

BUILDING THE SOCIALIST RULE-OF-LAW STATE OF VIETNAM IN THE NEW DEVELOPMENT ERA

Pham Van Duc^(*)

***Abstract:** This article presents the operating mechanisms and organizational structure of the socialist rule-of-law State, particularly in the context of the new development era. It outlines the fundamental characteristics of the socialist rule-of-law State, the functioning of the state apparatus, the organization of state power agencies, and the challenges encountered in the current practice. Based on this analysis, the article identifies the issues that arise and proposes solutions to enhance the effective operation of the socialist rule-of-law State of Vietnam in the new development era.*

***Keywords:** Socialist rule-of-law State of Vietnam; operating mechanism; organization of the state apparatus.*

1. Introduction

The socialist rule-of-law State is a unique model characteristic of countries following the socialist system, in which state power is not only organized and operates based on law but must also ensure the fundamental rights of citizens.

In Vietnam, the socialist rule-of-law State has become the foundation for nation-building and development, especially in the context of international integration and technological advancement. This article aims to clarify the operating mechanism and organizational apparatus of the socialist rule-of-law State in Vietnam today.

2. Content

2.1. Mechanism and Organization

of the Socialist Rule-of-Law State in Vietnam

In the model of the socialist rule-of-law State of Vietnam, the combination of the rule-of-law principle and the principle of absolute leadership by the Communist Party of Vietnam (CPV) is a distinctive feature that forms the unique identity of Vietnam's political and state management system. Although these principles might appear contradictory – the rule-of-law emphasizes the independence of state organs and the supremacy of law, whereas the Party's leadership principle requires unity and strict control by the Communist Party – in practice, they are combined in a

^(*) Prof. Dr., Vietnamese Philosophical Association.

harmonious and synchronized manner. This combination plays an important role in maintaining political stability, fostering economic development, and protecting the rights of citizens.

The rule-of-law principle is the foundation of all democratic and progressive political systems. In the context of Vietnam, the rule of law means that state power must be organized and exercised on the basis of law, protecting human rights and the fundamental freedoms of citizens. All actions of state organs, including the National Assembly, the Government, and the courts, must adhere to legal provisions, and the law must serve as an instrument to safeguard justice and fairness in society.

In the socialist rule-of-law State of Vietnam, the powers of the three branches — the legislature (National Assembly), the executive (Government), and the judicial/judiciary (Courts) — are clearly delineated in terms of functions and authority. The National Assembly has the duty of legislation and oversight of the Government; the Government implements policies and laws; the Courts protect justice and the lawful rights of citizens.

However, this division of power is not absolute, as it is closely coordinated under the leadership of the Communist Party of Vietnam. While state organs have independent authority within their functional domains, all must conform to the Party's leadership to ensure

coherence and effectiveness in the implementation of national policies.

The principle of absolute leadership of the Communist Party of Vietnam is illustrated by the fact that the CPV is the sole leading force in Vietnam's political system. The Party's absolute leadership is evident not only in determining political directions but also in coordinating the activities of state organs. According to Vietnam's 2013 Constitution, the CPV is the force leading all organs of the State and society. This means that although legislative, executive, and judicial bodies have independence in their functions and powers, all must operate within the framework and under the direction of the Party.

The Party's absolute leadership principle applies not only to political matters but also extends to supervising and orienting decisions on economic, cultural, and social issues. The Party determines national development strategies, foreign policy, and socio-economic development programs, while ensuring consistency and effectiveness in all political decisions.

Although the rule-of-law principle and Party's leadership principle could cause tension in some other political systems, in Vietnam, they are combined harmoniously and complement one another. This combination creates a stable political system that safeguards the interests of the working class and working people, while ensuring the country's sustainable development.

The Party's leadership helps maintain the unity in political decision-making, preventing any fragmentation of power among state organs. This guarantees that state policies do not conflict or become inconsistent between different agencies, thereby creating a stable political system. Meanwhile, the rule-of-law principle protects the lawful rights of citizens and vulnerable groups in society.

Although the legislative, executive, and judicial bodies operate independently in their functions, the Party's leadership ensures that the decisions of these bodies conform to the Party's guidelines and political line, creating coherent and unified policy implementation. This allows state policies to be carried out efficiently without interruption or sudden change.

Under this system, the rule of law protects citizens' rights and justice. State agencies, even under the Party's leadership, must still enforce the law fairly and transparently, protecting the legal rights of all citizens. This helps create a just society where citizens' lawful rights are safeguarded.

