

ENSURING PEOPLE'S RIGHT TO PARTICIPATE IN THE BUILDING AND PERFECTING OF THE LEGAL SYSTEM IN VIETNAM TODAY

GARANTIZAR EL DERECHO DE LAS PERSONAS A PARTICIPAR EN LA CONSTRUCCIÓN Y EL
PERFECCIONAMIENTO DEL SISTEMA JURÍDICO EN VIETNAM HOY

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Abstract: Promoting democracy, ensuring people's right to participate in politics, the theory of state governance, and the good state governance are topics of special interest in political science and law in Vietnam as well as in other countries. The driving force and requirement of state governance is to promote democracy and human rights associated with the increased level of people's participation in the organization and operation of the Government in general, and in legislative activities in particular. The article analyzes the theoretical and legal basis of people's right to participate in politics, assesses the current situation, and proposes some solutions to better ensure people's right to participate in politics in law-making in response to the requirements of promoting democracy and ensuring state governance in Vietnam today. At the same time, the right to participate in politics also contributes to strengthening people's trust in the political system, creating momentum for the country's sustainable development. However, for this right to be fully effective, there must be clear legal mechanisms, creating conditions for citizens to participate in politics in a fair and effective manner. When the right to participate in politics

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is guaranteed, society can become more equitable and progressive, and it can develop more firmly. In that sense, the collection and response to people's opinions and contributions must be carried out according to a clear mechanism, avoiding formalities and ensuring that legal decisions reflect people's will.

Keywords: People, Ensure, Law, Vietnam.

Resumen: *La promoción de la democracia, la garantía del derecho de la ciudadanía a participar en la política, la teoría de la gobernanza estatal y la buena gobernanza estatal son temas de especial interés en la ciencia política y el derecho tanto en Vietnam como en otros países. El motor y la exigencia de la gobernanza estatal residen en promover la democracia y los derechos humanos, asociados a una mayor participación ciudadana en la organización y el funcionamiento del Gobierno en general, y en la actividad legislativa en particular. El artículo analiza las bases teóricas y jurídicas del derecho de la ciudadanía a participar en la política, evalúa la situación actual y propone soluciones para garantizar mejor su participación en la elaboración de leyes, a fin de responder a las exigencias de promover la democracia y garantizar la gobernanza estatal en Vietnam. Al mismo tiempo, el derecho a participar en la política contribuye a fortalecer la confianza ciudadana en el sistema político, pues impulsa el desarrollo sostenible del país. Pero, para que este derecho sea plenamente efectivo, deben existir mecanismos legales claros que creen las condiciones para que la ciudadanía participe en la política de forma justa y efectiva. Cuando se garantiza el derecho a participar en la política, la sociedad se vuelve más equitativa y progresista, y se desarrolla con mayor solidez. De esa forma, la recogida y la respuesta a las opiniones y aportaciones de la ciudadanía deben realizarse según un mecanismo claro, para evitar formalismos y garantizar que las decisiones legales reflejen la voluntad del pueblo.*

Palabras clave: Gente, Garantizar, Ley, Vietnam.

Summary. *I. Introduction. II. Research method and theoretical basis. II.1. Research methods. II.2. Theoretical basis. III. Research questions. IV. Research content and discussion. IV.1. Research Content. IV.2. Discussion. V. Conclusion. Acknowledgment. References.*

I. INTRODUCTION

The right to participate in politics has long existed in human political history. Since the ancient democratic period in Greece, citizens have had the right to directly participate in political decisions through citizens' conferences. However, the scope of this right at that time was very limited, since it only applied to certain classes. In modern times, along with the emergence of ideas about popular sovereignty and the rule of law, the right to participate in politics gradually became an important principle in the political system. The French Revolution and the birth of the United States Constitution of 1787 were important milestones, and these would later confirm that the right to participate in politics is an essential part of democracy.

Through many historical periods, the right to participate in politics has been constantly expanded and developed. In the 19th and 20th centuries, with the formation of representative democracies, the right to vote and stand for election was gradually widely recognized, not only limited to men or the aristocracy but also extended to women and the working classes. After World War II, the right to participate in politics was further strengthened through international documents, such as the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966.

In particular, in modern times, the development of information technology (IT) and social networks has created conditions for people to participate in politics more easily and effectively. The right to participate in politics plays an important role in ensuring democracy, transparency and fairness in state management. First of all, it helps to reflect the will and

aspirations of people in the process of policy making and implementation. When people have the right to participate in elections, run for office, supervise state activities, and contribute opinions to draft laws, the legal system becomes more practical and suitable for the interests of the whole society. The right to participate in politics is also an important tool to help limit corruption and improve government accountability. When people have the opportunity to supervise and criticize, public agencies have to operate more transparently, thereby improving the effectiveness of state management.

In Vietnam, citizens' right to participate in politics is clearly stipulated in the Constitution and legal documents. People can exercise this right through forms such as voting, running for office, supervising the activities of state agencies, making recommendations, criticizing policies, and participating in law-making. These regulations demonstrate the spirit of democracy, affirming the role of people in state management and policy making.

