

Vienam's Legislation: Seventy Years of Development

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Abstract: In the past 70 years, Vietnam's laws and regulations have created the legal grounds for the establishment and strengthening of the people's democratic government, for the revolutions; ensuring and protecting the freedom and democratic rights of the citizens; and advancing the economic, social, cultural lives of society. Vietnam's laws and regulations have also been through ups and downs. This article looks back on the key milestones during the 70 - year development process of Vietnam's laws and regulations, and provides assessment and predictions on the development outlook of the Vietnamese legal system in the upcoming years.

Key words: Vienam's legislation; legislation tendency; legitimate state.

1. The development stages of Vietnam's laws and regulations from 1945 to date

In this article, the author uses the enactment time of new constitutions as basis for dividing the different development stages of Vietnam's laws and regulations. For Vietnam, the constitution has been the political - legal document that closes a certain historical period and opens up a new development stage for the country and the people. In the national legal system, the constitution is the core legal document with the highest legal effect.

1.1. From 1945 to before the enactment of the Constitution of 1959

1.1.1. The period from 1945 to 1954

In August 1945, under the leadership of the Vietnam Communist Party, the Vietnamese people successfully carried out the historical August Revolution, putting an end to the colonialist and feudalism regimes, and establishing the Democratic Republic of Vietnam. The newly - formed people's democratic republic state had to organize its people to carry on the revolution as well as to build the nation. The mission of

Vietnam's revolution in this period was to preserve the country's territorial integrity, to gain absolute independence and to conduct national reconstruction on the foundation of democracy.

Aware of the utmost importance of the constitution, right in the first plenary session of the Interim Government on 3 September 1945, President Ho Chi Minh requested for an immediate election and development of a constitution that were aimed, foremost, at promulgating the democratic rights of the people and at formalizing the people - elected government after the August Revolution. He stated: "Before, we were governed by the absolute monarchy regime, then by the no less autocratic colonialist regime, therefore, our country has had no constitution and our people no democratic freedom rights. We need a democratic constitution. I urge the Government to hold as soon as possible an election in the form of universal suffrage"[1, p.8]. While the constitution

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was under drafting, the President of the Interim Government and state agencies enacted a large number of documents to help establish and strengthen the people's authority, to maintain social order, to look after the people's lives and to prepare for the long-term revolution against the French colonialism. Within a very short period of time, from the day the Declaration of Independence went public to 19 December 1946 - the day of national uprising, the State issued a total of 479 legal documents, including 243 ordinances, 172 decrees, 46 circulars and 12 other documents. (The ordinances were initially enacted by the President of the Interim Government and then by the President of the Democratic Republic of Vietnam; the Decrees and Circulars were enacted by Ministers within the Government) [2, p.77].

The legal documents that were enacted within the 14 months since the Independence Day of September 2nd 1945 focused on creating the legal basis for the establishment and strengthening the state apparatus; organization and operation of the judicial system; organization and operation of national defence and security forces; organization of civil life; cultural, social life; and education.

On November 19th 1946, the first National Assembly passed the Constitution of 1946 - the first and foremost constitution of Vietnam, formulated under the direct guidance of President Ho Chi Minh. The Constitution of 1946 enhanced the newly - established independence, formalized the new government and, at the same time, laid out the legal basis for the people to carry out the upcoming revolution and national reconstruction process. With the Constitution of 1946 enacted, the Vietnamese people had

the constitutional grounds on which they could enjoy their democratic, freedom rights and were enabled to take part in the organization and implementation of the state power.

After the Constitution of 1946 went into force, Vietnam's legal system continued to make further steps forward despite the wartime surrounding it. Areas of Constitutional law, Administrative law, and Criminal law were further developed. It was particularly surprising that, despite the wartime circumstances, economic and labour laws and regulations were not at all neglected. For instance, in the area of labour laws, there was one notable document: Ordinance No. 29/SL dated March 12th 1947 regulating labour transactions between Vietnamese or foreign owners and Vietnamese labours in industrial factories, mines, commercial firms and freelance workers. This ordinance consisted of 9 chapters with 187 articles, covering nearly all necessary provisions of a Labour Code.

1.1.2. The period from 1954 to before the enactment of the Constitution of 1959

This was the period when the North has been fully liberalized and embarked on economic reconstruction and socialist transformation, preparing for the development and realization of the first 5 - year plan.

