

**HO CHI MINH NATIONAL ACADEMY OF POLITICS**

**AU THI TAM MINH**

**THE LEGAL MECHANISM FOR PEOPLE TO  
SUPERVISE THE EXERCISE OF STATE POWER BY  
LOCAL GOVERNMENTS IN VIETNAM**

**SUMMARY OF THE DOCTORAL THESIS  
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## INTRODUCTION

### 1. The necessity of the thesis

Supervising state power is an essential requirement of a true rule-of-law state, aiming to ensure that all state power belongs to the people, that the law is supreme, and that no agency, organization, or individual can stand above or outside the law. The 2013 Constitution (amended and supplemented in 2025) clearly affirms: “The Socialist Republic of Vietnam is a socialist rule-of-law state of the people, by the people, and for the people” (Article 2) and “State agencies, cadres, civil servants and public employees must respect the people, diligently serve the people, maintain close contact with the people, listen to their opinions, and be subject to their supervision” (Article 8).

In the current context of decentralization, promoting the people’s supervisory role over the exercise of state power by local governments is of urgent importance. Local governments are where policies and laws are implemented; they are closely connected to and directly impact the lives of the people; they address the specific requests and suggestions of individuals and organizations. As local governments are given more tasks and powers, becoming increasingly dynamic and autonomous, the need for inspection, supervision, and control over the exercise of power increases. People’s supervision of local governments is an objective requirement of the power-granting entity towards the delegated entity; aiming to help local governments operate effectively, prevent and deter any manifestations of power abuse, and ensure democracy and the rule of law in the exercise of power by local governments.

However, in practice, people’s oversight in Vietnam still faces many obstacles and shortcomings. In reality, authoritarianism, corruption, and negative practices persist in the exercise of power by local authorities and individuals, as well as the abuse of power for personal gain and the benefit of “group interests”. The practice of democracy at the local level is not yet truly serious or effective; human rights and civil rights are sometimes violated in certain areas. Many irregularities occur in areas of decentralization.

The irregularities related to the Thu Thiem new urban area planning project (Ho Chi Minh City), planning management and construction permit violations in Da Nang, the obstacles and violations in investment management and project licensing related to the Formosa Ha Tinh incident, land management violations, irregularities in local official appointments, serious exam fraud in the 2018 National High School Examination in the three mountainous provinces of Ha Giang, Son La, and Hoa Binh, the Viet A mega-case in 2022 involving a series of leading and managerial officials in localities... are clear evidence showing that the supervision of the exercise of state power by local authorities, including the supervision by the people, is ineffective. More than ever, the need to “confine power within a cage of mechanisms” is extremely urgent.

This topic is of practical significance, especially in the context of the current socialist rule-of-law state with many new issues such as expanding direct democracy; continuing to reorganize and streamline the political system's structure, implementing a two-tiered local government model (provincial and grassroots levels); promoting local governance towards modernization and effectiveness; and strengthening decentralization coupled with inspection, supervision, and anti-corruption efforts in accordance with the spirit of the Party's 13th National Congress Resolution.

For the reasons mentioned above, the PhD candidate has chosen the topic "The legal mechanism for people to supervise the exercise of state power by local governments in Vietnam" as the research topic for this thesis.

## **2. Research purpose and research tasks of the thesis**

### ***2.1. Research purpose***

The purpose of the thesis is to clarify theoretical and practical issues regarding the legal mechanism for people's supervision of the exercise of state power by local governments, thereby identifying viewpoints and proposing solutions to improve this mechanism in Vietnam in the coming period.

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

To achieve the above research purpose, the thesis identifies the following main research tasks:

*Firstly*, the research clarifies the concept, characteristics, roles, constituent elements, conditions for ensuring the implementation of the legal mechanism, and studies international experiences on related issues, thereby identifying valuable lessons for Vietnam to consider.

*Secondly*, the research clarifies the achievements and limitations of the legal mechanism for people's supervision of the exercise of state power by local governments in Vietnam in practice and points out the causes.

*Thirdly*, the research identifies guiding viewpoints and proposes solutions contributing to the improvement of the legal mechanism for people's supervision of the exercise of state power by local governments in Vietnam.

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

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

The subject of this thesis is the theory and practice of the legal mechanism for people to supervise the exercise of state power by local governments in Vietnam; including academic viewpoints, regulations, practices, and solutions to ensure the effectiveness and efficiency of people's supervision of the exercise of state power by local governments in Vietnam, from the perspective of the field of State and Law Theory and History.

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

*Regarding content*: This thesis focuses on the legal framework, institutions, and their interactions to realize the people's supervisory role over the exercise of

state power by local governments in Vietnam. People's supervision is approached as a means of controlling state power. Specifically, the thesis studies the people's supervision modes (directly through the communities or individuals/citizens, and indirectly through representative institutions, including the Vietnam Fatherland Front, socio-political organizations, grassroots democratic institutions, social organizations, and media institutions). Due to specific reasons, this thesis does not study the supervision by the Party and elected bodies, including the National Assembly and People's Councils at all levels.

*Regarding space:* The thesis is primarily studied within the Vietnamese context, with reference to the experiences of several other countries.

*Regarding the timeframe:* The thesis approaches the research content primarily based on the 2013 Constitution (amended and supplemented in 2025), and legal documents issued from 2014 to the present that are still in effect. The viewpoints and solutions proposed in the thesis are for the period up to 2030, with a vision to 2045.

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

### **4.1. Theoretical basis**

This thesis is based on viewpoints, ideas, principles, and theories on the state and law, with particular emphasis on the Marxist-Leninist approach, Ho Chi Minh thought, and the viewpoints and policies of the Communist Party of Vietnam in building and perfecting the Socialist Rule-of-law State in Vietnam, controlling state power, and emphasizing the role of the people as the supreme subject of state power.

The thesis refers to several theories in the fields of politics, law, and public administration such as the theory of people's mastery, direct democracy, representative democracy, modern public governance theory, good governance theory, national governance theory in the context of digital transformation, digital democracy theory, and local governance theory.

### **4.2. Research methodology**

This thesis is based on the methodology of dialectical materialism and historical materialism; combined with specific research methods including secondary document research method, deductive and inductive method, systematization method, comparative legal method, historical method, statistical method, analytical and synthetic method to achieve the stated purpose and tasks.

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

This is the first doctoral thesis in law specializing in the theory and history of state and law that comprehensively and systematically examines the legal mechanism for people to supervise the exercise of state power by local governments in Vietnam. The thesis's new contributions are reflected in the following aspects:

- *Firstly*, the thesis has established a basic theoretical framework for the legal mechanism of people's supervision of the exercise of state power by local

governments, clarifying the concept, characteristics, role, constituent elements, and conditions for ensuring it; thereby establishing a broad mechanism for people to not only directly but also indirectly supervise the exercise of state power by local governments.