However, in reality, the implementation of the right to participate in politics still faces many difficulties. One of the major challenges is based on the limitations in the legal mechanism, which has not created favorable conditions for people to participate proactively and effectively. Moreover, some regulations are still formal or do not have a strict monitoring mechanism, which makes implementation not enough to ensure transparency and effectiveness.

In addition, people's awareness of the right to participate in politics is still low. Many people are not really interested or lack sufficient information to participate in the political process. This leads to a passive situation, causing people's voice to not be fully reflected in important decisions. Likewise, practical conditions in state management are also a barrier. Some administrative

agencies do not have a mechanism to receive and respond effectively to opinions from people, reducing the level of interaction between the state and society.

In other words, to overcome these limitations, there needs to be strong reforms in the legal system, while raising people's awareness of the right to participate in politics, creating a favorable environment for them to participate in political life more actively and effectively.

In the context of international integration and the need to innovate the legal system, the issue of ensuring people's right to participate in politics becomes more urgent. Research on this issue not only helps clarify the current situation of the implementation of the right to participate in politics, but also contributes to proposing solutions to improve the effectiveness of the implementation of this right, thereby promoting the democratization process and perfecting the legal system in Vietnam.

Therefore, this article has important theoretical and practical significance. This study will clarify the legal basis as well as the current situation of the implementation of people's right to participate in politics, and it will propose solutions to better ensure people's right to participate in politics in the process of building and perfecting the Vietnamese legal system in the current period.

II. RESEARCH METHOD AND THEORETICAL BASIS

II.1. Research Methods

To study the issue of ensuring people's right to participate in politics for the construction and improvement of law in Vietnam today, the topic uses the following research methods:

- *The analysis-synthesis method.* It is used to analyze current legal documents of Vietnam related to people's right to participate in politics; to synthesize viewpoints and theories on the right to participate in politics in legal science, political science and previous research documents; and to identify the progress as well as limitations in ensuring people's right to participate in politics.
- *The historical and logical method.* It is used to conduct research on the development of the right to participate in politics since Vietnam gained independence until now; and to evaluate changes in policies and laws related to the right to participate in politics according to each stage of the country's development.
- *The comparative legal method.* It is used to compare Vietnam's regulations with those of countries with developed legal systems to draw lessons; and to assess the level of compatibility between Vietnamese law and international standards on the right to participate in politics.
- *Sociological investigation methods.* These are used to collect opinions from citizens, experts, researchers and state management officials on the current status of ensuring the right to participate in politics. Interviews

and surveys are conducted to assess the level of people's participation in the process of building and perfecting laws.

- *The practical research method.* It is used to examine real cases of people participating in building and criticizing policies and laws; and to assess the impact of current legal mechanisms on citizens' participation in the legislative process.
- *Statistics and data processing methods.* These are used in the project to synthesize and analyze data from official reports, scientific research, and field surveys; and to use statistical tools to assess the level of ensuring people's right to participate in politics.

Combining the above methods helps the topic of this article have a comprehensive, objective and scientific view of the research problem, thereby providing appropriate proposals and solutions to guarantee people's right to participate in politics when building and perfecting the law in Vietnam today.

II.2. Theoretical Basis

To study the issue of ensuring people's right to participate in politics for the construction and improvement of laws in Vietnam today, the author relies on the following theoretical foundations for their research.

The right to political participation (Willeck & Mendelberg, 2022; Ruess et al., 2023; Abdullah et al., 2021) has been widely studied by scholars, who agree that it constitutes a fundamental political right of citizens, recognized in both international instruments and national legislation. Legal theorists (Rakia & Hidaya, 2022; Wacks, 2021; Beck et al., 2001) have traced its origin to the

democratic thought of Enlightenment figures such as J. Locke and J. J. Rousseau, who emphasized the central role of the people in managing the affairs of the state. These theoretical contributions form the foundation of contemporary democratic models, where guaranteeing citizens' political participation is regarded as a key indicator of a nation's democratic character.

Marxist-Leninist interpretations (Phuong and Van Dung, 2023; Van Dung et al., 2024) focus on the involvement of the working class and laborers in the governance of society and the state. According to the views of Karl Marx and V. I. Lenin, the state operates as a tool of the ruling class (Lane, 2021b; Wendland-Liu, 2022; Lane, 2021a). In capitalist systems, the state serves the bourgeoisie, whereas in socialist contexts, it functions on behalf of the working people. Various studies have emphasized that, under socialism, political participation extends beyond elections to include active engagement in social governance through organizations such as trade unions, the Fatherland Front, and people's councils. Overall, these studies highlight the democratic essence of political participation under socialism, especially the prominent role of workers and laborers.

