

HO CHI MINH NATIONAL ACADEMY OF POLITICS

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**LEGAL MECHANISM FOR LAW ENFORCEMENT BY
MINISTRIES IN VIETNAM**

SUMMARY DOCTORAL THESIS

FIELD OF STUDY: THEORY AND HISTORY OF STATE AND LAW

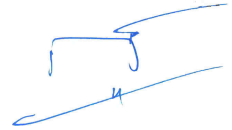
Code: 9 38 01 06

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HANOI - 2025

**The project was completed at
Ho Chi Minh National Academy of Politics**

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***Counter-argument 1:***

***Counter-argument 2:***

***Counter-argument 3:***

**The dissertation will be defended before the Dissertation Examination
Committee.**

**The Academy-level meeting was held at the Ho Chi Minh National
Political Academy.**

At o'clock on day of month of 20

**The dissertation can be found at the National Library and
Ho Chi Minh National Academy of Politics**

INTRODUCTION

1. The urgency of the topic

In the current context, as Vietnam continues to promote institutional reform, administrative reform, judicial reform, and the building of a socialist rule of law state, the need to improve the mechanism for organizing the implementation of laws – especially at the ministerial level – has become an urgent requirement both in theory and practice.

Researching the topic "**Legal mechanisms for organizing the implementation of laws by ministries in Vietnam today**" is an urgent requirement, aiming to contribute to the development of theory while providing a scientific and practical basis for policy planning and law improvement in this field.

2. Research Objectives and Tasks

2.1. Research Objectives

Propose solutions to further improve the legal mechanisms for organizing and implementing laws by ministries in Vietnam in the future. *2.2. Research tasks*

Firstly , it involves an overview of domestic and international studies on the legal mechanisms for organizing and enforcing laws by ministries, and identifying areas requiring further research.

Secondly , to build a theoretical basis for the legal mechanisms for organizing and implementing laws by ministries.

Thirdly , to analyze and evaluate the current state of the legal mechanisms for organizing and enforcing laws by ministries.

Fourth , to develop perspectives and propose solutions to further improve the legal mechanisms for organizing and enforcing laws by ministries in Vietnam.

3. Research Subjects and Scope

3.1. Research Subjects

This dissertation focuses on studying the legal mechanisms governing the organization and implementation of laws by ministries in Vietnam.

3.2. Scope of the study

- Scope of content

The implementation of the Constitution, laws, and documents of the Standing Committee of the National Assembly, the President, the Government, and the Prime Minister regarding areas of state management under the assigned authority of the ministries.

- Spatial scope

This dissertation examines the legal mechanisms governing the organization and implementation of laws by ministries within the nationwide geographical scope.

- Time range

Researching the legal mechanisms for organizing and enforcing laws by ministries, from the 2013 Constitution to the present.

4. Theoretical basis and research methods

4.1. Theoretical basis

This dissertation studies the issues related to the topic based on the theoretical foundation of Marxist-Leninist viewpoints, Ho Chi Minh Thought, and the Party's perspective on the State and law.

4.2. Research Methodology

This dissertation applies the methodology of Marxist-Leninist philosophy to study issues related to the topic.

5. Novel contributions of the thesis

- The dissertation establishes a theoretical basis for the legal mechanism regarding the organization and implementation of laws by ministries.
- This thesis assesses the current state of the legal mechanisms for organizing and enforcing laws by ministries in Vietnam.
- The thesis presents viewpoints and proposes solutions for further improving the legal mechanisms for organizing and enforcing laws by ministries in Vietnam.

6. Scientific and practical significance of the thesis

6.1. Scientific Significance

The research findings of this thesis contribute to the further development and refinement of the theory of law enforcement organization, particularly the legal mechanism for law enforcement organization by ministries within the state administrative system.

6.2. Practical Significance

The research findings are useful documents to support the process of building and improving institutions and can be used as reference

materials for activities at training institutions and research institutes in the fields of law and management.

7. Structure of the thesis

Besides the introduction, conclusion, list of the author's published works related to the dissertation topic, bibliography, and appendices, the dissertation content is structured into 4 chapters and 13 sections.

