

**HO CHI MINH NATIONAL ACADEMY OF POLITICS**

**TRAN THI CAM TU**

**IMPROVING THE LAW ON SOCIAL CRITICISM  
IN VIETNAM TODAY**

**SUMMARY OF PHD THESIS**

**MAJOR: THEORY AND HISTORY OF STATE AND LAW**

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## INTRODUCTION

### **1. The urgency of the topic**

In the process of building a socialist rule of law state of the people, by the people, and for the people, promoting the people's right to mastery and strengthening the participation of social classes in state management is an inevitable and objective requirement. This not only demonstrates the democratic nature of the regime but is also a key factor in ensuring the effectiveness and sustainability of policies. Social criticism affirms its importance as a two-way channel of information, helping the people express their views and contribute to the building of the Party's guidelines and policies, and the State's laws.

Social criticism plays the role of an important filter, helping to ensure the scientific, objective, practical, and feasible nature of policies. Through social criticism activities, inadequacies and shortcomings in draft policies and laws can be detected and adjusted in a timely manner, avoiding unwanted consequences when implemented in practice. Furthermore, social criticism is an important driver for promoting democracy, transparency, and social justice. When citizens have the opportunity to participate directly in the policymaking process, they will feel that their legitimate rights and interests are respected, thereby enhancing their trust in the Party's leadership and the State's management. Social criticism activities can only be carried out effectively and fully promote their great role on the basis of a complete legal framework. A clear and specific legal system regarding the rights and responsibilities of the subjects involved in social criticism, the criticism process, and the mechanism for receiving criticism will create favorable conditions for this activity to take place publicly, transparently, in an organized, and effective manner. The lack of or incomplete legal provisions will lead to spontaneous, unfocused criticism, or even abuse, diminishing the real meaning of this activity.

Social criticism activities of the Vietnam Fatherland Front (VFF) and political-social organizations have made significant progress in recent years, especially since the issuance of Politburo's Decision 217-QD/TW and the 2013 Constitution. This activity has become a focus and has had a real impact, even being considered a breakthrough activity of the VFF in participating in the building of the Party and State. In the 5 years after Decision 217-QD/TW was issued, the VFF and political-social organizations at all levels organized 15,745 social criticism sessions and 32,064 activities and contents contributing to the building of the Party and government. These activities have helped to objectively clarify the results and limitations in the implementation of policies and laws by the Government and local authorities, while also recommending measures to implement policies and legal regulations more correctly and effectively. Many recommendations after social criticism have been seriously considered and implemented by relevant agencies, organizations, and individuals.

It can be seen that social criticism activities have achieved many important results and contributions to the process of building policies and laws in Vietnam, becoming one of the important channels that helps the Party and the State have more multi-dimensional information before considering and deciding on issues in leadership, management, and administration. This ensures that all guidelines, policies, and laws are truly the products that crystallize the "Party's will" and the "people's heart," ensuring scientific rigor, aligning with the people's interests, strongly promoting social democratization, and strengthening social consensus. Publicly seeking opinions from various social groups, especially those directly related to and affected by the legal document, has helped ensure that issued legal documents have a higher degree of feasibility. The increasingly broad and professional participation of various entities in

contributing opinions and criticizing policy and law formulation has had a positive impact on the modification, adjustment, or even postponement or suspension of some policies.

However, the current implementation of the law on social criticism in Vietnam faces many significant challenges. One of them is maintaining the independence and objectivity of social criticism activities in the context of a one-party state. Although the law clearly defines rights and responsibilities, ensuring that criticism, especially dissenting opinions, is listened to and considered fairly remains a challenge. Harmonizing domestic law with international commitments on human rights in general and social criticism and freedom of speech in particular, applying international standards to the practice of social criticism faces certain difficulties. Although there has been much progress, the implementation of the law on social criticism remains slow and ineffective, especially at the local level. This directly affects the ability of state agencies to receive, process, and respond to critical opinions. These limitations have been and are having a certain impact on the quality and effectiveness of social criticism activities and may create loopholes for hostile forces to exploit for subversive purposes.