During this period, the State issued 8 laws, 30 ordinances, 70 decrees, 36 resolutions, 60 decisions, 920 circulars, 97 directives and 74 other legal documents [2, p.90].

During peacetime, 8 laws were passed within a period of 6 years, including: Law for Ensuring people's right to physical freedom and inviolability to housing, objects and correspondences of 1957, Law on Press of 1957, Law regulating the Right to Freedom of Meeting of 1957, Law

regulating the Right to Form Association of 1957, Law regulating the Service of People's Army Officers of 1958, Law on Marriage and Family of 1959.

It can be seen that, in the years where land reform took place, the Party and the State met the predetermined objective of generating land for the people to farm. Nevertheless, during the implementation of the Law on Land Reform, the instruction agencies and organizations, individuals directly in charge of the reform teams made multiple mistakes, and even violated severely the democratic and freedom rights of other citizens. Therefore, in order to right these wrongs and to enhance the results of these corrective measures, the State enacted a series of laws to help ensure the rights to physical freedom, to inviolability of housing, the freedom rights to form association, to meeting, press freedom, etc. of the citizens as previously mentioned.

1.2. From the enactment of the Constitution of 1959 to before the enactment of the Constitution of 1980

This period can be divided into two stages: 1) The stage from the enactment of the Constitution of 1959 to 1975; and 2) The stage from 1975 to before the enactment of the Constitution of 1980.

1.2.1. The stage from the enactment of the Constitution of 1959 to 1975

From late 1950s, Vietnam's revolution stepped onto a new era. The revolution had the mission of strengthening, protecting the North, advancing the North to socialism and carrying on the fight for national unity, fulfilling the mission of people's democratic national revolution nationwide. In the new phase of revolution, the State had to revise the Constitution of 1946 to suit the new circumstances and mission. On

December 31st 1959, the National Assembly passed the new constitution to acknowledge the tremendous victory that the people had achieved and set out the new goals for this period. The Constitution of 1959 prescribed the political, economic and social regime of Vietnam; provided the duties and powers of state agencies, the rights and responsibilities of the citizens to help promote the strengths of the people during the establishment, unification and protection of the nation.

After the Constitution of 1959 was promulgated, the legislative activities of the State during the years 1960 - 1975 were mainly focused on the following areas:

- *Firstly*, issue documents regulating the election of National Assembly deputies and of People's Committee deputies such as the Law on Election of National Assembly Deputies of 1960 and the Ordinance on regulations for Election of People's Committees at all levels of 1961.

- *Secondly*, issue laws regulating the organization and operation of state agencies within the state apparatus, including, the Law on the Organization of the National Assembly of 1960, Law on the Organization of the Government Council of 1960, Law on the Organization of the People's Court of 1960, Law on the Organization of People's Procuracy of 1960, Law on the Organization of People's Committees and Administrative Committees at all levels of 1962.

- *Thirdly*, issue laws on military service such as the Law on military service of 1960, Law revising and supplementing the Law on military service of 1962, Law revising and supplementing the Law on military service of 1965.

- *Fourthly*, issue ordinances regulating the punishment of certain offences, including, Ordinance on Punishment of Counter -

revolution Offences dated October 20th 1967, Ordinance on Punishment of Socialist Assets Infringement Offences dated October 21st 1970.

To sum up, in the 1960s and early 1970s, legislative activities revolved around the organization of the state apparatus (which was part of the field of constitutional law), military service (in order to mobilize youngsters to join the army and fight the US, save the nation) and criminal regulations (an essential tool to protect the regime). Other aspects of social life were either ignored from revision or revised mainly by sub - law documents such as decrees, decisions, resolutions, directives, circulars of the Government Council, Ministries and other Government agencies.

1.2.2. The period from 1976 to before the enactment of the Constitution of 1980

In July 1976, Vietnam succeeded in unifying the State. Afterwards came the legal unification process. Under the context that the new constitution was yet enforced, the common National Assembly of the country decided that the State of the Socialist Republic of Vietnam should operate based on the Constitution of 1959, and it assigned the Government Council to start drafting new legal documents and ordinances. Simultaneously, the National Assembly also assigned the Government Council to merge on the law portfolio of the State of the Democratic Republic of Vietnam and that of the interim Revolution Government of South Vietnam to apply uniformly across the country.