- *Secondly*, in studying international experience, the thesis applies a broad approach based on modes of people's supervision, thereby encompassing many different countries with relatively typical and prominent mechanisms. This also serves as a source of information for evaluation, analysis, and reference when proposing recommendations in the thesis.

- *Thirdly*, the thesis comprehensively analyzes and evaluates the current situation of people's supervision of the exercise of state power by local governments in Vietnam based on reliable data; thereby clarifying achievements, limitations, and causes.

- *Fourthly*, the thesis establishes several viewpoints and proposes a comprehensive system of solutions to improve the legal mechanism for people to supervise the exercise of state power by local governments in Vietnam.

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

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

This thesis contributes to supplementing and enriching the thinking and theories on the control of state power and people's supervision. The arguments and proposals in the thesis help clarify many theoretical issues regarding the legal mechanism for people to supervise the exercise of state power by local governments in Vietnam, which had not been fully and thoroughly addressed before.

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

The scientific and practical directions and proposals of this thesis can provide useful insights, further strengthen arguments, and improve relevant policies and regulations, as well as enhance the effectiveness of implementing regulations towards a substantive and effective people's oversight mechanism. In addition, the thesis can be used as a reference document for research, teaching, and learning at educational institutions specializing in law, political science, and public administration.

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

In addition to the introduction, conclusion, and list of relevant published works, the thesis consists of 4 chapters and 10 sections.

## Chapter 1

### OVERVIEW OF RESEARCH SITUATION RELATED TO THE TOPIC AND ISSUES REQUIRING FURTHER RESEARCH

#### 1.1. THE RESEARCH SITUATION RELATED TO THE THESIS TOPIC

##### 1.1.1. Domestic research works

##### *1.1.1.1. Domestic research on local government and the exercise of state power by local governments*

Typical works in this research group include: the book by Nguyen Van Cuong (chief author), *On the delineation of authority between central and local governments in Vietnam today*, National Political Publishing House, Hanoi, 2015; Tran Thi Dieu Oanh (chief author), *On transparency in the activities of local governments*, National Political Publishing House, Hanoi, 2015; the law doctoral thesis *Improving the organization and operation of local government agencies in Vietnam today* by Tran Cong Dung, Hanoi Law University, 2016; the book by Nguyen Hai Long and Hoang Xuan Chau, *Organization and operation of local governments*, National Political Publishing House, Hanoi, 2020; Tran Thi Dieu Oanh (chief author), *Delineation of authority between local government levels*, National Political Publishing House, Hanoi, 2022; the article by Vo Cong Khoi, “Current situation and solutions for reforming the organization and operation of the local government”, *Journal of Political Theory*, No. 540 (February 2023); Nguyen Ba Chien, Tran Thi Dieu Oanh, Vu Thi My Hang (chief authors), *Controlling power in decentralization and delegation of power*, National Political Publishing House, Hanoi, 2024; “Organization and operation of the local government in Vietnam - Current situation and requirements for reform” by Thieu Thi Thu Huong, published in the *Electronic Journal of State Management*, April 22, 2025...

##### *1.1.1.2. Research related to people’s supervision of the exercise of state power in Vietnam*

Typical works in this research group include: the book *Mechanisms of people’s supervision of the activities of the Party and State apparatus: Some theoretical and practical issues* by Dao Tri Uc (chief author), National Political Publishing House, Hanoi, 2010; *Improving the legal mechanism for social supervision of the exercise of state power in Vietnam today* by Nguyen Manh Binh, National Political Publishing House, Hanoi, 2012; the doctoral thesis *Improving the law on people's supervision of state administrative agencies in Vietnam* by Hoang Minh Hoi, Ho Chi Minh National Academy of Politics, 2015; and *Improving the legal mechanism for people’s control of state power in Vietnam* by Nguyen Quang Anh, Ho Chi Minh National Academy of Politics, 2015; the article “The relationship between the right to access information and the right to supervision” by Dinh Thanh Phuong, published in the *Journal of Legal Studies*, No. 5/2018; “The role of social organizations in state governance today” by Nguyen Van Quan, published in the *Journal of Legal Studies*, No. 7/2018; Legal mechanisms for controlling state power in the context of building a socialist rule-of-law State in Vietnam” by Nguyen Minh Doan (chief author), National

Political Publishing House, Hanoi, 2018; “Building a mechanism for people to control state power” by Le Thi Minh Ha, *Journal of Theoretical Education*, No. 288 (02/2019); “Promoting the people’s right to control and supervise state power in Vietnam today” by Nguyen The Trung, published in *Communist Review*, No. 940, April 2020; Do Van Thang, “Promoting the role of social supervision and criticism of the Vietnam Fatherland Front and political-social organizations in the spirit of the 13th Party Congress”, *Journal of Scientific Information on Political Theory*, No. 8(78), 2021; Pham Huy Ky, “The press performs the function of social supervision and criticism - issues and solutions”, *Journal of Political Theory and Communication*, No. 6/2022; *Controlling power in the political system in Vietnam today* by Nguyen Thi Tuyet Mai (chief author), National Political Publishing House, Hanoi, 2022; the doctoral thesis *The right to supervision of citizens in Vietnam today* by Luong Van Lieu, Vietnam Academy of Social Sciences, Hanoi, 2023...

#### ***1.1.1.3. Research related to the legal mechanism for people to supervise the exercise of state power by local governments in Vietnam***

Typical works in this research group include: the report *Credibility and structure: Citizen participation and local elections in Vietnam*, published jointly by UNDP and Oxfam in 2015; the book *Social critique in Vietnamese journalism through some notable events* by Phan Van Kien, Information and Communication Publishing House, Hanoi, 2015; the article by Dang Minh Tuan and Hoang Thi Ai Quynh, “Improving the mechanism for controlling state power at the local level in Vietnam - An approach from the perspective of decentralization”, *Hanoi National University Journal of Science: Law*, Vol. 34, No. 2/2018; and the grassroots-level research project *Controlling the exercise of state power by local governments in Vietnam today*, led by Vu Ngoc Ha (Academy of Politics - Region I) in 2019; the article by Pham Thi Ngoc Dung, “People control the exercise of state power by local authorities in Vietnam”, *Journal of Theoretical Education*, No. 295 (August 2019); the book by Nguyen Thi Bao (chief author), *Control of state power at the commune level in the Red River Delta Region*, Political Theory Publishing House, Hanoi, 2020; the doctoral thesis *Controlling the exercise of state power by Provincial People’s Committees in Vietnam today* by Vu Dang Phuc, Vietnam National University, Hanoi, 2020; Nguyen Duy Trinh (chief author), *Social monitoring and criticism activities of the Vietnam Fatherland Front (Through the practice of Da Nang City)*, Da Nang Publishing House, 2023; the Ministry-level research project *Controlling the exercise of state power by local authorities in Vietnam: Theoretical and practical basis* (2023-2024) led by Tran Quyet Thang, Central Region Branch of the National Academy of Public Administration...