Chapter 1 .

OVERVIEW OF RESEARCH RELATED TO THE THESIS TOPIC

1.1. OVERVIEW OF RESEARCH WORKS RELATED TO THE THESIS TOPIC

1.1.1. Domestic research works

This dissertation provides a comprehensive review of the main works published from the 2013 Constitution to the present, aiming to ensure their novelty and relevance to the organization of power and the functions and tasks of ministries. It includes research related to theory, current situation, perspectives, and solutions to ensure the legal mechanism for organizing and implementing laws by ministries.

1.1.2. Research situation abroad

This dissertation focuses on an overview of research by foreign authors on the topic of organizing the implementation of laws by ministries. This includes research related to the theory, current situation, perspectives, and solutions for ensuring the legal mechanism for organizing and implementing laws by ministries.

1.2. ISSUES THAT THE THESIS CAN INHERIT AND ISSUES THAT NEED FURTHER CLARIFICATION

1.2.1 . Issues that the thesis can build upon

Firstly, the thesis inherits and further develops the views on law enforcement and the organization of law enforcement, and the legal mechanism.

Secondly, the thesis inherits some practical assessments of law enforcement organization from ministries in studies and reports of agencies and organizations.

Thirdly, the thesis inherits and develops several proposals to further improve the legal mechanism for organizing the implementation of laws by ministries in Vietnam in the current context.

1.2.2. Issues requiring further research

1.2.2.1. From a theoretical standpoint

- It is necessary to clarify the concept, characteristics, and role of the legal mechanism for organizing the implementation of laws by ministries; clearly distinguish between the concepts of "organization of law enforcement" and "law enforcement". Develop criteria for evaluating the effectiveness of the mechanism for organizing the implementation of laws by ministries. Clarify the factors ensuring and influencing the mechanism for organizing the implementation of laws by ministries in Vietnam.

1.2.2.2. Regarding the current situation

- Assessing the current state of the system of legal documents regulating the responsibilities, authority, and methods of organizing the implementation of laws by ministries; the current state of institutions; the current state of law enforcement organization by ministries; and the current state of resources ensuring the organization of law enforcement by ministries.

1.2.2.3. Regarding perspectives and solutions

- Researching the political and legal basis for improving the mechanism for organizing and enforcing laws.
- Propose solutions to further improve and enhance the effectiveness of the legal mechanisms for organizing and implementing laws by ministries in the new context.

1.3. RESEARCH HYPOTHESIS AND RESEARCH QUESTIONS

1.3.1. Research Hypothesis

This thesis hypothesizes that the limitations in the effectiveness of law enforcement by ministries in Vietnam today mainly stem from the incompleteness of the legal framework, the inefficiency of organizational structures and methods of law enforcement, and the lack of adequate human and financial resources. Further improvement of the legal mechanisms for law enforcement by ministries is the proposed solution to address these issues.

1.3.2. Research Question

Question 1: What are the characteristics and constituent elements of the legal mechanisms for organizing and enforcing laws by ministries?

Question 2: What criteria are typically used to assess the completeness of the legal mechanisms for organizing and implementing laws by ministries in Vietnam?

Question 3: What viewpoints and principles should be used to further improve the legal mechanisms for organizing and enforcing laws by ministries? What solutions are needed?

Chapter 2 .

THEORETICAL FOUNDATION AND LEGAL MECHANISM FOR THE ORGANIZATION OF LAW ENFORCEMENT BY MINISTRIES

2.1. CONCEPTS, CHARACTERISTICS, AND ROLE OF THE LEGAL MECHANISM FOR ORGANIZING LAW ENFORCEMENT BY MINISTRIES

2.1.1. The concept of legal mechanisms for organizing the implementation of laws by ministries.

***Concept**

Based on a synthesis and analysis of different viewpoints on law enforcement, the thesis proposes the concept that: *The legal mechanism for organizing law enforcement by ministries is a system of principles, legal regulations, institutions, operating methods, and ensuring conditions for the ministries to perform their function of organizing law enforcement.*

