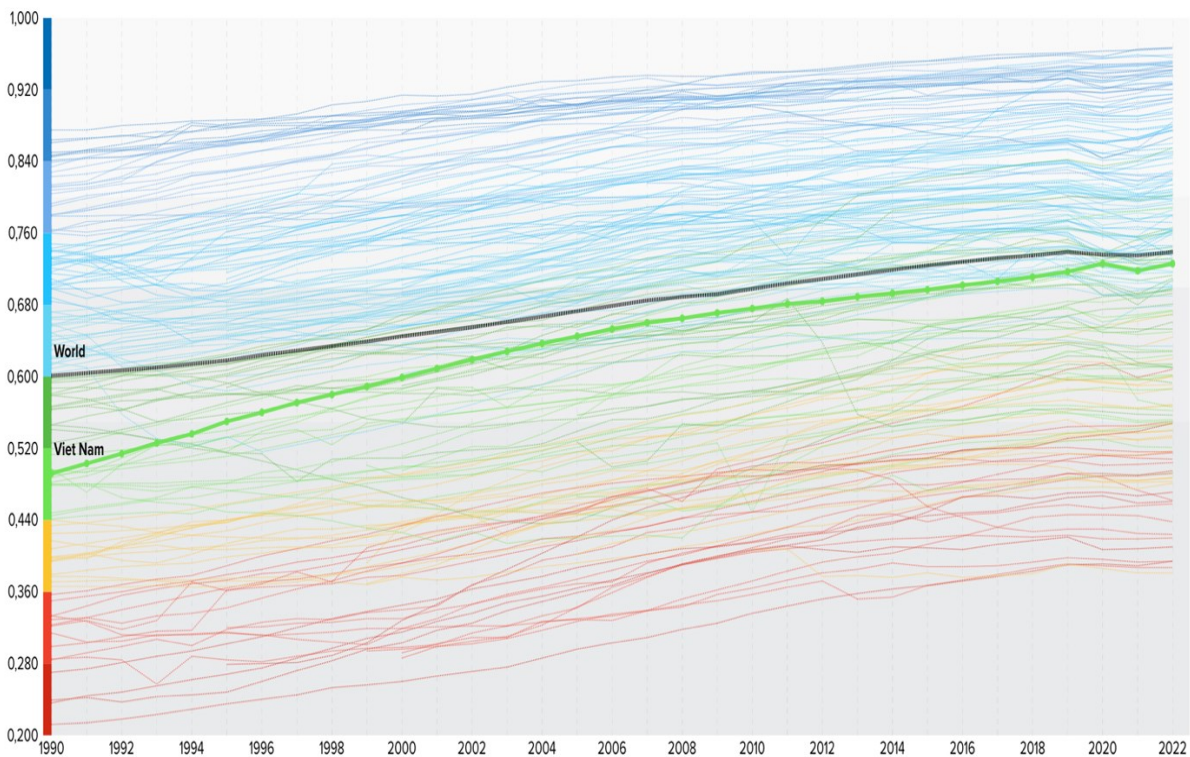


Figure 1. Vietnam human development index (1990–2022).

Source: According UNDP.

From **Figure 1** on Vietnam’s HDI during the period from 1990 to 2022, Vietnam’s HDI has grown positively and continuously, with a significant improvement compared to the global average (United Nations Development Programme, n.d.). From 1990 to 2022, Vietnam’s HDI value increased from 0.492 to 0.726, an increase of nearly 50%. Vietnam’s HDI has tended to increase steadily, without major fluctuations over the years, reflecting that the development process has been quite stable, sustainable, and that there has been a steady improvement in factors affecting HDI, including income, education, and life expectancy. **Figure 1** shows that, at one point between 2015 and 2020, Vietnam’s HDI exceeded the world average. This demonstrates that Vietnam has made significant strides in improving the quality of life and human development, as compared to the global average. UNDP Chief Resident Representative Ramla Khalidi said: “Viet Nam remains a country with a high level of human development during the difficult years of the COVID-19 pandemic. Human

development continues to be the centerpiece of the country's development strategy, and we have seen significant results over the past decades". Despite the growth, Vietnam still needs to make more efforts to close the gap with the HDI of developed countries.

There is a focus on promoting the people's right to ownership. Direct democracy and representative democracy for the people are given attention and are ensured in practice. All individuals in society are equal before the law and are allowed to act freely within the boundaries of the law. The 2013 Constitution affirms: "The Socialist Republic of Vietnam is the socialist rule of law of the people, by the people, and for the people" (Clause 1, Article 2), "The State guarantees and promotes the people's right to mastery; it recognizes, respects, protects and ensures human rights and citizens' rights" (Article 3). The people's right to ownership is implemented through election mechanisms; the dismissal of deputies to the National Assembly and deputies to the People's Council; referendums; and through the Vietnam Fatherland Front and its members who take part in the oversight of state power.