#### **1.1.2. Foreign research works**

##### ***1.1.2.1. Foreign research on the local government and the exercise of state power by local governments***

Typical works in this research group include: *Local governance in developing countries*, edited by Anwar Shah, published by the World Bank, Washington D.C., USA, 2006; *Local governance reform in a global perspective*



by Norbert Kersting, Janice Caulfield, R. Andrew Nickson, Dele Olowu, and Hellmut Wollmann (VS Verlag für Sozialwissenschaften, Germany, 2009); *Reforming local government in Vietnam - Lessons learned from Japan*, doctoral thesis by Phan Thi Lan Huong, Nagoya University, Japan, 2012; *Central-local relations in Asian constitutional systems*, edited by Harding, A., and Sidel, M. (Hart, Oxford and Portland, Oregon, 2018)...

#### ***1.1.2.2. Foreign research related to people's supervision of the exercise of state power***

Typical works in this research group include: *Du contrat social* (1762) by Jean Jacques Rousseau (Political and Administrative Publishing House, Hanoi, 2013); *Representative Government* (1861) by John Stuart Mill (Tri Thuc Publishing House, Hanoi, 2018); D. Lerner and H.D. Laswell, *The Policy science: Recent developments in scope and method* (Stanford University Press, California, USA, 1951); *The sources of social power* published by Cambridge University Press in 1986; the report *Serving, maintaining, and improving public administration in a competitive world* by the Asian Development Bank (National Political Publishing House, Hanoi, 2003); the article by Chen, D. "Supervision by public opinion or by government officials? Media criticism and central-local government relations in China", published in *Modern China*, No. 43(6), 2017...

#### ***1.1.2.3. Foreign research related to people's supervision of the exercise of state power by local governments***

Typical works in this topic include: Janice Morphet, *Modern local government*, Sage Publications, California, USA, 2008; World Bank and United City and Local governments, *Decentralization and local democracy in the world*, Washington, D.C., USA, 2009; Ank Michels and Laurens De Graaf, "Examining citizen participation: local participatory policymaking and democracy revisited", published in *Local Government Studies*, No. 43(6), 8-2010; Achmad Hariri, "Legal reconstruction of local government supervision toward good local governance", published in *Advances in Social Science, Education and Humanities Research*, No. 436, 2019,...

### **1.2. THE GENERAL ASSESSMENT AND ISSUES TO BE FURTHER STUDIED IN THE THESIS**

#### **1.2.1. General assessment of the research situation related to the thesis topic**

From an overview of the research situation related to the topic, it can be seen that people's supervision of the exercise of state power is a subject that has been studied from many perspectives and approaches. In Vietnam, there have been many studies on the mechanisms of power supervision within the state apparatus (supervision by state agencies); mechanisms of power supervision from outside (the Party, the Vietnam Fatherland Front, political and social organizations, social organizations, media, citizens, etc.); supervision within each agency (legal counsel, inspection, etc.); and specialized supervision mechanisms (mechanisms for protecting the Constitution) according to Clause 2, Article 119 of the Constitution. However, the number of studies delving into the issue of supervision of local governments is still small. To date, there has not been a comprehensive, systematic, and in-depth study on

the legal mechanism for people to supervise the exercise of state power by local governments in Vietnam. This is precisely the gap that this thesis and other research projects could fill in Vietnam in the future.

### **1.2.2. Specific issues to be further studied in the thesis**

*Regarding theoretical perspective:*

Inheriting existing viewpoints and supplementing some missing aspects, the thesis needs to build a complete theoretical framework on the legal mechanism for people to supervise the exercise of state power by local governments.

*Regarding practical perspective:*

Building upon the results of domestic research, the thesis updates, supplements, and refines the structure and content of the analysis to provide a comprehensive and clear picture of the current situation of the legal mechanism for people to supervise the exercise of state power by local governments in Vietnam.

*Regarding viewpoints and solutions:*

Previous studies have suggested a number of viewpoints and solutions at different levels and scales, contributing to promoting people's supervision of the exercise of state power by governments at all levels in Vietnam. However, that was in the context before the 13<sup>th</sup> National Congress Document of the Party (2021), Resolution No. 27-NQ/TW dated November 9, 2022, the Law on Implementation of democracy at the grassroots level in 2022 (amended and supplemented in 2025), and the revolution to streamline the organizational structure of the political system in accordance with Resolution No. 18-NQ/TW dated October 25, 2017... Therefore, building upon existing research and the research results in Chapters 1, 2, and 3, the thesis will continue to supplement, develop, and propose a system of viewpoints and solutions to ensure more substantive and effective people's supervision over the exercise of state power by local governments.

### **1.2.3. Research hypothesis and research questions**

#### ***1.2.3.1. Research hypothesis***

From an overview of the research situation related to the topic, the author determines the research hypothesis of the thesis as follows:

People's supervision is an objective requirement to ensure that local governments exercise state power correctly and effectively, complying with the provisions of the Constitution and laws, and truly serving the people. The legal mechanism for people to supervise the exercise of state power by local governments in Vietnam has been established and operating in practice; however, this mechanism still has certain limitations and shortcomings, and has not yet fully realized its strength and significance. Researching, analyzing, developing a theoretical framework, and evaluating the practical situation, thereby proposing more comprehensive and robust viewpoints and solutions, will contribute to improving the effectiveness and efficiency of the mechanism, meeting the requirements of national construction and development in the new era.

### **1.2.3.2. Research questions**

The entire thesis aims to address the central research question: *How to improve the legal mechanism for people to supervise the exercise of state power by local governments in Vietnam to ensure effectiveness and efficiency, meeting the requirements of building and perfecting the Socialist Rule-of-law State in Vietnam?*. In order to address this overarching question, the thesis focuses on answering the following specific research questions:

(1) How is the legal mechanism of people's supervision of the exercise of state power by local governments understood; what are its important and outstanding characteristics? What is the position and role of this mechanism in the overall model of controlling state power in Vietnam? What elements make up this mechanism? What conditions are needed to ensure it? What values can be learned from the practices of other countries in the world?

(2) What are the limitations of the legal mechanism of people's supervision of the exercise of state power by local governments in Vietnam today?

(3) What viewpoints and solutions need to be in place to ensure the substance and effectiveness of the legal mechanism for people to supervise the exercise of state power by local governments in Vietnam?