As a result, the Government Council reviewed, systemized and publicized (in two stages) nearly 700 legal documents to be enforced across the country. This was an opportunity for competent state agencies to

conduct a systematic review of the existing legal system, remove outdated, overlapping and conflicting documents and regulations, and generate a relatively consistent system of legal documents to be implemented nationwide.

From 1976 until the day the Constitution of 1980 was ratified, the State enacted over 800 legal documents including one law, 3 ordinances, 532 Government documents, 241 documents by ministries and agencies under the Government Council [2, p.109], [3, p.386].

Similar to the period of 1960 - 1975, in certain areas and circumstances, documents of Party agencies and organizations were implemented as legal documents (ex: Directive No.235-CT/TW on 20 August 1976 of the Central Committee of the Vietnam Labour Party on the implementation of the Politburo's Resolution on land issues in the South).

Based on the above overview of the development of Vietnam's laws and regulations between 1976 and 1980, it can be seen that this was the transitional period that paved the way for the next development stage of Vietnam's legal system.

1.3. The period after the enactment of the Constitution of 1980 until before the enactment of the Constitution of 1992

This period was opened by the birth of the Constitution of 1980. As the country was advancing towards socialism, the State needed a constitution that would institutionalize the policies of the Vietnam Communist Party in the new period. This would be the constitution of the transitional period to socialism across the country. On 18 December 1980, the new constitution was ratified by the National Assembly. Built upon the Constitution of 1959, the

Constitution of 1980 summarized and determined the revolution accomplishments of the Vietnamese people during the first half of the century, and expressed the will and desire of the people in the new era. The Constitution of 1980 prescribed the political, economic, cultural and social regime, the basic rights and responsibilities of the citizens, the organizational structure and operational principles of state agencies.

By logic, once the Constitution of 1980 was passed, the legal system of Vietnam should move onto a new development stage. In practice, nevertheless, the law - making activities throughout 1980 - 1986 did not go through the necessary changes.

Law - making during 1980 - 1986 mainly focused on areas of state apparatus organization (laws on election and laws on the organization and operation of agencies within the state apparatus such as the National Assembly, Council of Ministers, People's Court, People's Procuracy, People's Council and People's Committee); of criminal laws (with the birth of the country's first code - the Criminal Code of 1985); and of military laws (Law on people's army officers of 1982, Law on military service of 1982).

Thus, even though Vietnam was in a time of peace, similar to the previous period, the National Assembly did not shift its focus to formulating civil laws, laws on economy, business, commerce, finance, banking, labour, land, or environment.

How could one explain the stagnating law-making process of this period? The following causes were evident: due to its subjectiveness and voluntarism, the Party and the State laid out socio - economic development policies that were not suitable with the country's actual context, and

therefore, Vietnam was gradually falling into a socio - economic crisis. The Party and the State realized the misjudgements afterwards but could not clearly determine the way to reform, renovate, and what steps and solutions to take. This explained how various legal documents on civil affairs, economic, labour, etc. had been included and approved in the development plan, but which were delayed from one year to the next without enforcement (These include draft Civil Code, Labour Code).

From a researcher's perspective, we are particularly interested in the legal documents that created the foundation for reform in the following period. These included the sub-law documents that were of particular importance: Decision No.25 - CP dated January 21st 1981 of the Government Council on some principles, solutions to promote the production, trading proactiveness and financial autonomy of state - owned enterprises; Decision No.26 - CP dated January 21st 1981 on expansion of the forms of payment of piece wages, product wages and application of bonus of producing, trading units of the State; Decision No.217 - HDBT dated November 14th 1987 of the Council of Ministers promulgating the reform policies on planning and accounting of socialist business for state - owned enterprises. During this time, agencies of the Vietnam Communist Party enacted some highly importance documents such as: Directive No.100 of 1981 of the Secretariat on the land allocation to labour groups and labourers; Resolution No.10 of 1988 of the Politburo on land allocation to farming households with stable and long - term agricultural production.