The requirement for a complete legal framework and the organization of its implementation in practice is an objective and urgent necessity. Based on these reasons, the PhD candidate chose the topic: ***"Improving the law on social criticism in Vietnam today"*** for the PhD thesis in Law, majoring in Theory and history of state and law.

## **2. Objectives and research tasks of the thesis**

### ***2.1. Research objectives***

Based on the theoretical analysis of improving the law on social criticism, and an evaluation of the current state of the law on social criticism,

the thesis proposes viewpoints and solutions to improve the law on social criticism in Vietnam to meet the requirements of the new context.

## ***2.2. Research tasks***

- The thesis provides an overview of the research situation related to the thesis topic, pointing out the results achieved, the content that can be inherited, and the issues that need to be further researched.

- The thesis clarifies the theoretical basis for improving the law on social criticism (concepts, characteristics, roles, content, and criteria for improvement). It also studies the law on social criticism in some countries worldwide, drawing on lessons learned to improve the law on social criticism in Vietnam.

- The thesis analyzes and evaluates the current state of legal documents on social criticism in Vietnam in recent years, pointing out the results achieved, limitations, causes, and emerging issues for improving the law on social criticism today.

- The thesis proposes viewpoints and solutions to improve the law on social criticism in Vietnam in the coming time.

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

### ***3.1. Research subject of the thesis***

The research subject of the thesis includes theoretical and practical issues of the law on social criticism from the perspective of the major in theory and history of state and law.

### ***3.2. Research scope of the thesis***

*In terms of space:* The thesis mainly analyzes and evaluates legal provisions on social criticism and the practice of implementing the law on social criticism in Vietnam.

*In terms of time:* The comments and evaluations of the current state of the legal system on social criticism are for the period from 2013 (when the Constitution officially recognized the function of social criticism) to the

present, and solutions are proposed for improving the law on social criticism in the following years.

#### **4. Theoretical basis and research methods of the thesis**

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

The thesis is based on the theory of Marxism-Leninism, Ho Chi Minh's ideology, the viewpoints and guidelines of the Communist Party of Vietnam, and the policies and laws of the State on improving the law on social criticism.

##### ***4.2. Research methods***

The thesis uses a combination of research methods: systems method, logical-historical method, analysis, synthesis, statistical method, comparative law method, and expert interview method.

#### **5. New Contributions of the Thesis**

This is the first study to systematically and comprehensively research the law on social criticism in Vietnam today. The research results of the thesis have new scientific contributions, such as:

- Based on a synthesis and inheritance of the research results of previously published scientific works, the thesis contributes to supplementing and clarifying theoretical issues regarding improving the law on social criticism: the concept, characteristics, and role of the law on social criticism; the content including groups of legal provisions on social criticism (legal provisions on the subject, object, content, scope, form, method, order, procedure, and legal consequences of social criticism); formulating the concept of improving the law on social criticism, evaluation criteria, and provides the conditions for ensuring the improvement of the law on social criticism in Vietnam today.

- The thesis studies and analyzes social criticism models in some countries worldwide, thereby drawing useful reference value for improving the law on social criticism in Vietnam today.

- The thesis evaluates and summarizes the development process of the law on social criticism in Vietnam both before and since the start of the Doi Moi period, and highlights the milestone of the emergence of the function of social criticism since issuance of the 2013 Constitution. The thesis assesses the achievements of the law on social criticism, and analyzes the limitations and the causes of these limitations in the law on social criticism in Vietnam today.

- The thesis proposes guiding viewpoints and recommends feasible and appropriate solutions to improve the law on social criticism in the coming time.

## **6. Theoretical and practical significance of the thesis**

*Theoretical significance:* The thesis contributes to supplementing and building a theoretical basis for improving the law on social criticism in Vietnam today.

