

**HO CHI MINH NATIONAL ACADEMY OF POLITICS**

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**IMPLEMENTATION OF THE LAW ON LEGAL AID FOR  
THE POOR IN THE PROVINCES OF THE MEKONG DELTA,  
VIET NAM**

**Major: Theory and History of State and Law**

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## **1. Rationale and Significance of the Research Topic**

Legal aid (LA) for the poor is one of Vietnam's important social policies, reflecting the nature of the State as "of the people, by the people, and for the people." It has consistently received special attention from the Communist Party and the State with the aim of ensuring human rights and citizens' rights in access to justice and equality before the law, thereby contributing to sustainable poverty reduction. In the context of building a socialist rule-of-law State in Vietnam, ensuring that the poor and vulnerable groups have access to free, timely, and effective legal services not only carries profound humanitarian significance but also contributes to strengthening public trust in the law and state institutions.

With the attention and direction of the Party, the State, ministries, sectors, and local authorities, legal aid for the poor and vulnerable groups has gradually been institutionalized through numerous legal normative documents. In particular, the implementation of legal aid legislation for the poor began with Decision No. 734/TTg (1997), and was later codified in the Law on Legal Aid (2006) and the amended Law on Legal Aid (2017). Since the establishment of the legal aid system in 1997, hundreds of thousands of poor people have benefited from free legal aid services through various forms, such as legal consultation, participation of legal aid providers in legal proceedings, and representation outside legal proceedings to protect lawful rights and interests. In addition, beneficiaries have participated in grassroots legal communication activities aimed at disseminating policies and laws related to daily life (such as land law, insurance law, labor law, and social security), and have been provided with legal leaflets, manuals on requesting legal aid, and other supporting materials.

However, in practice, many localities continue to face limitations and challenges in providing legal aid for the poor. Therefore, research aimed at clarifying both theoretical and practical issues related to the implementation of legal aid law remains a topical and pressing matter.

The Mekong Delta is a region with distinct socio-economic characteristics, playing an important role in agricultural development, food security, and national exports. As of July 1, 2025, following the administrative merger, the Mekong Delta comprises five provinces and centrally governed cities: Can Tho, Vinh Long, Dong Thap, An Giang, and Ca Mau. Nevertheless, this region still faces significant socio-economic difficulties, with relatively high rates of poor and near-poor households in certain localities, as well as limited educational levels and legal awareness among a segment of the population. Moreover, legal issues arising in the daily lives of Mekong Delta residents have become increasingly diverse and complex, particularly in areas such as land disputes, marriage and family relations, labor, social policies,

complaints and denunciations, and the impacts of climate change, migration, and livelihood insecurity.

The practical implementation of legal aid law in the Mekong Delta provinces in recent years has achieved certain positive results; however, numerous limitations persist. These include uneven access to legal aid services among localities; limited quality and effectiveness of legal aid in some cases; shortages and lack of synchronization in legal aid human resources; and insufficient communication and dissemination of information on legal aid, especially in remote areas and regions inhabited by ethnic minority communities.

In this context, conducting a systematic and comprehensive study on the implementation of legal aid law for the poor in the Mekong Delta provinces is highly necessary. Such research not only contributes to clarifying the theoretical and practical foundations of legal aid law implementation for the poor, but also accurately assesses the current situation, identifies difficulties, obstacles, and underlying causes of existing limitations. On that basis, the study proposes appropriate solutions and recommendations to ensure more effective implementation of legal aid for the poor, better safeguarding their lawful rights and interests, and contributing to social justice and sustainable development in the Mekong Delta during the new revolutionary period, both theoretically and practically.

For these reasons, the doctoral candidate has chosen the topic: “***Implementation of the Law on Legal Aid for the Poor in the Provinces of the Mekong Delta, Vietnam***” as a doctoral dissertation in Law, majoring in Theory and History of the State and Law.

## **2. Research Objectives and Tasks**

### **2.1. Research Objectives**

The objective of the dissertation is, based on theoretical and practical research on the implementation of legal aid law for the poor, to assess the current situation of legal aid law implementation for the poor in the Mekong Delta provinces, and thereby to propose fundamental viewpoints and a system of context-specific solutions to ensure effective implementation of legal aid law for the poor in this region.

### **2.2. Research Tasks**

To achieve the above objectives, the dissertation undertakes the following research tasks:

- To review domestic and international studies related to the dissertation topic, assess their academic value, and identify issues that require further clarification.
- To analyze and further clarify theoretical issues, including the construction of the concept of legal aid law implementation for the poor; analysis of its characteristics and role; forms of legal aid law implementation;

conditions ensuring implementation; and subjects involved in legal aid law implementation for the poor.

- To analyze factors affecting the implementation of legal aid law for the poor in the Mekong Delta provinces.
- To analyze achievements, limitations, and shortcomings in the implementation of legal aid law for the poor in the Mekong Delta provinces, as well as their causes.
- To analyze and substantiate viewpoints and propose a system of solutions to ensure effective implementation of legal aid law for the poor in the Mekong Delta provinces at present.

### **3. Research Subjects and Scope**

#### **3.1. Research Subjects**

The dissertation focuses on examining the theoretical and practical foundations of the implementation of legal aid law for the poor in the Mekong Delta provinces from the perspective of the discipline of Theory and History of the State and Law.

#### **3.2. Research Scope**

- Scope of content: The dissertation concentrates on a comprehensive study of theoretical foundations, policies, and legal regulations related to the implementation of legal aid law for the poor. Specifically, the research covers:
  - The viewpoints of the Party and the State on the implementation of legal aid law for the poor;
  - The current situation of legal aid law implementation for the poor in the Mekong Delta provinces;
  - Selected viewpoints and proposed solutions to ensure effective implementation of legal aid law for the poor.
- Scope of time: The research primarily focuses on the period from the promulgation of the Law on Legal Aid in 2006 to the most recent legal documents and policies, particularly in the context of sustainable poverty reduction programs for the 2021–2025 period. As of July 1, 2025, following the administrative merger, the Mekong Delta region consists of five provinces and cities: Can Tho, Vinh Long, Dong Thap, An Giang, and Ca Mau. However, the dissertation focuses on analyzing and evaluating the situation of legal aid for the poor in the Mekong Delta provinces up to June 31, 2025.
- Scope of space: The dissertation examines the implementation of legal aid law for the poor in the provinces of the Mekong Delta region. In the context of implementing the National Assembly's resolution on rearranging provincial-level administrative units, from July 1, 2025, the Mekong Delta officially transitioned from 13 provinces and centrally governed cities to 6 new provincial-level administrative units.

