



## BUILDING THE SOCIALIST RULE-OF-LAW STATE IN VIETNAM: A SYSTEMATIC REVIEW

### CONSTRUINDO O ESTADO DE DIREITO SOCIALISTA NO VIETNÃ: UMA REVISÃO SISTEMÁTICA

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#### ABSTRACT

**Objective:** This article aims to analyze the outcomes of building the socialist rule-of-law state in Vietnam, clarifying its principles, characteristics, and requirements in the current context. At the same time, it identifies challenges and proposes solutions to perfect the rule-of-law state model in line with Vietnam's specific conditions.

**Methodology:** The research employs dialectical materialism and historical materialism to analyze the development of the socialist rule-of-law state about socio-economic conditions. Additionally, document synthesis, policy analysis, and international comparison methods are applied to objectively assess the current situation and propose appropriate solutions.

**Results:** The article highlights significant achievements in building the socialist rule-of-law state in Vietnam, including the improvement of the legal system, the enhancement of state governance efficiency, and the protection of human rights. However, challenges remain, such as mechanisms for power control, the enforcement of laws, and the supervisory role of the people.

**Contributions:** This study provides a comprehensive perspective on the socialist rule-of-law state model in Vietnam, contributing to both theoretical and practical foundations for policy formulation. Furthermore, the article offers recommendations to promote institutional improvement, ensuring a balance between economic development, the protection of citizens' rights, and the maintenance of the socialist orientation.

**Keywords:** Rule-of-law; Socialism; Current situation; Solutions; Vietnam.

#### RESUMO

**Objetivo:** Este artigo visa analisar os resultados da construção do estado socialista de direito no Vietnã, esclarecendo seus princípios, características e requisitos no contexto atual. Ao mesmo tempo, identifica desafios e propõe soluções para aperfeiçoar o modelo de estado de direito em linha com as condições específicas do Vietnã.





**Metodologia:** A pesquisa emprega o materialismo dialético e o materialismo histórico para analisar o desenvolvimento do estado socialista de direito em relação às condições socioeconômicas. Além disso, síntese de documentos, análise de políticas e métodos de comparação internacional são aplicados para avaliar objetivamente a situação atual e propor soluções apropriadas.

**Resultados:** O artigo destaca conquistas significativas na construção do estado socialista de direito no Vietnã, incluindo a melhoria do sistema legal, o aumento da eficiência da governança estatal e a proteção dos direitos humanos. No entanto, desafios permanecem, como mecanismos de controle de poder, a aplicação de leis e o papel de supervisão do povo.

**Contribuições:** Este estudo fornece uma perspectiva abrangente sobre o modelo de estado de estado de direito socialista no Vietnã, contribuindo para fundamentos teóricos e práticos para a formulação de políticas. Além disso, o artigo oferece recomendações para promover a melhoria institucional, garantindo um equilíbrio entre o desenvolvimento econômico, a proteção dos direitos dos cidadãos e a manutenção da orientação socialista.

**Palavras-chave:** Estado de direito; Socialismo; Situação atual; Soluções; Vietnã.

## 1. INTRODUCTION

The socialist rule-of-law state is a model of state power organization in which authority is exercised based on the rule-of-law, ensuring justice, democracy, and the rights of the people. For Vietnam, building a socialist rule-of-law state is not only an objective requirement in the country's development process but also a central task in consolidating the foundations of the socialist system, guaranteeing people's sovereignty, and promoting sustainable development. In the context of deepening globalization and international integration, the construction and perfection of the socialist rule-of-law state in Vietnam raise significant theoretical and practical issues. How can the supremacy of law be ensured, the role of the people in state governance be enhanced, and the socialist orientation be maintained? What challenges need to be overcome, and what solutions are appropriate to advance this process?

This article addresses these questions by analyzing both the theoretical foundations and practical implementation of the socialist rule-of-law state in Vietnam. It also proposes solutions to further improve this model in the current period.

## 2. LITERATURE REVIEW

The rule-of-law state is one of the fundamental topics extensively studied and





discussed in modern political science. The issue of the rule-of-law state has been explored from multiple perspectives, both in-depth and breadth.