*Practical significance:* The thesis is the first work to research the law on social criticism in Vietnam today in a comprehensive and systematic manner. The research results of the thesis have reference value, contributing to supplementing theoretical knowledge about the law on social criticism. It also builds a scientific basis for analyzing and evaluating the current situation, formulating and improving the law on social criticism, and effectively implementing social criticism activities in practice to meet the requirements of building a socialist rule of law state in Vietnam in the new context.

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

In addition to the introduction, conclusion, list of published works by the author related to the thesis, and the bibliography, the content of the thesis is structured into 4 chapters and 12 sections.



## **Chapter 1**

# **OVERVIEW OF RESEARCH RELATED TO IMPROVING THE LAW ON SOCIAL CRITICISM**

### **1.1. RESEARCH WORKS IN OTHER COUNTRIES**

The thesis focuses on studying works on social criticism and the law on social criticism in countries worldwide to provide a theoretical basis and comparative experience with the law on social criticism in Vietnam. This allows Vietnam to compare and choose a suitable model to build a comprehensive legal framework. Social criticism, in Western democracies, is not only a fundamental right but also a driving force for social development. It expresses the right to freedom of speech, guaranteed by international conventions, and is the foundation for the right to participate in state and social management. According to great political-legal thinkers such as Hobbes, Locke, Montesquieu, Rousseau, Hegel, and Marx, social criticism is a mechanism for controlling public power, preventing abuse, and ensuring community interests. This activity occurs through two control mechanisms: internal and external. Social criticism belongs to the external control mechanism, through civil society, the media, and interest groups. Contemporary theories continue to affirm the role of social criticism in the struggle for interests, policy formulation, and promoting social change. At the same time, critical thinking - as Bertrand Russell emphasized - is the core mental condition for criticism to be valuable, and it needs to be nurtured in education and social life.

Social criticism, according to a modern approach, is not only a democratic right but also a mechanism for controlling state power, contributing to ensuring the legality and legitimacy of public

administration. Scholars such as John Dewey, H.A. Simon, Jürgen Habermas, David Held, and Niklas Luhmann all affirm the essential role of social criticism in preventing the abuse of power, adjusting policies, and maintaining the stability of the political system. Social criticism is seen as a rational, organized activity that requires the participation of civil society and must be institutionalized through law. Especially, in the modern context and open political systems, social criticism plays a role as a two-way communication channel that helps the state identify "blind spots," adapt, and consolidate legitimacy. This is an indispensable element in democratic governance and the sustainable development of a modern rule of law state.

## **1.2. DOMESTIC RESEARCH WORKS RELATED TO THE THESIS TOPIC**

The research works have fully reflected the formation, development, and theory of social criticism in Vietnam, with clear bases from the Constitution, Party decisions, current laws, and practical implementation. The works highlight the key role of the Vietnam Fatherland Front in implementing social criticism, while also pointing out limitations, inadequacies, causes, and proposing many solutions for improvement from both a theoretical and practical perspective, especially in the context of a one-party leadership. This is a valuable source of reference for researching, formulating policies, and improving the law on the social criticism mechanism in Vietnam.

## **1.3. COMMENTS AND EVALUATION OF RESEARCH WORKS**

### **1.3.1. Comments and Evaluation of Research Works**

In general, research works both domestically and abroad have achieved many important results, researching social criticism and the legal

framework for this activity. The studies have affirmed that social criticism is an inevitable requirement of democracy. The studies all agree on viewing social criticism as a form of expressing the people's right to mastery, based on the foundation of freedom of speech and participation in state management. Therefore, building a suitable legal system for social criticism is considered a prerequisite to ensure that this democratic mechanism operates effectively in practice.

For foreign studies, many scholars have provided deep explanations of the role of social criticism in controlling state power. They emphasize that, in addition to internal control mechanisms within the state apparatus, an external oversight mechanism must be established through civil society organizations to prevent the abuse of power by the ruling class. Western studies argue that citizens' right to criticize needs to be clearly institutionalized in the constitution and law.

Although there is such a common understanding, the studies by foreign authors are often set in the context of Western political institutions. Therefore, some specific characteristics of power structures, political culture, or unique legal traditions of certain countries may not have been adequately addressed. However, the theories and experiences of foreign authors have painted a comprehensive picture of social criticism as an effective institution for controlling power. This is something we can selectively learn from.