The socialist rule-of-law State is a state model in which state power is organized and exercised on a legal foundation aimed at protecting human rights, citizens' fundamental freedoms, and justice in society. This mechanism not only focuses on individual liberty but also protects community interests, working toward a fair and sustainably

developing society.

In Vietnam, the socialist rule-of-law State is built upon the principles of Marxism-Leninism and Ho Chi Minh's thought, with the goal of protecting the interests of the working class and laboring people. Law is the tool that ensures the rights of citizens, especially those of vulnerable groups in society, and maintains political and social stability.

The socialist rule-of-law State in Vietnam operates on the principle of distributing state power among three main branches: the National Assembly, the Government, and the Courts. However, the notable difference from other models is the absolute leadership of the Communist Party. Although these organs have independence in their respective functions, all operate under the Party's direction and supervision to ensure uniformity and unity in implementing national policies.

The National Assembly is the representative body of the people, responsible for legislation and oversight of the Government, ensuring that policies truly reflect the people's aspirations and align with the goals of socialist development. *The government is the executive organ that enacts the policies and laws enacted by the National Assembly.* It manages national affairs, implements economic and social development plans, and ensures national security. *The Courts and the Procuracy (State prosecutors' office)* uphold

justice, resolve disputes, adjudicate cases, and supervise compliance with the law, protecting the lawful rights of citizens and organizations. This structure ensures transparency and efficiency in the enforcement of laws, while maintaining the Party's control over state power.

The central objective of the socialist rule-of-law State in Vietnam is to build a just society, protect the rights of workers and working people, and concurrently develop the economy along a socialist orientation/ (or a socialist oriented economy). The State emphasizes ensuring social justice, redistributing wealth and benefits among different strata of the population, and protecting the interests of vulnerable groups.

The Communist Party of Vietnam holds the absolute leadership role: although the legislative, executive, and judicial bodies have clearly defined responsibilities, all operate under the Party's leadership, ensuring consistency and unanimity in political decisions.

State power in Vietnam is unified and not subject to separation. Despite having three main branches in the state apparatus (National Assembly, Government, and Courts), the Party's power directs all these activities. State agencies operate within the legal framework but obey and implement the directives, policies, and guidelines set by the Party.

Despite differences from other rule-of-law state models, the socialist rule-

of-law State in Vietnam possesses many special advantages that help the country develop stably and sustainably. One of the greatest advantages of Vietnam's rule-of-law State is its ability to maintain political and social stability in a world full of upheavals. The comprehensive leadership of the Communist Party ensures unanimity in political decisions, creating a solid and stable foundation for development. The rule-of-law State allows the Government to intervene strongly in the economy to steer and develop it in a sustainable direction. The Government can implement long-term policies to protect national interests, develop key industries, and safeguard the rights of workers and farmers. The Vietnamese Government focuses on protecting the interests of vulnerable groups in society, ensuring equity in the distribution of wealth and benefits. Social welfare policies such as health insurance, free education, and poverty reduction programs have improved the quality of life for the people, especially those with low incomes. Vietnam has demonstrated the capacity to respond effectively to international challenges through a proactive and flexible foreign policy. The Government of Vietnam maintains good relations with major countries and participates actively in international organizations like the United Nations, APEC, ASEAN, and the WTO. Despite deep integration into the global economy, Vietnam has preserved its sovereignty and national

interests.

The socialist rule-of-law State in Vietnam enjoys the advantages of stability and growth, but it also faces a number of challenges in law enforcement and upholding justice. Certain issues — such as the quality of the judiciary, undue interference in judicial processes and law enforcement (particularly in cases influenced by external factors) — need to be addressed through reforms. Additionally, administrative reforms and improving the capacity of the state apparatus are crucial to minimizing corruption and enhancing transparency. Social welfare policies must be implemented more robustly to reduce inequalities in society and ensure the rights of vulnerable groups. Judicial reforms and improvements to the legal system will help elevate the quality of justice and protect citizens' rights, especially in the context of international integration.

The socialist rule-of-law state in Vietnam has distinct characteristics and notable strengths in maintaining political stability, protecting citizens' rights, and fostering sustainable economic development. Although it differs from other rule-of-law state models, these strengths have enabled Vietnam to attain significant achievements in economic and social development and have created a firm foundation for the country's long-term progress. To continue advancing in the context of global integration, reforming

and renewing the legal and judicial systems are essential in order to build a truly law-governed society where justice is enforced and all citizens are equal before the law.