In 1986, the Sixth Party Congress of the Vietnam Communist Party officially put

forward and to action the reform policy of the country. At this point, Vietnam's legal system had a fundamental transformation. Within the legal system, the field of economic law was the pioneer in the legal reform process. On December 29th 1987, the Law on Foreign Investment in Vietnam was passed by the National Assembly. In 1989, the Ordinance on Economic Contract was released. The enforcement of the Ordinance on Economic Contract back then was a big progress as it put an end to the highly administrative, planned and subsidized contracting regime; asserted the principles of freedom, voluntarism in contracting. When it became out - of - date, the Resolution No.45/2005/QH11 on June 14th 2005 of the National Assembly on the implementation of the Civil Code of 2005 had an article providing for the expiration of this Ordinance. In 1990, the Ordinance of the State Bank of Vietnam and the Ordinance on banking, credit cooperatives and financial enterprises were enforced (May 23rd 1990). By the end of that year the Law on Enterprise and the Law on Private Enterprise were also approved (December 21st 1990). These were the legal documents that opened up a new period for Vietnam's legal system.

1.4. The period after the enactment of the Constitution of 1992 to before the enactment of the Constitution of 2013

As previously mentioned, from 1986, Vietnam officially embarked on the reform process. The comprehensive reform process initiated by the Sixth Party Congress based on the creative experience of Vietnamese officials and people, started to bring about important results. In order to meet the needs of the new context and mission, there was the immediate need to revise the

Constitution of 1980 and enforce the new one - the Constitution of 1992. Similar to the previous versions, the Constitution of 1992 prescribed the political, economic, social, cultural regime, national defence and security, the basic rights and responsibilities of the citizens, the organizational structure, principle and operation of state agencies, institutionalized the relationship between the Party - leader, the people - owner, and the State - administrator. The new Constitution, however, also included new aspects: the State develops the commodity - based multi - sector socialist - oriented market economy; respects human rights, citizen rights; acknowledges the business freedom right of the citizens. The roles, duties and powers of state agencies were adjusted in the Constitution of 1992 to become more reasonable and practical, etc.

After nearly a decade in force, the Constitution of 1992 was revised and supplemented with a few articles following the National Assembly's Resolution No. 51/2001/QH10 dated December 25th 2001. This Resolution included some major revisions and supplementations:

- It confirmed with clarity: the State of the Socialist Republic of Vietnam is a rule - of - law socialist State of the people, by the people and for the people. The power of the state is unified, with the division and coordination of state agencies in implementing legislative, executive and judicial powers.

- It continued to affirm the policy for developing a socialist-oriented market economic; the State promotes the establishment, development and completion of types of markets; the State forms the independent, autonomous economy by promoting inner strength, integrating in the international economy, embracing industrialization, modernization.

- It regarded education and training, and science and technology as the leading national policies.

- It presented the position and policies with respect to Vietnamese citizens living abroad: Vietnamese people living abroad is a part of the Vietnamese people community; the State protects the legitimate rights of Vietnamese people living abroad; the State encourages and creates favourable conditions for Vietnamese people living abroad to preserve the national cultural identity, to maintain their relationship with their families and home country, and to contribute to nation - building.

- It adjusted a few powers of the National Assembly, for instance, the National Assembly cannot directly allocate budgets to localities but can only allocate central budgets; it revised, supplemented some provisions on the role of the People's Procuracy so that the People's Procuracy would no longer monitor legal compliance but only holds two roles, that is, exercising its prosecution right and inspecting, monitoring judicial activities.

From 1992 onwards, Vietnam's legal system went through rapid changes. The cause of this rapid transformation was the changing mentality of the Communist Party of Vietnam in using the law to govern society. Stepping into the era of comprehensive national reform and economic transition, the official documents of the Communist Party of Vietnam expressed with clarity the principle: Need to govern the country by the law and not only by guidelines, propaganda, morals. This mentality of the Party was officially codified in Article 12 of the Constitution of 1992: "The State administers society by the law and constantly strengthens the socialist legislation."

The legal area experiencing the most changes from 1992 onwards remained the economic one, with the enactment of tens of laws on investment, enterprises, on budget, tax, banking, business, trade, land, etc. As it transitioned into the market economy regime, the State gave due consideration to the development of the Law on Competition, Law on Bankruptcy.

Labour laws also went through new developments with the birth of the Labour Code. One of the prominent accomplishments in law - making in this period was the ratification of the country's first ever Civil Code under the new political regime in 1995 (later on known as the Civil Code of 2005). Social laws, environmental laws were also given adequate attention, marked by the promulgation of many legal documents in these areas. Law - making activities were also being governed by the Law on Enactment of Legal Normative Acts. It was a fact that Vietnam's legal system extended its governing scope to many social areas.

In areas of culture, science and technology, education and training, the National Assembly passed the Law on Cultural Heritage, Law on Universalizing Primary Education, Law on Education, Law on University Education, Law on Vocational Training, Law on Science and Technology.

