

**HO CHI MINH NATIONAL ACADEMY OF POLITICS**

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**IMPROVING THE LAW ON UNEMPLOYMENT  
INSURANCE IN VIETNAM**

**SUMMARY OF THE DOCTORAL THESIS  
MAJOR: THEORY AND HISTORY OF STATE LAW  
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***Reviewer 1:*** .....

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***Reviewer 2:*** .....

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*At the time of.... date .... month.....year 2025*

## INTRODUCTION

### **1. The necessity of the thesis**

The PhD candidate chooses the topic: “*Improving the Law on Unemployment Insurance in Vietnam*” for his doctoral thesis in theory and History of State Law based on the following two requirements:

#### *Firstly, theoretical requirements*

Improving the law on social security in general and unemployment insurance in particular is an issue of great concern to our Party and State, as reflected in many documents such as: Resolution No. 28-NQ/TW dated May 23, 2018, of the 12th Party Central Committee on “Reform of social insurance policy” (which mentions the content of unemployment insurance); Resolution No. 42-NQ/TW dated November 24, 2023, of the 13th Party Central Committee on “Continuing to innovate and improve the quality of social policies, meeting the requirements of national construction and defence in the new period”; Decision No. 38/QD-TTg dated January 11, 2024 of the Prime Minister on “Approving the Strategy for the development of Vietnam's social insurance sector to 2030”. Documents issued by the Party and the State all set out the task of promptly completing the law on unemployment insurance to create a theoretical and legal basis for ensuring the right to social security For people in terms of employment and income.

#### *Secondly, practical requirements*

Vietnam is currently deeply integrating into all areas of international cooperation such as politics, economics, culture, society, etc. This requires Vietnamese law to have certain compatible adjustments with international law, including issues of social security in general and unemployment insurance in particular, to internalize international treaties that Vietnam participates in. Besides the requirements from international integration practices of international integration, there are also internal requirements in the country when the Covid-19 pandemic has had many extremely complicated developments since the beginning of 2020. Through responding to the Covid-19 pandemic, our country's unemployment insurance law system has also revealed its passivity, lack of predictability and prevention of unexpected events that may occur. If not completed soon, the law on unemployment insurance will not be able to promptly prevent and respond to similar fluctuations in the future.

For the reasons mentioned above, the PhD candidate chose the topic: “*Improving the Law on Unemployment Insurance in Vietnam*” for his doctoral thesis on the Theory and History of State Law.

### **2. Purpose and research task of the thesis**

#### **2.1. Research purposes**

The purpose of the research is to clarify the theoretical basis for improving the law on unemployment insurance. Based on the theoretical viewpoints studied, the thesis evaluates the current status of the law on unemployment

insurance in Vietnam. And the practical implementation of the law on unemployment insurance in Vietnam in the past. From the shortcomings in the provisions of the law on unemployment insurance and the difficulties in practical implementation, the thesis proposes viewpoints and solutions to perfect the law and improve the effectiveness of the implementation of the law on unemployment insurance in Vietnam in the coming time.

## **2.2. Research task**

To achieve the above purpose, the thesis needs to clarify the following research tasks:

- Overview of domestic and foreign research works related to unemployment insurance and the improvement of unemployment insurance law, thereby drawing out research results that can be inherited and open issues that need to be further clarified in the thesis (including theoretical topics on the improvement of unemployment insurance law, the current status of unemployment insurance law and viewpoints and solutions for the improvement of unemployment insurance law in Vietnam); pointing out research theories and research questions.

- Analyze and evaluate the theoretical basis for improving the law on unemployment insurance, focusing on clarifying theoretical issues, concepts, characteristics, roles, and contents of unemployment insurance law, criteria for assessing the level of perfection of unemployment insurance law, conditions for ensuring the perfection of unemployment insurance law, unemployment insurance law in some countries in the world, and reference value for Vietnam. The above contents are the basis for assessing the current status of unemployment insurance law in Vietnam.

- Overview of the formation and development process of the law on unemployment insurance in Vietnam to see the new and more progressive points of the regulations issued later compared to the regulations issued before, as well as predict the development trend of the law on unemployment insurance in Vietnam in the coming time. In addition, the thesis also needs to focus on assessing the current status of the law on unemployment insurance in Vietnam according to each group of contents of the law on unemployment insurance. Based on the criteria for assessing the level of completion of the law on unemployment insurance that have been pointed out, the thesis needs to focus on clarifying the advantages, and limitations of each group of contents of the current law on unemployment insurance and the causes leading to the advantages and limitations. This is the basis for the thesis to propose viewpoints and solutions to complete the law on unemployment insurance in Vietnam in the coming time.

- Based on the advantages and limitations of the current Vietnamese social insurance law and the causes that have been pointed out, the thesis proposes viewpoints and solutions to improve the social insurance law in Vietnam in the coming time. The focus of the solutions to improve the social insurance law is the solutions to improve the content of the social insurance law closely following the limitations of each group of regulations that have been pointed out. In addition, the thesis also proposes solutions on the conditions to ensure the improvement of the social insurance law and a group of solutions on the organization of the implementation of the social insurance law to ensure that the work of improving the social insurance law is effectively implemented, the provisions of the social insurance law promote their value in practice.