To ensure scientific rigor and practical relevance, the spatial scope of the study is defined by establishing research boundaries across the current geographical area of the Mekong Delta, with a focus on analyzing the transition and operation of the legal aid system during the transitional period. The dissertation inherits and compares empirical data from the 13 provinces and cities prior to the merger as a basis for comparison, thereby identifying challenges and proposing solutions for the implementation of legal aid law under the new administrative structure. This approach enables the dissertation to ensure continuity of data while capturing the timeliness of the restructuring of local state apparatuses.

## **4. Theoretical Foundations and Research Methods**

### **4.1. Theoretical Foundations**

The dissertation is conducted based on the following theoretical foundations:

First, dialectical materialism and historical materialism, which serve as fundamental philosophical theories playing an important role in analyzing and explaining the development of society, including the operation of law.

Second, the theory of the socialist rule-of-law State, originating from Marxist–Leninist doctrine and the thought of President Ho Chi Minh, emphasizing that the State must be of the people, by the people, and for the people.

Third, theories of human rights and fundamental citizens' rights.

Fourth, theories of social justice and poverty reduction.

Fifth, theories of legal aid, which are employed to determine the scope of services, quality standards, and appropriate organizational models.

Sixth, theories of law implementation, which examine how legal norms are transformed into social behavior through four forms: compliance, execution, utilization, and application of law.

### **4.2. Research Methods**

The dissertation employs the following primary research methods:

- **Documentary research method:** Reviewing, evaluating, and selecting relevant studies on the implementation of legal aid law for the poor in the Mekong Delta provinces to identify issues requiring further research.
- **Statistical and synthesis methods:** Synthesizing and analyzing natural and socio-economic characteristics of the Mekong Delta; collecting and analyzing statistical data to assess trends in legal aid activities; synthesizing viewpoints on improving and ensuring the implementation of legal aid law for the poor in general and in the Mekong Delta in particular.
- **Analytical and evaluative methods:** Analyzing the current situation of legal aid law implementation for the poor in the Mekong Delta provinces; analyzing groups of viewpoints on ensuring effective implementation as a basis for proposing recommendations. Each proposed solution is supported by

combined analytical and evaluative approaches to clarify and emphasize solution groups.

- **Comparative method:** Comparing legal regulations across different periods to identify positive developments and remaining gaps; comparing legal aid regulations and practices in the Mekong Delta provinces across periods to identify continuity, strengths, and limitations.
- **Historical method:** Applied to systematically reconstruct the formation, development, and improvement of the legal and policy framework on legal aid in Vietnam in general and its implementation in the Mekong Delta in particular.
- **Thematic analysis method:** Applied to process a large volume of historical materials, enabling the identification of recurring themes throughout the development of legal aid.

## **5. Scientific Significance, Practical Significance, and Novel Contributions of the Dissertation**

### **5.1. Scientific Significance**

- The research findings of the dissertation contribute to addressing several theoretical issues currently posed in the implementation of legal aid for the poor. The study supplements and deepens theories of the socialist rule-of-law State and human rights, clarifying the unity between constitutional and legal supremacy and the protection of human rights and citizens' rights. Through this analysis, the dissertation affirms that legal aid is an essential instrument for realizing the principle of equality before the law and the right of access to justice for all citizens.
- The dissertation applies theories of human rights and social justice to analyze legal aid as a constitutional right of vulnerable groups, while also linking this right to international conventions to which Vietnam is a party. On this basis, the study develops a theoretical framework for assessing the degree to which the right of access to justice for the poor is realized in practice.
- Based on an overview of legal aid models worldwide and the provisions of the 2017 Law on Legal Aid, the dissertation synthesizes the humanitarian–legal nature of legal aid and analyzes its roles, functions, and effectiveness. The study also identifies gaps between theory and practice, particularly in the Mekong Delta provinces.

### **5.2. Practical Significance**

The dissertation conducts field surveys in 13 provinces and cities in the Mekong Delta region, collecting both quantitative and qualitative data to reflect legal aid needs, levels of access, service quality, and existing barriers. The research findings assist management agencies, Legal Aid Centers, and local authorities in

gaining a clearer understanding of the current situation, thereby enabling the formulation of more appropriate and effective policies.

Based on the analysis of economic, cultural, trust-related, environmental, and legal factors affecting the implementation of legal aid, the dissertation proposes recommendations contributing to the effective implementation of Resolution No. 27-NQ/TW on building a socialist rule-of-law State and the 2017 Law on Legal Aid. At the same time, the study supports the Ministry of Justice and local authorities in revising and supplementing relevant regulations to better ensure the right of access to justice for the poor.

### 5.3. Novel Contributions of the Dissertation

As the first monographic study to conduct a relatively systematic and comprehensive examination of the implementation of legal aid law in the Mekong Delta provinces, the dissertation offers the following new scientific contributions:

- The dissertation analyzes and evaluates international experiences in legal aid and demonstrates that an effective legal aid system requires not only an appropriate organizational model (such as a mixed model), but also an intelligent operational mechanism that prioritizes service quality, technology, and flexible access, while avoiding excessive bureaucratization and overdependence on a single organizational model (such as a purely private lawyer-based model).
- The study develops foundational concepts of legal aid law and the implementation of legal aid law for the poor, which run consistently throughout the dissertation; identifies key characteristics and forms of legal aid law implementation; and clarifies the roles and conditions necessary to ensure effective implementation of legal aid law for the poor.
- The dissertation proposes the supplementation of legal regulations allowing Legal Aid Centers to connect with population databases and social security systems in order to rapidly verify eligible beneficiaries.
- The study identifies the interrelationship between economic and cultural factors and the effectiveness of law enforcement; supplements theories on the implementation of legal aid law for the poor in the context of digital transformation; and affirms that legal aid is not merely a legal service, but also a tool for legal empowerment and sustainable development.