Likewise, contemporary approaches to citizenship (Turner, 2024; Hamann et al., 2023) view political participation as a benchmark for evaluating democratic governance, linked to the principles of the rule of law and modern public administration. Research has shown that the degree to which political participation is protected and promoted serves as a reliable measure of a country's democratic development (Gorokhovskaia et al., 2023; Yang, 2021; Pricope, 2022; Mari, 2023). These findings confirm the close relationship between political participation, legal systems, and public administration (Yuliantini & Nurmandi, 2023; Handoyo, 2023). Accordingly, an accurate

evaluation of a country's democracy must consider not only the formal recognition of political participation in legal texts but also how effectively this right is exercised in practice.

In that sense, the right to political participation is established and safeguarded in legal instruments such as the Universal Declaration of Human Rights (1948), with article 21 affirming the right to take part in government. The International Covenant on Civil and Political Rights (ICCPR, 1966), in article 25, guarantees the right to vote, run for office, and engage in public affairs. In Vietnam, the 2013 Constitution recognizes these rights in articles 6, 7, 8 and 28. Finally, the Law on Election of National Assembly Deputies and People's Council Deputies (2015), as well as the Law on Promulgation of Legal Documents (2015, amended in 2020), also affirm citizens' participation in governance and law-making.

In the current context of building a socialist rule-of-law state in Vietnam, ensuring political participation is essential to realizing the principle of "a State of the people, by the people, and for the people" (Van Vo, 2024; Van Dung et al., 2024). Political participation reflects both direct and representative democracy, providing avenues for citizens to engage in the legislative process and monitor the enforcement of laws. Ensuring this right depends on adherence to the principles of transparency, openness, and accountability in governance. Therefore, this study draws on theoretical frameworks concerning political participation, the rule-of-law state, and modern public administration, as well as relevant international and domestic legal sources. These foundations serve to clarify the nature and significance of political participation and guide strategies

for enhancing its protection in the ongoing development of Vietnam's legal system.

III. RESEARCH QUESTIONS

To clarify the purpose of the research on the topic of ensuring people's right to participate in politics in the process of building and perfecting the law in Vietnam today, the author raises the following three questions:

- What role does people's right to participate in politics play in the process of building and perfecting the law in Vietnam today?
- What are the theoretical and legal bases that regulate people's right to participate in politics in the process of building and perfecting the law in Vietnam?
- What are the barriers and challenges to ensure people's right to participate in politics in the legislative process in Vietnam?

IV. RESEARCH CONTENT AND DISCUSSION

IV.1. Research Content

Viewpoints on People's Right to Participate in Politics when Building and Perfecting the Law

In a socialist rule-of-law state, the exercise of people's democratic rights, including the right to participate in politics, is considered a fundamental and core right. The 2013 Constitution of Vietnam affirms: "The state ensures and promotes people's right to mastery; recognizes, respects, protects and ensures human rights and civil rights; realizes the goal of a prosperous people,

a strong country, democracy, fairness, civilization, everyone has a prosperous, free, happy life, and has conditions for comprehensive development".

The political rights of people have also been recognized by the Constitution and institutionalized in the legal system and the process of organizing the implementation of laws of the state: citizens have the right to participate in state and social management, participate in discussions, and make recommendations to state agencies on issues of the grassroots, localities and the whole country. In that sense, the state must create the conditions for citizens to participate in state and social management; and it should be open and transparent when receiving and responding to citizens' opinions and recommendations.

The 2013 Constitution was born on the basis of the platform for national construction in the transitional period to socialism in 1991 (supplemented and developed in 2011) of the Communist Party of Vietnam, along with the results of summarizing the practical results of 25 years of implementing the comprehensive national renovation. This has set forth the requirement to amend and supplement the 1992 Constitution in order to further institutionalize and deepen the viewpoints of the party and the state on upholding people's sovereignty, promoting socialist democracy and ensuring that all state power belongs to people.

Therefore, the 2013 Constitution was born on the basis of inheriting, amending and supplementing the 1992 one. However, the 2013 Constitution has more specific and strict regulations on citizens' political rights: "On the right to vote, run for election and the right to participate in state and social

management” (articles 27, 28 and 29). Accordingly, citizens aged 18 and over have the right to vote, and those aged 21 and over have the right to run for election to the National Assembly and People's Councils at all levels. Citizens have the right to participate in state and social management, and to vote when the state organizes a referendum.

Likewise, according to article 6, people exercise state power through direct democracy and representative democracy: “On the right to freedom of speech and the press; right to access information”. In the same line, according to article 25, citizens have the right to freedom of speech, freedom of press, and access to information; while the 1992 Constitution only stipulates that “citizens have the right to be informed” (article 69), the 2013 Constitution in article 25 replaces the phrase “to be informed” with the phrase “access information”.