### **3. Research subject and research scope of the thesis**

#### ***3.1. Research subject***

The research subjects of the topic include: Viewpoints and theories on unemployment insurance; regulations on unemployment insurance under Vietnamese law, international law (focusing on regulations of the International Labor Organization ILO), and laws of some countries with similar political, economic, and social conditions to Vietnam (such as China and Thailand) or considered as models for building unemployment insurance in the world (such as Germany); and information and data on the organization and implementation of unemployment insurance law in Vietnam.

#### ***3.2. Research scope***

Is a specialized subject theory and History of State Law Research topics focus on the following areas:

- *Regarding the content:* The thesis analyzes theoretical and practical issues of improving the law on unemployment insurance in Vietnam, pointing out the advantages and limitations of the law on unemployment insurance and the causes leading to the advantages and limitations. In particular, the thesis focuses on evaluating the regulations on five groups of regulations: Subjects and forms of participation in unemployment insurance; unemployment insurance regimes; procedures for receiving unemployment insurance; unemployment insurance fund; and handling of violations of the law on unemployment insurance. The group of regulations on inspection and settlement of disputes, complaints, and denunciations about social insurance are not evaluated in the thesis because these contents are mainly referred to by the Law on Employment from related specialized laws such as the Law on Inspection, the Law on Complaints, the Law on Denunciation and the Civil Procedure Code.

- *In terms of space*: Thesis mainly evaluates the provisions of the law on unemployment insurance issued by central agencies and the practical implementation of those provisions nationwide.

- *In terms of time*: The topic analyzes information and data on the law on unemployment insurance and the organization of the implementation of the law on unemployment insurance from January 1, 2009 (when the unemployment insurance policy officially took effect in Vietnam) to the present and proposes viewpoints and solutions to improve the law on unemployment insurance in the coming years.

#### **4. Theoretical basis and research methodology**

##### **4.1. Theoretical basis**

The thesis uses the methodology of dialectical materialism, Marxist-Leninist historical materialism and the system of viewpoints of the Communist Party of Vietnam on reforming unemployment insurance policies to study issues related to the content of the topic. According to the materialist viewpoint, the law on unemployment insurance is a part of the "superstructure" so it needs to be studied based on the "infrastructure", that is, it must be linked to the material life of society. The dialectical materialist viewpoint requires that the improvement of the law on unemployment insurance needs to be considered, compared to all other social phenomena such as politics, economics, culture, society,... The historical materialist viewpoint requires that the improvement of the law on unemployment insurance needs to be evaluated, considered in the historical process and linked to the circumstances in each specific historical period.

##### **4.2. Research methodology**

Based on the above theoretical foundation, the thesis will use a combination of research methods: Document system method, secondary document analysis method, primary document analysis method, expert interview method, comparative law method, historical method and analytical method, and synthesis. Specifically, the methods used are:

- *Document system method*: The document system method is used in Chapter 1 to systematize and generalize domestic and foreign research works on unemployment insurance and perfect the law on unemployment insurance. In addition, the document system method is also used in Chapter 3 to systematize legal documents regulating unemployment insurance in Vietnam, assessing The formation process and development trends of unemployment insurance law in Vietnam.

- *Secondary document analysis method*: This method is applied to analyze legal documents, documents of the Communist Party of Vietnam, relevant international treaties, official statistics of competent state agencies,

domestic and foreign scientific research works related to unemployment insurance and improving the law on unemployment insurance. This method is widely used in Chapter 2 to clarify the theoretical basis for improving the law on unemployment insurance and to assess the current status of unemployment insurance law in Vietnam in Chapter 3.

- *Primary document analysis method:* The primary documents used in the thesis are information and opinions compiled by the author through interviews with experts who are scientists, managers (working at the Ministry of Labor, Invalids and Social Affairs, Department of Labor, Invalids and Social Affairs) and those who directly implement social insurance policies (at social insurance agencies and employment service centres in some provinces and cities). The primary document analysis method is mainly used to assess the current status of social insurance law in Chapter 3 of the thesis.

- *Expert interview method:* This method is used to collect in-depth opinions from several researchers, managers, and experts working in practice on unemployment insurance in Vietnam. This method is carried out through direct communication or email. The results of using the expert interview method are mainly. Used to assess the current status of unemployment insurance law in chapter 3 of the thesis.

- *Comparative legal method:* The comparative legal method is used in Chapter 2 to discover the similarities and differences in the concepts that have been introduced (such as unemployment insurance, unemployment insurance law, etc.) to find out their common nature, thereby building a suitable concept. This method is also used in Chapter 2 to study foreign experiences, selecting reasonable cores that are suitable for the conditions in Vietnam to draw lessons. In addition, this method is also used to compare the new and progressive points of unemployment insurance law when evaluating. The formation and development process of unemployment insurance law in Vietnam in chapter 3 of the thesis. When assessing the current status of social insurance law in Chapter 3, this method is also used to compare and evaluate the provisions of current social insurance law in Vietnam with the corresponding provisions of social insurance law in some countries around the world.

- *Historical method:* The historical method requires that when evaluating the advantages and limitations of the law on unemployment insurance, it is necessary to consider and compare the historical process, in conjunction with the political, economic and social circumstances in each specific historical period. This method is used to study the context of building and improving the law on unemployment insurance in the countries that the thesis chooses

to study and learn from (Chapter 2). At the same time, this method is also used in Chapter 3 to evaluate the causes leading to the advantages and limitations of the law on unemployment insurance in Vietnam and to study and select solutions to perfect the law on unemployment insurance Proposed in Chapter 4 of the thesis.