Many studies have clarified the nature, principles, and characteristics of the socialist rule-of-law state. Notably, the works of Karl Marx, Friedrich Engels, and Vladimir Lenin discuss the state and law within a socialist society. In *"The Rule-of-law"* (2002), the author primarily analyzes the importance of the rule-of-law, emphasizing its reciprocal relationship with economic and social development, as well as the inseparable link between democracy and legal governance. Josef argues that wherever the rule-of-law emerges within a political order, it teaches people how to resolve value and interest conflicts according to legal norms. The study highlights the role of the rule-of-law in various dimensions, particularly its humanistic values, and contributes to systematizing fundamental perspectives on the socialist rule-of-law state, stressing the relationship between the state and the people, the role of law in governance, and the principle of power control.

The following studies provide critical analyses of legal reforms in socialist regimes, particularly in the contexts of China and Vietnam. *"China's Long March Toward Rule-of-law"* (2002) by Peerenboom examines China's legal reforms and the challenges of building a socialist rule-of-law state while maintaining Communist Party leadership, offering valuable comparative insights for Vietnam in balancing legal development and political centralization. Similarly, *"Rule by Law: The Politics of Courts in Authoritarian Regimes"* (2008) explores how authoritarian and hybrid regimes use legal institutions to maintain power while projecting an image of legal legitimacy, providing key insights into how socialist states navigate the tension between legal governance and centralized political authority. Moreover, *"The Quality of Government: Corruption, Social Trust, and Inequality in International Perspective"* (2011) by Rothstein analyzes how legal frameworks influence governance quality, corruption control, and social trust, offering lessons on strengthening legal institutions in socialist states to enhance accountability and public confidence. In addition, *"Advanced Introduction to Comparative Constitutional Law"* (2018) by Tushnet provides a comparative analysis of different constitutional models, including those of socialist and transitional economies, making it valuable for understanding how Vietnam can adapt constitutional and legal reforms while preserving socialist principles. Finally, *"The Socialist Rule-of-law?"* (2020) revisits the concept of the socialist rule-of-law state by examining legal reforms in China, Vietnam, and other socialist-oriented states, arguing





that while socialist legal systems integrate rule-of-law principles, they do so within the framework of single-party leadership and state-controlled legal institutions.

In Vietnam, several notable studies have examined the concept of the socialist rule-of-law state: *"Ho Chi Minh's Humane Rule-of-law"* (Hoe, 2001) explores Ho Chi Minh's constitutional and legal philosophy, rooted in the fundamental idea that "nothing is more precious than independence and freedom." The author concludes that Ho Chi Minh's legal thought is an intrinsic component of humane governance, embodying both national and international legal consciousness.

*"The Socialist Rule-of-law State of the People, by the People, and for the People in Vietnam – Theory and Practice"* (Quy & Vien, 2010) systematically addresses issues related to building the socialist rule-of-law state in Vietnam. Key aspects include defining its concept and characteristics, identifying influencing factors, and outlining major orientations and solutions for development. Although this work indirectly discusses the rule-of-law philosophy, it examines various aspects of the rule-of-law state in Vietnam.

*"Some Issues on Improving the Organization of the Socialist Rule-of-law State in Vietnam"* (Thong, 2001) provides an overview of Vietnam's rule-of-law state-building process, identifying limitations and shortcomings, their causes and consequences, and offering a theoretical model for the socialist rule-of-law state in the context of industrialization, modernization, and international integration. The study proposes an integrated set of urgent solutions for further institutional development. *"Organizational Structure and Functioning of the Socialist Rule-of-law State in Vietnam"* (Uc, 2007) systematically analyzes the key characteristics of the socialist rule-of-law state, proposing a comprehensive structural and operational model. The research examines legislative, executive, and judicial reforms while scientifically and practically defining the roles and responsibilities of the ruling party and state apparatus in exercising people's power.

Despite the extensive research on the socialist rule-of-law state, several gaps remain. These include the relationship between the rule-of-law and democracy in Vietnam's specific context, effective mechanisms for power control while ensuring the Party's leadership, and the impact of international integration on legal state-building. This article builds on previous research while focusing on current challenges and proposing practical solutions to further develop Vietnam's socialist rule-of-law state model.





### 3. RESULTS AND DISCUSSION

#### 3.1. Overview of the Socialist Rule-of-law State Model

The socialist rule-of-law state is a new model of governance, distinct from previous state forms. It is established based on the economic and political foundations of the socialist system, particularly the organization and exercise of state power under the leadership of the working people. Essentially, the socialist rule-of-law is a state where the working class holds power, with the proletariat, farmers, and intellectuals forming its core forces. Democracy is a fundamental characteristic, ensured and expanded across all aspects of society. The people exercise their power through various means such as elections, supervision, public opinion contributions, and participation in political activities.