Thanks to this right, all citizens can access information, both on real rights and on judicial activities, to fully enjoy and protect their rights under the Constitution and the law. Regarding the right to freedom of assembly, association, and demonstration, this is stipulated in article 25 of the 2013 Constitution. Moreover, when it comes to the right to freedom of belief and religion, article 24 of the 2013 Constitution stipulates:

Everyone has the right to freedom of belief and religion, to follow or not to follow any religion. Religions are equal before the law. The State respects and protects the right to freedom of belief and religion. No one is allowed to violate the freedom of belief and religion or take advantage of belief and religion to violate the law". Regarding the right to equality of ethnic groups: According to Article 5 of the 2013 Constitution, "all ethnic groups are equal, united, respect and help each other to develop

together; all acts of ethnic discrimination and division are strictly prohibited. Ethnic groups have the right to use their own language and writing, preserve their ethnic identity and promote their fine customs, practices, traditions and cultures. The State implements a policy of comprehensive development and creates conditions for all ethnic minorities to promote their internal strength and develop together with the country.

In the same line, article 42 of the 2013 Constitution establishes a new right: citizens are entitled to identify their ethnicity, use their mother tongue, and choose their language of communication. Vietnam affirms that human rights are both universal –reflecting the shared aspirations of humanity as outlined in the Charter of the United Nations– and particular to each society and community. In a world marked by growing diversity, addressing human rights requires a balanced integration of international legal standards and principles with the specific historical, political, socio-economic, cultural, religious, and customary contexts of each country and region. No country has the authority to impose its political, economic or cultural model on another. Individual rights and freedoms can only be guaranteed and advanced when grounded in respect for the collective rights and interests of the nation and community; therefore, rights must be accompanied by obligations. In that sense, emphasizing or absolutizing civil and political rights, along with certain individual freedoms, while neglecting the right to development and the economic, social, and cultural rights of the broader community, represents a one-sided perspective.

According to the World Bank (1996), good governance refers to the use of state power to manage social resources for national development. The United

Nations Development Programme (UNDP, 1997) defined good governance as the exercise of economic, political, and administrative authority to manage a country's affairs at all levels. In the context of a developing country, good governance includes the following dimensions: (1) strengthening the state; (2) building the nation and developing its people; (3) developing the national economy; (4) enhancing citizens' socio-economic conditions and fostering public confidence in a stable and improved future; and (5) managing the relationship between the state and its citizens.

The Current Situation of People's Participation in Building and Perfecting Laws in Vietnam

Currently, the mobilization of people to participate in state governance through the promulgation of policies, decisions or more specifically, the selection of authorized persons to carry out state governance has been clearly demonstrated through certain forms.

Beyond the provisions on elections, the 2015 Law on Referendums introduces referendums as a meaningful form of public participation in state management. Under this law, the state organizes nationwide votes to decide on critical national matters. The law establishes that referendums must be conducted universally, equally, directly, and by secret ballot, ensuring that citizens can directly express their will. This demonstrates genuine public participation in state governance, emphasizing equality regardless of social class or status.

On December 23, 2022, the Standing Committee of the National Assembly issued Resolution No. 671/NQ-UBTVQH15 on collecting public feedback on the Draft Law on Land (amended). This consultation process is

crucial for developing a revised Law on Land that safeguards citizens' rights and improves land governance in Vietnam. The act of contributing feedback has become a widespread political activity, illustrating the public's right to participate in policymaking. Localities organized the feedback process through various methods, such as live broadcasts, television programs, and centralized conferences involving provincial departments, sectors, and social organizations. In many areas, the process extended to villages, hamlets, and residential groups, including: Hanoi, Cao Bang, Ha Giang, Dien Bien, Phu Tho, Vinh Phuc, Nam Dinh, Thai Binh, Nghe An, Quang Binh, Da Nang, Khanh Hoa, Dong Nai, Binh Duong, An Giang, Ben Tre, and Ca Mau. These reports from provincial and centrally-governed cities committees recorded a total of 1 305 256 opinions.

In addition, public participation in administrative management and service delivery is also evident in the state's provision of essential services – such as marriage, birth and death registration, and business registration—through electronic portals. These efforts aim to simplify procedures and enhance citizens' ability to exercise their rights in the digital age.

