

SOME ORIENTATIONS FOR INNOVATION IN THE ORGANIZATION AND OPERATION OF THE PEOPLE'S PROCURACY IN THE NEW DEVELOPMENT PERIOD

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Abstract: This article analyzes the jurisprudential foundations and the role of the People's Procuracy within the socialist state apparatus through the lens of Leninist theory. It traces the ideological evolution of the Party's policies and the subsequent development of legal frameworks governing the status and functions of the Procuracy. Furthermore, the study evaluates the practical organization and contemporary operations of the People's Procuracy to identify current institutional dynamics. Building on this assessment, the article proposes strategic orientations for reforming the Procuracy's organizational structure and operational efficacy. These recommendations aim to align the institution with the requirements for constructing and perfecting the Socialist Rule-of-Law State of Vietnam in the current era of national development.

Keywords: The People's Procuracy; the Socialist rule-of-law state

MỘT SỐ ĐỊNH HƯỚNG ĐỔI MỚI TỔ CHỨC VÀ HOẠT ĐỘNG CỦA VIỆN KIỂM SÁT NHÂN DÂN TRONG GIAI ĐOẠN PHÁT TRIỂN MỚI

Tóm tắt: Bài viết phân tích, luận giải sự ra đời và vai trò của Viện kiểm sát nhân dân trong bộ máy Nhà nước xã hội chủ nghĩa theo quan điểm của V.I. Lênin, sự phát triển về nhận thức trong quan điểm, chủ trương của Đảng, quy định của pháp luật về vị trí, vai trò của Viện kiểm sát nhân dân; đồng thời, trên cơ sở đánh giá làm rõ thực tiễn tổ chức và hoạt động của Viện kiểm sát nhân dân thời gian qua; từ đó, đề xuất những định hướng đổi mới tổ chức và hoạt động của Viện kiểm sát nhân dân, đáp ứng yêu cầu xây dựng và hoàn thiện Nhà nước pháp quyền xã hội chủ nghĩa Việt Nam trong giai đoạn phát triển mới.

Từ khóa: Viện kiểm sát nhân dân; Nhà nước pháp quyền xã hội chủ nghĩa

Introduction

In his closing remarks at the Tenth Plenum of the 13th Central Committee, as well as in numerous recent addresses and writings, General Secretary To Lam has articulated the fundamental tenets of national development in the "New Era" or the "Era of National Ascent". This vision is characterized as "an era of prosperity, strength, and development under the stewardship of the Communist Party of Vietnam, aimed at constructing a socialist state that is wealthy, strong, democratic, equitable, and civilized, poised to stand among the world's leading nations"¹. This strategic framework seeks to ensure a prosperous life for all citizens, empowering individual development and

¹ To Lam (2025), *Some basic contents about the new era, the era of national rise; strategic orientations to bring the country into the new era, the era of national rise*, https://www.tapchiconsan.org.vn/media-story/-/asset_publisher/V8hnp4dK31Gf/content/ky-nguyen-moi-ky-nguyen-vuon-minh-cua-dan-toc-ky-nguyen-phat-trien-giau-manh-duoi-su-lanh-dao-cam-quyen-cua-dang-cong-san-xay-dung-thanh-cong-nuoc-vie, accessed on July 9, 2025.

contribution to global peace, stability, and human advancement.

This mindset reflects a breakthrough vision for national construction amidst profound international integration and the rapid evolution of the Fourth Industrial Revolution, particularly within the domains of artificial intelligence and digital technology. The "New Era" demands a resolute, self-reliant, and decisive movement from every sector and individual to overcome historical challenges and fulfill national aspirations. This commitment is evidenced by the systematic reorganization and streamlining of the political apparatus, most notably the policy of "consolidating provincial and commune-level administrative units and the pursuit of a two-tier local government model"².

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² This is reflected in the Conclusions of the Politburo and the Secretariat (Conclusion No. 121-KL/TW dated

These structural reforms are anchored in four strategic breakthroughs outlined in key Politburo resolutions: (1) Resolution No. 57-NQ/TW (December 22, 2024), regarding advancements in science, technology, and national digital transformation; (2) Resolution No. 59-NQ/TW (January 24, 2025), concerning international integration; (3) Resolution No. 66-NQ/TW (April 30, 2025), regarding the reform of legislative and enforcement processes; and (4) Resolution No. 68-NQ/TW (May 4, 2025), on the development of the private sector.