2.1.2. Characteristics of the legal mechanism for organizing the implementation of laws by ministries

- It has a high legal and administrative scope.
- Closely linked to the function of managing and implementing laws – a core characteristic of the executive branch.
- Highly specialized in terms of industry and management field.
- Operates according to a standardized procedure.
- Highly flexible and adaptable
- Towards effective state management

2.1.3. The role of legal mechanisms in organizing the implementation of laws by ministries.

- Institutionalize the Party's guidelines, policies, and strategies on building and improving the effectiveness of law enforcement.
- Define the responsibilities of law enforcement agencies; clearly delineate the duties and powers of relevant agencies and organizations.
- Clearly define the content, methods, and conditions for ensuring the effective implementation of laws.
- It serves as a basis for evaluating the performance of departments, individual units, and individual officials.

2.2. CONSTITUENT ELEMENTS AND CRITERIA FOR EVALUATING THE LEGAL MECHANISM FOR LAW ENFORCEMENT ORGANIZATIONS OF MINISTRIES

2.2.1. Constituent elements of the legal mechanism for organizing the implementation of laws by ministries

- Legal framework. This provides the legal basis for all law enforcement activities of the ministries.
- The organizational structure for law enforcement within ministries.
- Methods of organizing and enforcing laws by ministries
- Conditions for ensuring the enforcement of laws by ministries

2.2.2. Criteria for evaluating the legal mechanisms for organizing and implementing laws by ministries.

- Evaluation criteria for the legal framework governing the activities of ministries in implementing laws.

- Criteria for evaluating the organizational structure of the mechanism

- Evaluation criteria for the ministry's methods of organizing and enforcing laws.

- Criteria for evaluating the conditions ensuring the legal mechanism for organizing the implementation of laws by ministries.

- Evaluation criteria for coordination and supervision mechanisms in the law enforcement organization of ministries.

2.3. FACTORS AFFECTING THE LEGAL MECHANISM FOR LAW ENFORCEMENT ORGANIZATIONS OF MINISTRIES

2.3.1. The leadership of the Party for law enforcement organizations

In Vietnam's socialist rule-of-law model, the leadership of the Communist Party of Vietnam is a constitutional principle, influencing the direction of lawmaking and the organization of law implementation by ministries.

2.3.2. Regarding the quality of the legal system

The effectiveness of the legal mechanisms for organizing and enforcing laws by ministries is greatly influenced by the quality of the legal system.

2.3.3. Factors for monitoring and evaluating the implementation of laws.

Monitoring and evaluation are highly significant for improving the effectiveness of law enforcement in general and within ministries in

particular. They serve as tools to measure and control law implementation, and especially to limit abuse of power in law enforcement.

2.3.4. Awareness and compliance with the law among subjects in society .

This is a crucial factor that directly affects the effectiveness of law enforcement in practice. If legal awareness is raised, the process of law enforcement will proceed smoothly, reducing violations and contributing to building an orderly and just society.

2.3.5. Socio-economic context and international integration

The socio-economic context and international integration are among the important driving forces that directly and frequently impact the legal mechanisms for organizing and implementing laws by ministries.

2.4. LEGAL MECHANISMS FOR LAW ENFORCEMENT BY MINISTRIES IN SOME COUNTRIES AND THEIR REFERENCE VALUE FOR VIETNAM

2.4.1. Legal mechanisms for organizing the implementation of laws by ministries in some countries around the world.

To provide a basis for making recommendations regarding the legal mechanisms for organizing and implementing laws by ministries in Vietnam, this dissertation chooses to study the experiences of several representative countries in different regions with specific characteristics in terms of socio-economic conditions, legal systems, legal culture, and organizational structures. Specifically: United States:

Federal state, Common Law legal system, developed socio-economic conditions ; Federal Republic of Germany: Federal state organization, Civil Law legal system ; Singapore: A developed country in Southeast Asia, with a legal system considered progressive ; China, Russian Federation: Countries with political systems quite similar to Vietnam (or once similar – like the Russian Federation).