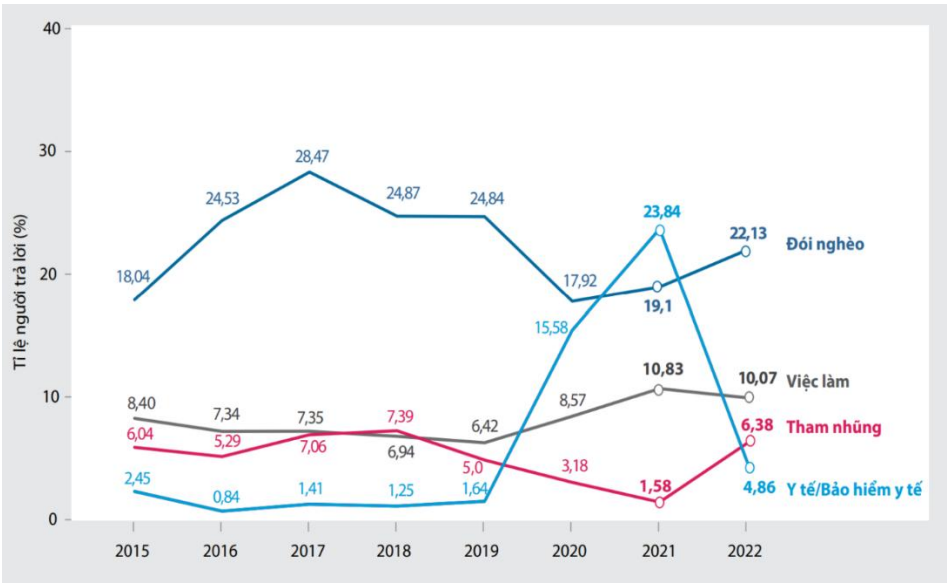
An illustrative case is Dong Nai province. According to survey data on public satisfaction with administrative services, 16 out of 17 departments and sectors achieved satisfaction rates above 92 %. Three departments (Department of Foreign Affairs, Department of Home Affairs, and Department of Culture, Sports and Tourism) received 100 % satisfaction. Also, areas with notable dissatisfaction included investment, labor and employment, construction management, food safety, pharmaceuticals, land issues, and judicial records.

Additionally, 0.4 % of respondents reported paying extra fees during processing.

Finally, at the district level, 6 out of 11 units reached satisfaction rates above 92 %, while dissatisfaction was mostly related to land services, planning information, construction, and household registration. At the commune level, the average satisfaction rate was 98.9 %, with 165 out of 170 communes scoring 92 % or higher, 4 communes scoring between 80 % and 92 %, and 1 commune below 80 %. Compared to 2021, the average satisfaction rate rose by 1.84 %, while dissatisfaction declined by 1.4 %. Lower satisfaction rates were noted in civil status services (birth and marriage registration, marital status confirmation), judicial services (signature and copy certification), and procedures involving land documentation.

Figure 1

Summary of people's survey in 2015-2022 on state management assessment



Note. Surveyed by the author.

Based on the above survey results on state satisfaction, when there are questions and difficulties, the state has opened online response channels on administrative procedure pages to discuss, resolve, and effectively implement the current public service project through the electronic information portal. These contents have been the premise to help people directly participate in state management and effectively exercise political rights in the recent past.

The survey results on people's satisfaction show that, when there are questions and difficulties, the state has opened online response channels on administrative procedure websites to discuss, resolve, and effectively implement the current public service implementation through the electronic information portal. These contents have been the premise to help people directly participate in state management, ensuring the exercise of their rights with simpler, faster, and simpler administrative procedures than before.

Some Solutions to Ensure People's Right to Participate when Building and Perfecting the Law in Vietnam

First, raising awareness about the importance of people's right to participate in law-making and legal reform is essential. To implement comprehensive solutions across all areas of good state governance, it is necessary to shift the mindset of officials and civil servants, who are the main actors in state governance, and then of the public. This requires a strategic plan for training and enhancing awareness of good governance within legislative, executive, and judicial bodies. It is also important to promote new thinking about governance, involving these actors in professional training programs, especially those incorporating lessons from the experiences of developed

countries. Only by changing perceptions and understanding of the principles of good governance can these principles be put into practice, reinforcing socialist democracy and maximizing public empowerment.

Second, continuing to develop and improve institutions that ensure the implementation of people's right to political participation in the legislative process is crucial. To effectively implement democratic policies and promote public participation in state affairs, the state must improve legal frameworks. This includes expanding the scope of regulations concerning political participation, establishing concrete mechanisms for exercising oversight, expressing opinions, and encouraging public initiatives. It also involves clearly defining the government's responsibility in receiving and responding to public feedback and criticism, based on the new constitutional provisions and the party's strategic direction on human and civil rights.

Third, effectively enforcing legal policies that support the public's right to participate in law-making and legal reform is vital. Reforming the structure and operations of state institutions plays a central role in guaranteeing that public rights are fully realized, ensuring that delegated authority is not lost or misused. It is important to innovate the composition of state bodies, ensuring that National Assembly deputies are representative of the people and reflect their diversity and quality. The National Assembly should increase the number of deputies to enhance representation across all social groups within the Vietnamese ethnic community.

Moreover, attention should be given to selecting deputies who are experts in economics, law, and other fields, to support the Assembly's overall functioning, particularly in legislative work. It is also necessary to maintain

high standards for National Assembly members, emphasizing their theoretical knowledge, especially in law, as well as their competence, intelligence, strong political values, integrity, and commitment to combating social evils, especially corruption.

Fourth, it is necessary to strengthen monitoring mechanisms in state governance to ensure the effective implementation of people's right to participate in the development and improvement of laws. To achieve this, conditions for implementation must be guaranteed through supervision, inspection, and oversight mechanisms by both state agencies and the public. Specifically:

(1) Reinforce the supervisory role of the National Assembly by ensuring its authority to review reports and question other state institutions and officeholders. Government members, as well as officials from the procuracy and the courts, must seriously respond to questions raised by National Assembly deputies and voters during sessions, thereby ensuring transparency and accountability from state bodies.