- Analysis and synthesis method: This method is used to analyze and synthesize data, arguments obtained from the activities of the document system, document analysis, expert interviews, comparative law,... The synthesis aims to draw conclusions, explanations and recommendations of the author of the thesis. This method is used throughout all chapters of the thesis but is most clearly demonstrated in Chapter 4 when proposing viewpoints and solutions to improve the law on social insurance in Vietnam in the coming time. Many solutions are proposed not only based on the analysis of the current situation in Chapter 3 but also based on the analysis of similar or dissimilar viewpoints of other researchers, from which the most suitable solution for Vietnam in the current period is selected.

## **5. New points of the thesis**

Compared with previous research works, the thesis has the following new points:

- Based on the inheritance of existing documents from Vietnam and other countries in the world, the thesis provides a theoretical basis for improving the unemployment insurance law in Vietnam in the context of many current changes.

- The thesis selects and analyzes the law on social insurance in some countries in the world that have similar political, economic and social conditions to Vietnam; the context for the successful application of the provisions of the law on social insurance in those countries and lessons that can be applied in Vietnam.

- The thesis is a doctoral thesis-level research work assessing the current status of the process of improving the law on unemployment insurance since the unemployment insurance policy officially took effect in Vietnam until now, including an assessment of the new regulations issued recently. The assessments made in the thesis are a continuation and development of previous research works.

- The thesis provides viewpoints and solutions to improve the law on unemployment insurance in Vietnam in the coming time, following the Party's guiding viewpoints and the many changes in practice both domestically and internationally in recent years.

## **6. Theoretical and practical significance**

### ***6.1. Theoretical significance***



Based on inheriting general theoretical issues on law and unemployment insurance, the thesis supplements some theoretical issues on perfecting unemployment insurance law such as the concept, characteristics, and role of improving unemployment insurance law; criteria for assessing the level of perfection of unemployment insurance law; conditions to ensure the perfection of unemployment insurance law.

### ***6.2. Practical significance***

- The research results of the thesis will contribute to summarizing the practical process of improving the law on unemployment insurance since the unemployment insurance policy took effect in Vietnam until now.

- The research results of the thesis provide a scientific basis for competent state agencies to formulate policies, perfecting the unemployment insurance legal system in our country in the coming time.

- The research results of the thesis are also valuable for reference in research and teaching in fields related to unemployment insurance law.

### **7. Structure of the thesis**

In addition to the introduction, conclusion, list of references and appendix, the thesis is structured into 4 chapters, 13 sections, specifically:

- Chapter 1. Overview of the research situation related to improving the law on unemployment insurance

- Chapter 2. The theoretical basis for improving the law on unemployment insurance

- Chapter 3. The development process and current status of the law on unemployment insurance in Vietnam

- Chapter 4. The perspectives and solutions for improving the law on unemployment insurance in Vietnam

## **Chapter 1**

### **OVERVIEW OF THE RESEARCH SITUATION RELATED TO PERFECT THE LAW ON UNEMPLOYMENT INSURANCE**

#### **1.1. THE RESEARCH ON UNEMPLOYMENT INSURANCE**

##### **1.1.1. The domestic research works on unemployment insurance**

Nguyen Quang Truong (2016), *State Management of unemployment insurance in our country today*, Doctoral thesis in Economics, Central Institute for Economic Management, Hanoi; Pham Minh Thang (2018), *Unemployment insurance fund management in Vietnam*, Doctoral thesis in Economics, National Economics University, Hanoi; Truong Thi Thu Hien (2019), *State management institutions of unemployment insurance in Vietnam*, Doctoral thesis in Public Administration, National Academy of Public Administration, Hanoi; University of Labor and Social Affairs (2021), *Unemployment insurance textbook*, Labor and Social Affairs Publishing House, Hanoi; Truong Thi Thu Hien (2021), *Theoretical and practical issues of state management of unemployment insurance in Vietnam*, Da Nang Publishing House; Le Thi Hoai Thu (2005), *Unemployment insurance regime in the market economy in Vietnam*, Doctoral thesis in Law, Hanoi National University, Hanoi.

##### **1.1.2. The foreign research works on unemployment insurance**

Mario D.Velásquezl (2014), *Chile Unemployment Insurance: More protection in a context of crisis*; Janine Bergl (2015), *Brazilian unemployment insurance*; John Mark Keyes, John Carter và Michel Bédard (2015), *Design of an employment insurance system for Malaysia*; International Labour Organization (2015), *Comparative review of unemployment and employment insurance experiences in Asia and worldwide*; Gabriel Chodorow-Reich, John Coglianesi (2019), *Unemployment insurance and macroeconomic stabilisation*.