## 6. Structure of the Dissertation

In addition to the introduction, conclusion, appendices, and references, the dissertation is structured into four chapters.

### Chapter 1

## OVERVIEW OF RESEARCH RELATED TO THE DISSERTATION TOPIC

## *1.1. Overview of the Research Situation*

### *1.1.1. Domestic Research*

#### *1.1.1.1. Studies on Legal Theory of Legal Aid for the Poor and the Implementation of Legal Aid Law*

Group of studies on legal aid theory for the poor and legal aid law

One or several aspects of the legal theory of legal aid for the poor and legal aid law have been addressed in most studies on legal aid, ranging from research projects at various levels to doctoral dissertations and master's theses.

Group of studies on the theory of implementing legal aid law for the poor

#### *1.1.1.2. Studies on the Practical Implementation of Legal Aid Law for the Poor in the Mekong Delta Provinces*

At present, there is no specialized scientific work that focuses exclusively on the practical implementation of legal aid law for the poor in the Mekong Delta provinces. Existing studies generally examine nationwide legal aid implementation, with references to results achieved in one or several Mekong Delta provinces. The dissertation synthesizes such studies from monographs, reference materials, scientific journal articles, doctoral dissertations, and other research works. These studies provide theoretical and practical foundations concerning coordination in legal aid within judicial proceedings, analyses of legal aid implementation in the context of building a rule-of-law State in Vietnam, and legal aid tasks at both central and local levels.

#### *1.1.1.3. Studies on Solutions to Ensure the Implementation of Legal Aid Law for the Poor in the Mekong Delta Provinces*

This group of studies proposes solutions aimed at improving the effectiveness and efficiency of state management of legal aid. The recommendations focus on improving legal documents, strengthening communication and dissemination, enhancing the capacity of legal aid personnel, promoting the socialization of legal aid, and strengthening coordination among stakeholders. Some authors propose solutions emphasizing enhanced Party leadership in the roadmap for legal aid law implementation toward 2020, with orientations to 2030.

### *1.1.2. International Research*

#### *1.1.2.1. Studies on Legal Aid Theory for the Poor and Legal Aid Law*

The dissertation synthesizes international studies addressing legal empowerment of the poor, poverty reduction, and promotion of access to justice for disadvantaged groups. These studies emphasize that legal aid for the poor contributes to reducing inequality by enabling low-income individuals to access legal remedies.

#### *1.1.2.2. Studies on the Practical Implementation of Legal Aid Law for the Poor*

The dissertation reviews studies analyzing the development of legal aid laws, public interest benefits, and the practical impact of legal aid on disadvantaged

populations; international human rights standards applicable to legal aid lawyers; and challenges faced in providing legal aid to the poor.

#### *1.1.2.3. Studies on Solutions to Ensure the Implementation of Legal Aid Law for the Poor*

These studies address legal regulations, policies, and practices related to legal aid, highlighting challenges in ensuring access to justice for economically disadvantaged groups. Research findings underscore the importance of awareness-raising programs, training, and continued research on legal aid, human rights, and justice systems.

#### **1.1.3. General Assessment of Existing Research**

A review of domestic and international studies indicates that most research has clarified certain theoretical and practical aspects of the implementation of legal aid law for the poor. These findings provide an important foundation for reference and inheritance in this dissertation, particularly regarding legal aid theory, legal aid law, and the practical implementation of legal aid in the Mekong Delta provinces.

However, existing studies have not yet comprehensively addressed theoretical issues of legal aid law implementation, the practical situation of legal aid implementation in the Mekong Delta, or solutions to enhance its effectiveness in this specific region.

#### **1.1.4. Issues Requiring Further Research in the Dissertation**

To achieve the objective of conducting a comprehensive and in-depth study of the implementation of legal aid law for the poor in the Mekong Delta provinces from the perspective of Theory and History of the State and Law, the dissertation selectively inherits prior research findings and continues to clarify the following issues:

##### **Theoretical aspects:**

Developing foundational concepts of legal aid law and its implementation for the poor; analyzing characteristics, roles, and forms of legal aid law implementation (compliance, observance, utilization, and application of law); clarifying conditions ensuring implementation; and analyzing subjects and content of legal aid law implementation under current legislation.

##### **Practical aspects:**

Analyzing natural, economic, cultural, and social factors affecting legal aid implementation in the Mekong Delta; evaluating achievements and limitations across different forms of implementation; identifying causes and drawing lessons learned.

##### **Viewpoints and solutions:**

Based on theoretical and practical analyses, proposing guiding viewpoints and a system of solutions, including both general solutions and specific solutions tailored

to the Mekong Delta provinces, to ensure effective implementation of legal aid law in the current period and the years ahead.

## **1.2. Research Questions and Research Hypotheses**

### **1.2.1. Research Questions**

Main research question:

How can the implementation of legal aid law for the poor in the Mekong Delta provinces be effectively ensured in a manner consistent with the region's specific conditions, thereby contributing to the protection of human rights and social justice?

Sub-questions:

1. How should the implementation of legal aid law for the poor be understood in terms of concepts, objectives, principles, subjects, beneficiaries, content, and forms of assurance?

2. What achievements and limitations exist in the current implementation of legal aid law for the poor in the Mekong Delta provinces, and what are their causes?

3. What guiding viewpoints and feasible solutions are needed to ensure effective implementation of legal aid law for the poor in the Mekong Delta in the current period and the years to come?

### **1.2.2. Research Hypotheses**

Hypothesis 1:

The concepts, characteristics, and roles of implementing legal aid for the poor in the Mekong Delta provinces are developed based on a general approach to legal aid, while being closely linked to the region's specific natural, economic, and socio-cultural conditions.

Hypothesis 2:

Although the implementation of legal aid law for the poor in the Mekong Delta provinces has achieved notable results in issuing legal documents, enhancing human resource capacity, inspection and supervision, and legal dissemination, certain limitations persist in these areas.

Hypothesis 3:

Solutions to ensure the implementation of legal aid law for the poor in the Mekong Delta provinces must be comprehensive and aligned with the Party's guidelines, current legal aid policies and laws, and the region's specific natural and socio-economic conditions.