(2) Strengthen the inspection of documents issued by the government and other state agencies to ensure the protection of human rights and democratic freedoms, and to prevent misconduct and abuse of power by state officials and public servants.

(3) Promote oversight by National Assembly working groups, the Standing Committee, and its councils and committees. Enhance the supervisory role of each National Assembly deputy and delegation across all sectors and localities. State agencies should routinely inspect, assess, and categorize civil

servants to develop appropriate training, capacity-building, and retraining programs.

(4) Ensure clear and strict accountability for officials engaged in corruption or misconduct, thereby reinforcing public trust in the party and the state. The distinct nature, roles, responsibilities, and powers of supervision by state power agencies, inspection by administrative bodies, and control by the procuracy must be clearly defined.

(5) Continue promoting public participation in state management to ensure the coordinated implementation of these measures. Doing so strengthens representative democracy and expands direct democracy, particularly within labor collectives and political-social organizations. In terms of information access, it is necessary to clearly define procedures and conditions, as well as the legitimate grounds for refusing information requests. This creates a legal foundation for individuals and organizations to exercise their right to access information, while also establishing mechanisms for oversight and enforcement to ensure its practical implementation.

(6) Review and eliminate unnecessary, burdensome administrative procedures to reduce costs for citizens. Actively prevent and address abuses of power, harassment, bureaucratic inefficiency, corruption, bribery, and legal violations throughout the entire state apparatus, across all levels and sectors.

(7) Further encourage public engagement in state management to guarantee the synchronized application of all these measures. When effectively implemented, this will reinforce representative democracy while advancing direct democratic practices, particularly in labor collectives and socio-political organizations.

Fifth, promoting decentralization and delegation of power between central and local governments is essential to enhance the effectiveness of law-making and legal reform activities. The relationship between central and local authorities is not solely characterized by a hierarchical structure of command and subordination, but also involves the distribution and coordination of power based on management decentralization principles. Local governments are not merely subordinate to central agencies; they also possess a degree of independence (a certain level of autonomy). In this context, implementing unified state power means not only maintaining national sovereignty, represented centrally by the supreme state institutions, but also ensuring a level of autonomy for local governments within their respective territorial jurisdictions.

The relationship between central and local governments is multi-dimensional. Therefore, reforming this relationship must begin with clearly defining the responsibilities and powers at each level of government in fulfilling the tasks assigned to the state as a whole.

According to survey results related to this topic, when assessing practical factors that influence and play a key role in decentralizing the management of officials and civil servants, the qualifications and leadership capacity of agency heads were identified as the most influential factor, accounting for 37.9 % of responses among six evaluated factors.

Table 1

Impact factors and rates

Impact factors, influencing factors	Impact rate, influencing rate
Financial resources	10 %
Unified, effective, efficient and feasible legal system on state management	32.2 %
Management level and capacity of agency heads	37.9 %
Management level and capacity of agency heads	7.0 %
Clear authority and responsibility of administrative agencies	7.0 %
Science, technology, application of IT	8.1 %

Note. Surveyed by the author.

Figure 2
Impact factors and rates



Note. Surveyed by the author.

Developing Science and Technology. Digital Transformation is Closely Linked to Innovation and Governance of the National Administration

The development of science, technology, innovation, and digital transformation is a decisive factor for national progress. These elements serve as both prerequisites and key opportunities for Vietnam to achieve strong and

sustainable development in the new era, focused on national advancement. In recent years, the party and the state have introduced numerous policies and strategies to foster the application and growth of science and technology, promote innovation, advance digital transformation, and actively engage in the Fourth Industrial Revolution, yielding significant achievements.

However, the pace and breakthroughs in these areas remain limited. Vietnam's capacity, scale, and level of science, technology, and innovation still stand behind developed countries. Awareness of digital transformation among many officials, civil servants, and citizens remains incomplete and superficial. Scientific research, technology application, and innovation have yet to make significant breakthroughs or achieve mastery over strategic and core technologies. Legal frameworks, institutional mechanisms, and policies are not yet aligned with current needs. There is a shortage of high-quality human resources, and infrastructure –particularly digital infrastructure–remains underdeveloped. Additionally, challenges persist in information security, safety, and data protection.

In this context, Vietnam urgently requires bold, strategic, and transformative policies to create new momentum and achieve major breakthroughs in science and technology, innovation, and digital transformation. These efforts are essential for propelling the country forward in the new era, toward prosperity, strength, and the fulfillment of national goals: becoming a modern, industrialized nation with upper-middle income by 2030, and a developed, high-income country by 2045.

In that sense, state management in general, and the management of cadres and civil servants in particular, will be significantly influenced by advancements in science and technology, digital governance, and innovation. Therefore, Vietnam must prioritize the development of science and technology to establish robust infrastructure that supports state administration. Promoting decentralization in cadre and civil servant management entails assigning greater responsibilities to local authorities, particularly in linking scientific and technological development with governance functions.