In social areas, the State developed legal acts on social insurance, health insurance, unemployment insurance, social sponsorship, social concessions, and people with disabilities (Law on People with Disabilities). In the finance sector, the State enacted various laws on taxes, the Law on State Budget. In the banking sector, two prominent laws included the Law on the State Bank of Vietnam and the Law on Credit Institutions.

The legal administration field also had two key legal codes: the Law on Criminal Procedure and the Law on Civil Procedure. Apart from that, there were also the Law on Administrative Procedure and the Law on Commercial Arbitration.

To create a legal basis for the fight against corruption and waste, the State enforced the Law on Prevention and Combating Corruption and the Law on Thrift Practice and Waste Combat with the aim of formalizing policies, mechanisms, solutions for preventing, identifying, handling people with corrupt and waste practices in order to clean up the state apparatus, raising the effectiveness and efficiency of state management, improving the healthiness of social relations, maintaining political stability, social order and safety, using with efficiency the resources for socio - economic development, for a wealthy people, powerful nation, fair, democratic and civilized society.

With respect to the type of legal document, if in the earlier periods, the State mainly administered society through sub - law documents, in this period, the State gradually used legal documents enacted by the National Assembly. In the law - making history of Vietnam, the National Assembly were never more committed to its legislative role and succeeded in enforcing a large number of codes, laws that helped government the key social relations in all aspects of social life.

1.5. From the enactment of the Constitution of 2013 to date

The existing Constitution of the Socialist Republic of Vietnam was ratified by the Thirteenth National Assembly on November 28th 2013 and entered into force from January 1st 2014. By inheriting the values of the

previous versions of 1946, 1959, 1980, 1992, and learning from the drafting experience of the countries, the Constitution of 2013 revised and supplemented many important issues, became more suitable with the new context of the country. Most notably, it added principles on the organization of state power (the power of the state is unified, with division, coordination and management of power between agencies in legislative, executive and judicial affairs); on human rights, basic rights and responsibilities of the citizens; regulations on economy, culture, society, science, technology and environment; on protection of the motherland. These important changes illustrate the mentality of people ownership, promoting the ownership right of the people, respecting human rights and the basic rights of the people.

After the Constitution of 2013 took effect, the state agencies such as the National Assembly Standing Committee, the President, the Government, the People's Supreme Court, the Supreme People's Procuracy, the State Audit Office and other competent agencies, within their roles, duties and powers, have the responsibility to proactively organize the implementation of the Constitution; timely revise, abolish legal documents that conflict with the Constitution; adjust the organizational structure, roles, duties and powers to align with the provisions of the Constitution; enforce necessary measures to ensure adequate implementation of the Constitution.

Central and local level state agencies, the Vietnam Fatherland Front and its member organizations, and other relevant organizations and agencies, have disseminated broadly and extensively the content of the new Constitution of the Socialist Republic of

Vietnam within their agencies, organizations and localities; raised awareness on the Constitution and compliance spirit, ensuring that the Constitution would be strictly complied with in all aspects of social life.

Legislative activities were carried out in two forms: *Firstly*, legal documents were enacted according to the Program on the development of laws and ordinances of the Thirteenth National Assembly (Law on Land, Law on Public Investment, Law on Construction, Law on Bankruptcy, Law on Citizen Identification, Law on Social Insurance, Law on Civil Status, Law on Investment, Law on Real Estate Trading, Law on Vocational Education, Law on Public Security, Law on Vietnam Fatherland Front). *Secondly*, legal documents serving the direct implementation of the Constitution of 2013 were promulgated (Law on Election of National Assembly Deputies and People's Committee Deputies, Law on the Organization of the National Assembly, Law on the Organization of the People's Court, Law on the Organization of the People's Procuracy, Law on the Organization of the Government, Law on the Organization of Local Government, etc.).

Throughout the drafting and ratification of these laws, from the perspective of implementation of the Constitution of 2013, the following can be observed:

First of all, certain laws have not succeeded in reflecting clearly the spirit and language of the Constitution of 2013. For instance, in the Law on Election of National Assembly Deputies and People's Committee Deputies, the provision on the National Election Committee did not illustrate the organizational and operational principles of this Committee as prescribed in the Constitution of 2013. Similarly, the local

government model presented in the Law on the Organization of Local Government also failed to reflect with clarity the spirit and language of the Constitution of 2013 on local government.