The mechanism of assignment, coordination, and control of power among state agencies in the implementation of legislative, executive, and judicial powers has become clearer and has undergone positive changes. For the first time, the 2013 Constitution clearly assigns: The National Assembly as the agency that exercises constitutional and legislative powers (Article 69) (no longer exclusively holding both constitutional and legislative powers as in the 1992 Constitution); The Government as the agency that exercises executive power (Article 94) (previously not clearly defined); The People's Court as the agency that exercises judicial power (Article 102) (previously not clearly defined). The organization and activities of the National Assembly have seen many innovations and an improvement in quality. The National Assembly has introduced many innovations in legislative activities. Since 2015, the National Assembly has considered and passed a large number of laws and resolutions, including many high-quality and feasible laws (Ministry of Justice, 2024). The effectiveness and efficiency of the People's Council's supervision of local state agencies, including judicial agencies, have gradually improved. The Government's activities have become proactive, focusing more on macro management and administration, removing barriers, and serving and supporting development. The Government and the Prime Minister regularly direct ministries and ministerial-level agencies to study and propose the development and improvement of institutions, especially draft laws and ordinances, in order to institutionalize the Party's guidelines and projects aimed at improving the investment and business environment. At one point, the government no longer had any backlog in issuing detailed regulatory documents (Ministry of Justice, 2024).

One of the most obvious manifestations of the effectiveness of power control is the effectiveness of anti-corruption efforts. Over the past 10 years of implementing the National Strategy for Anti-Corruption and the United Nations Convention against Corruption, Vietnam has basically complied with and implemented the requirements of the Convention well by promulgating, complying with, and fully implementing 217 out of 240 requirements of the Convention.

Table 1. Results of reviewing Vietnam’s anti-corruption law complying with and implementing UNCAC requirement (Government, 2023).

Vietnam complies with and implements UNCAC requirements	Number of UNCAC requests	Proportion
Promulgated, complied with and fully implemented	217/240	90.42%
Promulgated, complied with and implemented but not fully	18/240	7.5%
Not yet issued and not implemented	5/240	2.08%

Thus, in 2009, Vietnam’s corruption perception score (CPI) assessed by Transparency International was 2.6/10, ranking 120th out of 180 countries, this score tends to increase mainly (See **Table 1**). In the last 3 years of 2021, 2022, and 2023, Vietnam’s CPI achieved 39, 42, and 41 points on a scale of 100, respectively, ranking 87th/77th/83rd out of 180 countries on the global ranking. Vietnam’s CPI ranking in 2023 is down 1 point (down 6 places) compared to 2022 (Government, 2023) (see **Figure 2**).

Score changes 2012 - 2023



Figure 2. Vietnam corruption perceptions index—CPI (2012–2023).

Source: Transparency International, 2023, n.d.

The state apparatus has gradually been perfected and is operating more effectively and efficiently. The operational efficiency of the state apparatus has improved over time, and its operating mechanism has undergone significant changes compared to before. The state apparatus is gradually becoming more streamlined and is operating effectively and efficiently. The relationship among the National Assembly, the Government, the Fatherland Front, and social organizations is gradually adapting to the requirements of building a rule of law state. The relationship between the central and local authorities is gradually shifting from a subsidy mechanism to a decentralization mechanism.

Administrative reform and judicial reform have made breakthroughs in several fields. Regarding administrative reform, the administrative system continues to be perfected and innovated by clearly delineating the functions, tasks, competence, and responsibilities of each agency in the administrative system, eliminating most of the overlap and neutrality in functions and tasks (Government, 2021). Administrative reforms have streamlined numerous procedures, making them more transparent and accessible, thereby reducing the time required for organizations and citizens to engage with state agencies (Tram, 2024). According to the 2023 PCI and PGI Index Report, Enterprises reported that civil servants handled their work efficiently and in a friendly manner (87.9% and 87.2%, respectively); enterprises did not need to travel many times to complete procedures (82.5%); paperwork procedures were simple (82.4%); fees and charges were publicly listed (93.5%); and the time to carry out administrative

procedures was shorter than prescribed (86.8%). Localities' efforts to promote digital transformation have also brought positive results. Nearly 77% of enterprises stated that the implementation of online administrative procedures helped save more time and costs compared to traditional methods (VCCI–USAID, 2024).

Judicial reforms in certain areas have made significant breakthroughs. The report summarizing 15 years of implementation of Resolution No. 49-NQ/TW affirmed: "... judicial reform has achieved many very important results; Our country's judiciary has made great strides in protecting justice, protecting human rights, citizens' rights, the interests of the State, and the legitimate rights and interests of organizations and individuals." (Truong, 2022) According to 2 October 2023 Report on the Summary of Practical Implementation of the 2014 People's Court (Supreme People's Court, 2023): "The quality of adjudication continues to be ensured and has shown certain progress; the rate of judgments and decisions annulled or amended due to subjective errors of Judges in subsequent years is usually lower than in the previous year... which falls within the rate of annulment and modification of judgments permitted by the National Assembly (not exceeding 1.5%); A 2020 survey of businesses on court rulings indicated that 79.1% of businesses assessed that "Court rulings were quickly enforced" in the 2020 survey, an increase compared to 62.8% in 2016; while 88.1% of enterprises rated "The court's ruling is fair" compared to 78.4% in 2016" (VCCI-USAID, 2020).

The construction and improvement of modern national governance and effective and efficient operation continue to be carried out and have achieved certain results. According to the United Nations E-Government Survey 2022, Vietnam has maintained a continuous increase in its e-Government ranking in the period from 2014 to 2020, moving from 99th to 86th out of 193 UN member nations (United Nations, 2022). The role of the state in guiding development by building sufficient capacity has shifted from direct participation in economic and social development activities to a more strategic role.