As the nation embarks on a period of systemic “*transformation*” aimed at fostering rapid socio-economic development, the People’s Procuracy, as a constitutional body vested with prosecutorial powers and judicial oversight, must similarly undergo institutional evolution. Tasked with the mandate of “*upholding the rule of law, protecting human rights and civil liberties, safeguarding the socialist regime, and defending the lawful interests of the State, organizations, and individuals, while ensuring the uniform and strict application of the law*”³. The Procuracy must strategically innovate its organizational structure and operational framework. Such reforms are essential to fully exercise its authority and fulfill its responsibilities within the Socialist Rule-of-Law State of Vietnam during this new era of national development.

1. Determinants of the reform orientation for the People’s Procuracy in the new era

By its nature, reform entails a deliberate process of institutional adjustment designed to improve efficacy and surpass the status quo. The objective of such a “*transformation*” is to foster development while maintaining institutional continuity. To prevent ideological drift or the erosion of essential characteristics during this transition, it is imperative to contextualize the reform trajectory within its

historical foundations, operational realities, and the evolving strategic requirements of the new era.

Accordingly, the author identifies four primary factors that delineate the ‘*transformation*’ and innovation trends for the People’s Procuracy: (1) The Leninist principles concerning the establishment and functional role of the Procuracy within the socialist state apparatus; (2) The evolution of the Party’s ideological perspectives and the corresponding legal frameworks governing the Procuracy’s institutional standing; (3) The institutional experience gained through the organization and operation of the People’s Procuracy over the past 65 years; and (4) The strategic imperatives of national construction and development in the current era. These factors are elucidated as follows:

1.1. Leninist foundations for the establishment and role of the People’s Procuracy in the Socialist state apparatus

- The People’s Procuracy is a hallmark of the socialist state apparatus, first institutionalized within the Union of Soviet Socialist Republics in 1922. During the nascent stages of the Soviet state, V.I. Lenin underscored the pivotal role of law and legality in safeguarding and consolidating state power. Lenin posited that legality must be unitary, a prerequisite for the survival of the socialist revolution and the stabilization of revolutionary authority. He identified “*localism*” and “*parochialism*” as the primary impediments to this unity, posing systemic threats to socialist construction. Consequently, Lenin argued for the establishment of the People’s Procuracy, tasking it with a singular mandate: to maintain a uniform interpretation and enforcement of legality across the entire Republic, notwithstanding local deviations or jurisdictional idiosyncrasies⁴.

- The People’s Procuracy serves as a specialized organ of the socialist state, functioning both as an instrument of prosecutorial authority and an agency of supervisory jurisdiction over the compliance

January 24, 2025; Conclusion No. 126-KL/TW dated February 14, 2025; Conclusion No. 127-KL/TW dated February 28, 2025; Conclusion No. 130-KL/TW dated March 14, 2025...); Resolution No. 60-NQ/TW dated April 12, 2025 of the 11th Conference of the 13th Central Committee of the Communist Party, etc.

³ Article 107 of the 2013 Constitution, Article 2 of the 2014 Law on the Organization of People’s Procuracy (amended and supplemented in 2025).

⁴ V.I. Lenin, reintroduced by the online journal of the Procuracy (2017), *On the system of “dual” subordination and legality*, <https://kiemsat.vn/ban-ve-che-do-8220-song-trung-8221-truc-thuoc-va-phap-che-47110.html>.

of state entities. This model is fundamentally distinct from Western prosecutorial offices, which are traditionally confined to criminal litigation. Lenin maintained that the Procuracy must concurrently exercise prosecutorial power and oversee the legality of state actions to uphold socialist norms, with neither function superseding the other. Within socialist jurisprudence, the Procuracy is thus viewed as an objective necessity, a critical mechanism for checks and balances within the state apparatus, designed to preempt abuses of power by executive and judicial authorities.

- To ensure the efficacy of its functions, Lenin advocated for the absolute independence of the Procuracy. He *rejected the system of "dual subordination, asserting that local procuratorial offices must be accountable exclusively to the central authority"*⁵. This structural design was intended to dismantle localism and the influence of anarchic liberalism. Consequently, the People's Procuracy is organized as a vertically integrated hierarchy, characterized by centralized and unified command.