The socialist rule-of-law state has distinct features, including multi-ethnic inclusivity, an equal relationship between the state and citizens, humanitarian principles, and an open foreign policy aimed at peace and international cooperation. These principles are institutionalized in the state's functions, responsibilities, and operations, as clearly defined within the legal system.

The state apparatus is organized into representative bodies, the head of state, administrative agencies, judicial courts, and procuracies. The Communist Party plays a leading role in ensuring the people's sovereignty, building socialist democracy, and governing society according to the law.

*According to the Communist Party of Vietnam:* "The Socialist Rule-of-law State of Vietnam is led by the Communist Party of Vietnam; it is a state of the People, by the People, and for the People. Human rights and citizens' rights are recognized, respected, guaranteed, and protected under the Constitution and the law. The State is organized and operates based on the Constitution and the law, managing society through constitutional and legal frameworks. State power is unified, with clear division, close coordination, and effective oversight among legislative, executive, and judicial bodies. The legal system is democratic, fair, humane, comprehensive, consistent, timely, feasible, transparent, stable, accessible, and enforced rigorously and uniformly. The judiciary operates independently under its jurisdiction, with judges and jurors adjudicating cases independently, adhering strictly to the law. The state respects and ensures the implementation of international treaties to which the Socialist Republic of Vietnam is a signatory, safeguarding national and ethnic interests at the highest level





based on the fundamental principles of the United Nations Charter and international law” (Central Party Propaganda Department, 2022).

During the reform process, the Communist Party of Vietnam gradually refined the principles and viewpoints on building the socialist rule-of-law state. The construction of the state must ensure that power belongs to the people, with governance and operations adhering to the rule-of-law, respecting and upholding human rights, maintaining discipline and order, and promoting social oversight.

### **3.2. Current Achievements and Limitations in Building the Socialist Rule-of-law State in Vietnam**

After 40 years of national renewal, the construction of a Socialist Rule-of-law State in Vietnam has achieved significant and historically meaningful successes. The Platform for National Construction during the Transitional Period to Socialism has increasingly clarified the characteristics of the Socialist Rule-of-law State, emphasizing the principle of governance by the people, for the people. These principles include: Ensuring the full exercise of people's democratic rights in the organization and operation of the state; Clearly defining and limiting state power through the Constitution and laws; Maintaining a unified state power while ensuring clear distinctions between the powers of each governing body; Upholding the rule-of-law in all state interactions with society and the market; Strengthening the accountability of state agencies and officials; Guaranteeing full and substantive judicial independence; Establishing a transparent, feasible, consistent, and stable legal system; Clearly distinguishing between central and local government authority; Respecting and fully implementing international commitments; Ensuring the leadership of the Communist Party and further defining its guiding role in the socialist rule-of-law.

The process of building the socialist rule-of-law in Vietnam has laid down fundamental principles that form the ideological foundation for its continued development. These principles include the concept that state power belongs to the people and that mechanisms must be in place to ensure state power serves the people. Additionally, the unity of state power is a core principle. The establishment and improvement of the SRLS have been recognized as a constitutional principle throughout Vietnam's renewal process.

Resolution 27-NQ/TW, issued on November 9, 2022, on "Continuing to Build





and Improve the Socialist Rule-of-law State of Vietnam in the New Era," affirms that: "The state apparatus has been gradually streamlined, operating effectively and efficiently. The organization and operation of the National Assembly have undergone many innovations, and the quality has been improved. The activities of the Government have been proactive, active, and more focused on macro-management and operation, removing barriers, serving, and supporting development. Administrative reform and judicial reform have made breakthroughs in several areas. The organization of the People's Court, People's Procuracy, investigation agencies, enforcement agencies, and judicial support agencies continues to be improved, and the quality of operations has been improved" (Central Party Propaganda Department, 2022, p. 8).

The principle of power distribution, coordination, and control has been better implemented, with clearer definitions of functions, responsibilities, and authority. State agencies are increasingly structured and reorganized systematically. Mechanisms for controlling power within the organization and operation of state agencies are becoming more transparent, with stronger supervision and administrative inspections. The constitutional and legal consciousness within the state apparatus has improved significantly. The state's interactions with society and the market have been progressively aligned with the spirit of the rule-of-law. The legal framework does not permit state agencies to arbitrarily expand their authority. Violations of the law by state agencies, officials, or citizens are subject to judicial review, ensuring impartiality and eliminating protected areas of misconduct. The state apparatus is continually being restructured towards greater efficiency and effectiveness.