## **Chapter 2**

### **THE THEORETICAL BASIS FOR THE IMPLEMENTATION OF LAW ON LEGAL AID FOR THE POOR**

#### **2.1. CONCEPTS, CHARACTERISTICS, AND ROLES OF THE IMPLEMENTATION OF LAW ON LEGAL AID FOR THE POOR**

##### **2.1.1. Concepts of legal aid and the implementation of law on legal aid for the poor**

### Concept of Legal Aid:

Legal aid refers to activities providing free or reduced-cost legal assistance by the State in various forms (legal consultation, representation, defense, etc.) for individuals who are in extremely difficult economic circumstances and unable to afford legal services. These activities aim to help them protect their lawful rights and interests, while also enhancing their legal knowledge and awareness of compliance with the law.

### Concept of Legal Aid for the Poor:

Legal aid for the poor is the provision of free or subsidized legal assistance by the State to poor individuals, enabling them to access legal services in order to protect their lawful rights and interests, while improving their understanding of the law and legal compliance awareness.

### Concept of Law on Legal Aid for the Poor:

This refers to a system of generally binding rules of conduct promulgated or recognized by the State and guaranteed by State enforcement, regulating relationships arising in connection with legal aid for the poor, thereby helping them protect their lawful rights and interests and enhancing respect for and compliance with the law.

### Concept of Implementation of Law on Legal Aid for the Poor:

The implementation of law on legal aid for the poor is a purposeful process through which legal provisions on legal aid are transformed into actual conduct of legal subjects, becoming lawful practical behaviors of entities involved in the implementation of legal aid law, contributing to the protection of the lawful rights and interests of the poor.

#### 2.1.2. Characteristics of the Implementation of Law on Legal Aid for the Poor

The implementation of law on legal aid for the poor shares general characteristics of legal implementation in the legal aid field while possessing specific features related to its beneficiaries—the poor.

First, it is one of the means through which the State performs its functions and duties.

Second, it is carried out by various entities using different methods.

Third, it is a form of judicial support with distinctive characteristics.

Fourth, it is characterized by its specific beneficiaries—the poor.

Fifth, it is limited in terms of the scope of legal aid fields and geographic coverage.

#### 2.1.3. Roles of the Implementation of Law on Legal Aid for the Poor

First, it ensures human rights and citizens' rights, particularly the right to equality in access to law and justice.

Second, it plays an important role in judicial reform.

Third, it contributes to the implementation of social security policies and socio-economic development.

Fourth, it enhances legal awareness among legal aid beneficiaries.

## 2.2. SUBJECTS, CONTENT, FORMS, AND CONDITIONS ENSURING THE IMPLEMENTATION OF LAW ON LEGAL AID FOR THE POOR

### 2.2.1. Subjects Implementing Law on Legal Aid for the Poor

The subjects implementing legal aid law for the poor are diverse and can be classified into three groups:

- Organizations responsible for implementing legal aid: the Government, the Ministry of Justice, provincial People's Committees, Departments of Justice, and State Legal Aid Centers.
- Subjects directly implementing legal aid: legal aid officers, lawyers providing legal aid, legal consultants working in legal aid organizations, and legal aid collaborators.
- Legal aid beneficiaries: the poor.

#### Organizations Responsible for Implementation:

These entities play a crucial role in organizing legal aid law implementation, as the actual enjoyment of legal aid rights by the poor largely depends on their effectiveness.

#### Subjects Directly Implementing Legal Aid:

These include legal aid officers, lawyers, legal consultants, and legal aid collaborators.

#### Legal Aid Beneficiaries:

Poor individuals receiving legal aid are obliged to provide documents proving their eligibility; cooperate by providing timely and accurate information, documents, and evidence; respect legal aid organizations and personnel; refrain from requesting legal aid from multiple organizations for the same case simultaneously; and comply with legal aid regulations and internal rules.

### 2.2.2. Regulatory Content of Law on Legal Aid for the Poor

Vietnamese legal documents on legal aid regulate various social relations. This study focuses on key regulatory contents governing the exercise of legal aid rights by the poor.

#### 2.2.2.1. Principles Governing the Implementation of Legal Aid Law

- Compliance with law and professional ethical standards.
- Timeliness, independence, honesty, and respect for objective truth.
- Maximum protection of lawful rights and interests of legal aid recipients.
- Prohibition of collecting fees or material benefits from beneficiaries.

#### 2.2.2.2. Provisions on the Right to Legal Aid for the Poor

Legal aid is the provision of free legal services to eligible persons, ensuring human rights and equality before the law. Under the 2017 Law on Legal Aid, poor households are entitled to free legal aid in various forms, including consultation, litigation participation, and non-litigation representation, provided by qualified legal aid officers and practitioners.

The rights and obligations of legal aid recipients are stipulated in Articles 8 and 9 of the 2017 Law on Legal Aid, including the right to free legal aid, confidentiality, choice of legal aid provider, request for replacement of providers, compensation for damages, and the right to lodge complaints and denunciations.

#### 2.2.2.3. Prohibited Acts in Legal Aid Activities

Article 6 of the Law on Legal Aid prohibits acts such as discrimination, solicitation of fees, harassment, disclosure of confidential information, unlawful refusal to provide legal aid, abuse of legal aid for personal gain or threats to national security, and incitement to provide false information or initiate unlawful claims.

### 2.3. CONDITIONS ENSURING THE IMPLEMENTATION OF LAW ON LEGAL AID FOR THE POOR

#### 2.3.1. Political Conditions

Political assurance plays a fundamental role in implementing legal aid law. Political awareness and commitment of relevant organizations and individuals significantly influence the effectiveness of legal aid implementation.

#### 2.3.2. Economic Conditions

Economic capacity determines the level of funding for social security policies, including legal aid, which is financed primarily through the State budget. Economic conditions also strongly influence public legal awareness.

#### 2.3.3. Cultural and Social Conditions

Legal implementation depends on perceptions, attitudes, and trust in the law. Cultural characteristics of each region must be considered to ensure effective legal aid delivery. Social factors also significantly impact implementation effectiveness.