According to the publication of the World Justice Project (WJP), Vietnam's rule of law score from 2015 to 2023 has fluctuated slightly (See **Figure 3**). However, in the last five years (2019–2023), Vietnam's rule of law score has remained stable at 0.49. This stability indicates a degree of sustainability in the legal system and state management despite many global fluctuations during this time. While Vietnam has maintained stability in the rule of law score, the lack of significant improvement in the overall score (still hovering around 0.49–0.51) indicates the need for more extensive legal and governance reforms to improve the effectiveness of the rule of law system. There have been periods when Vietnam has improved its ranking, but also years when it has been downgraded (such as 2017–2018, 2019, 2020). This shows the need for measures to maintain and promote Vietnam's position in the international arena through increasing transparency, accountability, and administrative reform. Vietnam needs to continue to focus on improving its assessment criteria in the East Asia and Pacific region, as well as among countries with similar incomes.

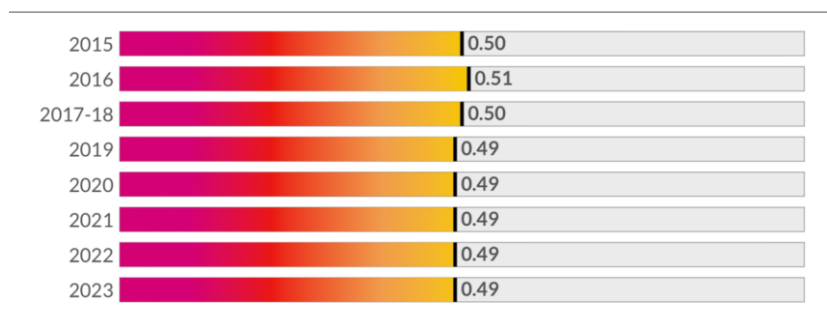


Figure 3. Vietnam scores for overall rule of law from 2015 to 2023.

Source: According to the publication of the World Justice Project Organisation (World Justice Project, 2023).

Table 2. Vietnam scores for overall rule of law from 2015 to 2023.

Vietnam Rule of Law Score	Overall score	Global rank	Regional rank	Income rank	Rank change	Score change
2015	0.50	64/102	12/15	11/25	-	-
2016	0.51	67/113	11/15	7/28	+ 7↑	+ 0.01
2017–2018	0.50	74/113	11/15	10/30	-7↓	-0.01
2019	0.49	81/126	11/15	10/30	-2↓	-0.01
2020	0.49	85/128	11/15	11/30	-2↓	0.00↑
2021	0.49	88/139	11/15	12/35	+ 4↑	0.00↓
2022	0.49	84/140	11/15	11/38	+ 4↑	0.00↑
2023	0.49	87/142	11/15	11/37	-1↓	0.00↓

Source: World Justice Project Organisation (2015, 2016, 2018, 2019, 2020, 2021, 2022, 2023).

Table 2 shows that although the score has not changed much, Vietnam's global ranking has experienced periods of positive increases, such as in 2016 (+ 7 positions), 2021 (+ 4 positions), and 2022 (+ 4 positions). This indicates that Vietnam has made efforts to improve or maintain its position in the international context, even as other nations have declined. Vietnam maintained its 11th position out of 15 countries in the region from 2019 to 2023, indicating a stable position in the region and reflecting stability in maintaining the rule of law in Vietnam. This reflects Vietnam's competitiveness and improvement compared to other countries in the region and income groups.

4.2. Challenges in building the socialist rule of law in Vietnam after 40 years of renovation

The construction of the Socialist Rule of Law in Vietnam still faces limitations and inadequacies, which have not yet met the requirements of national development, management, and protection in the context of being strongly affected by international integration and the Fourth Industrial Revolution.

Some theoretical and practical issues regarding the socialist rule of law still need to be explained fully and convincingly.

It is essential to continue to clarify the characteristics, models, organizational methods, and activities of the Socialist Rule of Law in Vietnam. Further study is needed to clarify the principle that state power is unified, with clear assignment,

coordination, and control among agencies in the implementation of legislative, executive, and judicial powers, while harmoniously resolving the 10 major relationships in the renovation process. This serves as an important theoretical basis for building a clear mechanism for assignment, close coordination, and strengthened control in the implementation of state power in Vietnam, as determined by the 13th Party Congress.

It is also necessary to continue studying and recognizing the position and role of the courts. Article 102 of the 2013 Constitution stipulates that “The People’s Court is the adjudicating body of the Socialist Republic of Vietnam, exercising judicial power,” but the content of the court “exercising judicial power” has not been specifically stipulated by law, leading to different interpretations of “judicial power” and “the court’s exercise of judicial power.” This inconsistency in understanding the court’s position and role has resulted in limitations such as: (i) stipulating that the court has the authority to issue decisions to institute criminal cases during court hearings, which affects the impartiality and objectivity in the adjudication process and conflicts with the principle of litigation; and (ii) requiring the court to collect evidence when adjudicating criminal, administrative, and civil cases, despite its role as an arbitrator, which should be impartial, objective, and free from bias during trials and court proceedings (Supreme People’s Court, 2023).

It is vital to continue studying and clarifying the relationship of “Party leadership, State management, and People’s ownership” within the socialist political institution; building and perfecting mechanisms that enable the Vietnam Fatherland Front and socio-political organizations to effectively and efficiently criticize policies and laws in order to protect the interests of their members through policies and laws.

The practice of building and perfecting the Socialist Rule of Law in Vietnam still faces limitations and difficulties that require continued research to identify causes and seek solutions.