For domestic studies, many scientific works have focused on clarifying the concept, characteristics, and role of social criticism, as well as proposing solutions for the effective implementation of the criticism function. From a theoretical perspective, Vietnamese authors approach social criticism from different angles, arguing that social criticism is the

constructive participation of the people in the process of formulating the Party's guidelines, and policies and laws of the State. Many studies have specifically analyzed the subjects, objects, content, and methods of social criticism, thereby affirming that criticism can take place in many fields and in many different forms. In particular, some research works show that the current legal framework for social criticism, although fundamentally formed, is still not complete and synchronized. The implementation process of social criticism has not been detailed in law: the law has not clearly defined the order, procedures for criticism, the rights and responsibilities of the parties involved, as well as the mechanism for state agencies to receive and respond to critical opinions. Some specific solutions have been proposed, such as: issuing a Law on social criticism, or amending the Law on the Vietnam Fatherland Front, to regulate criticism more clearly; building a coordination mechanism between state agencies and Vietnam Fatherland Front in organizing criticism and receiving people's opinions, etc.

In summary, domestic and foreign research works have provided a rich foundation of knowledge about social criticism from both a theoretical and practical perspective, affirming that social criticism is an important democratic institution for controlling state power, ensuring the people's right to mastery, and promoting transparent and effective national governance. At the same time, these works also emphasize the role of law in ensuring that social criticism is carried out regularly, purposefully, and effectively. Many arguments, concepts, and solutions proposed by previous researchers will be valuable contributions for the author of this thesis to selectively inherit and adopt. Specifically, the thesis will inherit the general understanding of the concept and nature of social criticism,

benefit from the analysis of the role of the Vietnam Fatherland Front and social organizations in the criticism mechanism, and refer to the recommendations that have been proposed to overcome the limitations of current law. This knowledge will be the premise for the thesis to develop a more solid scientific basis for the research problem.

### **1.3.2. Issues the Thesis Needs to Continue to Research**

The overview shows that there has not yet been any research work that fully and systematically approaches the issue regarding "improving the law on social criticism" in the specific conditions of Vietnam today. The majority of studies have only focused on some specific aspects of social criticism, without building a comprehensive picture of the legal system governing this field and the orientation for its improvement. This reality leads to many theoretical and practical issues that have not been adequately resolved. Therefore, the thesis on "improving the law on social criticism in Vietnam today" will inherit the achievements of previous works, while focusing on solving the unresolved issues, specifically as follows:

- The thesis will improve the theoretical basis of the law on social criticism, further clarifying the concepts of "social criticism" and "the law on social criticism" in legal science, thereby accurately determining the nature and characteristics of the phenomenon of social criticism from a legal perspective. At the same time, the thesis will build a system of scientific criteria to evaluate the degree of completion of the law on social criticism.

- By studying international experience and social criticism models in other countries, the thesis will draw useful reference value to propose solutions to improve the law on social criticism in Vietnam.

- The thesis will systematically synthesize and analyze the current state of legal provisions on social criticism in our country in recent years. This evaluation will be based on the criteria developed in the theoretical section, helping the thesis to clearly explain the causes of these limitations.

- Propose viewpoints and solutions to improve the law on social criticism.

All of the above issues will be analyzed in detail in the following research chapters. Focusing on solving these issues not only meets the scientific objectives of the thesis but also contributes to filling theoretical gaps and practical difficulties in applying the law on social criticism. On the basis of selectively inheriting the results of previous works and conducting new research, the author of the thesis hopes to make feasible proposals and practical contributions to improving the law on social criticism in Vietnam today, thereby enhancing the effectiveness of social criticism activities and meeting the requirements of building a socialist rule of law state of the people, by the people, and for the people.