#### 2.3.4. Legal Conditions

Legal assurance includes the completeness of legal aid legislation, legal awareness, State responsibility, and the organizational capacity of competent authorities.

### 2.4. INTERNATIONAL EXPERIENCES IN IMPLEMENTING LEGAL AID LAW AND REFERENCE VALUES FOR VIETNAM

#### 2.4.1. Overview of Legal Aid Models

Globally, there are three primary legal aid models: State-run, lawyer/social organization-led, and mixed models. The mixed model is currently the most prevalent.

##### 2.4.1.1. Fully State-Run Model

Applied in a limited number of countries such as the Philippines and Argentina.

##### 2.4.1.2. Lawyer and Social Organization-Led Model

Adopted in few countries such as Indonesia and Hungary.

##### 2.4.1.3. Mixed Model

Widely adopted in countries including Japan, Ireland, Australia, the United States, South Africa, South Korea, Canada, Malaysia, and Israel.

#### 2.4.2. Overview of Legal Aid Fund Models

Legal Aid Funds exist either as funding mechanisms or as legal aid organizations.

#### 2.4.3. Experiences from Selected Countries

Experiences from the UK, China, Indonesia, and Japan demonstrate effective models combining quality control, technology integration, social participation, and flexibility.

#### 2.4.4. Reference Values for Vietnam

International experiences highlight the superiority of mixed models, the importance of quality assurance, diversified funding, technology-based management systems, broad social participation, and the need to avoid excessive administrative barriers.

### Chapter 3

#### FACTORS AFFECTING AND THE CURRENT STATUS OF THE IMPLEMENTATION OF LAW ON LEGAL AID FOR THE POOR IN THE MEKONG DELTA PROVINCES, VIETNAM

##### 3.1. FACTORS AFFECTING AND DEMAND FOR LEGAL AID FOR THE POOR IN THE MEKONG DELTA PROVINCES, VIETNAM

3.1.1. Factors affecting the implementation of law on legal aid for the poor in the Mekong Delta provinces, Vietnam

3.1.1.1. Geographical location and natural conditions

3.1.1.2. Economic conditions and traditional cultural factors

3.1.1.3. Population characteristics and educational level

3.1.2. Demand for legal aid for the poor in the Mekong Delta provinces, Vietnam

It is undeniable that different localities have different demands for legal aid, depending on socio-economic conditions and local development needs. In the Mekong Delta region, the reception, implementation, development, and expansion of legal aid activities for the poor stem from diverse demands of various stakeholders, including legal aid beneficiaries, legal aid providers, and the State in managing, promoting development, and ensuring the effective implementation of legal aid in practice.

First, the demand for legal aid originates from the legal aid beneficiaries themselves, namely the poor.

Second, the demand for legal aid arises from the State's need to implement legal policies in order to build and a socialist rule-of-law State.

Third, in addition to considering legal aid demand from the perspectives of beneficiaries and the State, it is also necessary to take into account the demand of

legal aid providers and legal aid organizations - such as State Legal Aid Centers - in fulfilling their professional missions and contributing to society.

### 3.2. THE CURRENT STATUS OF THE IMPLEMENTATION OF LAWON LEGAL AID FOR THE POOR

#### IN THE MEKONG DELTA PROVINCES, VIETNAM

##### 3.2.1. Compliance with the law on legal aid for the poor in the Mekong Delta provinces

Compliance with the law on legal aid for the poor includes the proper implementation of the Law on Legal Aid, ensuring principles of timeliness, independence, honesty, and the best possible protection of the lawful rights and interests of legal aid beneficiaries, as well as strictly prohibiting discrimination, harassment, and the receipt of money or other material benefits.

##### 3.2.2. Enforcement of the law on legal aid for the poor in the Mekong Delta provinces

Law enforcement reflects the proactive fulfillment by subjects (agencies, organizations, and individuals) of mandatory obligations and responsibilities as required by law. The outcomes of this form of implementation have been recorded in various aspects:

First, participation in legal proceedings;

Second, legal consultation and non-litigation representation;

Third, dissemination and public education on legal aid for the poor;

Fourth, training and capacity-building activities.

##### 3.2.3. Use of the law on legal aid for the poor in the Mekong Delta provinces

The third form is the use of law, reflecting the proactive exercise of legally permitted rights by subjects to pursue legitimate interests. This form is most clearly reflected on the part of citizens, particularly through the proactive requests for legal aid by the poor and other vulnerable groups.

State Legal Aid Centers in the provinces regularly coordinate with local authorities to organize outreach activities and provide direct legal consultation to poor and near-poor individuals in communities. Legal consultation programs and procedural guidance are implemented at the grassroots level to help the poor understand their rights and the procedures for requesting free legal aid, especially in civil, land, marriage, and family matters.

##### 3.2.4. Application of the law on legal aid for the poor in the Mekong Delta provinces

The implementation of law on legal aid for the poor has distinctive characteristics compared to other legal fields such as criminal or administrative law. Therefore, in legal aid implementation, particular emphasis is placed on the application of law. This form reflects State authority, whereby competent State agencies (or authorized entities) issue individual legal decisions to organize, manage,

or resolve specific matters, thereby establishing, modifying, or terminating legal relationships concerning legal aid.

The outcomes of this activity are reflected comprehensively in three main aspects:

First, the drafting and promulgation of legal documents on legal aid for the poor;

Second, organizational structuring and human resource training for legal aid implementation;

Third, inspection and supervision of the implementation of law on legal aid for the poor.

### 3.3. GENERAL ASSESSMENT OF THE CURRENT STATUS OF THE IMPLEMENTATION OF LAW ON LEGAL AID FOR THE POOR IN THE MEKONG DELTA PROVINCES, VIETNAM

#### 3.3.1. General assessment of strengths and limitations

- From 2021 to June 2025, the implementation of law on legal aid for the poor in the Mekong Delta provinces closely followed the direction of the Prime Minister, the Government Inspectorate, and the Standing Committees of provincial Party Committees concerning the enforcement of the Law on Legal Aid and social security policies for the poor.
- Legal aid activities for the poor in the Mekong Delta demonstrate notable strengths, such as a widespread organizational network, flexible, free, and timely forms of legal aid, contributing to enhanced legal awareness and protection of the lawful rights and interests of the poor, thereby ensuring social equity and local stability.
- Research on the current implementation of law on legal aid for the poor shows that authorities at all levels have closely adhered to the 2017 Law on Legal Aid.
- The legal aid workforce in the Mekong Delta provinces is experienced and closely connected to grassroots communities.