In the Document of the 13th National Congress, the Communist Party of Vietnam frankly stated that “The socialist-oriented market economy institution still has many problems and inadequacies. The capacity to build institutions is still limited; the quality of laws and policies in some fields remains low. The business investment environment is not yet fully open and transparent. Breakthroughs in mobilizing, allocating, and effectively using development resources have not been achieved. The institution of regional economic development and coordination has not been sufficiently addressed and has been slow to be concretized by law, resulting in loose regional linkages”; “The people’s right to ownership is sometimes violated in certain areas; there are still manifestations of formal democracy, with a separation between democracy and discipline and law” (Communist Party of Vietnam, 2021). The legal system on anti-corruption, as required by the strategy and the United Nations Convention against Corruption, is still inconsistent, with some regulations not keeping pace with the requirements of the new situation. Publicity and transparency in policy making, law formulation, and implementation still have limitations, loopholes, and inadequacies, which create opportunities for corruption and malpractice in the performance of official duties for individuals and enterprises (Government, 2023). The review of the constitutionality and legality of laws is critically important, yet the current constitutional review mechanism—operating through the Ministry of Justice,

the Supreme People's Court, and the Standing Committee of the National Assembly—remains ineffective due to the absence of dedicated bodies for this purpose (Huong, 2020).

In the period of 2021–2024, the Government's summary report on the mid-term evaluation of the implementation of Resolution No. 16/2021/QH15 on the 2021–2025 Socio-Economic Development Plan and Resolution No. 31/2021/QH15 on the 2021–2025 Economic Restructuring Plan indicates that economic growth faces numerous challenges and that macroeconomic stability remains fragile due to external factors. In 2023, several key growth drivers have slowed, facing considerable difficulties. Completing institutions and renewing the model of growth, industrialization, and modernization have not met the requirements for creating rapid changes in productivity, quality, efficiency, and competitiveness of the economy. All types of markets have not operated effectively and have not ensured conditions for sustainable development. (Government, 2023)

In this context, it is essential to improve the quality of promulgating guidelines, policies, forecasting capacity, and strategic vision in planning the Party's and State's lines and policies. Solutions must be sought to address issues in the legal system, where some regulations are inconsistent and have not met practical requirements in a timely manner (Communist Party of Vietnam, 2021); perfect the legal system to overcome barriers to economic development. The improvement of institutions, and the renewal of growth models, industrialization and modernization have not met the requirements of creating rapid changes in productivity, quality, efficiency and competitiveness of the economy. Some mechanisms, policies and regulations are slow to be amended, still contradictory, overlapping, and inconsistent in application; cutting down administrative procedures is sometimes slow and mild in some places; arranging and consolidating the apparatus, reducing clues and reducing intermediate levels have still some inadequacies; improve the effectiveness of law enforcement; and complete the mechanism for controlling state power among state agencies in the implementation of legislative, executive, and judicial powers (Tran, 2021). The functions, tasks, hierarchy, and decentralization in the organizational apparatus are not very clear, and the effectiveness and efficiency of operations remain limited. The supervisory role of the people has not been strongly promoted, and the role of the Fatherland Front has not been effectively enhanced. In Vietnam, there is currently no independent constitutional review mechanism (such as a constitutional court or constitutional council), which means there is no jurisdiction to adjudicate unconstitutional actions by the highest bodies and individuals within the state apparatus or to resolve jurisdictional disputes among the bodies exercising legislative, executive, and judicial powers. In some agencies, units, and localities at the grassroots level, corruption, negativity, and administrative procedures and paperwork in violation of regulations still occur (Government, 2024).

Judging by the 8 constituent rule of law indicators (see **Table 3**), Vietnam's rule of law indicators from 2015 to 2023 show stability and improvement in some areas. However, some aspects still need improvement. The Absence of Corruption score decreased slightly from 0.46 (2015) to 0.42 (2023), indicating that corruption remains a significant challenge (World Justice Project Organisation (2015, 2016, 2018, 2019,

2020, 2021, 2022, 2023). Despite anti-corruption efforts, the results achieved have not been sufficient to make significant improvements. The Regulatory Enforcement score has increased slightly from 0.41 (2015) to 0.44 (2023) but remains low, suggesting that law enforcement needs to be strengthened to ensure efficiency and fairness in state management. The Indicators for Constraints on Government Powers, Open Government, Fundamental Rights, Civil Justice, and Criminal Justice all show persistent problems that need to be addressed. To elevate the rule of law and build a strong rule of law state, Vietnam needs to continue improving indicators such as: strengthening anti-corruption efforts; enhancing the efficiency of protecting the basic rights of the people; boosting the effectiveness of law enforcement; and improving the efficiency of the civil justice and criminal justice systems.

Table 3. Specific indicators of Vietnam’s rule of law (2015–2023).

Factors of the WJP Rule of Law Index	2015	2016	2017-2018	2019	2020	2021	2022	2023
Factor 1: Constraints on Government Powers	0.42	0.49	0.46	0.45	0.45	0.45	0.45	0.45
Factor 2: Absence of Corruption	0.46	0.45	0.44	0.40	0.42	0.41	0.42	0.42
Factor 3: Open Government	0.43	0.43	0.44	0.46	0.46	0.46	0.46	0.45
Factor 4: Fundamental Rights	0.52	0.54	0.50	0.46	0.46	0.45	0.45	0.45
Factor 5: Order and Security	0.79	0.79	0.77	0.77	0.77	0.77	0.77	0.78
Factor 6: Regulatory Enforcement	0.41	0.43	0.45	0.45	0.45	0.44	0.44	0.44
Factor 7: Civil Justice	0.46	0.47	0.44	0.45	0.46	0.46	0.47	0.45
Factor 8: Criminal Justice	0.50	0.50	0.49	0.46	0.46	0.46	0.46	0.46

Source: Summarized by the author according to the World Justice Project Organisation in the period of 2015–2023.