2.4.2. Some reference values for Vietnam

Based on the experiences of several countries, this thesis draws some lessons for improving the mechanisms for organizing and implementing laws by ministries, including: Vietnam needs to establish a comprehensive legal framework for the activities of organizing and implementing laws by ministries, in which the law enforcement cycle is codified with mandatory steps: planning implementation after the law is promulgated; issuing guiding and operational documents; organizing dissemination and propaganda; monitoring and inspection; evaluation and summarization; strengthening organizational structures and inter-ministerial coordination mechanisms; standardizing processes, procedures and operating methods; strengthening legal tools, ensuring conditions and resources for implementation; improving the mechanisms for supervision, evaluation and continuous improvement.

Chapter 3

CURRENT STATUS OF THE LEGAL MECHANISM FOR LAW ENFORCEMENT ORGANIZATIONS IN VIETNAMESE MINISTRIES

3.1.CURRENT STATUS OF THE LEGAL INSTITUTIONAL STRUCTURE OF THE LAW ENFORCEMENT MECHANISM OF MINISTRIES IN VIETNAM

3.1.1. Results regarding institutional improvement

Firstly, the legal framework has been developed relatively comprehensively and systematically, ensuring a unified legal basis for the organization and implementation of laws in the ministries.

Secondly, the law has clearly defined the position, functions, duties, and powers of ministries and ministers, creating a basis for delineating authority and avoiding overlap between agencies.

Thirdly, the legal framework regarding the mechanisms for organizing the implementation of laws by ministries has established specific methods for organizing law enforcement within each ministry, as well as relatively transparent and feasible processes and procedures for law enforcement activities.

Fourth, the law has focused on ensuring the conditions for implementation, including financial resources, personnel, and technical infrastructure.

Fifth, the legal framework has gradually added mechanisms for oversight, feedback, and accountability, thereby enhancing transparency, openness, and social trust.

Sixth, the law has more clearly defined the authority and responsibilities of the Ministry of Justice in organizing the implementation of the law.

3.1.2. Limitations of the institutional framework regulating the law enforcement activities of ministries and their causes.

Firstly , some legal regulations lack specificity in defining the authority between ministries and local governments, leading to overlapping or overlooked responsibilities.

Secondly , the inter-agency coordination mechanism in law enforcement has not been fully codified into law; currently, it is mainly based on coordination regulations or administrative documents, thus lacking strong legal binding force.

Thirdly , regulations on ensuring enforcement conditions are still general and do not clearly specify budget allocations, personnel standards, and technical infrastructure requirements for the organization and implementation of laws.

Fourth , regulations on monitoring, feedback, and accountability lack specific provisions regarding deadlines, processing procedures, and sanctions, resulting in ineffective implementation in some ministries.

3.2. CURRENT STATUS OF LAW ENFORCEMENT ORGANIZATIONS IN VIETNAMESE MINISTRIES

3.2.1. Improvements in the institutional structure of ministries

- The number and organizational structure of ministries continue to be streamlined, reducing intermediate layers of management.
- The legal department is becoming increasingly professional.
- The internal structure of these departments is highly specialized.
- The role of the coordinating agency is strengthened.

3.2.2. Some limitations of the organizational structure for law enforcement in ministries.

- The internal organizational structure of some ministries still suffers from overlapping functions and responsibilities.
- Coordination has been ineffective in some cases.
- Some legal departments still lack personnel with in-depth expertise, analytical and forecasting skills, and practical experience.

3.3. CURRENT SITUATION REGARDING THE IMPLEMENTATION OF LAW ENFORCEMENT METHODS BY MINISTRIES IN VIETNAM

3.3.1. Results of implementing the methods of organizing and enforcing laws by the ministries.

- Developing plans for law enforcement: In practice, the planning and implementation of legal documents in ministries and agencies has become a regular activity and is increasingly professionalized.

- The process of issuing detailed regulations, guidelines for implementation, and specific measures for the enforcement of legal documents has seen many positive changes.

- The results of activities to disseminate, educate, and communicate about the law have been consistent and innovative.