2.2. Solutions for Building the Socialist Rule-of-Law State of Vietnam in the New Development Era

The socialist rule-of-law State is a distinctive model in which state power must be based on law and reflect the will of the people. In the new era, Vietnam faces a host of substantial challenges as it continues to build and perfect a socialist rule-of-law State. These issues stem not only from internal factors of the society but also from the powerful impacts of global changes amid globalization and technological development. These major challenges demand that the State continuously innovate, adjust its policies, and implement reforms to safeguard the rule-of-law foundation of the country, in order to build a just, civilized, and sustainably developing society. In order to build the socialist rule-of-law State of Vietnam in the new era of development, the following comprehensive solutions should be implemented:

Strengthen transparency and combat corruption

Corruption has always been one of the core issues in every society and has become a major challenge for the socialist rule-of-law State in Vietnam. Although Vietnam has made considerable efforts to prevent and fight

corruption, in reality, corruption still exists and tends to recur, especially in public investment projects, budget allocation, and certain areas of civil service. Corruption is a significant problem for any political system, one that every state must be concerned with and address. It not only causes financial losses but also undermines the people's trust in the government, creating injustice and unfairness in the distribution of resources and public policy. Corruption poses a grave danger not just in financial terms but also in terms of ethical values and human dignity in society. When corruption infiltrates the public sector, policies cannot be effectively implemented, the economy is hindered, and social development becomes unsustainable. Notably, corruption erodes citizens' trust in the government and state agencies, thereby weakening political stability and social development.

The State needs to establish a transparent system for monitoring public finances, especially in regard to public projects and budget allocations. Making information about the national budget, investment projects, and development policies public will create a transparent environment that enables citizens to monitor and supervise these processes easily. Online platforms and information technology can be utilized to openly publish information on government budgets and expenditures in a clear and accessible manner.

Applying technology in the fight against corruption will make anti-corruption efforts more effective. Technologies such as blockchain and artificial intelligence (AI) can help track government financial transactions, detect irregularities, and prevent corruption from the earliest stages. The use of digital technology to monitor public-sector activities can lead to the early detection of corrupt behavior and allow for timely intervention.

The spirit of Politburo Resolution 66 NQ/TW requires every official/cadre and public servant to lead by example in obeying the law and protecting the rights of the people. The State should focus on education, training, and raising the ethical standards of the corps of officials and civil servants, creating a fair, clean working environment without corruption.¹. Social organizations and citizens should be encouraged to participate in monitoring government activities, particularly in the use of public funds and implementation of public projects. The State should establish channels for oversight and policy feedback, allowing the public and civic organizations to contribute to anti-corruption efforts.

Increasing transparency and fighting corruption are urgent requirements in the process of building and perfecting the socialist rule-of-law State. By leveraging technology, reforming oversight mechanisms and corruption handling, and promoting citizen

participation, Vietnam can gradually reduce corrupt practices, build a clean and transparent government, and thereby solidify firm trust in the hearts of the people.

Improve the quality of state management and public administration.

Enhancing the quality of state governance and public administration is a crucial task in building the socialist rule-of-law State, which is in line with the spirit of Resolution 66. To achieve this, the State needs to carry out administrative reforms aimed at simplifying procedures, applying information technology, ensuring transparency and efficiency in all administrative activities, and most importantly, changing the mindset of the civil service to serve citizens and businesses best. This is a key factor in reinforcing the people's trust in the government and spurring socio-economic development.

A solution to improve the quality of state management is to undertake extensive administrative reforms that simplify administrative procedures and fully digitize public services. The current complex administrative procedures are a major obstacle in resolving affairs for citizens and businesses. The application of information technology in government agencies, moving from paper-based procedures to online public services, will help reduce costs and save time for individuals and enterprises. Online public services not only cut

down cumbersome paperwork but also increase transparency, creating greater convenience and speed for citizens when dealing with administrative matters.

Promoting a transparent and efficient public administration environment is essential. The State should create an administrative environment in which every process, procedure, and outcome is openly and clearly disclosed so that citizens can easily follow and supervise. Administrative agencies must actively publicize information about the processing of documents and the provision of public services, and strengthen supervision and reporting of their performance to ensure transparency in every administrative decision.

One of the core tenets of Resolution 66 is that the State must always consider the people as the center and the target of its service. Therefore, it is necessary to focus on improving the service quality of the public servant team and enhancing their capacity to serve citizens in handling administrative tasks. This not only requires streamlining work processes but also demands that each official and public servant have a dedicated, friendly, and professional service attitude. Special attention should be paid to reducing redundant administrative procedures, making administrative work simpler, more efficient, and more convenient for citizens.