In summary, the People's Procuracy represents a distinct institutional model of the socialist state, founded upon Marxist-Leninist theory and Lenin's directives regarding the maintenance of unitary legality and the institutionalized control of state power.

1.2. Institutional evolution: Party policy and the legal standing of the People's Procuracy

Research indicates that since its inception in 1960 and throughout the *Doi Moi* (Renovation) era, the Communist Party of Vietnam's directives and subsequent legal frameworks have consistently affirmed the People's Procuracy as an independent, constitutionally mandated institution within the socialist rule-of-law state. Beyond its core prosecutorial functions, the Procuracy is charged with supervising legal compliance to ensure the uniform and strict application of the law. While its supervisory jurisdiction was historically broad, encompassing administrative, economic, and social sectors (so-called "general supervision"), this mandate

has been primarily narrowed to judicial oversight since 2002. Nevertheless, the Procuracy remains a pivotal agency for the exercise of checks and balances, combatting corruption and malfeasance, and safeguarding human rights, the socialist regime, and the legitimate interests of the State and its citizens.

Awareness of the investigative authority of the People's Procuracy, as well as its role and responsibility in protecting the interests of the State, the public, and the vulnerable in society, has been increasingly consolidated, strengthened, and clarified. Specifically: (1) Under the 2002 Law on the Organization of People's Procuracy and the 2004 Ordinance on Criminal Investigation, the Procuracy's investigative jurisdiction was narrowly confined to judicial offenses committed by judicial personnel. Subsequent reforms, notably the 2014 Law on the Organization of People's Procuracy and the 2015 Law on the Organization of Criminal Investigation Agencies, significantly expanded this mandate. The Procuracy's Investigative Agency now possesses the authority to probe not only judicial offenses but also corruption and malfeasance committed by officials across the judicial and law enforcement apparatus. (2) The 2004 Civil Procedure Code initially sought to limit the Procuracy's role in favor of party autonomy and the principle of self-representation (*party-led evidence production*) (*specifically, the statutory authority of the People's Procuracy to initiate civil cases, which had existed continuously for 44 years since its establishment, was abolished; the People's Procuracy no longer participated in 100% of first-instance trials, but only participated in hearings where there are complaints from the parties about the court's collection of evidence*). This shift abolished the Procuracy's 44-year-standing authority to initiate civil litigation and restricted its trial participation to cases involving evidentiary disputes. Following practical challenges, the 2011 and 2015 amendments incrementally restored and expanded the Procuracy's involvement. Currently, the Procuracy participates in all preliminary hearings and in cases involving public assets, land rights, or

⁵ V.I. Lenin: *Complete Works*, Vol. 45, National Political Publishing House, Hanoi, 2005, p. 236.

litigants with physical or mental disabilities⁶. Aligning with the 13th National Congress directives and Resolution No. 27-NQ/TW (2022) to foster a “*professional, modern, and equitable judicial system*”, the National Assembly enacted Resolution No. 205/2025/QH15 on June 24, 2025. Effective January 1, 2026. This resolution initiates a pilot program authorizing the Procuracy to initiate civil litigation to protect public interests and vulnerable populations in six critical areas: (1) Public investment; (2) Land and natural resources; (3) Ecological environment; (4) Cultural heritage; (5) Food and pharmaceutical safety; and (6) consumer rights protection.

1.3. Institutional efficacy and operational legacy of the People's Procuracy (1960–2025)

Over its 65-year history, the People's Procuracy has consistently aligned its mandate with the nation's evolving political objectives, effectively executing its constitutional and statutory functions. Its operational legacy can be analyzed through the following key dimensions:

- Before 2002, the Procuracy's “general supervision” - a mandate covering administrative, economic, and social sectors, served as a primary instrument for restoring legal order. This function was instrumental in recovering misappropriated state assets and supporting internal Party rectification efforts. By proactively identifying and addressing systemic irregularities, the Procuracy acted as a crucial prophylactic against criminal behavior, particularly within economic and state management spheres. This supervisory framework significantly mitigated the incidence of corruption and white-collar crime during a pivotal period of national transition.