- The process of receiving and handling suggestions regarding legal documents has improved significantly, becoming more timely and effective.

- The monitoring, evaluation, and enforcement of laws are carried out by ministries through various specific programs and plans.

- Inspection activities, handling of violations, and resolution of complaints and denunciations were generally carried out promptly, focusing on areas with many violations.

3.3.2. Existing shortcomings, limitations, and their causes

- Some plans are still largely formalistic, lacking specific targets, outputs, and performance indicators.

- Regarding the issuance of detailed regulations and implementation guidelines: Although the backlog of implementation guidelines has improved, it still persists.

- Regarding the process of receiving and resolving feedback and suggestions from individuals and organizations, there is a lack of specific accountability mechanisms.

- In some ministries, the monitoring of law enforcement remains largely superficial in certain cases, failing to fully utilize the role and effectiveness of this tool for controlling state power through law enforcement.

3.4. CURRENT SITUATION REGARDING THE CONDITIONS FOR ENSURING LAW ENFORCEMENT BY MINISTRIES

3.4.1. Achievements

- Regarding organizational structure, all ministries and ministerial-level agencies have established Legal Affairs Departments or Bureaus. At the local level, some provinces and cities have established Legal Affairs Offices within specialized agencies under the Provincial People's Committee.

- Civil servants in the ministries have a relatively solid foundation of professional qualifications. The majority of civil servants have a university degree or higher, with an increasing number holding master's or doctoral degrees, or having received training and further education abroad.

- The state budget has made key investments to support legal work, such as building an interconnected database of administrative procedures to enable citizens and businesses to carry out procedures online;

3.4.2. Existing problems, limitations, and causes

- Although the standards are generally met, the quality and capabilities of civil servants involved in organizing and implementing the law are uneven, especially in terms of their ability to organize and implement the law.

- The salary mechanisms and policies for civil servants in ministries are generally low; information infrastructure has not been invested in uniformly among ministries and affiliated units; and funding for law enforcement is limited.

Chapter 4

PERSPECTIVES AND SOLUTIONS FOR FURTHER IMPROVING THE LEGAL MECHANISM FOR LAW ENFORCEMENT BY MINISTRIES IN VIETNAM

4.1. PERSPECTIVES ON CONTINUING TO IMPROVE THE LEGAL MECHANISM FOR LAW ENFORCEMENT BY MINISTRIES IN VIETNAM

Firstly , ensuring the Party's leadership in the development and implementation of laws.

Secondly , ensuring the principles of law enforcement.

Thirdly , perfecting the legal mechanisms for organizing the implementation of laws by ministries contributes to ensuring that laws are implemented fairly, strictly, consistently, promptly, effectively, and efficiently.

Fourth , perfecting the mechanisms for organizing and enforcing laws within ministries must be linked to reforming the organization and operation of the Government and ministries.

Fifthly , ensuring the conditions for the legal mechanism for organizing and enforcing the law.

4.2. SOLUTIONS FOR FURTHER IMPROVING THE LEGAL MECHANISM FOR LAW ENFORCEMENT BY MINISTRIES IN VIETNAM

**4.2.1. Solutions for further improving the institutional
framework for the organization and implementation of laws.**

- Continue to refine regulations to clarify the responsibilities of heads of units under the ministry in organizing the implementation of laws. The Law on the Promulgation of Legal Normative Documents 2025 has made significant progress in regulating the responsibilities of heads of agencies and organizations in organizing the implementation of laws.

- Guidance on implementing methods for organizing and enforcing laws within the ministry's jurisdiction.

- Continue to improve the institutional framework to innovate the financial mechanisms for the construction and implementation of laws.

- Specific regulations are needed to define the division of authority between ministries and local governments, aiming to overcome overlapping or neglected responsibilities in the implementation by ministries and agencies.

- Continue to improve the institutional framework and concretize the inter-agency coordination mechanism in the organization and implementation of laws.

4.2.2. Solutions for further improving the legal framework for the organization and implementation of laws by ministries in Vietnam.

- Continue research to improve the organization and operation of the Government and ministries.