### **Conclusion of chapter 1**

People's supervision over the exercise of state power is an important topic that has attracted the attention of many scholars and researchers. To a certain extent, previous works have contributed to providing and explaining many issues surrounding people's supervision, serving as useful reference materials and valuable assets for this topic. However, the number of works that delve deeply into the supervision of the exercise of state power by local governments, focusing on the people as the subject of supervision, is not large. Based on an assessment of the results achieved from previous research works, this chapter points out issues that have not been addressed or have been addressed but are incomplete or unclear, thereby determining the direction and objectives for further research on the topic.

## **Chapter 2**

### **THEORETICAL BASIS OF THE LEGAL MECHANISM FOR PEOPLE TO SUPERVISE THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS**

#### **2.1. THE DEFINITION, CHARACTERISTICS, AND ROLE OF THE LEGAL MECHANISM FOR PEOPLE TO SUPERVISE THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS**

##### **2.1.1. The definition of the legal mechanism for people to supervise the exercise of state power by local governments**

The legal mechanism for people to supervise the exercise of state power by local governments is a system of regulations, institutions, and operations through which the people, directly as individuals or communities, or through their

representative organizations, supervise the performance of functions, responsibilities, and powers of local government agencies, elected representatives, cadres, and civil servants as prescribed by law; thereby identifying problems, providing information, contributing opinions, making proposals, and influencing local governments to adjust their decisions and actions or recommending the handling of wrongdoings by local governments; contributing to ensuring the full, correct, and effective exercise of state power by local governments.

### **2.1.2. Characteristics of the legal mechanism for people to supervise the exercise of state power by local governments**

*Firstly*, the legal mechanism for people to supervise the exercise of state power by local governments involves the participation of many diverse entities in society, possessing relative objectivity and independence.

*Secondly*, the legal mechanism for people to supervise the exercise of state power by local governments is more social than authoritarian.

*Thirdly*, the legal mechanism for people to supervise the exercise of state power by local governments is conducted regularly, continuously, everywhere, at all times, broadly, and flexibly.

*Fourthly*, the legal mechanism for people to supervise the exercise of state power by local governments is closely linked to the performance of functions, responsibilities, and powers of local government agencies, elected representatives, cadres, and civil servants.

*Fifthly*, the legal mechanism for people to supervise the exercise of state power by local governments is built and operated on the basis of two basic methods of people's supervision: direct supervision or supervision through representative institutions.

*Sixth*, the legal mechanism for people to supervise the exercise of state power by local governments is a mode of controlling state power at the local level.

*Seventh*, the legal mechanism for people to supervise the exercise of state power by local governments is recognized and guaranteed by law.

### **2.1.3. The roles of the legal mechanism for people to supervise the exercise of state power by local governments**

*Firstly*, the legal mechanism for people to supervise the exercise of state power by local governments is a means of realizing and promoting the local people's right to mastery, ensuring and protecting human rights and civil rights.

*Secondly*, the legal mechanism for people to supervise the exercise of state power by local governments contributes to preventing the abuse of power, combating corruption and negative practices at the locality.

*Thirdly*, the legal mechanism for people to supervise the exercise of state power by local governments ensures that local governments exercise their power effectively; ensures that the Constitution, laws, and state policies are fully, correctly, and strictly implemented in practice; ensures the quality of public services provided by localities; and promotes good governance.

*Fourthly*, the legal mechanism for people to supervise the exercise of state power by local governments contributes to building and perfecting the rule-of-law State and stabilizing social order.

## **2.2. THE ELEMENTS CONSTITUTING THE LEGAL MECHANISM FOR PEOPLE TO SUPERVISE THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS**

### **2.2.1. Regulations**

The regulation on people's supervision of the exercise of state power by local governments consists of closely related and unified legal norms that regulate social relations arising in the process of people's supervision over the exercise of state power by local governments. This framework defines the purpose and principles of supervision; the legal status, rights, and responsibilities of relevant entities; the scope and content of supervision; the forms and methods of supervision; the procedures and the legal consequences of supervision.

### **2.2.2. Institutions**

The institutions for people's supervision of the exercise of state power by local authorities includes agencies, organizations, collectives, and individuals/citizens operating under the laws, through which the people supervise the exercise of state power by local authorities. The people can directly supervise themselves; or they can supervise through organizations representing them. Within the scope of this thesis, the basic representative institutions studied include: the Vietnam Fatherland Front, socio-political organizations; grassroots democracy institutions; social organizations; and media institutions (radio, television, print newspapers, online newspapers, social media, etc.).

### **2.2.3. The operation of the legal mechanism**

The mode of operation of the legal mechanism refers to the way regulations are implemented in practice, through specific channels and supervision activities. It reflects the functioning of the mechanism in practice, manifested in how entities (institutions) conduct oversight in practice according to the regulations.

## **2.3. CONDITIONS FOR ENSURING THE IMPLEMENTATION OF THE LEGAL MECHANISM FOR PEOPLE TO SUPERVISE THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS**

### **2.3.1. Political and ideological guarantees**

The legal mechanism for people to supervise the exercise of state power by local authorities can only be effectively implemented in a stable, democratic political environment that respects and protects human rights and civil rights, as reflected in the policies of the ruling Party; the reality of local political life; the awareness and attitudes of relevant stakeholders; and the leadership and guidance of Party committees and authorities in implementing and ensuring people's supervision.

### **2.3.2. Legal guarantees**

Building and operating the legal mechanism for people to supervise the exercise of state power by local governments must be based on a solid and comprehensive

legal foundation, requiring effectiveness and efficiency from lawmaking to law enforcement.

### **2.3.3. Socio-economic, legal culture, and educational guarantees**

Socio-economic development, legal culture, and the level of public awareness are the foundations that determine the attitudes and behaviors of individuals and organizations in practicing democracy and promoting the supervisory role; at the same time, they influence the level of resource investment in building and improving regulations, operating supervisory institutions, and investing in the necessary infrastructure and funding for these activities.

### **2.3.4. Organizational guarantees**

The level of perfection in the organization and exercise of state power by local governments is a crucial condition that enables people to monitor, evaluate, and know how to supervise local governments. The organization and resources of institutions representing the people also greatly influence the capacity and effectiveness of these institutions in supervision.

### **2.3.5. Guarantees regarding transparency, openness, and information technology**

Openness and transparency are prerequisites for supervision. Particularly in the current context, the application of information technology has become a necessary guarantee to enhance and support the people's ability of supervision.

## **2.4. THE LEGAL MECHANISM FOR PEOPLE TO SUPERVISE THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS IN SOME COUNTRIES AROUND THE WORLD AND REFERENCE VALUE FOR VIETNAM**

### **2.4.1. The legal mechanism for people to supervise the exercise of state power by local governments in some countries around the world**

#### ***2.4.1.1. People's direct supervision of the exercise of state power by local governments***

The laws of various countries recognize many forms and methods of direct supervision by the people, both individually (linked to the exercise of the right to vote, recall, public consultation mechanisms, the right to propose, suggest, complain, denounce, and sue, the right to access information, freedom of speech, freedom of assembly, etc.) and collectively (referendums, citizen conferences, etc.).