- In the criminal justice sphere, the Procuracy has consistently synchronized its operations with Party guidelines on judicial reform. Institutional reforms have steadily strengthened the Procuracy's role in guiding investigative activities, establishing a “closer nexus” between prosecution and investigation. This structural alignment has proven essential in safeguarding the integrity

of criminal proceedings, minimizing the risk of wrongful convictions while ensuring that criminal conduct is rigorously prosecuted. Furthermore, the Procuracy has enhanced the quality of adversarial proceedings in criminal trials, promoting objectivity, fairness, and due process. Consequently, the Procuracy's role as an independent oversight mechanism has been profoundly institutionalized, contributing substantially to the protection of human rights, civil liberties, and the overarching administration of justice.

- The People's Procuracy has intensified its mandate in the fight against corruption, waste, and systemic malfeasance, strictly adhering to the Politburo's anti-corruption directives. Since 2018, the Procuracy has demonstrated significant prosecutorial rigor in the investigation and adjudication of complex economic crimes and high-level corruption cases⁷. Notably, these efforts have targeted individuals previously holding senior positions within the Party and State apparatus, such as the Dinh La Thang case⁸, Trinh Xuan Thanh, the AVG case⁹, and the Phan Van Anh Vu case¹⁰ and the gambling case in Phu Tho province¹¹, etc. These proceedings have garnered broad public support, underscoring the Procuracy's role

⁷Specifically: (1) The case of “Offences against regulations of law on accounting that lead to serious consequences; Taking bribes; Offences against regulations of law on bidding that lead to serious consequences; Abuse of influence over an office holder for personal gain; Abuse of power or position in performance of official duties” occurring at Phuc Son Group Joint Stock Company and related units and localities; (2) The case of “Obtaining property by fraud; Money laundering; Illegal transport of money across the border” occurring at Van Thinh Phat Group Joint Stock Company and related units (Phase II); (3) The case of “Abuse of trust to appropriate property” occurring at Tan Hiep Phat Company, etc.

⁸ Former member of the Politburo and Secretary of the Ho Chi Minh City Party Committee.

⁹ This relates to Nguyen Bac Son and Truong Minh Tuan, former Ministers of Information and Communications.

¹⁰ This relates to Tran Van Minh and Van Huu Chien, former Chairmen of the People's Committee of Da Nang City; and Nguyen Thanh Tai and Nguyen Huu Tin, former Vice Chairmen of the People's Committee of Ho Chi Minh City.

¹¹ This relates to Phan Van Vinh, former Director General of the General Department of Police, and Nguyen Thanh Hoa, former Director of the High-Tech Crime Prevention Police Department (C50), Ministry of Public Security.

⁶ Article 21 of the Law amending and supplementing a number of articles of the 2011 Civil Procedure Code; Article 21 of the 2015 Civil Procedure Code.

in upholding the rule of law. Furthermore, the Procuracy has achieved measurable progress in asset recovery and the reduction of procedural errors, consistently meeting or exceeding the performance benchmarks mandated by the National Assembly regarding the accuracy and timeliness of indictments¹².

- The Investigative Agency of the People's Procuracy has significantly bolstered its internal oversight capabilities, ensuring the timely detection and adjudication of offenses committed by judicial personnel. By investigating corruption, abuse of office, and malfeasance occurring within investigative, adjudicative, and enforcement agencies, the Procuracy serves as a critical safeguard for the integrity of the judicial system¹³. These efforts extend beyond criminal prosecution; the Procuracy routinely issues corrective recommendations to relevant institutions to address the systemic causes of legal violations. Such measures have been essential

in fostering a transparent, professional, and modern judiciary, thereby strengthening the public's institutional trust in the Procuracy as a pillar of the rule-of-law state.

Historically, prior to 2004, the People's Procuracy actively initiated civil and administrative litigation to safeguard the interests of the State and its citizenry¹⁴. Since 2004, despite a substantial increase in caseloads, the Procuracy has refined its role to enhance the quality of procedural oversight in civil and administrative proceedings. In accordance with the Civil Procedure Code and the Law on Administrative Procedures, the Procuracy has prioritized the identification of procedural irregularities, employing systematic analysis to issue corrective recommendations aimed at institutional reform within judicial bodies. The efficacy of the Procuracy's intervention, manifested through its appellate and supervisory powers, has been critical in curbing procedural misconduct¹⁵, reinforcing judicial legitimacy,

¹² The number of people arrested and detained for criminal offenses who were later released or subjected to administrative penalties has gradually decreased; the rate of timely and accurate prosecutions has exceeded the targets set by the National Assembly; and cases of wrongful convictions have decreased year by year.