#### **1.2. THE RESEARCH WORKS RELATED TO UNEMPLOYMENT INSURANCE LAW AND IMPROVING UNEMPLOYMENT INSURANCE LAW**

##### **1.2.1. The domestic research works related to the law on unemployment insurance and improving the law on unemployment insurance**

Truong Thi Thu Hien (2021), *“Improving the provisions of the law on unemployment insurance regimes in our country today”*, Journal of Legislative Studies, (12); Doan Xuan Truong (2019), *“Regulations of the law on unemployment insurance: Current situation and some recommendations for amendments”*, Journal of Industry and Trade, (7); Le Thi Hoai Thu (2019), *Law on unemployment insurance - Adjusting to adapt*, volume 2, International

Conference on Law in a Changing World; Truong Thi Thu Hien (2018), *“Improving the provisions on revenue and expenditure of unemployment insurance in Vietnam today”*, Journal of State Management, (264); Nguyen Thi Anh Tho (2016), *“Amended Penal Code with provisions on crimes related to social insurance, health insurance, unemployment insurance”*, Journal of Social Insurance, (01); Nguyen Hoa Binh (2015), *“The necessity of amending and supplementing some contents on administrative sanctions in the field of social insurance and unemployment insurance”*, Journal of Social Insurance, (3); Doan Xuan Truong (2019), *International law and laws of some countries in the world on unemployment insurance, School-level scientific research topic*, Hanoi Law University; Nguyen Thi Thu Hoai (2019), *“Unemployment insurance policies in some developed countries and suggestions for Vietnam”*, Journal of Industry and Trade, (19); Mai Thi Dung (2019), *“Social Insurance collection management in China and lessons for Vietnam”*, Journal of Finance, (710); Nguyen Mai Phuong (2015), *Unemployment insurance regime in China*, PhD thesis in Chinese studies, Vietnam National University, Hanoi; Bui Thi Nhung, Pham Thi Phuong (2020), *“Implementation of unemployment insurance policy: Limitations and suggestions for solutions”*, Journal of Economics and Forecasting, (11); Nguyen Huu Chi (2017), *“Practice of applying unemployment insurance law in Ho Chi Minh City and some recommendations”*, Journal of Social Sciences and Human Resources, (07); Truong Thi Thu Hien (2016), *“Organization of the apparatus for implementing unemployment insurance in Vietnam”*, Journal of State Management, (251).

### **1.2.2. Overseas research works related to the law on unemployment insurance and improving the law on unemployment insurance**

Michel Bédard, John Carter, Tsuruga Ippai (2019), *Legal, financial and administrative considerations for an employment insurance system in Indonesia*; International Labour Organization (2019), *Unemployment insurance schemes around the world: Evidence and policy options*; Fernando Casanova (2017), *Uruguay recent reforms to unemployment insurance*; Tax Policy Center (2019), *Rethinking unemployment insurance, taxes and benefits*.

## **1.3. THESIS ISSUES THAT CAN BE INHERITED AND THE THESIS ISSUES THAT NEED TO BE FURTHER CLARIFIED**

### **1.3.1. Issues that the thesis can inherit**

*Firstly*, the fundamental theoretical issues on unemployment insurance; the concept, characteristics, role and content of the law on unemployment insurance; the process of formation and development of unemployment insurance law in Vietnam and lessons learned in building unemployment insurance laws in some countries.

*Secondly*, previous research works have pointed out some shortcomings of unemployment insurance law. In Vietnam regarding subjects and forms of participation in unemployment insurance, unemployment insurance regimes (conditions for enjoyment, level of unemployment insurance support), management of the unemployment insurance fund, handling of violations of unemployment insurance law, etc.

*Thirdly*, some ideas proposed to improve unemployment insurance law in Vietnam pointed out in the above research works can be studied, inherited, supplemented and perfected to include in the content of the thesis.

### **1.3.2. Thesis issues that need further research and clarification**

*Firstly*, in general, it can be seen that current research works mainly stop at studying each small aspect of the law on unemployment insurance (such as participants, conditions for benefits, benefit levels, management of unemployment insurance funds,...) through journal articles and seminars (accounting for a large proportion of the research works). Some master's theses, monographs and scientific research topics have general research on unemployment insurance but mainly research from the perspective of implementing unemployment insurance law in a locality, specific unit to propose solutions to improve the effectiveness of organizing law implementation in practice, not paying much attention to solutions to perfect unemployment insurance law. While the need to perfect the unemployment insurance legal system is urgent (in preparation for the amendment and supplementation of the 2013 Employment Law), there has not been any doctoral thesis-level research that has provided a comprehensive assessment of the unemployment insurance legal system in our country since the unemployment insurance regime in the Employment Law took effect and was implemented in our country (from January 1, 2015, to present).

*Secondly*, some theoretical issues need to be further clarified when studying the topic of improving the law on unemployment insurance in Vietnam, namely:

- The criteria for assessing the level of perfection of the legal system on unemployment insurance in Vietnam have not been mentioned. In addition to the general criteria for assessing the level of perfection of the law in general, the law on unemployment insurance also has its characteristics, therefore, it is necessary to develop a set of criteria for assessing the level of perfection of the law on unemployment insurance with specific requirements in each criterion.

- It is necessary to continue to study and clarify the conditions for ensuring the perfection of the law on unemployment insurance so that it is possible to promulgate quality legal regulations on unemployment insurance, accurately overcoming the shortcomings pointed out and at the same time, ensuring the

effectiveness of the implementation of the law on unemployment insurance in practice after being amended, supplemented, and newly promulgated.