Secondly, the drafting of laws implementing the Constitution of 2013 was always at risk of not presenting clearly and protecting adequately human rights and the rights of the citizens. As of now, the drafts of the Law on Association, Law on Information Access, Law on Press, Law on Referendum, Law on Belief and Religion seemed to have put more emphasis on state management in these areas while failing to give due consideration to the protection of human rights and the rights of the citizens.

The drafting of various draft laws, such as the Law on Demonstration, are also behind schedule.

2. Assessment on the development of Vietnam's laws from 1945 to date and outlook for the upcoming period

2.1. Assessment on the development of Vietnam's laws and regulations from 1945 to date

Based on the general analysis of the development of Vietnam's laws and regulations from 1945 to date, the following comments and assessments can be made:

First of all, the development of Vietnam's laws and regulations from 1945 to date have gone through different stages, corresponding with the development stages of Vietnam's revolution and of the State. In each of these stages, the development of the legal framework was influenced by many objective and subjective factors such as the socio - economic context; the perception of the Party in charge and of the State on the role of the legal system; the presence of the team of legal experts; and the demand for

integration and international cooperation. It can be observed that, the periods during which the legal system was rapidly developed such as the 1945 - 1950 period or the present time were when the leadership of the Party and the State recognized the importance of the law in state management and social administration; while competent state agencies managed to recruit and gather a reliable team of legal experts to help develop legal documents⁽¹⁾. During the years 1945 - 1946, the Party and the State focused on developing the constitution and laws so as to create a solid legal foundation for the newly - born Vietnam to have an open and legitimate voice in the international arena. Nowadays, the Party and the State are concerned with and highly regard legislative activities as these shall form the legal basis for proactive international integration and for integration that serve the interest of the country and of the Vietnamese people.

Secondly, at all times, the legislative activities of the State put particular emphasis on creating the legal basis for the organization and operation of the state apparatus, establishing and strengthening national defence and security, and protecting the country's regime (through criminal legislation in particular and legislations on the judicial system in general).

Thirdly, in the years where Vietnam was under the centrally - planned, bureaucratic and subsidized regime (1960 - 1985), the country's legislation was underdeveloped and stagnating. Beside the impact of the centrally - planned regime back then, the legal system was also severely affected by the war. Many social relations during this time were managed by administrative processes and thus, they were not or were barely governed

by the law. On the other hand, during this period, the guidelines and policies of the Party, of propaganda and training agencies played an essential role in social administration. Many movements of social classes were conceived and encouraged, bringing about significant impact on the social life⁽²⁾.

Fourthly, ever since the country transitioned to a market economy following the reformed guideline of the Party, Vietnam's legal system went through a fast - paced development process. Vietnam's legal system has nearly covered all social relations and behaviour that need to be governed by the law, from the organization of state power, human rights, basic rights and responsibilities of the citizens, to civil relations, marriage and family, economy, trade, intellectual property, finance, banking, land, environment and relations concerning the handling of social issues. Thus, it can be concluded that Vietnam's legal system has been developed in a more balanced manner.

Fifthly, in terms of the type of the legal documents, during the period of 1945 - 1955, the most frequently used instrument was

⁽¹⁾ During the years 1945-1950, Vietnam had an expert team which was trained in the old regime but which possess a high sense of responsibility for tasks assigned by the revolution. Nowadays we have an expert team trained from many different sources. But back in the centrally-planned time, the State had little interest in training legal experts and this has had a negative impact in the law-making activities back in those days as well as later on.

⁽²⁾ The author belongs to the generation of people who had the chance to live in the days of very active public movements, namely, Cờ Ba nhất (Three Firsts Flag), Gió Đại Phong (Đại Phong Wind), Sóng Duyên Hải (Duyen Hai Wave), Trống Bắc Lý (Bac Ly Drum), Ba sẵn sàng (Three Readiness), Ba đảm đang (Three Undertakings), etc.

ordinances (initially issued by the President of the Provisional Government and then by the President of the State). Meanwhile, throughout the 1960s to the late 1990s, the most popular instruments were sub - law documents enacted by the Government Council (or the Council of Ministers, after the Constitution of 1980) and ministries, ministerial - level agencies and agencies under the Government Council (Council of Ministers). From the 1990s to date, laws have gradually become the most prominent normative legal acts that the National Assembly ratifies in order to govern all areas of social life. This is a progressive movement in the State's legislative activities.