¹³ Among the corruption and position-related crimes occurring within the judicial system, which are handled and investigated by the Investigation Agency of the Supreme People's Procuracy, many have been detected and addressed promptly, such as: The "Embezzlement of property" case occurred at the Civil Enforcement Department in Hanoi; the "Embezzlement of property" case occurred at the Civil Enforcement Sub-Department of Viet Tri City in Phu Tho Province; the case of Luong Duy Ky, former Enforcement Officer of the Civil Enforcement Sub-Department of Gia Binh District in Bac Ninh Province, who abused his position and power to embezzle over 3 billion VND; the case of Le Thi Bich Anh, former Judge and Deputy Chief Judge of the People's Court of Dan Phuong District in Hanoi, who received a bribe of 300 million VND; the case of Pham Van Ngoan, former Investigator of the Police Department of District 8 in Ho Chi Minh City, who received a bribe of 160 million VND, and so on. Many other cases have received public attention, support, and approval, such as: (1) The "Bribery" case occurred at the Bien Hoa City Police Department, Dong Nai Province; (2) The "Bribery Brokerage" case occurred in Hanoi, Da Nang and Lao Cai; (3) The "Giving Bribes, Brokering Bribes, Receiving Bribes" case occurred at the High People's Court in Da Nang; (4) The "Bribery Brokerage" case occurred at the People's Court of Da Nang City...

¹⁴ During the implementation, the People's Procuracy has initiated numerous civil and administrative cases to protect the interests of the State, the collectives, and the legitimate rights of citizens, specifically: The People's Procuracy at all levels initiated 39 civil cases from 1961 and 1963; 156 civil cases from 1969 and 1972; 141 civil cases from 1973 and 1975; 875 civil cases from 1976 and 1980; and 104 civil cases from 2002 and 2004.

¹⁵ During a period of 7 years (from January 1, 2014 to November 30, 2020), through the supervision of civil cases, the Procuracies issued 9,682 appeals for civil judgments, with an acceptance rate of 88.1%; and issued 1,527 appeals for cassation and retrial of civil cases, with an acceptance rate of 79.97%. During the implementation, the People's Procuracies at all levels focused on synthesizing shortcomings and violations in judicial activities, issuing 10,281 recommendations requesting courts at all levels to rectify violations. Through the supervision of the resolution of administrative cases, the People's Procuracies issued 1,001 appeals for business, commercial, and labor cases, with the acceptance rate of appeals by the trial panel reaching 80.84%; and issued 618 appeals for administrative cases, with the acceptance rate of appeals by the trial panel reaching 72.68%. They issued 393 appeals for cassation and retrial of business, commercial, and labor cases, with an acceptance rate of 76.3%; and issued 116 appeals for cassation and retrial of administrative cases, with an acceptance rate of 77.77%. During the implementation, the People's Procuratorates at all levels focused on synthesizing shortcomings and violations in judicial activities, issuing 3,362 recommendations requesting courts at all levels to rectify violations.

and ensuring the protection of civil rights. The consistent success rate of the Procuracy's appellate and cassation petitions underscores its effectiveness as a mechanism for correcting judicial errors and fostering a predictable, rule-based legal environment.

Over its 65-year history, the People's Procuracy has effectively evolved into a cornerstone of the socialist rule-of-law state. Its institutional trajectory from broad general supervision to specialized judicial oversight demonstrates its indispensable role in the checks and balances framework of the state apparatus. By upholding the rule of law, protecting fundamental human rights and civil liberties, and defending the interests of the State and the public, the Procuracy remains a vital instrument for ensuring judicial integrity and promoting socio-economic stability.