*Thirdly*, some issues regarding the current status of unemployment insurance law in Vietnam that the thesis needs to continue to clarify are:

- Although the above scientific works were researched based on the 2013 Law on Employment, the law on unemployment insurance in recent years has been regularly updated through the promulgation of legal documents detailing and guiding the implementation of the unemployment insurance regime in the Law on Employment. These include new documents recently issued such as Decree 61/2020/ND-CP on amending Decree 28/2015/ND-CP guiding the Law on Employment on unemployment insurance; Decree 23/2021/ND-CP guiding Clause 3, Article 37 and Article 39 of the Law on Employment on employment service centres, enterprises providing employment services; Decision 17/2021/QĐ-TTg stipulates the level of vocational training support for employees participating in unemployment insurance; Decree 28/2020/ND-CP stipulates administrative sanctions in the field of labour, unemployment insurance, sending Vietnamese workers to work abroad under contracts... Therefore, there are many provisions in newly issued legal documents that the above-mentioned works have not had the opportunity to study. Along with that, the socio-economic conditions of our country in recent years have also continuously undergone comprehensive changes. Labour income, living expenses, labour structure, budget revenue... have been and are changing every day. Therefore, the assessments in the above research works may have been appropriate a few years ago but will no longer be appropriate at present and in the future, and need to be supplemented, evaluated or re-evaluated.

- Due to the lack of a clear set of criteria for assessing the level of completion of the Social Insurance Law, the above works mainly evaluate based on some shortcomings encountered in the implementation in practice, not ensuring the logic and comprehensiveness as desired. Therefore, inheriting some information, data, and evaluation arguments from previous research works, the thesis needs to comprehensively evaluate the Social Insurance Law system according to all the criteria that the thesis indicates.

- Evaluate the subjective and objective causes leading to the advantages and limitations of the current Social Insurance Law system in Vietnam.

*Fourthly*, some issues regarding viewpoints and solutions to perfect the law on social insurance in Vietnam that the thesis needs to continue to clarify are:

- Identifying viewpoints on improving the law on unemployment insurance following the Party's guiding viewpoints and the current socio-economic context in Vietnam.

- Synthesizing and developing solutions to perfect the law on unemployment insurance that have been pointed out in previous research works; proposing new solutions to perfect the law on unemployment insurance in Vietnam today.

- Studying the projects to perfect the Law on Employment in 2013, the Law on Social Insurance in 2014 of the Government and international experience in building and implementing the law on unemployment insurance to select proposed solutions that are highly feasible and easy to accept.

- In addition to solutions to perfect the provisions of the law on unemployment insurance, the thesis needs to study solutions to ensure the work of improving the law on unemployment insurance achieves quality and solutions to improve the effectiveness of organizing the implementation of the law on unemployment insurance in practice.

## **1.4. THE RESEARCH HYPOTHESIS AND RESEARCH QUESTIONS**

### **1.4.1. The research hypothesis**

The Law on Unemployment Insurance has played an important role in preventing and reducing unemployment in our country. However, due to subjective causes in the unemployment insurance law system and objective external causes, the unemployment insurance law has revealed many limitations. The improvement of the unemployment insurance law has become an urgent issue, contributing to ensuring employment policies, social security and economic development in Vietnam today.

### **1.4.2. The research questions**

- Question 1: Has Vietnam built a theoretical foundation to perfect the law on unemployment insurance? What are the theoretical issues?

- Question 2: What are the limitations and difficulties today state of the law on unemployment insurance and its implementation? What are the causes of these difficulties and limitations?

- Question 3: What is the necessity and direction for improving the law on social insurance in Vietnam in the coming time?

- Question 4: What solutions can be found to overcome the limitations and difficulties of the law on unemployment insurance in Vietnam to contribute to ensuring the goals of national social security development?

## Chapter 2

### THE THEORETICAL BASIS FOR IMPROVING THE LAW ON UNEMPLOYMENT INSURANCE

#### 2.1. SUMMARY OF UNEMPLOYMENT INSURANCE

##### 2.1.1. The concept of unemployment and unemployment insurance

###### *2.1.1.1. The concept of unemployment*

Unemployment is a situation in which people of working age have no income, and are actively looking for work but have not found a suitable job.

###### *2.1.1.2. The concept of unemployment insurance*

Unemployment insurance is a regime to compensate for part of the income of workers who have lost their jobs and support workers in learning a trade, maintaining employment, and finding work to prevent and handle unemployment.

##### 2.1.2. The role of unemployment insurance

*Firstly*, unemployment insurance compensates for workers' income when they lose their jobs.

*Secondly*, unemployment insurance helps redistribute income among workers and achieve social justice.

*Thirdly*, unemployment insurance also plays an important role in motivating employees to work enthusiastically and creating a bond between employees and employers.

##### 2.1.3. Principles of Unemployment Insurance

*Firstly*, unemployment insurance is based on the principle of risk sharing among insurance participants.

*Secondly*, unemployment insurance must ensure fairness and reasonability in contributions and benefits from the unemployment insurance fund.

*Thirdly*, the unemployment insurance fund must be centrally managed, publicly, independently accounted for and safely guaranteed.

##### 2.1.4. The relationship between unemployment insurance and other social security policies

Unemployment insurance and social insurance are both important pillars of social security policy, unemployment insurance is still an independent regime from social insurance.

There is a very close relationship between unemployment insurance and employment policy, aiming to achieve the common goal of creating and maintaining stable employment for workers.

#### 2.2. CONCEPT, CHARACTERISTICS, ROLE AND CONTENT OF UNEMPLOYMENT INSURANCE LAW

##### 2.2.1. Concept of Unemployment Insurance Law

Unemployment insurance law is a system of general mandatory rules of conduct issued or recognized by the State, to regulate social relations regarding compensation for part of the income of unemployed workers and to support workers in vocational training, to maintain employment, and to find employment to prevent and handle unemployment.