Additionally, raising awareness of the Socialist Rule of Law of Vietnam and improving the quality of legal human resources are essential tasks and prerequisites for successfully implementing the goal of building and perfecting the Socialist Rule of Law of Vietnam.

4.3. Orientations for building the socialist rule of law in Vietnam in the new period

Based on practical experiences and lessons learned in building the Socialist Rule of Law in Vietnam, and in implementing Resolution No. 27-NQ/TW, the construction of the Socialist Rule of Law in Vietnam in the new period should adhere to the following orientations:

Firstly, continue to build and perfect the Socialist Rule of Law of Vietnam, synchronously with promoting socialist democracy and developing a socialist-oriented market economy. This perspective aligns with the view of Prof. Dr. Dao Tri Au (former Chairman of the State Council of Professors of Law, a renowned expert on the rule of law in Vietnam) regarding the reciprocal relationship and symbiosis between the Socialist Rule of Law and the socialist-oriented market economy. In addressing the relationship between building and perfecting the Socialist Rule of Law of Vietnam and socio-economic development, Prof. Dr. Dao Tri Au emphasized: “The socialist rule of law and the socialist-oriented market economy are interrelated and symbiotic. The rule of law can only be established, formed, and developed within the context of

a market economy, which is a decisive factor for the stability and development of democracy, and the reason for the birth and existence of the rule of law regime. Conversely, the market economy requires the rule of law to ensure freedom and equality among market participants, stimulate creativity, and promote healthy competition.” Additionally, it is crucial to recognize that promoting socialist democracy is a strategic orientation for building and perfecting the current socialist rule of law. Expanding forms of direct democracy, particularly grassroots democracy, and vigorously reforming the electoral system as well as implementing referendums to enhance direct democracy is essential. Continuing to enhance the capacity of representative democracy by improving the capacity, accountability, efficiency, and quality of operations of representative institutions before voters is also vital. Strengthening the representative function, capacity, and accountability of National Assembly and People’s Council deputies is a key solution for representative democracy.

Secondly, affirm, respect, guarantee, and protect human rights and citizens’ rights in accordance with international human rights standards. Continue to implement the Party’s and State’s consistent policy of placing people at the center of economic and social policies, considering people as both the goal and the driving force for societal development. Promote the dissemination, explanation, and education of human rights law to raise awareness and responsibility in respecting, ensuring, and protecting human rights and citizens’ rights. Enhance the effectiveness of implementing laws on human rights and citizens’ rights. Uphold the responsibility of state institutions in respecting, ensuring, and protecting human rights and citizens’ rights. Focus on perfecting measures to organize the implementation of international commitments on human rights. Summarize and learn from experiences in implementing strategic plans related to human rights, encouraging societal participation in identifying objectives and resources for implementing plans and strategies. Strengthen the inspection and supervision of the implementation of international commitments on human rights, involving various sectors, levels, organizations, and individuals. Summarize and draw lessons from implementing international treaties on human rights. Enhance international cooperation, transparency, and dialogue on human rights issues, and continue to affirm that Vietnam is an active and responsible member in fulfilling international commitments on human rights.

Thirdly, making a breakthrough in the legal institution, respecting the Constitution and the law. Continue to build a democratic, fair, humane, comprehensive, timely, synchronous, unified, public, transparent, stable, feasible, and accessible legal system capable of regulating all areas of economic and social life, meeting national development requirements. This includes placing the legitimate rights and interests of people, organizations, and enterprises at the center, and fostering innovation. Continue to improve legal institutions to ensure people’s sovereignty and the right to self-determination; better promote forms of direct democracy; and implement the general motto “People know, people discuss, people do, people inspect, people supervise, and people benefit.” Focus on perfecting the legal system in all areas, promptly removing difficulties and obstacles, harnessing and promoting all potentials and resources to create new momentum for the country’s rapid and sustainable development. Continue to innovate laws to effectively mobilize, promote, and allocate resources for national

development. Commenting on the perfection of the legal system in building the socialist rule of law in the new period, Prof. Dr. Hoang the Lien (former Deputy Minister of Justice) shared: “It is vital to create a legal system that meets the requirements of the rule of law. The law must provide a safe, healthy, and sufficiently expansive legal environment for people to conduct business and live; it must serve as the basis for organizing and implementing state power, which should be strictly observed and applied fairly, objectively, and without bias by state agencies. Alongside the development of laws, law enforcement must also be appreciated, with strict, fair, and unbiased enforcement being an existential requirement of the rule of law.” To renew the law enforcement mechanism, it is necessary to simultaneously implement measures to develop legal human resources, modernize law-making methods and means, and organize law implementation.