However, despite the achieved results, the organization and implementation of legal provisions on legal aid for the poor in the Mekong Delta provinces have revealed several shortcomings. These limitations have affected the effectiveness of legal aid implementation, specifically:

First, the promulgation of documents guiding the implementation of law on legal aid for the poor still presents certain limitations and requires further research to propose solutions to improve the quality of legal aid activities.

Second, apart from nationwide policies, region-wide policies applicable specifically to the Mekong Delta remain insufficient in both quantity and quality.

Third, there is a lack of policies encouraging social organizations and individuals to participate in legal aid activities for the poor.

Fourth, there is a shortage of guiding documents on inspection and supervision of legal aid activities for the poor.

3.3.2. Causes of strengths and limitations in the implementation of law on legal aid for the poor in the Mekong Delta provinces, Vietnam

#### 3.3.2.1. Causes of strengths

Several key factors explain the positive outcomes achieved:

First, objective causes:

- Participation in international treaties related to human rights and child protection has contributed to changes in legal aid policies in Vietnam and has become an essential requirement in the country's development process.
- The development of mass media serves as an effective tool for disseminating information about legal aid policies to the poor, enabling them to access and understand the importance and benefits of legal aid, while also serving as a channel for the State and legal aid providers to communicate essential information.
- The increasing complexity of legal issues in daily life has led to a growing demand for legal assistance to protect lawful rights and interests.

Second, subjective causes:

- Legal aid providers (legal aid officers, lawyers, legal consultants, and collaborators) play a direct role in the effectiveness and dissemination of legal aid activities. Enhanced capacity-building policies have significantly improved their professional competence, increasing both the quantity and quality of legal aid cases and strengthening public trust.
- For legal aid beneficiaries, particularly the poor, increased professionalization of legal aid activities has improved awareness of legal aid services and the benefits of receiving professional legal assistance, thereby enabling better protection of their lawful rights and interests.

#### 3.3.2.2. Causes of limitations

First, regarding the promulgation of legal documents guiding legal aid implementation for the poor, several causes can be identified.

Second, regarding organizational structure and human resource training for legal aid implementation, the current situation in the Mekong Delta can be explained by multiple factors.

Third, regarding legal aid activities through legal consultation, litigation participation, and non-litigation representation, several underlying causes have been identified.

Fourth, regarding inspection and supervision of legal aid implementation, shortcomings stem from the lack of specific legal provisions guiding inspection and supervision activities, resulting in incomplete implementation by authorities; moreover, insufficient funding has been allocated to legal aid activities in general and to inspection and supervision in particular.

Fifth, regarding dissemination and public education on legal aid for the poor, limitations in outreach efforts explain the low level of awareness and participation in legal aid activities in the Mekong Delta provinces.

## **Chapter 4**

### **VIEWPOINTS AND SOLUTIONS FOR ENSURING THE IMPLEMENTATION OF LAW ON LEGAL AID FOR THE POOR IN THE MEKONG DELTA PROVINCES, VIETNAM**

4.1. Viewpoints on Ensuring the Implementation of Law on Legal Aid for the Poor in the Mekong Delta Provinces, Vietnam

4.1.1. The implementation of law on legal aid for the poor in the Mekong Delta provinces must thoroughly adhere to the Party's viewpoints on legal aid in general and legal aid for the poor in particular

4.1.2. The implementation of law on legal aid for the poor must be closely integrated with the State's poverty reduction policies in order to use resources effectively and enable citizens to fully benefit from preferential policies

First, legal documents guiding and implementing the National Target Program on Sustainable Poverty Reduction for the period 2021–2025.

Second, documents directing and administering the implementation of the program.

Third, documents on regular poverty reduction policies.

4.1.3. Enhancing people's access to legal aid services, ensuring human rights and the lawful rights and interests of citizens in accordance with the Constitution and the law

First, the implementation of law on legal aid for the poor in the Mekong Delta should enhance people's access to legal aid services.

Second, the implementation of law on legal aid for the poor in the Mekong Delta must ensure human rights and the lawful rights and interests of citizens as prescribed by the Constitution and the law.

4.1.4. Enhancing the capacity to provide high-quality legal aid services to the people

First, for individuals participating in legal aid activities, including civil servants, public employees, specialists, individuals, agencies, and organizations involved in or coordinating the provision of legal aid. Based on the specific conditions of each agency or unit and the tasks assigned by higher-level state authorities, heads of agencies and units shall decide on training and capacity-building programs on legal aid for civil servants, public employees, specialists, and other relevant individuals.

Second, for persons providing legal aid as stipulated in Clause 1, Article 17 of the 2017 Law on Legal Aid, including: legal aid officers; lawyers providing legal aid under contracts with State Legal Aid Centers; lawyers providing legal aid under assignment by organizations participating in legal aid; legal consultants with at least

two years of legal consulting experience working at organizations participating in legal aid; and legal aid collaborators.

4.1.5. Implementing law on legal aid for the poor in association with socialization efforts and mobilizing the participation, contributions, and support of organizations and individuals for legal aid activities

First, organizing legal aid agencies and organizations in a rational, scientific, and modern manner in terms of organizational structure, working conditions, and facilities; developing and applying policies appropriate to local conditions to attract and retain human resources for legal aid, and creating a competitive environment among groups of legal aid providers to continuously improve service quality.

Second, building a contingent of judicial and judicial-support officials, especially those holding judicial titles, in a manner that emphasizes authority and legal responsibility, and enhances and specifies standards regarding political integrity, ethics, professional competence, practical experience, and social knowledge for each category of officials.

Third, supporting, encouraging, and recognizing agencies, organizations, and individuals that participate in and contribute to legal aid activities.

4.2. Solutions to Ensure the Implementation of Law on Legal Aid for the Poor in the Mekong Delta Provinces, Vietnam

4.2.1. General Solutions

4.2.1.1. Continuing to develop and improve legislation on legal aid, eliminating overlapping provisions and supplementing missing regulations

First, supplementing provisions to encourage organizations and individuals in society to participate in legal aid activities for the poor.