### **2.2.2. Characteristics of Unemployment Insurance Law**

*Firstly*, unemployment insurance law has all the general characteristics of law, including Unemployment insurance law has the nature of state power. In addition, unemployment insurance law has a general normative nature.

*Secondly*, the law on unemployment insurance has the following distinct characteristics: The scope of regulation of the law on unemployment insurance is social relations arising in the field of unemployment insurance.

The subjects of regulation of the law on unemployment insurance include employees, employers and other organizations and individuals related to unemployment insurance relations.

The purpose of the law on unemployment insurance is to prevent unemployment, compensate income for employees when they are unemployed and help employees re-enter the labour market.

The law on unemployment insurance demonstrates the superiority of national policies in ensuring human rights on social security in general and labour and employment in particular.

The law on unemployment insurance is closely related to the law on employment and social security.

### **2.2.3. The role of unemployment insurance law**

*Firstly*, the law on unemployment insurance is the most important tool for the State to implement the goals of the unemployment insurance policy.

*Secondly*, the law on unemployment insurance creates an important legal basis to ensure human rights to social security and the legal basis for all agencies, organizations and individuals to properly exercise their rights and obligations in the field of unemployment insurance.

*Thirdly*, the law on unemployment insurance contributes to political stability, social order and safety and builds people's trust in the State.

*Fourthly*, the law on unemployment insurance contributes to improving the effectiveness and efficiency of state management of unemployment insurance.

### **2.2.4. Contents of the law on unemployment insurance**

*Firstly*, regulations on subjects participating in unemployment insurance and forms of participation in unemployment insurance.

*Secondly*, regulations on unemployment insurance regimes, including regulations on types of unemployment insurance support, subjects eligible for support, and conditions for receiving support.



*Thirdly*, regulations on procedures and documents for unemployment insurance benefits.

*Fourthly*, regulations on unemployment insurance funds, including regulations on unemployment insurance contribution rates, unemployment insurance benefit levels, forms of unemployment insurance fund investment, and unemployment insurance fund management institutions.

*Fifthly*, regulations on handling violations of the law in the field of unemployment insurance.

### **2.3. CRITERIA FOR ASSESSING THE LEVEL OF COMPLETION OF UNEMPLOYMENT INSURANCE LAW AND CONDITIONS FOR ENSURING THE COMPLETION OF UNEMPLOYMENT INSURANCE LAW**

#### **2.3.1. Criteria for assessing the level of perfection of unemployment insurance law**

Criteria for assessing the level of perfection of unemployment insurance law include: *Firstly*, politics; *Secondly*, compatibility with international standards; *Thirdly*, comprehensiveness; *Fourthly*, unity and synchronization; *Fifthly*, suitability and feasibility; *Sixthly*, stability; *Seventhly*, transparency; *Eighthly*, the standardization of legislative authority and techniques; *Ninthly*, calculate remote unemployment prevention and promptly overcome unemployment.

#### **2.3.2. Conditions for ensuring the completion of the law on unemployment insurance**

*Firstly*, the conditions for ensuring political and legal aspects.

*Secondly*, the conditions for ensuring the quality of human resources for law-making.

*Thirdly*, the conditions for ensuring economic aspects.

### **2.4. UNEMPLOYMENT INSURANCE LAWS IN SOME COUNTRIES IN THE WORLD AND REFERENCE VALUES FOR VIETNAM**

#### **2.4.1. Unemployment Insurance Laws in some countries in the world**

*Firstly*, the unemployment insurance law in Germany.

*Secondly*, the unemployment insurance law in China.

*Thirdly*, the unemployment insurance law in Thailand.

The social insurance laws of the countries chosen by the author for research are for the following reasons: Although the *Federal Republic of Germany* has many differences in political, economic, cultural, and social conditions from Vietnam, it was chosen for research because this is a country that formed the social insurance regime very early, has achieved many important achievements and is considered a model for building a social insurance and unemployment

insurance system in the world. Not only that, Germany is also a country with a social market economy - a harmonious combination of a free market economy and necessary intervention from the State, having certain similarities with the socialist-oriented market economy in Vietnam today. Besides Germany, *China* is a country that has achieved many socio-economic achievements and is the second largest economy in the world. China is a country with many similarities with Vietnam in terms of political institutions, cultural traditions, and social awareness, so it is convenient for applying and learning from experience. *Thailand* was chosen for research because it is located in the same Southeast Asia region as Vietnam, and is the first country to implement the construction of the unemployment insurance regime. Although there are differences in political institutions and traditional culture, Thailand and Vietnam do not have too many differences in economic scale and population, which is a favourable point for learning from experience in building and implementing the unemployment insurance law.

When studying the laws of each of the above countries, the thesis focuses on clarifying issues according to five groups of contents of the law on unemployment insurance, specifically: Subjects and forms of participation in unemployment insurance, unemployment insurance regimes, unemployment insurance benefit procedures, unemployment insurance funds and handling of violations of the law in the field of unemployment insurance. At the same time, in the analysis process, the thesis also points out the causes and conditions for countries to issue specific regulations on unemployment insurance, as a basis for drawing lessons in improving the law on unemployment insurance in Vietnam.

#### **2.4.2. Some reference values for improving the unemployment insurance law in Vietnam**

*Firstly*, clearly define, appropriately in the direction of increasingly expanding the subjects participating in unemployment insurance

*Secondly*, ensure the suitability and comprehensiveness of unemployment insurance regimes, focusing on the ability to prevent unemployment.