Fourthly, ensuring that state power is unified, with clear assignment and close coordination; continue to improve the mechanism of controlling state power; promote the prevention and combat of corruption and misconduct; continue to advance administrative reform, strengthen hierarchy and decentralization, and clarify the functions, tasks, and powers of organizations and individuals within the state apparatus, alongside improving implementation capacity; and build a lean, effective, and efficient state apparatus. Research should focus on proposing preventive measures against specific types of corruption, including state capture—a dangerous form of corruption. This type involves close connections between high-ranking officials and politically and economically influential businesses that shape and direct public policies for profit (Vu and Cao, 2022). In legislative development, in addition to assessing socioeconomic impacts, it is essential to evaluate the negative and corruptive impacts of draft policies and draft laws. Evidence shows that two stages are most vulnerable to influence by vested interests: the drafting of law projects and the appraisal of legislative proposals (Chan, 2023)

To ensure the People’s power, respect and guarantee human rights, uphold the Constitution and the law, and ensure control of power, the rule of law always requires the supremacy of the Constitution. Currently, the responsibility to protect the Constitution is assigned to various entities. Specifically: “The National Assembly, its agencies, the President, the Government, the People’s Courts, the People’s Procuracies, other State agencies, and the entire population are responsible for protecting the Constitution” (Article 119 of the 2013 Constitution). Accordingly, within their tasks and powers, these entities all have functions, duties, and powers to supervise and protect the Constitution. Vietnam has not yet established an independent constitutional protection mechanism. In discussing the necessity of creating such a mechanism, the author concurs with Prof. Dr. Tran Ngoc Duong, Former Deputy Chairman of the Office of the National Assembly, who stated that “it is essential to establish a constitutional protection mechanism by law to contribute to upholding the Constitution and the law in building the Socialist Rule of Law in Vietnam.” Discussing the direction for perfecting the mechanism for protecting the Constitution in Vietnam in the near future, Prof. Dr. Tran Ngoc Duong emphasized: “Clause 2, Article 119 of the 2013 Constitution stipulates: “The mechanism for protecting the Constitution is prescribed by law.” Therefore, Vietnam currently lacks an independent constitutional protection mechanism (such as a Constitutional Council, Constitutional Court, or

assigning this role to the Supreme Court as in the US). This mechanism has yet to be established. Meanwhile, according to the Resolution of the 10th Party Congress (Communist Party of Vietnam, 2006), there is a mandate to “build a mechanism for adjudicating violations of the Constitution in legislative, executive, and judicial activities. Therefore, it is necessary to promptly establish a constitutional protection mechanism by law to contribute to upholding the Constitution and the law in building the Socialist Rule of Law in our country.”

Fifthly, building and perfecting the Socialist Rule of Law in Vietnam, while inheriting and developing Vietnam’s cultural traditions, and absorbing experiences from advanced rule of law regimes worldwide to meet integration requirements.

Inheriting the tradition of Vietnam’s commitment to the people and securing their well-being, and thoroughly grasping Ho Chi Minh’s thought of placing the people at the center, the Socialist Rule of Law in Vietnam respects and promotes the people’s right to self-determination, and consistently implements the principle of “the people know, the people discuss, the people do, the people inspect, the people supervise, and the people benefit.” To enhance the effectiveness of public oversight over state power, it is essential to promptly develop a law governing the organization and activities of public supervision and social critique (Tran, 2021). Ensuring that state power belongs to the people is a core factor that must be inherited and developed. The Socialist Rule of Law in Vietnam must be a state of the people, by the people, and for the people, with the people as the core, central to and the subject of the national development strategy.

In the context of globalization, the construction of the rule of law must involve selectively adopting universal values with adjustments and adaptations to Vietnam’s specific conditions and needs, while maintaining socialist traditions and orientations. This approach will help Vietnam not only preserve its national identity but also achieve sustainable development in an increasingly interconnected world. To meet integration requirements, Vietnam needs to ensure that domestic legal regulations align with the international commitments to which it is a party. This will not only help Vietnam maintain good relations with the international community but also provide a solid legal foundation to protect national interests in international disputes.

5. Conclusion

After nearly 40 years of Doi Moi, the construction of the socialist rule of law state in Vietnam has achieved significant milestones but still faces certain challenges. The model, organizational structure, and functioning of the socialist rule of law state in Vietnam require further research and clarification. In this new stage of development, building the socialist rule of law state in Vietnam should be pursued in alignment with the promotion of socialist democracy and the development of a socialist-oriented market economy. Key priorities for constructing and perfecting the socialist rule of law state in Vietnam in the coming period include enhancing the legal system and establishing effective mechanisms for strict and efficient law enforcement to ensure rapid and sustainable national development; refining mechanisms for controlling state power; strengthening anti-corruption efforts; and promoting the role of the Vietnam Fatherland Front and the people in building and perfecting the socialist rule of law

state. These priorities also represent the challenges and limitations Vietnam must address to overcome obstacles and mitigate constraints effectively.

In summary, the process of building the Socialist Rule of Law in Vietnam, with its achievements and the challenges to be addressed, requires continuous innovation in thought and action. This is a strategic task that demands the efforts and consensus of the entire political system, all levels, branches, and the entire population. Only in this way can the Socialist Rule of Law in Vietnam be perfected and developed robustly, meeting the demands of the times and the people's aspirations.

Conflict of interest: The author declares no conflict of interest.