The expansion of the scope of legal aid providers may be implemented in one of the following two ways:

One is to add one or more categories of legal aid providers to Clause 1, Article 17 of the 2017 Law on Legal Aid, in addition to the four existing categories. In this case, it is also necessary to supplement regulations on conditions for becoming legal aid providers for these additional subjects.

Two is to retain the provision recognizing the four categories of legal aid providers stipulated in Clause 1, Article 17 of the 2017 Law on Legal Aid and revise the conditions for becoming legal aid providers for these four groups. Specifically, consideration may be given to revising the conditions for becoming legal aid collaborators by expanding the range of eligible subjects.

Second, supplementing provisions on mechanisms to ensure adequate financial resources, investment in infrastructure, working facilities, and means of transportation for State Legal Aid Centers commensurate with their tasks and responsibilities.

Third, supplementing provisions on inspection and supervision of legal aid activities in general and legal aid for the poor in particular.

#### 4.2.1.2. Strengthening legal education and dissemination on legal aid for the poor in the Mekong Delta provinces

First, within their respective functions, duties, powers, and responsibilities, state agencies should continue to promote legal dissemination and education activities in accordance with the 2012 Law on Legal Dissemination and Education.

Second, mobilizing all necessary resources to participate in legal dissemination and education activities on legal aid for the poor.

Third, enhancing the capacity of agencies, organizations, and individuals engaged in legal dissemination and education on legal aid for the poor.

#### 4.2.1.3. Solutions for legal aid activities for the poor in the context of provincial mergers in the Mekong Delta and administrative streamlining reforms

Regarding organizational structure, it is necessary to study the establishment of mobile legal aid points or representative offices of Legal Aid Centers in communes and wards with a large number of legal aid beneficiaries, to replace district-level legal aid branches that have been dissolved.

Regarding the application of information technology, it is necessary to promote the deployment of legal aid hotlines and mobile legal aid applications following the model currently piloted by the Department of Legal Dissemination and Legal Aid in Điện Biên and Lào Cai provinces, allowing citizens to submit legal aid requests online, track appointment schedules, and receive remote legal consultation without traveling to the Legal Aid Centers.

Regarding inter-sectoral coordination, it is necessary to strengthen coordination mechanisms between Legal Aid Centers and commune-level People's Committees, mediation teams, the Women's Union, the Farmers' Association, village elders, and community leaders in order to promptly identify legal aid needs and transfer cases to legal aid-providing organizations.

Regarding the legal framework, it is necessary to review and amend the 2017 Law on Legal Aid and Decree No. 144/2017/NĐ-CP to supplement provisions on organizational models of Legal Aid Centers suitable for provinces with large administrative scales after mergers, allowing the establishment of subordinate units of Legal Aid Centers in areas far from administrative centers.

Regarding financial resources, it is necessary to allocate funds from the central state budget to provide one-time support for Legal Aid Centers in newly formed provinces in accordance with Article 15 of Resolution No. 76/2025/UBTVQH15 (VND 100 billion for each reduced provincial-level administrative unit) to invest in upgrading information technology infrastructure and transportation means serving mobile legal aid activities.

Regarding human resources, policies should be developed to appropriately arrange and reassign legal aid officers from former centers to newly established centers.

Regarding communication, extensive communication campaigns should be organized immediately after provincial mergers to inform citizens of the new addresses, telephone numbers, and contact methods of Legal Aid Centers.

#### 4.2.2. Specific Solutions

##### 4.2.2.1. Strengthening the leadership of Party committees over the implementation of law on legal aid for the poor in the Mekong Delta provinces

First, continuing to raise awareness among Party committees at all levels of the significance of legal aid activities and the leadership role of Party committees in this field.

Second, Party committees at all levels should continue to innovate and ensure the quality of the formulation, promulgation, and application of resolutions on legal aid.

Third, Party committees should strengthen their direction and promote the development of the contingent of lawyers participating in legal aid activities in the Mekong Delta, in line with the objective of socializing legal aid activities.

Fourth, Party committees should further emphasize the role of the Vietnam Fatherland Front and other socio-political organizations in judicial work in general and legal aid activities in particular.

Fifth, Party committees should strengthen coordination with Party executive committees in other state agencies in the implementation and supervision of the implementation of law on legal aid.

##### 4.2.2.2. Enhancing legal knowledge and compliance awareness of individuals and organizations implementing law on legal aid for the poor in the Mekong Delta provinces

First, with regard to persons providing legal aid, education and training should be implemented, and regular inspections and evaluations of the quality of legal aid officers in the Mekong Delta provinces should be conducted to obtain a comprehensive assessment of this workforce.

Second, for organizations providing legal aid, training and capacity-building related to legal aid activities are essential to enhancing legal knowledge and compliance awareness regarding legal aid. This work not only benefits the trained personnel themselves but also serves as an important foundation for future legal aid activities to be carried out more effectively, conveniently, and appropriately for different beneficiary groups, especially the poor.

##### 4.2.2.3. Enhancing access to legal aid services for the poor in the Mekong Delta provinces and developing forms of legal dissemination and education

First, in order to improve access to litigation-related legal aid services for the poor, State Legal Aid Centers in the Mekong Delta provinces should coordinate with procedural bodies such as the police and courts to design models for providing on-site legal aid support at the headquarters of procedural agencies.

Second, training programs and capacity-building activities on legal aid should be organized for groups that frequently interact with citizens, such as commune- and ward-level officials, teachers, commune police officers, village heads, and community leaders.

Third, dissemination methods should be tailored to local socio-economic conditions and the educational levels of the population, particularly to suit poor people who face difficulties in fully accessing educational services.

Fourth, legal aid hotlines should be established, applied, and maintained in a stable manner to allow citizens to receive direct guidance on dispute resolution, legal clarification, and legal consultation when necessary.