*Thirdly*, regulations on unemployment insurance procedures need to ensure strict management of unemployment insurance beneficiaries and encourage workers to find new jobs during unemployment.

*Fourthly*, strictly regulate the unemployment insurance fund, avoid fund loss and ensure the safety of the unemployment insurance fund.

*Fifthly*, the law on handling violations of the law in the field of unemployment insurance needs to specify sanctions for each violation, including the behaviour of employees, employers and individuals with the authority to review unemployment insurance benefit applications.

### Chapter 3

## THE DEVELOPMENT PROCESS AND CURRENT STATUS OF THE LAW ON UNEMPLOYMENT INSURANCE IN VIETNAM

### 3.1. THE DEVELOPMENT OF UNEMPLOYMENT INSURANCE LAW IN VIETNAM

- Support regime for unemployed workers before the provisions on unemployment insurance.
- Law on unemployment insurance according to the Law on Social Insurance 2006, officially effective from 01/01/2009.
- Law on unemployment insurance according to the Law on Employment 2013, officially effective from 01/01/2015.

### 3.2. THE CURRENT STATUS OF UNEMPLOYMENT INSURANCE LAW IN VIETNAM

#### 3.2.1. The current status of regulations on subjects and forms of participation in unemployment insurance

*In terms of advantages*, the law on unemployment insurance has increasingly expanded the subjects entitled to participate in unemployment insurance in the form of compulsory unemployment insurance.

*In terms of limitations*, the current regulations on subjects and forms of participation in unemployment insurance have not met the criteria of suitability with the current situation of the Vietnamese labour force, are not compatible with international treaties to which Vietnam is a member, have not met the requirements set forth by the Communist Party of Vietnam on social security.

#### 3.2.2. The current status of regulations on unemployment insurance regimes

*In terms of advantages*, the law on unemployment insurance regimes has been gradually supplemented and improved to ensure compatibility with international law and ensure suitability and feasibility.

*In terms of limitations*, the law on unemployment insurance regimes still has some provisions that do not ensure compatibility with actual conditions, do not demonstrate the unemployment prevention goal of the unemployment insurance policy, and do not ensure good compatibility with international law on support for specific labour subjects.

#### 3.2.3. The current status of regulations on unemployment insurance procedures and implementation practices

*In terms of advantages*, the 2013 Employment Law has amended and supplemented regulations on unemployment insurance procedures in a more stringent but more beneficial way for eligible workers.

*In terms of limitations*, the law on unemployment insurance procedures and records still has some regulations that make it difficult to apply information technology and implement level 4 online public services.

### **3.2.4. The current status of regulations on unemployment insurance funds**

*In terms of advantages*, most regulations on unemployment insurance funds have ensured compatibility with international standards, ensuring suitability and feasibility with the current socio-economic conditions of Vietnam.

*In terms of limitations*, some regulations on unemployment insurance funds are not reasonable; there is a lack of regulations on some issues such as: Unemployment insurance management costs, processing of unemployment benefits and the number of months of unemployment insurance contributions for those whose unemployment benefits are suspended, risk management and cash flow forecasting,...

### **3.2.5. The current status of regulations on handling violations of the law in the field of unemployment insurance**

*In terms of advantages*, regulations on handling violations of the law in the field of unemployment insurance have generally ensured suitability, clarity, and specificity for each violation and corresponding penalty level.

*In terms of limitations*, regulations on coordination of information management and handling violations of the law in the field of unemployment insurance have not ensured comprehensiveness and lack of deterrence.

## **3.3. THE REASONS FOR THE ADVANTAGES AND LIMITATIONS OF UNEMPLOYMENT INSURANCE LAW IN VIETNAM**

### **3.3.1. Reasons for the advantages of unemployment insurance law in Vietnam**

- Objective reasons
- Subjective reasons

### **3.3.2. Reasons for the limitations of unemployment insurance law in Vietnam**

- Objective reasons
- Subjective reasons

## **Chapter 4**

### **THE PERSPECTIVES AND SOLUTIONS FOR IMPROVING THE LAW ON UNEMPLOYMENT INSURANCE IN VIETNAM**

#### **4.1. THE PERSPECTIVES ON IMPROVING THE LAW ON UNEMPLOYMENT INSURANCE IN VIETNAM**

- Completing the law on unemployment insurance needs to focus on the goal of preventing unemployment and making unemployment insurance a tool for managing the labour market.

- Completing the law on unemployment insurance needs to aim at building a multi-layered, flexible unemployment insurance regime.

- Completing the law on unemployment insurance needs to pay attention to vulnerable, specific groups and maximally expand the social security network.

- Completing the law on unemployment insurance needs to ensure the connection with the legal system on employment and social insurance.

- Completing the law on unemployment insurance ensures inheriting the achievements of domestic law, learning from the experience of foreign law.

#### **4.2. THE SOLUTIONS TO IMPROVING THE LAW ON UNEMPLOYMENT INSURANCE IN VIETNAM TODAY**

##### **4.2.1. The group of solutions to improve the content of the law on unemployment insurance**

###### ***4.2.1.1. Improving the regulations on subjects and forms of participation in unemployment insurance***

*Firstly*, amend and supplement the regulations on the subjects participating in unemployment insurance in the direction of expanding the subjects participating in compulsory unemployment insurance to employees working under labour contracts with a term of 01 month or more, business managers, cooperatives, and non-professional workers at the commune level.