#### ***2.4.1.2. People's supervision of the exercise of state power by local governments through representative institutions***

Socio-political organizations and people's associations are important institutions representing the people in supervising local governments in many countries (China, Russia, Cuba, Singapore...). Social organizations (associations, community organizations, non-profit organizations, non-governmental organizations, trade unions, funds, clubs...) operate strongly in many countries (United States, Russia, China, South Korea, Thailand...); encouraging citizens to care about public issues, creating pressure on the local government to be more open, transparent, and cautious in its actions and decisions. The press and media in developed countries are diverse, operate freely, and have an enormous reach and social influence, always making the

government wary (United States, United Kingdom, Germany, France, Japan...). In addition, other representative institutions exist in certain countries, such as social cooperation mechanisms (Norway, Hungary, Finland...), independent advisory bodies that collect opinions and suggestions from citizens to provide advice to the government (Russia)...

#### **2.4.2. Reference value for Vietnam**

Direct people's supervision is a mode of supervision linked to human rights, fundamental civil rights, and the trend of modern, grassroots-oriented local governance serving the people; therefore, it is increasingly being emphasized and expanded in countries around the world. The effectiveness of direct people's supervision requires support and facilitation from local authorities and other institutions.

Besides direct supervision, states also recognize and witness the significant role of institutions representing the people in supervision. To enhance the effectiveness of supervision through representative institutions, in addition to a complete and rigorous legal framework for the organization and operation of these institutions; creating a favorable environment and conditions to promote proactive and positive supervision; countries aim to ensure the independence and supervisory capacity of these institutions; Simultaneously, it creates cohesion and mutual support among people's supervision institutions, as well as cohesion and coordination with state supervision institutions.

### **Conclusion of Chapter 2**

In this chapter, the author has developed a basic theoretical framework on the legal mechanism for people to supervise the exercise of state power by local governments, clarifying the conceptual content, pointing out prominent characteristics, identifying the role, constituent elements, and ensuring conditions; and at the same time summarizing international experience and its reference values for Vietnam.

## **Chapter 3**

### **CURRENT SITUATION OF THE LEGAL MECHANISM FOR PEOPLE TO SUPERVISE THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS IN VIETNAM**

#### **3.1. ACHIEVEMENTS IN THE LEGAL MECHANISM FOR PEOPLE TO SUPERVISE THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS IN VIETNAM AND THE CAUSES OF THESE ACHIEVEMENTS**

##### **3.1.1. Achievements**

##### ***3.1.1.1. Achievements in terms of regulations***

The legal framework for people's oversight of the exercise of state power by local governments in Vietnam has been relatively comprehensively established and has made significant progress, as reflected in the provisions of the Constitution, laws on the organization and operation of local governments, the Fatherland Front and

socio-political organizations, and many other related legal documents, creating a legal framework for the people to directly or indirectly conduct oversight. The framework has established the purpose and principles of oversight, associated with the core role of the Fatherland Front and socio-political organizations; it has relatively fully and clearly defined the position, role, and rights of the people in overseeing the exercise of state power by local governments; and it stipulates specific contents related to people's oversight, such as the scope, content, form, methods, procedures, and legal consequences of oversight. Accordingly, the Fatherland Front's oversight covers the basic aspects of the exercise of state power by local governments. Socio-political organizations monitor issues related to their areas of activity. In particular, the law has strengthened the proactive role of the Fatherland Front with more flexible and proactive monitoring activities. The supervisory role of grassroots democratic institutions has been consolidated. The legal foundation for social organizations and media institutions has been fundamentally defined. The responsibilities of all levels of government have been more clearly defined to ensure the implementation of the mechanism in practice (manifested in the responsibility to create conditions, provide financial support, provide information, provide accountability, coordinate in activities, and other obligations).

#### ***3.1.1.2. Achievements in terms of institutions***

Each individual/citizen, with the legal rights and capabilities granted to them, is increasingly asserting their supervisory role and capacity, thereby creating pressure to compel local authorities to be cautious and responsible in every action and decision. The basic representative institutions through which the people supervise the exercise of state power by local authorities in Vietnam have been effectively fulfilling their roles in practice. Among these, the Fatherland Front, socio-political organizations, and grassroots democratic institutions are clearly recognized by law in terms of their legal status, functions, responsibilities, and supervisory authority; their organizational structure is being gradually streamlined and focused on the grassroots; and their content and methods of operation are becoming increasingly diverse and practical. The Fatherland Front at all levels has gradually played a core role in representing the people, presiding over consultations, and coordinating with socio-political organizations and other institutions in carrying out supervisory tasks. Media institutions, especially social media, are increasingly demonstrating their role and power in monitoring the exercise of state power by local authorities. Social organizations are becoming more diverse and numerous, increasing their presence in society and raising their voice to the authorities.

#### ***3.1.1.3. Achievements in the operation of the legal mechanism***

The implementation of regulations on people's supervision in practice has yielded many positive results. In reality, more favorable conditions have been in place for people to supervise the exercise of state power by local authorities; they are more bold and frank in evaluating, contributing opinions, making recommendations, and fighting against violations, especially in the fields of land, real estate, and illegal acts by cadres and civil servants. People's supervision institutions are also actively



implementing supervision forms as prescribed by law; at the same time, they attract and guide the people to participate in supervision. To a certain extent, these institutions have coordinated and supported each other, creating a synergistic effect. Furthermore, people's oversight is connected to state oversight, for example, in the oversight delegations of the People's Council, there is the presence of representatives from the Fatherland Front, socio-political organizations, etc. These results have affirmed the role of the people in supervising the exercise of state power by local authorities, contributing to preventing abuses of power, wrongdoings, and irresponsibility, helping to recover large amounts of land, money, and assets, and limiting losses and waste.

### **3.1.2. Causes of achievements**

*Firstly*, advancements in the Party's views and policies on the people's right to mastery and supervisory role have created the foundation for building, perfecting, and operating the legal mechanism for people to supervise the exercise of state power by local governments in practice.

*Secondly*, the awareness and responsibility of local Party committees and governments regarding people's supervision have been enhanced, creating favorable conditions for people's supervision.

*Thirdly*, along with the process of country renovation, opening up, and international integration, the country's socio-economic situation has undergone many positive changes, contributing to promoting people's supervision.

*Fourthly*, the development of science and technology and digital transformation contribute to promoting e-democracy, forming digital citizens, and opening up many opportunities and possibilities for people to supervise the exercise of state power by local governments.