- Clearly define the authority and responsibilities of each department within the ministry in the organization for law enforcement.

- Ensuring the effective operation of the legal department within the ministry.

- Ensure effective coordination among ministries, departments, and localities.

4.2.3. Solutions for further improving the methods of organizing and implementing laws by ministries in Vietnam.

- Innovate the process of developing plans for organizing and implementing laws.

- Ensuring tangible effectiveness in the dissemination and education of legal knowledge.

- Improve the quality and effectiveness of issuing detailed regulations and guidelines for the implementation of laws.

- The process for receiving and handling feedback and suggestions from agencies, organizations, and individuals needs to be standardized.

- Innovate the methods used by ministries to monitor the implementation of laws .

- Strengthening policy response capacity

4.2.4. Solutions to strengthen the conditions for ensuring the organization and implementation of laws by ministries in Vietnam.

- Strengthen the human resources of ministries, ensuring sufficient quantity and quality to meet the requirements of legal work in the new context;

- Strengthen and ensure financial resources for the implementation of laws by ministries.

- To raise legal awareness, develop a legal culture among citizens, and form a socialist rule of law society in Vietnam.

- Ensuring the Party's leadership over the work of building, perfecting, and improving the effectiveness of the organization and implementation of laws.

- Continue to improve the legal system and innovate thinking about building and perfecting the legal system.

- Strengthen supervisory mechanisms for state agencies and public officials in the implementation of laws.

- Strengthen international cooperation in law enforcement; study and learn from the experiences of some countries in law enforcement.

CONCLUDE

Firstly , the thesis has clarified the theoretical basis of the legal mechanism for organizing the implementation of laws by ministries, including the concept, characteristics, role, and constituent elements of the mechanism.

Secondly , the thesis analyzed the current state of the legal mechanisms for organizing and implementing laws by ministries in Vietnam, pointing out the achievements as well as the limitations and shortcomings.

Thirdly , the thesis analyzed the context, developed viewpoints, and proposed specific solutions to improve the legal mechanism for organizing the implementation of laws by ministries. These solutions include: (1) improving the legal framework; (2) enhancing the capacity of institutions; (3) innovating methods of law enforcement; (4) ensuring the conditions for organizing law enforcement; and (5) general solutions to further improve and enhance the effectiveness of the mechanism for organizing law enforcement by ministries.

The research findings of this thesis contribute to clarifying theoretical and practical issues regarding the legal mechanisms for organizing and implementing laws by ministries, and propose practical solutions to improve these mechanisms.

**LIST OF SCIENTIFIC WORKS
OF RESEARCH STUDENTS WHO HAVE PUBLISHED
RELATED TO THIS DISSERTATION TOPIC**

1. Dinh Cong Tuan (2025), *Some solutions to improve the effectiveness of the mechanism for organizing the implementation of laws in Vietnam today* , Journal of State and Law, ISSN 0866-7446, No. 3(435)/2025.

2. Dinh Cong Tuan (2025), *Developing a team of ministerial-level legal officers to meet the requirements of Resolution No. 66-NQ/TW on reforming the work of building and implementing laws*, Journal of Human Resources in Social Sciences, ISSN0866-756X, No. 06 (145) 2025.

3. Dinh Cong Tuan (2025), *Some experiences of China on the selection and appointment of judges, prosecutors and lawyers*, Law Profession Journal, ISSN 1859 – 3631, No. 3, 2025.

4. Dinh Cong Tuan (2025), *Some solutions to improve the quality of legal human resources in state administrative agencies in Vietnam today* , Journal of Human Resources in Social Sciences, ISSN0866-756X, No. 05 (144) 2025.

5. Nguyen Van Cuong, Dinh Cong Tuan (2024), Book: *Mechanism for evaluating the performance of state administrative agencies – International experience and reference value for Vietnam* , Justice Publishing House, Co-editors.

6. Nguyen Van Cuong, Dinh Cong Tuan (2016), Book: *Set of indicators for evaluating the effectiveness of law enforcement by state administrative agencies* , Ho Chi Minh National Political Publishing House, Co-editors.