The National Assembly has undergone strong reforms, enhancing transparency, democracy, and legislative quality. Legislative processes and resolutions are increasingly aligned with the Party's policies and serve to address key societal issues. In the economic sector, legal frameworks have been established to support a socialist-oriented market economy. The National Assembly's legislative activities have improved, and its oversight functions have become more effective.

The Government has been reinforced and continuously innovated, prioritizing policy formulation to manage socio-economic sectors effectively. Coordination between governmental agencies, state bodies, and local governments has been strengthened to remove barriers and promote development. The Government's operational mechanisms have been solidified to ensure effective execution of executive powers in line with socialist orientations. Judicial reform efforts have focused





on enhancing the organization and operation of judicial bodies, ensuring a strict and procedural justice system. Efforts have been made to increase adversarial proceedings to uphold justice, protect legal rights, and support national development. The judiciary has been restructured to function independently, objectively, and transparently, adhering to democratic principles and serving the public interest.

The development of a competent and qualified civil service has achieved notable success. The workforce is increasingly equipped with leadership capabilities, technical expertise, and international integration skills. Public officials demonstrate proactive and creative approaches in implementing the Party's policies and state laws. This has significantly contributed to Vietnam's socio-economic development and the construction of the SRLS. The civil service is becoming better trained, meeting the demands of modern governance. The selection and evaluation of officials have been reformed to ensure democratic, objective, transparent, and merit-based processes. The Party has emphasized the principle that higher-ranking officials must set an example, especially members of the Politburo, the Secretariat, and the Central Committee.

The fight against corruption and misconduct has intensified, showing new progress in a decisive, systematic, and comprehensive manner. The Party and the state have consistently implemented anti-corruption measures, achieving notable results. Public awareness campaigns have been continuously updated, reinforcing the role of media in exposing and addressing corruption. Efforts have been made to foster a culture of integrity and frugality, particularly among Party members, public officials, and government employees, emphasizing the responsibility of agency leaders. The Party has reaffirmed its commitment: "Anti-corruption efforts have been led and executed decisively, comprehensively, and deeply, with strong political determination, ensuring there are no 'safe zones' or exceptions. This has yielded significant results, gaining widespread support from Party members and the public" (Communist Party of Vietnam, 2021, p. 76).

*Alongside progress, there remain certain limitations:*

The understanding of the rule-of-law state and the construction of a socialist rule-of-law state still face certain shortcomings. The Party affirms the need to "build a socialist rule-of-law state of the people, by the people, and for the people." However, to date, we have yet to develop a fully comprehensive theoretical and practical system. There has been no thorough explanation of the relationship between universal values







and the specific characteristics of the socialist rule-of-law state in our country. The theoretical understanding of the nature, characteristics, and operational mechanisms of the rule-of-law state and the construction of a socialist rule-of-law state remains limited. Many emerging issues arising from practical demands have yet to be clarified (such as the supremacy of the law, the relationship between the state and the market, and the self-governance activities of the people). The process of "building a socialist rule-of-law state in the transition from a centrally planned bureaucratic and subsidized economy to a market economy in our country is unprecedented in history, our understanding is still limited, and many aspects require both implementation and continuous exploration and learning" (Thanh, 2012, p. 108).

In constructing the socialist rule-of-law state, there has been insufficient awareness and slow institutionalization of the principle of unified state power and the mechanisms for delegation and coordination in exercising state power. The relative independence of each branch of power and the mutual constraints between power branches have not been fully clarified. State power has not been effectively controlled, and mechanisms for power oversight remain incomplete.

The supremacy of the Constitution, the role of the law, and the legal system of the socialist rule-of-law state have not been fully recognized, leading to inconsistencies and delays in meeting practical demands. In a comprehensive evaluation of the implementation of the 12th Party Congress Resolution and the country's development after 35 years of renovation, the Party affirmed: "The legal system still contains certain inconsistent provisions that do not fully meet practical requirements..." (Communist Party of Vietnam, 2021, p. 89). The legal compliance of some officials, public servants, Party members, and citizens remains inadequate. Mechanisms to ensure the people's right to democracy, human rights, and citizenship rights have not been fully realized. The understanding of the position, role, and nature of local government, as well as the orientation for decentralization between central and local governments, remains unclear, and operational efficiency is still limited. In some areas, reforms have not been implemented boldly. The Vietnam Fatherland Front and socio-political organizations lack a deep and comprehensive understanding of their roles, functions, oversight, and social critique responsibilities. There is no fully established mechanism to ensure that the people can exercise their rights to oversee all state activities, and the implementation of such measures remains slow and ineffective. There are unresolved issues regarding the authority and responsibility between the Party's leadership and





the State's governance. The concept of "Party leadership over the State" still lacks concretization, leading to limitations in defining policies, strategies, leadership, and governance approaches. The Party's leadership methods over the political system have been slow to innovate, and in some cases, remain unclear. The mechanisms for power control within the Party and the State are still incomplete and inconsistent (Communist Party of Vietnam, 2021, p. 93).