## **3.2. LIMITATIONS IN THE LEGAL MECHANISM FOR PEOPLE TO SUPERVISE THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS IN VIETNAM AND THE CAUSES OF THESE LIMITATIONS**

### **3.2.1. Limitations**

#### ***3.2.1.1. Limitations in terms of regulations***

Although a basic legal framework has been established, recognizing the people's right to direct supervision as well as the position and authority of representative institutions, it has not yet truly created a transparent and favorable legal environment for people's supervision (in terms of openness, transparency, and access to information). The people have not yet truly possessed strong powers in supervision, nor have they been motivated to supervise in a proactive way. Supervision as a responsibility has not been raised. To date, people's supervision has been mainly expressed through the Fatherland Front, socio-political organizations, People's Inspection Committees, and Community Investment Monitoring Committees; there is no specific legal document dedicated to people's supervision, especially direct people's supervision. Regulations are quite scattered across many documents with varying levels of legal effectiveness. The existing regulations contain fundamental

principles but lack a comprehensive, unified, and feasible legal mechanism for effective oversight. Some procedures are complex, cumbersome, and lack transparency. The legal framework for oversight by social organizations and the media is not yet clearly defined. Regulations governing the organization and operation of social organizations mainly exist in the form of sub-law documents, which have weak legal enforceability; some regulations are outdated, inconsistent, not specific enough, and do not facilitate the oversight activities of social organizations. The connection between institutions in oversight has not been clearly formalized. Compared to the requirements of democratization and the practical operation of local governments, the people's oversight system is slow to be reformed and has not yet created a truly solid legal foundation.

### ***3.2.1.2. Limitations in terms of institutions***

People's supervision institutions still have many limitations in terms of their position and supervisory power. Some citizens' rights associated with direct supervision are only at a general, principled level, difficult to implement in practice, with limited possibility to hold local authorities accountable. The independence, autonomy, accountability, objectivity, and effectiveness of many oversight institutions are not guaranteed. The strength and legal binding power of the supervision done by the Fatherland Front and socio-political organizations, which are considered the core of people's oversight, are also not strong enough. The organization and operation of the Fatherland Front, socio-political organizations, and grassroots democratic institutions have certain shortcomings that affect the effectiveness of supervision. The capacity of the relevant entities remains limited. Except for specialized oversight institutions, other entities face difficulties due to limitations in their awareness, responsibility, and capability to organize oversight activities. Limited funding and human resources, coupled with a broad scope of supervision, high demands, and significant responsibilities, make it difficult to undertake comprehensive and in-depth monitoring of all sectors and projects at the local level. Coordination between the Fatherland Front and its member organizations with other institutions and the local government in monitoring activities is sometimes lacking in tightness and synchronization, leading to wasted resources and reduced overall effectiveness.

### ***3.2.1.3. Limitations in the operation of the legal mechanism***

The practice of people's supervision still faces many limitations. People's supervision activities are not yet truly strong, comprehensive, and in-depth. Direct democratic rights have not effectively played their role in supporting and strengthening people's supervision. In general, the effectiveness of direct citizen supervision is not high. The Fatherland Front and socio-political organizations have not been truly proactive in supervision, with not many flexible supervision

activities; and have not truly managed to attract and mobilize a large number of people to participate in supervision activities. Supervision by socio-political organizations is still formal, scattered, and does not go deep into complex and sensitive issues. Supervision by grassroots democratic institutions and social organizations remains weak. Media institutions have not fully exploited their potential and strength; at the same time, they face many challenges in the context of the information society and digital transformation. The connection and coordination in supervision between people's supervisory institutions, as well as between people's supervision and state supervision, are not yet truly smooth, close, and effective. There is overlap or omission of supervisory content, or information is not effectively compiled and processed. Furthermore, although the law has stipulated many different channels for people to report information and opinions to the government at all levels, the process of transmitting information through multiple layers does not guarantee that it will reach the competent authorities then be considered and resolved.

### **3.2.2. Causes of limitations**

*Firstly*, there are still bottlenecks in the thinking and understanding of both the supervisory and supervised entities.

*Secondly*, the legalization of the Party's views and policies on people's supervision is slow; the implementation and handling of violations of regulations on people's supervision are limited.

*Thirdly*, the organization and operation of people's representative institutions are slow to innovate and have not met the requirements of independence and objectivity, affecting the capacity and effectiveness of supervision in practice.

*Fourthly*, the organization and operation of local governments are still inadequate; lack transparency, accountability, and accountability; and have not created an open and effective mechanism for receiving, processing, and responding to people's supervision.

*Fifthly*, the country's socio-economic and cultural conditions create certain obstacles, reducing the effectiveness of people's supervision activities.

### **Conclusion of Chapter 3**

In this chapter, the author analyzed the current situation of the legal mechanism for people's oversight over the exercise of state power by local governments in Vietnam from the following aspects: regulations, institutions, and the operation of the legal mechanism. Through this analysis, the author provided comprehensive and specific observations and assessments of the current situation, including both notable achievements and limitations, along with the causes of those achievements and limitations.

## **Chapter 4**

# **VIEWPOINTS AND SOLUTIONS FOR IMPROVING THE LEGAL MECHANISM FOR PEOPLE TO SUPERVISE THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS IN VIETNAM**

## **4.1. VIEWPOINTS ON IMPROVING THE LEGAL MECHANISM FOR PEOPLE TO SUPERVISE THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS IN VIETNAM**

### **4.1.1. Defining people's supervision as vital, regular, early, from distant, grassroots-based, and encompassing the entire process**

People's supervision must be considered a fundamental and vital component in the mechanism for supervising state power, not merely supplementary or supportive to state supervision. Especially in the context of promoting decentralization, people's supervision of the exercise of state power by local governments needs to be highly promoted, carried out regularly, early, from distant, grassroots-based, and encompass the entire process of exercising state power.

### **4.1.2. Widely practicing socialist democracy, ensuring the genuine mastery right of the people, and maximizing human rights and civil rights**

Improving the legal mechanism for the people to supervise the exercise of state power by local governments aims to realize the people's mastery right; to ensure and protect human rights and civil rights. At the same time, for this mechanism to function, it must be linked to and implemented through the practice of democracy, human rights, and civil rights; creating an open and convenient mechanism for supervision by the broad masses of the people. In the context of Vietnam, promoting socialist democracy, the rights and responsibilities of the Fatherland Front, socio-political organizations, and the people in supervision are essential requirements.

### **4.1.3. Ensuring the effective operation of the local government in the context of promoting decentralization**

Thanks to the supervision of the people, local governments enhance their responsibility; act cautiously, legally, and rationally; continuously improve themselves, build a clean, dynamic, strong, and professional apparatus that serves the people and is worthy of the people's trust and empowerment. However, the people's supervision must be done in a way that it does not hinder the normal operation of local governments. In other words, it is essential to strengthen discipline, the rule of law, and the constructive nature of supervision.