1.4. Requirements of national construction and development in the new era

The Resolution of the 13th National Congress of the Communist Party of Vietnam determined: *"Building and perfecting a clean, strong, streamlined socialist rule of law state that operates effectively and efficiently, serving the people and the development of the country. Strengthening openness, transparency, accountability, and power control, coupled with tightening discipline and order in the activities of the State and of cadres, civil servants, and public employees. Continuing to intensify the fight against corruption, wastefulness, and negative practices."* To effectively accomplish this task, one of the guiding viewpoints emphasized by the Party is: *"Steadfastly upholding and creatively applying and developing Marxism–Leninism and Ho Chi Minh's ideology; adhering to the goals of national independence and socialism; following the Party's renewal path; and adhering to the principles of Party building to firmly build and preserve the socialist homeland¹⁶".* Resolution No. 27-NQ/TW of the Sixth Plenum of the Central Committee of the 13th Party Congress, dated November 9, 2022, on continuing to build and perfect the socialist rule-of-law state of Vietnam in the new period, identifies 10 groups of tasks and solutions, including the following tasks:

(1) Ensuring the People's mastery, upholding the supremacy of the Constitution and laws with strict adherence, while respecting, safeguarding, and protecting human rights and citizens' rights; (2) Continuing to improve the legal system and mechanisms for the strict and effective enforcement of laws to meet the demands for rapid and sustainable national development; (3) Refining the mechanisms for state power control and intensifying anti-corruption and anti-negative practices efforts; (4) Building a professional, modern, fair, strict, and upright judiciary serving the Fatherland and the people.

Since the 14th National Congress, the Party has determined that Vietnam will officially enter a new era of development – the era of national rise. At a meeting with participants of the training course for cadres planned for membership in the 14th Central Committee on October 31, 2024, General Secretary To Lam clarified seven strategic orientations to lead the country into this new era, namely: (1) Renewing the Party's leadership methods; (2) Strengthening Party leadership in building and perfecting the socialist rule-of-law state of the People, by the People, and for the People; (3) Streamlining the organizational apparatus to ensure effectiveness and efficiency; (4) Implementing the digital revolution; (5) Combating wastefulness; (6) Building a cadre of officials and civil servants; (7) Developing the economy¹⁷.

Resolution No. 66-NQ/TW, promulgated by the Politburo on April 30, 2025, concerning the reform of legislative and enforcement processes, characterizes these activities as the *"breakthrough of breakthroughs"*, a pivotal institutional development strategy for national progress in the new era. This resolution identifies the reform of law-making and implementation as a central pillar in the ongoing endeavor to construct a socialist rule-of-law state, characterized by governance of the people, by the people, and for the people, under the overarching leadership of the Communist Party of Vietnam.

The Resolution underscores the necessity of optimizing enforcement efficacy, fostering a robust culture of legal compliance, and

¹⁶ Communist Party of Vietnam, *Documents of the 13th National Congress*, Volume II, National Truth Publishing House, 2021, p. 324, 332.

¹⁷ To Lam, *op. cit.*

ensuring the supremacy of the Constitution and the law. Crucially, it advocates for an integrated approach that harmonizes the legislative process with the realities of law enforcement. These directives delineate four primary strategic imperatives for the advancement of Vietnam's rule-of-law state in the new era: (1) Adherence to the supremacy of the Constitution and the law; (2) Enhancing oversight of state power and intensifying efforts to combat corruption, malpractices, and waste; (3) Respecting, ensuring, and protecting human rights and citizens' rights; (4) Enhancing the effectiveness and efficiency of the state apparatus.

2. Trends in continuing the renewal of the organization and operation of the People's Procuracy in the new development stage

In light of the four foundational factors identified, it is imperative to formulate strategic orientations for the evolution of the People's Procuracy. The primary directive in this new developmental phase is the maintenance and affirmation of the Procuracy's constitutional status within the state apparatus.

First, sustaining the Constitutional status of the People's Procuracy

As established in Leninist theory, the People's Procuracy serves as a quintessential institutional model for the socialist state, specifically designed to uphold the unitarian character of legality and provide a mechanism for the institutional control of state power. Adopting an alternative model, such as a conventional Public Prosecutor's Office, would fundamentally alter the inherent nature of this constitutional arrangement. The 65-year operational legacy of the Procuracy confirms that the Leninist model, when adapted to the Vietnamese context, remains a robust and appropriate choice, fully aligned with the strategic imperatives of building a socialist rule-of-law state. In this new era, and grounded in the creative application of Marxism-Leninism and Ho Chi Minh's ideology, Vietnam continues to accelerate the development of its rule-of-law framework. Within this trajectory, it is essential to reaffirm the Procuracy's constitutional standing. Its continued mandate must be to perform functions that are strictly commensurate with

the dual objectives of ensuring uniform legal compliance and maintaining an effective check-and-balance mechanism within the state apparatus.