References

- Central Internal Affairs Commission. (2015). Summary report on some theoretical and practical issues over 30 years of renovation (1986–2016). National Political Publishing House - Truth, Hanoi.
- Communist Party of Vietnam. (2006). Documents of the 10th National Congress. National Political Publishing House, Hanoi.
- Communist Party of Vietnam. (2021). Documents of the 13th National Congress, Vol. I. National Political Publishing House, Truth.
- Dao, T. U. (2016). Democracy in the process of developing the 1946 Constitution and some proposals and recommendations to continue to perfect the process of building the Constitution. Scientific Conference: 70 Years of the Constitution of Vietnam, Hanoi, November 5th.
- Dao, T. U. (2022). The socialist rule of law state in Vietnam – Common values, characteristics, and specific features. *Legislative Studies Journal*, 02+03 (450+451).
- Dao, T.U. (2021). Universality and specificity of the socialist rule of law state in Vietnam. Presentation at the National Conference on “Theoretical and Practical Issues on the Socialist Rule of Law State of Vietnam”, Steering Committee for the Strategic Scheme on Building and Perfecting the Socialist Rule of Law State in Vietnam by 2030, with a vision to 2045, Hanoi, December 2021.p.39-46.
- Do, T. H., Ton, V. T., Pham, T. V., & Tran, T. H. (2022). Ho Chi Minh's ideas on human rights. *International Journal of Special Education*, 37(3). <https://www.researchgate.net/publication/361163957>.
- General Statistics Office. (2023). Report No. 502/BC-TCTK dated December 28th, 2023 on the socio-economic situation in the fourth quarter and 2023.
- Government. (2023). Summary report No. 580/BC-CP on the mid-term evaluation of the implementation of Resolution No. 16/2021/QH15 on the 2021-2025 socio-economic development plan and Resolution No. 31/2021/QH15 on the 2021-2025 economic restructuring plan, October 20.
- Grote, R. (1999). The Rule of Law, Rechtsstaat and Etat de Droit. In C. Starck (Ed.), *Constitutionalism, Universalism and Democracy: A Comparative Analysis*. Baden-Baden: Nomos Verlagsgesellschaft.
- Helliwell, J. F., Layard, R., Sachs, J. D., De Neve, J.-E., Aknin, L. B., & Wang, S. (Eds.). (2023). *World Happiness Report 2023*. Sustainable Development Solutions Network, New York.
- Ho Chi Minh. (1995). Complete volume, Volume I. National Politics Publishing House, Hanoi.
- Ho Chi Minh. (2011). Complete volume, Volume V. National Political Publishing House, Hanoi.
- Huong, P. T. L. (2020). Adoption of the constitutional council towards the rule of law state and democratization in Vietnam. *Nagoya University Asian Law Bulletin*, 5.
- International Labour Organization. (n.d.). NORMLEX - Information System on International Labour Standards. Retrieved [25/7/2024], from <https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12000:0::NO::>
- Layard, R., Sachs, J. D., De Neve, J.-E., Aknin, L. B., & Wang, S. (Eds.). (2024). *World Happiness Report 2024*. Wellbeing Research Centre, University of Oxford.
- Ministry of Justice. (2024). Draft summary report on the law on promulgation of legal documents in 2015 and law amending and supplementing a number of articles of the law on promulgation of legal documents in 2020, May 28.

- Ministry of Labor, Invalids and Social Affairs. (2023). Decision No. 71/QD-BLDTBXH on announcing the results of the review of poor and near-poor households in 2022 according to the multidimensional poverty line in the period of 2022-2025, January 19.
- Ministry of Labor, Invalids and Social Affairs. (2024). Decision No. 134/QD-BLDTBXH on announcing the results of the review of poor and near-poor households in 2023 according to the multidimensional poverty line in the period of 2022-2025, January 31.
- Ministry of Science and Technology. (2024). Report No. 1701/TTr-BKHCHN on the proposal for developing law on science and technology (amended), May 22.
- National Assembly. (2001). Constitution of the Socialist Republic of Vietnam (amended in 2001). National Political Truth Publishing House.
- National Assembly. (2013). Constitution of the Socialist Republic of Vietnam. National Political Truth Publishing House.
- Nguyen, D. M. (2018). Some concepts of the rule of law in the world. *Journal of State and Law*, 10.
- Nguyen, D. Q., & Nguyen, T. V. (2010). The socialist rule of law state of the people, by the people, for the people of Vietnam: Theory and practice. National Political Publishing House.
- Nguyen, N. P. (2011). Understanding the socialist rule of law state in the documents of the 11th congress and issues for further research and development. *Journal of State and Law*, 8.
- Politburo. (2005). Resolution No. 49-NQ/TW dated June 2, 2005, on the judicial reform strategy to 2020. Retrieved from <https://www.moj.gov.vn/qt/clqkhk/Pages/chien-luoc-quy-hoach-ke-hoach.aspx?ItemID=11&CateID=1>.
- Supreme People's Court. (2023). Report No. 100/BC-TANDTC dated October 2, 2023, summarizing the implementation practice of the law on organization of people's courts 2014.
- Tamanaha, B. Z. (2004). On the rule of law. Cambridge University Press. <https://doi.org/10.1017/CBO9780511812378>.
- The Communist Party of Vietnam. (1987). Document of the sixth national congress. Truth Publishing House, Hanoi.
- The Communist Party of Vietnam. (1995). Document of the national conference of mid-term deputies of the seventh term. Truth Publishing House, Hanoi.
- The Communist Party of Vietnam. (1996). Document of the national conference of mid-term deputies of the seventh term. Truth Publishing House, Hanoi.
- The Communist Party of Vietnam. (2011). Platform for national construction in the period of interim to socialism (supplemented and developed in 2011). Promulgated January 19, 2011.
- The Communist Party of Vietnam. (2021). Document of the 13th National Congress, Vol. I. National Political Publishing House.
- The Communist Party of Vietnam. (2022). Resolution No. 27-NQ/TW of the 6th meeting of the 13th Party Central Committee on continuing to build and perfect the socialist rule of law of Vietnam in the new period, November 9.
- The Government. (2021). Report No. 128/BC-CP dated April 19, 2021 on the review of the overall program of state administrative reform in the period of 2011 - 2020 and orientations for the period 2021 – 2030.
- The Government. (2023). Report No. 127/BC-CP dated April 24, 2023 on summarizing the national strategy for anti-corruption by 2020 and the plan for the implementation of the United Nations Convention against Corruption.
- The Government. (2024). Report No. 176/BC-CP dated April 23, 2024 on results of reviewing and handling problems and inadequacies in administrative procedures.
- The Standing Committee of the National Assembly. (2005). Resolution No. 746/2005/NQ-UBTVQH11 on the explanation of Point c, Clause 2, Article 241 of the Commercial Law, January 28.
- The Standing Committee of the National Assembly. (2006). Resolution No. 1053/2006/NQ-UBTVQH11 on the explanation of Clause 6, Article 19 of the Law on State Audit, November 10.
- The Standing Committee of the National Assembly. (2019). Resolution No. 751/2019/UBTVQH14 explaining a number of articles of the Planning Law, August 16.
- The Standing Committee of the National Assembly. (2021). Resolution No. 08/2021/NQ-UBTVQH15 explaining Clause 1, Article 289 of the Criminal Code, November 26.
- The Steering Committee for the Construction of the Strategic Scheme on Building and Perfecting the Socialist Rule of Law of Vietnam by 2030, with a Vision to 2045. (2021). Proceedings of the national conference: Theoretical and practical issues on the socialist rule of law of Vietnam, December.
- Thoa, T.T. (2022). Legislation on direct democracy in modern Vietnam. *Upravlenie / Management (Russia)*, 10(3). <https://doi.org/10.26425/2309-3633-2022-10-3-105-112>.