Efforts in combating corruption and wastefulness in some localities, ministries, and sectors have not seen significant changes. Anti-corruption prevention in certain areas remains superficial. The handling of corruption and wastefulness still has many shortcomings, especially in self-inspection, self-detection, and internal disciplinary measures within organizations and agencies. In some administrative and service units, bureaucratic red tape, corruption, and misconduct persist. The Party recognizes corruption as one of the critical threats to the survival of both the Party and the regime.

### **3.3. Solutions to continue perfecting the Socialist Republic of Vietnam's rule-of-law state**

*First*, promote democracy and ensure the people's ownership in building the socialist rule-of-law state and managing society, ensuring that all state power belongs to the people. This is both a fundamental principle and the most important solution in constructing and perfecting the socialist rule-of-law state. Democracy is considered the soul and lifeblood of the rule-of-law state, with the defining characteristic of the socialist rule-of-law state being its high level of democracy. This affirms that the true holders of state power are the people, with the foundation being the alliance of the working class, the peasantry, and the intellectuals. Building and perfecting socialist democracy, ensuring that all state power belongs to the people, is a continuous task throughout the process of establishing the socialist rule-of-law state under the leadership of the Communist Party of Vietnam.

*Second*, renew thinking on building and improving the legal system, ensuring that laws are comprehensive, timely, consistent, transparent, and effectively enforced. The legal system must be democratic, fair, humane, complete, timely, stable, feasible, and easily accessible, capable of regulating social relations while prioritizing the legitimate rights and interests of the people, organizations, and businesses to foster innovation. The legal framework should be continuously improved in all aspects of





social life. There must be a stronger effort to review legal documents to ensure compatibility with Vietnam's international commitments and treaties, creating a synchronized legal foundation for deep and comprehensive integration into the global community. The construction and refinement of the legal system must emphasize both quality and content, as this is a key and objective necessity for completing the socialist rule-of-law state.

*Third*, clearly define the authority and responsibilities of the executive branch in overseeing the legislative and judicial bodies, as well as the judiciary's role in monitoring the executive and legislative branches. This ensures the ability to eliminate power abuse by any state authority. A mechanism must be established to control "policy corruption" in the formulation and implementation of policies and laws. The number of full-time National Assembly deputies should be increased, as dedicated and professional representatives are more likely to perform their duties independently and effectively. The Law on Referendums has already established a form of direct democracy, explicitly affirming that power belongs to the people an essential feature of the rule-of-law state. Therefore, it is necessary to soon specify the issues that require referendums to strengthen the mechanisms for state power oversight.

*Fourth*, foster a culture of respect for the rule-of-law. Efforts should be made to continuously improve the material and spiritual well-being of the people, enhance public legal awareness, and cultivate a disciplined lifestyle that adheres to legal norms in both work and daily life. At the same time, the quality of education must be improved to develop well-rounded individuals both physically and intellectually who respect the law and possess the political and legal awareness necessary to contribute scientifically to policy and legal debates. Strict legal enforcement must be applied to violations to establish order, uphold discipline, and safeguard the rights and interests of the people while preventing the abuse of power by individuals in authority.

#### 4. CONCLUSION

The construction of the socialist rule-of-law state in Vietnam has achieved significant accomplishments 40 years of renovation, contributing to strengthening democracy, enhancing the effectiveness and efficiency of state governance, ensuring the people's right to ownership, and promoting socio-economic development. However, the process of building the socialist rule-of-law state still faces certain





limitations. To continue this effort, a comprehensive set of solutions must be implemented, with a strong emphasis on promoting democracy, ensuring the people's ownership, renewing legislative thinking, building a transparent and coherent legal system, strengthening power control, and fostering a culture of respect for the rule-of-law. Ongoing reforms of the state apparatus, improving the capacity of officials and public servants, and refining mechanisms for power oversight will help solidify a robust rule-of-law, meeting the country's sustainable development requirements.

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