Second, consolidating the Procuracy as the central institution for legal safeguarding and oversight and for protecting human rights, citizens' rights

Under current law, the People's Procuracy exercises the power of prosecution and supervises judicial activities, with the mission of *"protecting the law, protecting human rights and citizens' rights, protecting the socialist regime, protecting the interests of the State, and the legitimate rights and interests of organizations and individuals, thereby contributing to ensuring that the law is strictly and uniformly observed"*¹⁸.

In practice, due to the specific nature of its functions and tasks, the People's Procuracy is the only agency that is in a position to closely monitor and comprehensively closely monitor and understand the activities involved in resolving cases and incidents from the stage of receiving and resolving crime reports and denunciations, petitions for prosecution, or from the time cases are accepted by courts, until the conclusion of handling by competent authorities, including the execution of Court's judgments and decisions (in cases brought to court). As a result, the People's Procuracy not only has a thorough understanding of cases and incidents but also has an advantage in assessing the causes and conditions of violations and crimes, as well as their consequences and repercussions, both the direct impacts on victims and the indirect impacts on State interests, the long-term interests of the community and society, and the legitimate rights and interests of organizations and individuals, thereby enabling it to make recommendations to competent authorities for remedial and corrective measures. Therefore, the People's Procuracy has favorable conditions for supervising compliance with the law, controlling state power, protecting human rights, protecting the interests of the State, and the legitimate rights and interests of organizations and

¹⁸ Article 107 of the 2013 Constitution, Article 2 of the 2014 Law on the Organization of People's Procuracy (amended and supplemented in 2025).

individuals. In the new era, it is necessary to build the People's Procuracy into a central institution in fulfilling the requirements of ensuring uniform legality, controlling power, intensifying the fight against corruption, wastefulness, and negative practices, and protecting human rights, the interests of the State, and the legitimate rights and interests of organizations and individuals. Specifically:

(1) Enhancing the effectiveness of the People's Procuracy's power to make recommendations for remedying and addressing legal violations, thereby contributing to ensuring strict and uniform law enforcement

Making recommendations is an important legal power of the People's Procuracy in exercising the power of prosecution and supervising judicial activities, contributing to ensuring strict and uniform law enforcement. The People's Procuracy has the authority to recommend that agencies, organizations, and individuals remedy violations of the law and strictly punish those who violate the law in judicial activities. If it discovers loopholes or shortcomings in management activities, it may recommend that competent agencies and organizations rectify them and apply measures to prevent violations of the law and crimes. Relevant agencies, organizations, and individuals are responsible for considering, resolving, and responding to such recommendations¹⁹. However, current law does not clarify the sanctions mechanism in cases where agencies, organizations, or individuals fail to consider, resolve, or respond to recommendations of the People's Procuracy. Moreover, if loopholes or shortcomings are detected in the field of state management that do not reach the threshold of criminal liability, the People's Procuracy only has the right to recommend the application of measures to prevent violations of the law and crimes, but does not have the authority to recommend the handling of individuals responsible for such shortcomings. In practice, shortcomings in state management directly affect the interests of the State and the legitimate rights and interests of organizations and individuals, undermining

the strict and uniform enforcement of the law. Therefore, to meet the requirement of strengthening legality in the new era, it is necessary to enhance the effectiveness of the People's Procuracy's recommendation authority by studying and supplementing legal provisions on its authority to recommend the handling of violations in the field of state management, while at the same time adding provisions on sanctions in cases where agencies, organizations, or individuals fail to seriously consider, resolve, or respond to the recommendations of the People's Procuracy.