- To, V.H. (2020). The 2013 constitution and the development in rule of law thought on constitutional supremacy and the rule of law. *Legislative Studies Journal*, 11(411).
- Tram, P. N. (2024). The fundamental changes in the Vietnamese political system. *Journal of Judikultura*, 2(2).
- Tran, N. D. (2021). Improving the mechanism of state power control in Vietnam today. *State Management Journal*, 308.
- Tran, N. D. (2023). The need to institutionalize acts of state capture in the decision-making process within the criminal code and anti-corruption law. *Journal of Legal Studies*, 4.
- Transparency International. (2023). Corruption perceptions index. Retrieved from <https://www.transparency.org/en/countries/vietnam>.
- Truong, H. H. (2022). The current situation of building Vietnam's judiciary and problems posed. *Vietnam Lawyers Magazine*, 9.
- UNDP. Human development reports, human development index (HDI). Retrieved August 10, 2024, from <https://hdr.undp.org/data-center/human-development-index#/indicies/HDI>.
- United Nations Development Programme. (n.d.). Human development reports, human development index (HDI). Retrieved [15/8/2024], from <https://hdr.undp.org/data-center/human-development-index#/indicies/HDI>
- United Nations. (2022). *E-Government Survey 2022: The future of digital government*, New York.
- VCCI - USAID. (2020). Vietnam's provincial competitiveness index: PCI 2020.
- VCCI - USAID. (2024). *PCI and PGI Index Report 2023: Promoting a favorable investment environment for enterprises, environmentally friendly*, April.
- Vu, T. V., & Cao, O. T. (2022). Investigating the concerns citizens have about anti-corruption in Vietnam. *International Journal of Public Law and Policy*, 8(2).
- Wells-Dang, A., Le, K. T., & Nguyen, T. L. (2015). *Between trust and structure: Citizen participation and local elections in Vietnam. A Joint Policy Research Paper on Governance and Participation commissioned by Oxfam in Vietnam and the United Nations Development Programme (UNDP) in Vietnam*, Hanoi, Vietnam, August.
- World Bank. (2022). *From the last mile to the next one - An assessment of Vietnam's poverty and equality in 2022*. World Bank, Washington, DC.
- World Economic Forum. (2023). *Global gender gap report 2023 (Insight Report)*, June.
- World Justice Project (WJP). (2023). *Vietnam overall score, 2023*.
- World Justice Project. (2005). *The world justice project (WJP) rule of law index® 2015 report*. ISBN 978-0-615-51219-8.
- World Justice Project. (2016). *The world justice project (WJP) rule of law index® 2016 report*. ISBN 978-0-615-51219-8.
- World Justice Project. (2017-2018). *The world justice project (WJP) rule of law index® 2017-2018 report*. ISBN 978-0-9882846-3-0.
- World Justice Project. (2019). *The world justice project (WJP) rule of law index® 2019 report*. ISBN 978-0-9964094-1-4.
- World Justice Project. (2020). *The world justice project (WJP) rule of law index® 2020 report*. ISBN 978-1-951330-35-4.
- World Justice Project. (2021). *The world justice project (WJP) rule of law index® 2021 report*. ISBN 978-0-9964094-6-9.
- World Justice Project. (2022). *The world justice project (WJP) rule of law index® 2022 report*. ISBN 978-1-951330-52-1.
- World Justice Project. (2023). *The world justice project (WJP) rule of law index® 2023 report*. ISBN 978-0-615-51219-8.