*Secondly*, supplement the regulations on the form of voluntary unemployment insurance, piloting the subjects participating in it to be foreign employees working in Vietnam, cooperative members and state civil servants.

###### ***4.2.1.2. Improving the regulations on unemployment insurance regimes***

*Firstly*, amending regulations on unemployment benefits

*Secondly*, amending and supplementing regulations on job counselling and referral support.

*Thirdly*, amending regulations on vocational training support.

*Fourthly*, amending and supplementing regulations on vocational training, fostering and improving skills support to maintain employment for workers.

*Fifthly*, supplementing the job counselling and referral support regime for specific workers

*Sixthly*, supplementing the enhanced unemployment insurance program.

#### ***4.2.1.3. Improving the regulations on unemployment insurance procedures***

*Firstly*, to ensure convenience for employees and meet the requirements of administrative reform, implementing online public services on unemployment insurance at level 4 while still meeting the objectives of the unemployment benefit regime, it is necessary to allow employees to carry out the procedure of notifying job search on the national public service portal or by post, not requiring them to notify directly at the employment service centre. The procedure for requesting not to receive unemployment benefits when there is no longer a need to receive unemployment benefits (Article 7 of Circular No. 28/2015/TT-BLDTBXH) also needs to be amended in a similar direction.

*Secondly*, regarding the procedure for submitting applications for job counselling and referral support (Article 5 of Circular No. 28/2015/TT-BLDTBXH), it is necessary to allow employees to submit applications online on the national public service portal or by post. After the application is reviewed, the review results and consulting information can be sent online or consulted directly if the employee has a need. When the employment service centre organizes direct recruitment (through job fairs, job exchanges or other forms), employees are obliged to directly participate in the recruitment. If an employee does not participate in direct recruitment without a valid reason, he/she will be considered to have refused a job without a valid reason and will be terminated from unemployment benefits according to Article 21 of Decree No. 28/2015/ND-CP. Thus, only when the employment service centre organizes direct recruitment, will workers have to come to meet and exchange directly; other procedures of the consulting support and job referral regime can be completely carried out in the digital network environment.

#### ***4.2.1.4. Improving the regulations on unemployment insurance funds***

*Firstly*, amending regulations on wages as the basis for unemployment insurance contributions including “salary, salary allowances and other supplements as prescribed by labour laws” (wages as the basis for unemployment insurance contributions will be the actual amount that employees receive, regardless of whether that amount is specifically determined in the labour contract or not).

*Secondly*, amending regulations on flexible unemployment insurance contribution rates, assigning the Government to prescribe, based on actual conditions in each period.

*Thirdly*, supplementing cases where unemployment insurance contribution time is reserved for the next unemployment insurance benefit.

#### ***4.2.1.5. Improving the regulations on inspection, handling of law violations, resolving complaints and denunciations in the field of unemployment insurance***

*Firstly*, supplementing regulations on the responsibility of employers to immediately notify the labour management agency and the social insurance agency about the employment of employees.

*Secondly*, the Law on Employment needs to increase sanctions for violations of unemployment insurance to increase deterrence and prevention.

**4.2.1.5. Some proposals to amend and supplement other provisions of unemployment insurance law**

*Firstly*, the Law on Employment needs to introduce the concept of unemployed people.

*Secondly*, in the provisions on subjects participating in unemployment insurance, it is necessary to remove the provisions related to the term “Seasonal labour contract”.

*Thirdly*, the “Unemployment Insurance” regime should be renamed to “Employment Insurance”.

**4.2.2. The group of solutions on conditions to ensure the completion of the law on unemployment insurance**

*Firstly*, solutions to ensure political and legal aspects

*Secondly*, solutions to ensure human resources participation in the construction and completion of the law on unemployment insurance.

*Thirdly*, solutions to ensure economic aspects.

**4.2.3. The group of solutions on organizing the implementation of unemployment insurance law**

*Firstly*, innovate the organization and operation of Employment Service Centers.

*Secondly*, strengthening the inspection, resolving complaints, denunciations, and handling violations of unemployment insurance law.

*Thirdly*, promoting the dissemination and education of unemployment insurance law.

## CONCLUSION

From the analysis of the overview of the research situation, and the theoretical and practical issues mentioned above, the thesis draws some comments as follows:

*Firstly*, both in theory and practice, there is a need to perfect the current law on unemployment insurance in Vietnam, especially after the impact of the Covid-19 pandemic and similar unexpected situations that may occur in the future.

*Secondly*, building a solid theoretical foundation is essential to assess the current state of the law on unemployment insurance, in which the focus needs to clearly define the content of the law on unemployment insurance and the criteria for assessing the level of perfection of the law on unemployment insurance.

*Thirdly*, besides the advantages achieved, the current law on unemployment insurance in Vietnam is not without limitations. In particular, the two biggest limitations of the unemployment insurance law are that it does not cover all subjects that need to be protected and it does not demonstrate the unemployment prevention goal of the unemployment insurance policy.

*Fourthly*, to improving the law on unemployment insurance in Vietnam it is necessary to synchronously implement all three groups of solutions: Perfecting the provisions of the unemployment insurance law in the Law on Employment, ensuring the necessary conditions for the improvement of the unemployment insurance law and improving the effectiveness of the organization and implementation of the unemployment insurance law in practice.



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