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

### **1.4.1. Research hypothesis**

Social criticism and the law on social criticism have an extremely important role in a democratic rule of law society. The law on social criticism in Vietnam is in the process of being shaped and improved. On that basis, social criticism activities through the form of contributing opinions and making recommendations to the Party and State of Vietnam have contributed significantly to making policies and laws in Vietnam suitable for objective reality and the will and aspirations of the people,

better meeting the requirements of orienting, managing, and administering various fields of social life. However, due to some objective and subjective reasons, Vietnam's current law on social criticism has not yet met the requirements for promoting socialist democracy and building and improving a socialist rule of law state in Vietnam. Therefore, researching and continuing to improve the law on social criticism is an objective and urgent requirement to continuously promote democracy, contributing to the improvement of a socialist rule of law state of the people, by the people, and for the people in Vietnam in the new context.

#### **1.4.2. Research Questions**

- What are the characteristics of the law on social criticism? What is its role? What should the legal provisions on the subject, object, scope, content, form, method, order, procedure, and legal consequences of social criticism be?

- What criteria should the improvement of the law on social criticism in Vietnam be based on?

- By comparing the law on social criticism in Vietnam with that of other countries having similar social criticism models, what lessons can Vietnam learn for improving the law on social criticism in the coming time?

- What are the achievements and results of the current law on social criticism in Vietnam, and what limitations and inadequacies still exist; what are the causes of these achievements and limitations?

- What guiding viewpoints should be thoroughly understood and what specific solutions should be carried out to improve the law on social criticism in Vietnam in the coming time?

## **Chapter 2**

# **THE THEORETICAL BASIS FOR IMPROVING THE LAW ON SOCIAL CRITICISM**

## **2.1. CONCEPT, CHARACTERISTICS, ROLE, AND CONTENT OF THE LAW ON SOCIAL CRITICISM**

### **2.1.1. Concepts of social criticism and the law on social criticism**

#### ***2.1.1.1. Concept of social criticism***

Social criticism is the totality of activities of reviewing, analyzing, and arguing, and giving opinions to achieve a correct and comprehensive perception of the laws of development. It contributes to making the policies, laws, and decisions of public authorities objective, reasonable, and maximally serving sustainable development, while also meeting the common interests of the social community.

#### ***2.1.1.2. Concept of the Law on Social Criticism***

The law on social criticism is the totality of legal provisions expressed in legal documents issued by competent state agencies according to specific orders, procedures, and forms. These provisions have a close and unified relationship, regulating social relations that arise in the process of reviewing, analyzing, arguing, giving opinions, and receiving opinions to achieve a correct and comprehensive perception of the laws of development. It contributes to making the policies, laws, and decisions of public authorities objective, reasonable, democratic, and maximally serving the sustainable development of the country, while also meeting the common interests of the social community.

### **2.1.2. Characteristics of the Law on Social Criticism**

*First*, the law on social criticism is a part of the law on controlling state power.



*Second*, the law on social criticism regulates the relationship of criticism that arise between the subjects performing the function of social criticism and the objects of criticism.

*Third*, there is a close and unified relationship among the groups of legal provisions that regulate the legal status of the subjects of social criticism and the responsibilities of the objects of social criticism, the groups of legal provisions that regulate the scope of social criticism, the groups of legal provisions that regulate the forms and methods of social criticism, the groups of legal provisions that regulate the order and procedures for social criticism, and the groups of legal provisions that regulate the legal consequences of social criticism activities.

*Fourth*, the sources of the law on social criticism are quite diverse. Stemming from the diverse nature of the subjects of social criticism and the broad range of objects of social criticism, and because social criticism is one of the contents of the people's control over public authorities, the sources of the law on social criticism are quite diverse. They not only include a system of legal documents expressed at many levels with different legal effects such as the constitution, laws, and sub-law documents, but also include the guidelines and policies in Party documents and the provisions in international conventions and treaties to which Vietnam is a member.

### **2.1.3. Role of the law on social criticism**

*First*, the law on social criticism institutionalizes the Party's viewpoint on ensuring the people's right to mastery and ensuring the people's right to participate in state management.