(2) Strengthening the role and responsibility of the People's Procuracy in investigative activities, particularly in investigating corruption and position-related crimes, thereby contributing to effective power control and intensified anti-corruption, anti-wastefulness, and anti-negative practices

The practical development of the Investigation Agency of the People's Procuracy shows that it has continuously strived and increasingly affirmed its position, role, and functions entrusted by the Party, the State, and the Procuracy sector, as specifically provided by law. However, with its current limited jurisdiction, restricted to investigating certain crimes infringing upon judicial activities and corruption and position-related crimes occurring within judicial activities and committed by judicial officials, its authority remains insufficient to fully and effectively support the exercise of prosecution and supervision of judicial activities by the People's Procuracy, and does not yet meet the requirements outlined in the Party's policy of "strengthening control of state power and intensifying the fight against corruption, negative practices, and wastefulness". Based on a review of international experience from other countries such as China, the Republic of Korea, Japan, the United States, and Germany, prosecutors of the Public Prosecutor's Offices or the People's Procuracy carry out investigative activities in the course of performing their functions and duties. In particular, China has organized a system of investigative agencies under the People's Procuracy from the central level to certain provinces to exercise investigative authority over crimes in judicial activities. This

¹⁹ Clause 2, Article 5 of the 2014 Law on the Organization of People's Procuracy (amended and supplemented in 2025).

derives from the principle that prosecutors closely monitor and direct investigations, and conduct investigations directly when necessary. In essence, investigative activities are an “extension” of prosecutorial power, aimed at preventing wrongful convictions and combating violations in judicial proceedings. In Vietnam, the investigation of crimes infringing upon judicial activities by the People’s Procuracy is likewise an “extension” of the prosecutorial function. This activity aims to ensure that judicial proceedings conducted by judicial authorities comply with the law, thereby contributing effectively to the fight against corruption and position-related crimes in general, and corruption, position-related crimes, and crimes infringing upon judicial activities in particular, and to building an upright and clean judiciary. Consequently, to meet the requirements of national development in the new stage, *it is necessary to continue affirming and studying the enhancement of the independent investigative authority of the People’s Procuracy by expanding the jurisdiction of its Investigation Agency in the following directions: (1) To investigate other cases as considered necessary by the Prosecutor General of the Supreme People’s Procuracy, particularly cases showing signs of crime omission or lack of objectivity in investigative activities.* This is comparable to Clause 2, Article 17 of the 2015 Law on the Organization of Criminal Investigation Agencies, which grants the Minister of Public Security the authority to assign investigative jurisdiction in specific cases to ensure that all crimes are detected and handled in accordance with the law; (2) *To investigate corruption and position-related crimes associated with judicial activities where the offenders are not judicial officials.* At the same time, together with the expansion of jurisdiction, the law should provide that the Investigation Agency of the Supreme People’s Procuracy is authorized to implement special investigative and procedural measures, as well as mechanisms for information gathering and network building, to ensure the effectiveness of investigative activities.

(3) *Strengthening the role and responsibility of the People’s Procuracy in protecting the interests of the State and the public, and the legitimate rights and interests of organizations and individuals*

The function of prosecution, exercising the power to bring criminal offenders before the courts, is a unique function of the People’s Procuracy as well as the Public Prosecutor’s Office. Ultimately, the purpose of this function is to mitigate threats to society and to protect the interests of the community. However, its practical experience, together with the experience of some countries (such as China, France, the United States, Hungary, Germany, Japan, and the Republic of Korea), shows that in certain less serious cases, not prosecuting a crime does not undermine the achievement of this purpose. On the contrary, it may yield better social outcomes, lower litigation costs, and better cooperation from the offenders themselves. The protection of the interests of the State and the public would therefore be better preserved by researching and giving the People’s Procuracy the discretionary power to decide not to prosecute in such cases.

In the civil and administrative fields, it is necessary to effectively organize and implement Resolution No. 205/2025/QH15 of the National Assembly on piloting the People’s Procuracy’s initiation of civil lawsuits to protect the civil rights of vulnerable groups or public interests (effective from January 01, 2026); and to consider expanding the People’s Procuracy’s authority to initiate civil lawsuits nationwide based on summarizing and evaluating the results after three years of these implementations. At the same time, it is necessary to promptly study and supplement mechanisms allowing the People’s Procuracy to initiate administrative lawsuits *in cases where, it detects in the course of performing its functions and duties that agencies or organizations agencies and organizations with state management functions are not performing or are performing incorrectly their functions and duties, thereby causing damage to the interests of the public and the State. Such mechanisms should also be applied where the violations have not been remedied within a specified period despite recommendations made by the People’s Procuracy./.*