4.2.2.4. Enhancing the capacity to provide legal aid services for the poor in the Mekong Delta provinces, strengthening organizational structures, and developing human resources for legal aid

First, to enhance the capacity and responsibility of legal aid management agencies at both central and local levels, several measures should be implemented:

(i) attracting resources for legal aid activities, including human resources and financial resources (mobilizing private funding sources for local legal aid activities);

(ii) effectively inspecting, supervising, monitoring, and evaluating the quality of legal aid services;

(iii) researching and improving toolkits and criteria for assessing the quality and effectiveness of legal aid activities;

(iv) continuing to consolidate and strengthen the capacity of State Legal Aid Centers commensurate with their role as providers of essential public services.

Second, priority should be given to improving the capacity of entities participating in legal aid activities for the poor, including civil servants, public employees, specialists, individuals, agencies, and organizations coordinating in legal aid provision, through training and capacity-building programs.

Third, emphasis should be placed on enhancing the capacity of legal aid providers through training, refresher courses, seminars, or other forms appropriate to local conditions.

4.2.2.5. Strengthening the integration of legal aid activities with social security and welfare policies for the poor in the Mekong Delta provinces

These poverty reduction policies may be implemented based on the following aspects:

Regarding objectives, ensuring that poor people can access legal regulations on poverty reduction in order to protect their lawful rights and interests in specific situations.

Regarding forms, such integration may be carried out through dissemination, education, and legal awareness activities, or through the implementation of law on legal aid when legal aid providers deliver legal aid services to beneficiaries in general and the poor in particular, thereby enhancing awareness and encouraging self-reliance.

Regarding content, poverty reduction efforts should focus on helping poor people clearly understand the Party's guidelines and the State's policies and laws supporting poverty reduction.

#### 4.2.2.6. Investing financial resources to attract human resources for legal aid for the poor in the Mekong Delta provinces

In the coming period, investment in financial resources to attract human resources for legal aid for the poor in the Mekong Delta provinces should be further promoted through specific solutions. Salary regimes and other benefits for legal aid officers must be maintained and ensured. Greater attention should be paid to mobilizing financial resources and social support, and promoting the socialization of legal aid activities in accordance with local conditions. For lawyers and legal consultants acting as collaborators of State Legal Aid organizations, their participation in legal aid activities should continue to be financially supported by the legal aid organizations with which they have cooperation contracts, in the form of remuneration for handling legal aid cases.

#### 4.2.2.7. Strengthening the application of information technology in the implementation of law on legal aid for the poor in the Mekong Delta provinces

To implement this solution in practice, several prerequisite conditions must be ensured.

First, regarding technical infrastructure, it is necessary to complete data connectivity and sharing between the National Population Database and legal information systems in accordance with Decree No. 69/2024/NĐ-CP of the Government on electronic identification and authentication.

Second, regarding the legal framework, it is necessary to study the supplementation of provisions on the “right to access free digital legal services” for the poor when amending the Law on Legal Aid, and to promulgate incentive mechanisms encouraging private legal service providers to participate in the program.

Third, regarding financial resources, funding should be allocated from the National Target Program on Sustainable Poverty Reduction for the period 2021–2025 to pay organizations providing legal services when such services are provided free of charge to the poor.

Fourth, regarding communication, dissemination should be strengthened to inform poor people of this new right through grassroots institutional systems such as commune-level People's Committees, mediation teams, Women's Unions, village elders, and community leaders.

4.2.2.8. Ensuring comprehensive coordination among state agencies and legal aid actors to enhance access to legal aid services for the poor

In the coming period, to further strengthen coordination among individuals and organizations involved in the implementation of law on legal aid, and to ensure regular, continuous, close, and effective cooperation, several key objectives should be emphasized. These include coordination in information exchange and provision of information on persons in need of legal aid.

Regarding coordination in legal aid activities in procedural fields, continued research and implementation of Coordination Program No. 5789/CTPH-BTP-BCA dated 27 November 2023 between the Ministry of Justice and the Ministry of Public Security on the provision of on-duty legal aid in criminal investigations and related programs throughout judicial proceedings at people's courts are required.

Regarding coordination in mobilizing social resources to participate in legal aid activities for beneficiaries, mechanisms should be further strengthened to attract and effectively utilize social participation.

## CONCLUSION

Arising from the need to support the poor, legal aid policies for the poor have consistently received the attention of the Party and the State and have become an indispensable component in the process of building a democratic, equitable, and civilized country. Numerous legal documents have been promulgated to create a legal framework for the implementation of law on legal aid in practice. Over many years of implementation, the results achieved in the implementation of law on legal aid in general and for the poor in particular demonstrate the persistent efforts of the State, as well as of relevant individuals, organizations, and agencies, in hunger eradication, poverty reduction, and legal support for the poor.

After many years of implementation, the enforcement of law on legal aid for the poor in the Mekong Delta provinces has achieved many expected results in areas such as promulgating legal documents guiding implementation; building organizational structures and training human resources for legal aid for the poor; providing legal aid in various forms including legal consultation, participation in legal proceedings, and extra-judicial representation; inspection and supervision of legal aid implementation; and dissemination and education on legal aid for the poor. These results reflect the continuous efforts of local authorities at all levels, legal aid providers, and other relevant stakeholders in developing, improving, and strengthening the implementation of law on legal aid for the poor in the Mekong Delta. At the same time, these are key pillars for assessing the level of development or underdevelopment of the implementation of law on legal aid for the poor in this region.

However, alongside the achievements attained, the implementation of law on legal aid for the poor in the region still faces numerous limitations, creating an urgent need to amend and supplement relevant legal provisions and to adopt appropriate policies and orientations to further enhance the effectiveness of legal implementation in practice.

This dissertation has presented the most fundamental and important issues related to the implementation of law on legal aid in general and legal aid for the poor in the Mekong Delta in particular. These include a review of relevant studies, theoretical issues, the current legal situation, and recommendations for improving the law on the implementation of legal aid for the poor in the Mekong Delta provinces. With a comprehensive theoretical foundation combined with analysis and assessment of practical conditions, this dissertation constitutes an important reference that contributes to deepening and broadening perspectives and policies on the implementation of law on legal aid, thereby further promoting the development of legal aid for the poor in the Mekong Delta, Vietnam.

## **PUBLISHED WORKS BY THE AUTHOR RELATED TO THE DISSERTAION TOPIC**

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