Sixthly, it can be easily seen that, beside the newly enacted legal normative acts, the revision and supplementing of existing legal documents have also become common practice, particularly in recent years⁽³⁾. What does this imply? First of all, this is an indication that state agencies have given high priority to legislative activities. Secondly, this means that social relations and behaviour - the subjects of legal documents - have been going through rapid changes under the market economy regime, most of which were unforeseen by legislators. Thirdly, this also means that using the law to govern social relations under the market economy was a new instrument for Vietnamese experts; meanwhile, they lacked the necessary knowledge and experience.

The revision, supplementing of existing legal documents are necessary to bring these documents up to date. However, revising and supplementing them too frequently and extensively will cause the legal system to lose its stability and predictability, which in turn, will generate

losses to agencies, organizations and individuals governed by these documents.

Seventhly, in recent years, despite many areas requiring further reform, law-making and implementation activities have shown continuous efforts in meeting criteria on harmony, consistency, openness, transparency and accessibility.

Eighthly, more and more legal documents are being enacted but they are not being strictly abided by their subjects, with some not even being complied with at all. Widespread corruption is found across the social life.

2.2. Outlook for the development of Vietnam's laws and regulations in upcoming period

What can one expect from the development of Vietnam's legislation in the upcoming period? Below are our general predictions on some major trends:

Firstly, following an extensive period focusing on the enactment of a large number of legal normative acts, Vietnam's legislative activities in the upcoming years will give priority to the quality of legal documents. National Assembly deputies, state agencies and the authorities will give more scrutiny to the drafting, ratification and enforcement of a legal document on the basis of choosing the right policy to benefit the country and the majority of the population.

Secondly, as they are carefully scrutinized

⁽³⁾ Some examples: the Land Law of 1993 was revised, supplemented two times in 1998 and 2001; and was fundamentally revised in 2003 and 2013. The Civil Code of 1995 was replaced by the Civil Code of 2005 effective from January 1st 2006 and this will soon be replaced by a new Civil Code, etc. Laws are frequently revised and supplemented, but *sub law documents* are even being revised and supplemented more frequently, creating "headaches" to state agencies, organization and individuals.

during the drafting and ratification process, the legal documents will be of a higher quality and therefore they will be more stable, and shall not require frequent revision and supplementing as nowadays. At the same time, Vietnam's legal system will gradually be able to meet the criteria on harmony, consistency, openness, transparency, accessibility, reliability and predictability.

Thirdly, with respect to the governing subject, in the upcoming period, Vietnam's legislation will shift its focus on legal documents that aim to ensure human rights, freedom and democratic rights of the citizens, and mechanisms for inspection and monitoring of power. A democratic, civilized society needs a solid legal basis for the protection of human rights, citizen rights and for inspection and monitoring of power.

On the other hand, together with legislations on science and technology, education and training, social and environmental legislation areas will also gain prominence in the upcoming period. This is because protecting the environment and addressing adequately social issues are precisely the role of public authorities in an era where sustainable development is regarded more importantly than ever.

With respect to economic and trade relations, these will not only be governed by legal documents of the State but will be increasingly covered under the acts of associations and of the businesses themselves.

Fourthly, the following trends will take place: proactive incorporation of provisions in international treaties into national legislation or regard the international treaties to which Vietnam is a signatory as an integral part of national legislation; alignment in type and content of legislations, foremost in economy and trade, between

Vietnam and other countries. These are unavoidable trends given the international integration and globalization process.

On the other hand, in areas of civil relations, marriage and family, land and forest exploitation and management in certain regions, the State may allow for the application of legal norms to promote and preserve cultural traditions of ethnic groups residing on the Vietnamese territory.

Fifthly, in the upcoming period, the case law will be officially considered as an important legal resource for the legal system.

Sixthly, laws passed by the National Assembly will gradually be governing directly social relations. Nevertheless, within a certain limit, the National Assembly will authorize state agencies certain aspects of the legislative branch in order to promptly meet the social needs at certain time and in certain areas.

Seventhly, the Constitution and laws will gradually hold the supreme role in governing social relations. Vietnam needs to become a country with stable legal order; where corruption is constrained and eliminated; where the legal culture is developed. Vietnam needs to become a fully accountable/responsible member in front of the international community.

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