

DOCTORAL THESIS IN BRIEF

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Improving law on public administrative services in Vietnam

Specialization: Theory and History of State and Law

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The appearance of public administration services, as an object being studied, has affected and set out new requirements for legal system. However, public administrative services need to attain suitable standards to survive and develop in accordance with certain rules, which are codified into law.

In Vietnam, public administrative services are still new so the provision can't avoid mistakes, and can't immediately have a consistent, appropriate, and advanced law. The process of constructing, implementing laws on public administrative services during the current period is the process of trying and correcting. A comprehensive study to evaluate strengths, achievements as well as to have an appropriate view of limitations, disadvantages, and inadequacies of laws on public administrative services, thus generating solutions to complete it so as to orientate the development of services suitable with socio-economic conditions, requirements of citizens, and demand for government management is a urgent requirement, both in theory and practice.

With that reason, PhD candidate Nguyễn Ngọc Bích has chosen the topic

“Improving law on public administrative services in Vietnam” to be the research subject for her dissertation.

Apart from the introduction, conclusion, appendix, list of legal documents, list of preferences, the dissertation consists of 3 chapters, 9 articles, and 189 pages.

Chapter 1: The background on “Improving laws on public administrative services”.

Examining and comparing different views on public services, public administrative services, the author gives her own definition. According to her, “public administrative services are activities serving purposes or facilitating the implement of rights and obligations of individuals and organizations by state administrative agencies, organizations of state administrative agencies, individual or organization permitted by the state to provide, in principles of equality, not for profit, on basis of individual or organization requirements, contributes to establish, maintain, and secure the lawfulness of public administration”. And laws on public administrative services are “aggregation of legal laws promulgated by the state agencies to regulate social relationships arisen in the process of state’s provisioning and managing public administrative services”.

The author points out that laws on public administrative services reflect common factors of law system in Vietnam and have distinct characteristics, because

they are rules that regulate a separate content in the activities of the state and society. The distinct characteristics of laws on public administrative services consist of: (1) law on public administrative services is the system of rules written in law documents promulgated by state agencies. (2) Law on public administrative services regulates different contents of public administrative services. The content of law on public administrative services contains 2 main aspects: regulations of operating, providing services and regulations of state management of public services in the administration field (3) Law on public administrative services has a close relationship with other legal institutions in the Vietnamese legal system.

Law on public service in administrative field is considered to be completed when satisfy the requirements of comprehensiveness, consistency, and conform to high level of law making. Improving the law on public services in Vietnam nowadays is a process affected by many factors, including administrative reform, development trend of public administrative services, and capacity of bodies, officers, staffs in making and improving the law. The process needed to archive the requirements and orientate to a stable development of public administrative services and reasonable transactions to the socialism-oriented market economy in Vietnam.

Chapter 2: The real condition of law on public administrative services in Vietnam today.

Examining the birth of public administrative services, the author states that the laws on public services have been promulgated for the last 10 years; especially during the final years of implementing the Grand Program of Administrative Reform during the Period of 2001-2010. The system of legal documents on public services in the field of administration contains several documents; its content is divided into two big aspects: regulations on organizing, provisioning services, and regulations on state management of public administrative services.

With regards to the reality of laws on public administrative services in Vietnam, the author believes that despite being a new field of law, regulations and practices on public administrative services have acquired many achievements. For example: (1) [laws] are promulgated in a quite comprehensive way to meet the demand of adjusting social relationships in public administrative services; (2) basically met the requirement of consistency; (3) shows some improvement in law making.

Practicing laws on public administrative services have reached many achievements: (1) Promoting the application of legal documents has been relatively regular, and thorough; (2) The service provided by state agencies met demands of individuals, organizations with increasing quality. (3) The role of public administrative service organizations of the state, individuals and organizations in supplying public

services has been acclaimed. (4) The supply of public administrative services has concerned social policy groups.

However, the laws and practices of laws on public administrative services have shown limitations, drawbacks that are needed to be reconsidered, evaluated, and searched for overcome solution.

Those limitations and drawbacks have shown clearly that: (1) quality of public administrative services is not very high; for example, people still face difficulties in demanding services, processing is very time-consuming, the bad attitude of officers, staffs while serving people and petty corruptions are biggest limitations. (2) Inequality between provinces: there are many provinces, which invested heavily, have advanced the quality and increasingly satisfied their local people, while in many others, especially highland regions and remote areas, public services accrue many mistakes, is very time-consuming and not convenient for people. (3) Collaboration between state agencies in meeting demands of individuals and organizations is still loose, especially services relating management of many specialized agencies. (4) State management does not catch up with the development progress of services. It has shown that state agencies are not doing well with forecasting and regulating, loosened monitor resulted in many violations.

At the end of the chapter, the author analyses and points out some reasons, either objective or subjective, for the limitations and drawbacks of laws and

practicing laws on public administrative services mentioned above.

Chapter 3: Opinions and solutions to improve the laws on public administrative services in Vietnam.

Improving the laws on public administrative services is a process, with which the ultimate goal is to make law that are efficient, suitable with political, economic, social condition of the nation and the development of services. Promulgating laws show the State's commitments in meeting demands of people for public administrative services or to encourage individuals, organizations to participate in provision public administrative services in an appropriate way. Improved law will boost the use of resources to provide services that meet the requirements of individuals, organizations, and contribute to production and doing business and social progress.

On the basis of the first two chapters, the author suggests some basic solutions in coming years, which are: Carrying out scientific researches to provide convincing arguments, practical foundations for constructing and completing law duty; Checking legal documents of public administrative services to comprehensively evaluate and detect limitations, drawbacks of the laws, and thus have appropriate remedies; Constructing plan and building program to improve the laws on public administrative services, assisting state agencies to have specific suitable schedule to actively apply different activities in constructing and improving

law; Constructing and promulgating policy of specific public services, creating high and stable legal basis for the development of public administrative services, the first thing is to promulgate quickly the laws on secured transactions, law on authentication, law on administrative procedure, law on accessing information; Changing and supplementing existing legal documents to overcome limitations drawbacks of current laws; Implementing solutions of

improving service quality such as promoting, propagating knowledge and law, planning, fostering human resources, applying inspection, testing and solving frequently law violations.

This thesis was successfully approved by the council at the State Committee of Thesis Examination held in Hanoi Law University, in September, 2012.

Introduced by
MAI LINH

(tiếp theo trang 34)

Vietnamese short stories have been developing for near 30 years. It is not a long time in comparison with the progress of literature history, but enough for us to realize the high and low as well as variables of categories. The renovation in categories might not be completed in the survey because they are still being created and changing. However, it is an extra – ordinary transformation based on the practical evidence of composition. Some of findings have achieved results while some are being implemented or not easy to be accepted. But each of them is an art experience as the foundation of the inheritance and creation of next generations □

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