The Government needs to create a favorable environment for

business development by minimizing administrative procedures and increasing legal and financial support for enterprises, especially in highly competitive sectors. Developing administrative policies that suit the needs of businesses and improving public services that assist enterprises will stimulate economic growth and help companies to gain easier access to government services.

To further increase the effectiveness and transparency of the administrative system, an e-government platform for all public services should be built and implemented. This will reduce reliance on paper-based procedures while ensuring accuracy, speed, and easy access to information from state agencies. All citizens should be able to access administrative services online, which will save time and costs and provide convenience for everyone.

Ensure public participation in state governance.

One of the fundamental principles of the socialist rule-of-law State is that state power must derive from the people. However, enabling the people's right to participate in state decision-making still faces many difficulties, especially in remote areas. Citizens in these regions often lack information and the means to participate in political activities, leading to a disconnect between the government and local communities.

A socialist rule-of-law State is only truly strong when state power is

built and exercised on the basis of the full and proactive participation of the people. When citizens take part in the decision-making process, policies will more accurately reflect their needs and aspirations, thereby strengthening the legitimacy of political decisions. A core principle is that state power belongs to the people and must originate from the people. This ensures not only democratic governance but also reinforces the bond between the government and the populace, creating a fair and united society.

To guarantee the participation of citizens in governance, it is necessary to establish official/formal mechanisms for public participation, such as elections, community consultations, and dialogue channels between the State and the people. Online platforms should be expanded to collect feedback from citizens and to create spaces for dialogue between citizens and the government. At the same time, the role of social organizations in monitoring and providing policy critique should be promoted.

Develop the legal system and protect citizens' rights.

Vietnam's legal system remains inconsistent, with many provisions not yet updated in line with the development of society. This leads to situations where the application of law is neither equitable nor effective, resulting in inequalities in the protection of citizens' lawful rights, especially for vulnerable

groups in society.

A complete and coherent legal system is the foundation for protecting citizens' rights, ensuring fairness in society, and maintaining social order. "Law is not only an instrument to regulate social behavior but also a means to protect the legitimate rights of citizens, maintain social order, and ensure justice in society"². Suppose the legal system does not meet the requirements of real-life socio-economic conditions. In that case, it will create an unclear legal environment that can be easily abused, leading to injustices in law enforcement. Law is an important tool that enables the State to maintain social order and protect the lawful rights of citizens. "A complete and consistent legal system is a prerequisite to ensure the rights of citizens, justice, and social stability". To improve the legal system, Vietnam needs to continue reforming and perfecting its body of laws, ensuring consistency and unity, and adding new legal provisions to meet the requirements of a market economy and international integration. Legislation must safeguard the rights of all citizens, especially vulnerable groups such as women, children, ethnic minorities, and the poor. At the same time, judicial reforms are needed to ensure fairness and timeliness in adjudication, to reduce protracted legal proceedings, and to increase citizens' trust in the legal system.

Apply technology in state management and judicial reform. The

application of technology is a key factor in reforming administrative and judicial systems. Without embracing technology, the State cannot meet the demands of a modern society in which people increasingly require transparency, speed, and efficiency. Countries like Estonia and Singapore have been pioneers in applying technology to governance and the justice system, creating online public services that enable citizens to access administrative procedures with ease. These countries provide clear evidence that technological application is a decisive factor in enhancing the efficiency and transparency of administrative systems.³ Vietnam needs to accelerate digital transformation in its administrative and judicial agencies, developing electronic data management systems to optimize work processes and reduce waiting times for citizens and businesses. The development of online public services and the application of artificial intelligence in adjudication and dispute resolution will not only help save costs but also improve work efficiency and the delivery of justice.

The challenges that the socialist rule-of-law State of Vietnam faces in the new era demand a comprehensive and determined reform strategy. Solutions such as administrative reform, anti-corruption measures, improvement of the legal system, greater public participation, and the application of technology are key to building a transparent, just, and effective socialist

rule-of-law State. These reforms will not only help consolidate the people's trust but also promote sustainable development, improve the quality of life, and affirm Vietnam's position on the international stage.

3. Conclusion

The socialist rule-of-law State in Vietnam needs to continue to innovate and improve itself to meet the requirements of the era of international integration. The operating mechanism and organization of the state apparatus

must ensure transparency, fairness, and efficiency, while also enhancing citizen participation and protecting the lawful rights of citizens. The challenges and issues that arise in the operation of the system must be resolved through strong reforms, especially in the areas of anti-corruption, improving the quality of state management, and reforming the legal system. A robust socialist rule-of-law State will form the foundation for Vietnam to develop sustainably and prosper in the new era.

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