### **4.1.4. Ensuring the unity and synchronization of the state power supervision mechanism**

Improving the legal mechanism for people's supervision of the exercise of state power by local governments must be compatible with the principles of local government organization and the mechanism of democracy implementation; it must be unified and synchronized with the Party's supervision mechanism, State supervision, and other supervisory institutions to prevent the risk of power abuse. At the same time, the components of the mechanism must be closely linked and unified; ensuring that the people can supervise through various channels and forms.

#### **4.1.5. Selectively learning from international experiences suitable to Vietnam's specific conditions**

Learning and applying the experiences of other countries on a scientific basis, avoiding conservatism and prejudice. Adopting international experiences selectively, depending on the country's conditions; harmonizing with other social norms such as customs, traditions, and codes of conduct of the community; in accordance with international practices and international treaties that Vietnam has signed; ensuring continuity, with an appropriate, clear, systematic, and synchronized roadmap and steps.

### **4.2. SOLUTIONS FOR IMPROVING THE LEGAL MECHANISM FOR PEOPLE TO SUPERVISE THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS IN VIETNAM**

#### **4.2.1. Innovating thinking and raising awareness about the legal mechanism for people's supervision of the exercise of state power by local governments**

Innovating thinking about the role of the people as the main actors and raising awareness among Party committees, governments at all levels, and supervisory entities about the role and significance of people's supervision. Enhancing socio-political activism and motivation for people's supervision. In addition to continuing to promote the fight against corruption and negative practices; it is necessary to innovate and strengthen the work of education, training, fostering, and disseminating laws on democracy and people's supervision in order to inspire the desire and need for good local governance; to transform supervision into a need and legal culture of the people; to make it become responsibility, political awareness, and public service culture of local agencies, cadres, and civil servants. In addition, in the context of information explosion today, it is necessary to strengthen measures to enhance the vigilance and responsibility of internet users; and at the same time, have reasonable policies and regulations to effectively manage and resolve newly arising issues.

#### **4.2.2. Strengthening the Party's leadership in perfecting and operating the legal mechanism for people's supervision of the exercise of state power by local governments**

Strengthening the Party's leadership and guidance aims to build a timely, complete, and synchronized legal framework for supervising state power. Clearly define the orientations and solutions for improving the organization and operation of people's representative institutions; innovate the Party's leadership over the Fatherland Front and socio-political organizations; promote the healthy and effective development of media and social organizations... On that basis, strengthen the leadership, guidance, and inspection of Party committees at all levels to further concretize and effectively implement the law on people's supervision, creating space to promote people's supervision activities.

#### **4.2.3. Improving regulations on people's supervision of the exercise of state power by local governments in Vietnam**

*Firstly, improving regulations defining the purpose and principles of people's supervision.*

Uniformly define the purpose and principles of people's supervision, including both direct supervision and supervision through representative institutions.

Supplement and emphasize several principles such as supervision does not affect the normal operation of the local government; ensuring favorable conditions for people's supervision; supervision ensures the genuine mastery of the people...

*Secondly, improving regulations defining the legal status, rights, and responsibilities of supervisory entities.*

The regulations on direct supervision needs to be more solid, serving as a crucial support and driving force to strengthen the role of the people, ensuring that the people can supervise proactively, positively, conveniently, and effectively as individuals or communities, maximizing the people's supervisory rights. The law should not only recognize rights but also define the responsibilities of citizens and representative institutions and require supervision within the legal framework. Emphasis should be placed on improving the legal framework governing the organization and operation of the Fatherland Front and socio-political organizations, aiming to enhance their independence and supervisory authority; promoting the supervisory role of grassroots democratic institutions and self-governing community institutions. The role, status, and rights of social organizations need better legal guarantees. The law should also create a solid legal framework to ensure freedom of the press, enhance the supervisory capacity of media institutions; and strengthen the independence, objectivity, honesty, and proactiveness of media institutions.

*Thirdly, improving regulations defining the obligations and responsibilities of subjects under supervision.*

Improve the legal framework for transparency and openness of local governments, linked with reviewing and amending laws on public secrets, narrowing the scope of public secrets to the necessary level. Strengthen regulations on transparency in the activities of local governments. Clearly define the responsibilities of local authorities in their relationship with the people: responsibilities for reporting, providing information, soliciting public opinion, organizing dialogues as requested by supervisory entities, responsibilities for meeting citizens, listening to their opinions, processing requests and suggestions, and explaining about the incorporation of public feedback.

*Fourth, improving regulations defining the scope and content of supervision.*

The scope and content of people's supervision must encompass issues that the people are capable of supervising, and that need and should be supervised by the people. It is necessary to consider expanding the scope of issues that the people are allowed to discuss and decide at the grassroots level. Improve the legal framework for dialogue between the people and the local government, focusing on providing feedback on leadership and direction in implementing socio-economic development tasks; building new rural areas; environment and urban management; food safety; and other "hot" issues concerned by local people. The scope of supervision can be expanded to include "administrative cases", not just "administrative decisions" and "administrative actions"...

*Fifth, improving regulations defining the forms and methods of supervision.*

Regarding direct supervision: Considering to allow citizens to attend People's Council meetings at their own request. Directing voter outreach activities towards the grassroots level, overcoming the situation of contacting "major voters" and "professional voters"; applying science and technology in voter outreach. Clearly defining the responsibilities/topics for meeting citizens by civil servants and heads of local governments to ensure rationality and effectiveness, avoiding overlap and overload; link citizen reception with processing information from citizen reception. Improving regulations on soliciting opinions, receiving information and feedback from the community on issues within the scope of responsibilities of local governments; strengthening forums for dialogue and interaction between governments at all levels and the people. Expanding the participation of community meetings to include those with temporary residency in the localities. Using the opinions of voters and the people as a criterion for evaluating local elected representatives, cadres and civil servants. Considering to link the procedure for a vote of confidence for People's Council representatives with a mechanism for dismissal if they do not meet the confidence index. Completing a comprehensive legal framework to develop e-government, moving towards digital government, and increasing interaction between the people and the local government. The electoral system needs reform to ensure genuine democracy, strengthen people's oversight, and make People's Council representatives truly accountable to local voters. Promptly developing a mechanism for voters to directly dismiss local elected representatives. Revising and supplementing regulations regarding complaints and denunciations. Considering to recognize the right of citizens to request a review of the constitutionality and legality of legal documents, including those of People's Councils and People's Committees at all levels. Regarding the right to petition and provide feedback, the legal basis for receiving and resolving petitions must be clearly defined. Considering to expand the scope of referendums at the local level; allowing voters to proactively propose referendums on specific issues, which the local government will then consider.