Resolution No. 57-NQ/TW (2024) highlights this direction by affirming that developing science, technology, innovation, and national digital transformation is a vital breakthrough and a primary driving force for rapidly advancing modern productive forces, restructuring production relations, innovating national governance, fostering socio-economic development, preventing the risk of falling behind, and achieving transformative national growth. It emphasizes the need for strong party leadership and the collective efforts of the political system, entrepreneurs, businesses, and the public in advancing science, technology, innovation, and digital transformation. This effort is viewed as a profound and comprehensive revolution that must be implemented resolutely, consistently, and over the long term, with revolutionary and breakthrough solutions.

To conclude, core components include institutions, human resources, infrastructure, data, and strategic technology, with institutions identified as the pre-requisite that must be completed and prioritized. Likewise, legal frameworks must be adapted to both regulatory needs and innovation, discarding the mindset of "banning what cannot be managed". Special attention must be given to developing high-quality human resources through dedicated

mechanisms and talent policies. Infrastructure development, especially in digital infrastructure and digital technologies, should follow the principles of modernity, synchronization, security, safety, and efficiency, while avoiding waste. Finally, efforts should focus on enriching and maximizing data resources, turning data into a key production asset, and promoting the growth of big data, the data industry, and the data-driven economy.

Ensuring Financial Resources for the Decentralization Process.

As noted in the current situation analysis, one of the main weaknesses in the decentralization of cadre and civil servant management in Vietnam lies in the implementation process across all levels of government. This issue is compounded by several factors: an incomplete institutional framework, limited administrative capacity, varying levels of awareness and attitudes among stakeholders, and significant influence from resource constraints. Although there is a strong orientation toward decentralization and increasing the authority of local governments in managing personnel, in practice, the allocation of resources does not align with the level of delegated authority. As a result, decentralization often remains theoretical, lacking the practical conditions necessary for effective implementation. Typically, the authority that delegates power is cautious and restrictive in transferring essential resources, such as funding and personnel, to the designated entities.

To ensure the effective implementation of measures supporting decentralization in the management of cadres and civil servants, a key condition is the guarantee of adequate public financial resources. These resources are a fundamental part of national administration, alongside institutions,

organizational structures, and human resources. Moving forward, decentralization efforts must be closely linked to resource allocation, with attention to the following priorities:

First, thoroughly implement budget decentralization while maintaining the central budget's leading role. This requires reviewing and proposing amendments to relevant laws to clearly define the rights and responsibilities between central and local governments. It is also necessary to consider regulating central-to-local budget transfers to uphold the central budget's guiding role while ensuring local governments have sufficient resources for managing personnel, particularly in training, development, and policy implementation.

Second, promote management decentralization by linking authority with responsibility, and ensure transparency and accountability in budgeting. Practical realities should guide the decentralization process, accompanied by enhanced supervision from competent authorities and increased public oversight of budgetary revenue and expenditure.

Third, improve regulations on the division of expenditure responsibilities between budget levels, based on the functions and duties of each level of government. It is also important to refine regulations allowing the National Assembly to determine the total annual budget deficit, while permitting local governments to borrow within that limit and granting them a degree of autonomy in generating revenues and allocating resources according to local priorities.

Fourth, strengthen and clarify the roles and powers of the National Assembly and people's councils. As the highest state power organ, the National

Assembly is responsible for approving the state budget estimate, allocating the central budget, and endorsing the final budget settlement. Greater emphasis should be placed on implementing a mechanism in which the National Assembly focuses solely on the central budget estimate and its allocation, while people's councils at all levels are responsible for deciding their own budget estimates, allocating local budgets for managing cadres and civil servants, and determining additional funding for subordinate levels.

The Administrative Reform Creates an Open Environment for the Implementation of Local Authorities to Manage Cadres and Civil Servants

In line with Resolution No. 18-NQ/TW on continuing to reform and reorganize the political system, particularly the state apparatus, the goal, beyond reducing payroll and cutting routine budget expenditures to increase development investment, is to ensure effectiveness and efficiency in State management. Streamlining and centralizing organizational structures contribute to more effective administrative procedure reforms.

Currently, the management of cadres and civil servants involves the participation of multiple ministries, agencies, and local authorities in areas such as training, promotion, and policy implementation. This overlap has resulted in cumbersome procedures and rigid practices that hinder the development of personnel, contrary to the intentions of party and state policies.

Reform of the administrative apparatus and procedures must fully adhere to key principles: maintaining the organization's operational discipline and promoting the party's discipline and order, as well as the rule of law. It is essential to uphold the party's unified leadership in innovating, arranging, and

managing the administrative system and its personnel. The process should ensure centralized and unified leadership from the central government while encouraging initiative, proactiveness, and innovation at all levels, sectors, and localities. Clear responsibilities must be assigned to collectives and individuals, especially leaders, in managing cadres and civil servants.