*Second*, the law on social criticism has an important role in preventing violations of the law, bureaucracy, corruption, and waste, contributing to practicing thrift.

*Third*, the law on social criticism plays an important role in creating a solid legal basis for ensuring the people's right to mastery, as a form for the people to both participate in state management and control state power.

*Fourth*, the law on social criticism is a means to contribute to protecting and ensuring the implementation of human rights and citizens' rights.

#### **2.1.4. The contents regulated by the law on social criticism**

*2.1.4.1. Groups of legal provisions on the subjects and objects of social criticism*

*2.1.4.2. Groups of legal provisions on the scope and content of social criticism*

*2.1.4.3. Groups of legal provisions on the forms and methods of social criticism*

*2.1.4.4. Groups of legal provisions on the order and procedures for social criticism*

*2.1.4.5. Groups of legal provisions on the legal consequences of social criticism*

### **2.2. CONCEPT OF IMPROVING THE LAW ON SOCIAL CRITICISM AND CRITERIA FOR EVALUATING ITS LEVEL OF COMPLETION**

#### **2.2.1. Concept of improving the law on social criticism**

Improving the law on social criticism is a process that includes activities of amending, supplementing, as well as issuing new legal documents, to build a legal system that regulates the field of social criticism in a synchronized, unified, stable, and feasible manner. The goal of this process is to ensure that the legal system on social criticism is timely, public, transparent, accessible, and effective in regulating the social relations that arise during the implementation of the criticism function.

### **2.2.2. Criteria for evaluating the level of completion of the law on social criticism**

*First*, the synchronization and unity of the law on social criticism.

*Second*, the feasibility of the law on social criticism.

*Third*, the stability and timeliness of the law on social criticism.

*Fourth*, the publicity and transparency of the law on social criticism.

*Fifth*, the accessibility and maximization of favorable conditions for innovation.

*Sixth*, the adaptability to international legal standards.

## **2.3. CONDITIONS FOR ENSURING THE IMPROVEMENT OF THE LAW ON SOCIAL CRITICISM**

### **2.3.1. Political-ideological conditions**

### **2.3.2. Legal conditions**

### **2.3.3. Cultural conditions**

### **2.3.4. Economic and material conditions**

### **2.3.5. Conditions for ensuring the resources for building the law on social criticism**

## **2.4. THE LAW ON SOCIAL CRITICISM IN SOME COUNTRIES IN THE WORLD AND ITS REFERENCE VALUE FOR VIETNAM**

### **2.4.1. The law on social criticism of some countries in the world**

#### ***2.4.1.1. The law on social criticism in the Republic of France***

#### ***2.4.1.2. The law on social criticism in China***

#### ***2.4.1.3. The law on social criticism in the United Kingdom***

#### ***2.4.1.4. The law on social criticism in the Russian Federation***

### **2.4.2. Some reference values for Vietnam**

*First*, in the activity of formulating the law on social criticism, the competent authorities need to "innovate their thinking and perception" of the nature and importance of social criticism activities. Social criticism needs to be seen as an inevitable and objective requirement of a democratic society.

*Second*, in the context that our country has only one ruling party, the law on social criticism must become an important legal tool, as well as a supporting condition for the Party and the State to better perform their leadership, management, and administration roles. Therefore, the law on social criticism must not be a counter-force to the policies and laws of the Party and the State, but must clearly demonstrate its role as both constructive and controlling towards the Party and the State.

*Third*, social criticism must be conducted within the legal framework, comply with the provisions of the law, and be ensured by the law. Therefore, to both promote democracy and strengthen the rule of law and maintain discipline, it is necessary to build a complete, synchronized, and unified system of legal provisions to create a legal basis for the implementation of social criticism. Specifically, it is necessary to build a Law on social criticism that clearly defines the subjects, objects, content, forms, methods, order, procedures, and legal consequences of social criticism.