Regarding supervision through representative institutions of the people: As for the Fatherland Front, it should be considered to add supervision methods such as dialogue, questioning, interviews, establishing advisory councils and expert assessments to draw conclusions on the content of supervision; the Fatherland Front can be granted the right to participate in verifying complaints and denunciations; and it can cooperate with the local government in organizing consultations on proposals, draft documents, and important local policies. The forms and methods of supervision by socio-political organizations should be more clearly defined. More diverse and flexible forms and methods should be stipulated for the People's Inspection Committee and the Community Investment Supervision Committee, such as participating in community meetings and conferences to gather information; and organizing independent supervision when signs of legal violations are detected. Methods that can be used include dialogue, seminars, submitting proposals, etc.

Supervision by social organizations can be regulated through forms such as: doing research; contributing opinions on local legal documents, policies, and projects; participating in dialogues with the local government, workshops, and forums. Methods of supervision that can be used include reporting, making recommendations, conducting independent social research and surveys...

*Sixth, improving regulations defining supervision procedures.*

Depending on the subject and form of supervision, appropriate, rigorous, and scientific procedures for implementing supervision activities should be developed; publicly announced; and clearly defined processes for receiving, accepting, processing, and responding to supervision results, with clear accountability of relevant local agencies, cadres, and civil servants, especially the responsibility of the head of the agency or unit.

*Seventh, improving regulations defining the legal consequences of supervision.*

Specific regulations are needed regarding the responsibility for receiving, resolving, and responding to opinions and recommendations after supervision, clearly stating the responsible party, deadlines, requirements for public disclosure and reporting of the reception and resolution to the people (notifications, press releases, press conferences, responses to the press, explanations for cases that have not been or will not be resolved); and adding sanctions for cases of non-reception, reception but failure to respond, delayed response, or perfunctory response without a valid explanation.

*Eighth, considering to develop a Law on People's Supervision Activities.*

Considering to develop a Law on People's Supervision Activities that directly and comprehensively regulates the people's supervision, covering issues such as the purpose, principles, subjects, objects, scope, content, form, methods, procedures, responsibilities of competent agencies and individuals, and mechanisms for receiving and responding to feedback from monitoring activities. The legal framework governing people's supervision should be compiled, codified, supplemented, and perfected, including consideration of developing Chapter 5 of the Law on the Vietnam Fatherland Front, so as to develop a Law on People's Supervision Activities.

#### **4.2.4. Strengthening the people's representative institutions for supervising the exercise of state power by local governments in Vietnam**

Strengthening the people's representative institutions is based on improving the organizational structure; increasing resources; innovating operating methods; enhancing independence, autonomy, and accountability to ensure objective, substantive, and effective supervision; improving the proactiveness, positiveness, and capacity of supervision. *Firstly*, continue to innovate the organization and operation of the Fatherland Front and socio-political organizations, promoting their core role in representing the people in supervising the exercise of state power by local governments. *Secondly*, strengthen the position and supervisory capacity of grassroots democratic institutions. *Thirdly*, promote the role and strengthen the capacity of social organizations in supervising the exercise of state power by local



governments. *Fourth*, leverage the potential, advantages, and power of the media in monitoring the exercise of state power by local authorities.

#### **4.2.5. Improving the organizational system and enhancing the accountability of local governments**

Continue to promote decentralization, clearly defining the functions, responsibilities, and powers of each level of government, agency, job position; clarifying individual responsibility and collective responsibility, according to the principle that one task is assigned to only one individual/agency. Emphasize the mechanism of direct accountability of local governments to the people and the People's Council at the same level, instead of leaning towards accountability to higher-level state agencies. Develop local government personnel, paying attention to consolidating and standardizing the code of conduct, ethics, and public service culture to ensure and support public supervision. Local governments at all levels need to seriously and proactively practice transparency in public service processes, simplify administrative procedures, build an open local government, and ensure the people's right to access information. Emphasize the accountability of local governments, especially the accountability of the head of the local government. Promote digital transformation which facilitates people's oversight; allocating reasonable funding to support oversight activities; strengthening support and investment for local governments in rural, mountainous, and island areas facing difficulties. Continue to implement policies for economic, cultural, and social development in all regions and localities nationwide, contributing to improving people's lives, creating conditions for raising public awareness, legal consciousness, and political culture, promoting the people's socio-political activism, and the development of institutions representing the people in overseeing the local government.

#### **4.2.6. Learning from international experiences in improving the legal mechanism for people's supervision of the exercise of state power by local governments**

Study the prospects of applying certain good experiences from foreign countries such as direct electing the head of local administrative agencies by local people; strengthening the connection between local elected representatives and the communities they represent; concretizing the mechanism of direct recall by voters of elected representatives; expanding the scope of administrative litigation and ensuring the independence of the Court in adjudicating administrative cases; supplementing the form of citizen initiatives at the local level; and applying referendums at the local level.

### **Conclusion of Chapter 4**

In this chapter, the author identified key viewpoints that need to be upheld in improving the legal mechanism for people's oversight of the exercise of state power by local governments in Vietnam. Then, the author proposed a comprehensive and specific system of solutions to enhance the effectiveness and efficiency of this legal mechanism in the future.

## CONCLUSION

1. Local governments are an important part of the state organizational structure. Local government levels, to varying degrees and scopes, are involved in realizing the Party's guidelines and orientations, the State's policies and laws; resolving issues arising in practice; and directly impacting the lives of the people. Therefore, supervising the exercise of state power by local governments is an objective requirement to ensure that local governments fully, correctly, and effectively perform their assigned functions, tasks, and powers, ensuring "democracy" and "rule of law" in the exercise of state power. Particularly in the context of promoting decentralization, people's supervision is of urgent importance. However, people's supervision can only be effectively implemented in practice through a complete and synchronized legal mechanism, thereby enabling specific, effective, and efficient supervisory activities.

2. Theoretically, the thesis affirms that the nature of the exercise of state power by local governments is the exercise of executive power; clarifies the concept of the legal mechanism for people to supervise the exercise of state power by local governments; and clearly identifies two modes of people's supervision - direct supervision by individuals or communities and supervision through representative institutions of the people. The thesis systematizes the basic theoretical aspects related to this legal mechanism; as well as explores experiences from the practices of several countries.

3. Based on the basic theoretical foundation, the thesis analyzes and evaluates the current legal framework, institutions, and practical activities of people's supervision - directly and through representative institutions in Vietnam, thereby showing that the legal mechanism for people to supervise the exercise of state power by local governments has been formed and made many positive contributions. However, people's oversight has not yet been fully ensured and promoted as required; there are still many limitations, obstacles, and barriers due to various reasons. This forms the basis for the thesis to establish some guiding viewpoints and solutions to promote people's oversight in a more substantive and effective manner./.

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