On the other hand, reforms must also ensure comprehensiveness, coherence, and integration. It is necessary to balance continuity and stability with innovation and development, linking administrative apparatus reform with changes in leadership methods, staff streamlining, and salary system reform. Efforts should focus on restructuring and improving the quality of cadres, civil servants, and public employees, attracting capable and ethical individuals, and allocating sufficient resources along with suitable policies for those directly impacted by reform.

In this sense, administrative procedure reform should be considered a breakthrough and a central task within broader administrative reform efforts; it must be closely linked to the promotion of decentralization and delegation of authority to local governments in managing personnel. Likewise, people's committees at all levels must publicize administrative procedures, processing timelines, and fees so that organizations and citizens are informed when submitting and receiving documents. Additionally, IT and the standards designed by the International Organization for Standardization (ISO) should be applied in management and operations to enable better supervision and evaluation by leadership. Qualified staff should be assigned to work in “one-stop shop” departments and public administration centers, where IT systems support efficient management and operation.

IV.2. Discussion

In a socialist rule-of-law state, the right to political participation is regarded as a fundamental and essential right. The 2013 Constitution of Vietnam affirms this by emphasizing the state's role in ensuring and promoting the people's right to mastery, as well as recognizing, respecting, protecting, and guaranteeing human rights and civil rights. This reflects the state's commitment to safeguarding and advancing political participation.

However, the practical implementation of this right still faces several challenges. While legal frameworks such as the 2015 Law on Referendum have been introduced –enabling citizens to directly vote on significant national matters–, some issues remain, particularly concerning the transparency and openness of mechanisms for receiving and addressing public opinion.

Some perspectives argue that, although political participation is clearly enshrined in the Constitution and legal texts, its actual practice remains largely symbolic and ineffective. Public consultations on draft legislation are often seen as procedural formalities rather than genuine efforts to capture people's will and aspirations. This creates a sense of exclusion among the population, who feel they are not meaningfully involved in shaping the law.

Other viewpoints highlight notable progress in ensuring political participation. Surveys on public satisfaction with administrative procedures in many localities report approval rates exceeding 92 %. These perspectives emphasize the state's efforts to improve public service delivery and foster greater citizen involvement in state management.

This work maintains that the right to political participation in the legislative process is both foundational and essential in a socialist rule-of-law state. It represents not only democratic values but also a critical means of ensuring that laws reflect people's will and aspirations, thereby enhancing the legitimacy and effectiveness of the legal system.

In recent years, Vietnam has made progress in promoting this right. Public consultation mechanisms and the use of IT have enabled broader access to and engagement with the legislative process. The growing involvement of socio-political organizations, the press, and social media has also contributed to greater transparency and accountability in law making.

Despite these advances, several challenges persist. The mechanisms for collecting and responding to public input remain unclear and inconsistent, resulting in many contributions being inadequately reflected in final legal texts. Moreover, public awareness and capacity for participation are still limited, partly due to the lack of accessible and effective legal dissemination channels. Legal and technical barriers also hinder widespread and coordinated civic involvement.

To address these issues, it is essential to continue strengthening the legal framework to ensure openness, transparency, and effectiveness in gathering public opinion. At the same time, enhancing legal education and raising awareness of political participation rights will help individuals engage more actively and effectively. Therefore, promoting digital transformation and e-government is also necessary to facilitate access to and participation in the legislative process.

To conclude, the right to political participation in law making is a key component in building a democratic, transparent, and effective socialist rule-of-law state. Ensuring and advancing this right not only improves the legal system but also reinforces public trust in state institutions, thereby contributing to sustainable national development.

V. CONCLUSION

Effective state governance must be based on clear direction and strong consensus among the party, the government, all levels of authority, people, businesses, and social organizations. In this context, ensuring people's right to political participation is crucial for improving governance quality and for building and refining a legal system that aligns with the country's realities and development needs. One of the fundamental principles of modern governance is the obligation of state agencies to report and explain their actions. To effectively implement the right to political participation, these agencies must increase transparency in the law-making process, allowing people to engage meaningfully in policy formulation.

Decentralization and appropriate delegation of authority between central and local levels are essential for enhancing governance efficiency and safeguarding political participation. A responsive legal framework that enables local governments to manage and make policies fosters quicker responses to community needs and facilitates public involvement in monitoring and contributing to local decision-making.

Likewise, promoting the socialization of public services and public service units is also necessary, as it opens opportunities for non-state organizations to engage in governance and law enforcement. This approach not only improves the efficiency of public service delivery but also encourages broader public involvement in oversight and policy critique, thereby increasing the transparency and accountability of state agencies.

In that sense, to guarantee people's right to participate in the legislative process, it is necessary to establish a clear legal framework, a transparent governance system, appropriate decentralization, and a stronger role for civil society. These elements form a vital foundation for Vietnam's development in a stable, sustainable, and democratic direction, consistent with the goal of building a socialist rule-of-law state.

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