*Fourth*, the subjects and forms of social criticism in various countries are very rich, reflecting the diverse trends and democratic institutions depending on the ideology and theory of development of each country. We should learn from the models of the Civic Chamber of the Russian Federation or the Chinese People's Political Consultative Conference in establishing a specialized institution for social criticism, possibly a "National Criticism Council" like the Civic Chamber of the Russian Federation, coordinating with the National Assembly and the Government in the process of legislation and policy. Otherwise, we could aim to develop independent specialized criticism groups for each field, like the model of interest groups in the UK, flexible criticism through interest groups, lobbying, and the practice of representative democracy. We can refer to the way criticism is organized through industry groups,

professional associations, and professional organizations, linked to the process of drafting specific industry policies, contributing to the establishment of in-depth and transparent criticism.

*Fifth*, the social criticism model in France is difficult to apply in its original form due to the difference in the institutional separation of the three branches of powers; however, we can learn from the mechanism of constitutional/legal review through an independent criticism council, or administrative courts. In addition, the social criticism model in China is very compatible with Vietnam. In China, the People's Political Consultative Conference serves as the focal point for criticism, with a coordination mechanism between the Party - State - People. Vietnam can inherit this model by elevating the role of the Vietnam Fatherland Front and political-social organizations in organized, periodic social criticism activities.

### **Chapter 3**

## **THE DEVELOPMENT PROCESS AND CURRENT SITUATION OF IMPROVING THE LAW ON SOCIAL CRITICISM IN VIETNAM TODAY**

### **3.1. THE DEVELOPMENT PROCESS OF THE LAW ON SOCIAL CRITICISM IN VIETNAM**

**3.1.1. The development process of the law on social criticism in the period from 1945 to 1986**

**3.1.2. The development process of the law on social criticism in the period from 1986 to the present**

***3.1.2.1. The law on social criticism from 1986 to before the 2013 Constitution***

***3.1.2.2. The law on social criticism from 2013 to the present***

### **3.2. THE CURRENT SITUATION OF THE LAW ON SOCIAL CRITICISM IN VIETNAM TODAY**

#### **3.2.1. Achievements of the law on social criticism**

*First*, the law on social criticism has regulated social relations during social criticism activities quite comprehensively and fully.

*Second*, the law on social criticism has ensured the requirements of clarity and transparency quite well.

*Third*, the law on social criticism has ensured accessibility, attracting the active and proactive participation of experts, scientists, and independent organizations in social criticism.

*Fourth*, the law on social criticism has been gradually becoming compatible with international standards.

*Fifth*, the feasibility of the law on social criticism has been gradually improved, and as a result, many criticism activities by various subjects have brought important results.

#### **3.2.2. Limitations of the law on social criticism and their causes**

##### **3.2.2.1. Limitations of the law on social criticism**

*First*, some legal provisions on the subjects, objects, content, scope, forms, methods, order, procedures, and legal consequences of social criticism are not unified or synchronized.

*Second*, the law on social criticism is still fragmented and scattered.

*Third*, many important contents related to social criticism have not been regulated or are not clearly regulated, making them difficult to implement.

*Fourth*, some legal provisions on social criticism are not truly suitable for real life, still containing some barriers that make it difficult for subjects to access.

*Fifth*, the formulation and issuance of the law on social criticism have not been timely.

*Sixth*, some legal provisions on social criticism have not ensured feasibility, lack a mechanism to bind the accountability and reception of opinions by competent agencies, and have not truly attracted and encouraged organizations to actively and proactively participate in social criticism.

*Seventh*, some contents of the law on social criticism are not truly compatible with international standards.

#### ***3.2.2.2. Causes of the limitations of the law on social criticism***

- *Subjective causes*

- *Objective causes*

## **Chapter 4**

### **VIEWPOINTS AND SOLUTIONS FOR IMPROVING THE LAW ON SOCIAL CRITICISM IN VIETNAM TODAY**

#### **4.1. VIEWPOINTS ON IMPROVING THE LAW ON SOCIAL CRITICISM IN VIETNAM**

*First*, improving the law on social criticism must ensure a thorough and deep understanding of the Party's viewpoints and guidelines.

*Second*, improving the law on social criticism must ensure that it contributes to the building and improvement of a socialist rule of law state in Vietnam in the new period.

*Third*, improving the law on social criticism must ensure synchronization and unity with the legal system in general.

*Fourth*, improving the law on social criticism must ensure and maximize human rights and citizens' rights.

*Fifth*, improving the law on social criticism must create conditions for criticism subjects to use the benefits of modern information technology to enhance the effectiveness of social criticism.

## **4.2. SOLUTIONS FOR IMPROVING THE LAW ON SOCIAL CRITICISM IN VIETNAM TODAY**

### **4.2.1. Solutions to raise awareness of social criticism**

### **4.2.2. It is necessary to promptly issue a Law on social criticism to improve the regulatory content of the law on social criticism**

*First*, improve the law to more clearly regulate the legal status of the subjects and objects of social criticism.

*Second*, improve the legal provisions to more clearly define the scope and content of social criticism.

*Third*, improve the legal provisions on the forms and methods of social criticism.

*Fourth*, improve the legal provisions on the order and procedures for social criticism.

*Fifth*, improve the legal provisions that define the legal consequences of social criticism.

### **4.2.3. Review, amend, supplement, and issue new relevant legal documents to create tools and an environment to promote social criticism**

*First*, it is necessary to study, formulate, and issue a Law on associations.

*Second*, issue a Law on the mechanism for constitutional protection.

*Third*, amend and improve the 2016 Law on Access to Information and its guiding documents.

*Fourth*, amend and supplement the 2016 Press Law, and improve the legal mechanism to ensure the social criticism activities of the press.



#### **4.2.4. Solutions for organizing the implementation of the law on social criticism**

*First*, it is necessary to build a mechanism to gather and encourage people from all walks of life, research institutions, and scientists to participate in policymaking through social criticism.

*Second*, link social criticism activities with digital transformation.

*Third*, it is necessary to clearly establish the legal and political position of social criticism activities in the national development strategy and international standards.

*Fourth*, ensure the independence and autonomy of the Vietnam Fatherland Front within the political system.

*Fifth*, study the possibility of applying some forms of high-quality social criticism from around the world.

*Sixth*, continue to deploy, arrange, and consolidate the organization and staff of the Fatherland Front and political-social organizations to meet the requirements of the new situation.

*Seventh*, organize the effective implementation of the 2022 Law on the Practice of Grassroots Democracy (amended and supplemented in 2025) and the 2025 Law on Inspection, and the 2025 Law on the Promulgation of Legal Documents.

#### **4.2.5. Solutions regarding the conditions for ensuring the improvement of the law on social criticism**

- Political-ideological conditions
- Cultural conditions
- Economic and material conditions
- Conditions for ensuring resources

## CONCLUSION

Overall, it can be affirmed that improving the law on social criticism in Vietnam is both an urgent and a strategic task in the process of building a socialist rule of law state in Vietnam. Social criticism is a method for implementing democracy, creating conditions for various social classes to actively participate in state and social life, expressing their views, political stances, and aspirations in a public, democratic, and responsible manner. In the context of increasingly deep international integration and socio-economic development, establishing a mechanism and strengthening social criticism activities is a guideline of the Party. Social criticism is not only a right but also a responsibility of citizens and social organizations in contributing opinions, supervising, and promoting policies that are consistent with common interests. To make social criticism an effective tool, it is necessary to build a clear, synchronized legal framework that ensures feasibility and transparency, while also creating a legal basis and favorable conditions for all social components to participate in social criticism and contribute opinions. In addition, raising public awareness of the role and significance of social criticism, along with training and fostering skills for social organizations and individuals participating in criticism, are also necessary steps to promote this process. More importantly, state agencies need to show a willingness to learn, respect, and listen to critical opinions, in order to build trust and strengthen the bond between the government and the people. Only then can the law on social criticism fully promote its role in building a democratic, progressive, and sustainable society, helping the country overcome challenges and meet the requirements of building a socialist rule of law state in the new era - the era of national development.

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