

HO CHI MINH NATIONAL ACADEMY OF POLITICS

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**THEORETICAL AND PRACTICAL BASES OF CIVIL
FIRST-INSTANCE TRIAL ACTIVITIES BY PEOPLE'S
JURORS AT THE PEOPLE'S COURTS IN VIETNAM**

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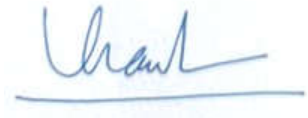
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INTRODUCTION

1. The necessity of the thesis

The regime of adjudication with the participation of representatives of the People is an important constitutional principle. It reflects the democratic nature of the judiciary, the principle that state power belongs to the People, and the need to control judicial power in the socialist rule-of-law State of Vietnam. Through the activities of People's Assessors, the People directly participate in adjudication, bringing social experience, community standards and equity into case resolution, thereby contributing to the objectivity, democracy and legitimacy of judicial decisions.

In the current context, the continued building and improvement of the socialist rule-of-law State of Vietnam, judicial reform, digital transformation, international integration and the reorganization of the People's Court system require further study and improvement of the mechanism for the People's participation in adjudication. Resolution No. 27-NQ/TW requires the renewal and improvement of the institution of People's Assessors by expanding and improving the quality of their participation in adjudication. Conclusion No. 09-KL/TW dated 10 March 2026 of the Politburo, Resolution No. 60-NQ/TW dated 12 April 2025, and the transition to a three-level People's Court model further underline the need to improve the organization, duties, powers and operating conditions of People's Assessors in the new court model.

The development of the socialist-oriented market economy, digital transformation and deep international integration have generated many new and complex civil relations, such as disputes concerning e-commerce, intellectual property, digital transactions, data, finance, banking and other civil relations involving specialized expertise. First-instance adjudication of civil cases must therefore be not only lawful, but also professional, transparent, fair and socially persuasive. Meanwhile, a gap remains between the legal status of People's Assessors as equal to Judges and their actual capacity to exercise adjudicative powers, especially in studying case files, assessing evidence, participating in adversarial proceedings, deliberating, voting and assuming responsibility for judgments.

For these reasons, the doctoral candidate selected the topic “*Theoretical and practical bases of civil first-instance trial activities by People's Jurors at the People's Courts in Vietnam*” as a doctoral dissertation in law, majoring in Theory and History of State and Law.

2. Research purpose and tasks

2.1. Research purpose

By clarifying the theoretical and practical foundations of first-instance adjudication of civil cases by People’s Assessors at People’s Courts in Vietnam, the dissertation proposes viewpoints and solutions to ensure such activities, thereby contributing to improving the quality of court adjudication and meeting the requirements of judicial reform in the new context.

2.2. Research tasks

To achieve this purpose, the dissertation performs the following main tasks:

- To review and assess the research situation related to the topic; clarify published research results; identify issues not yet thoroughly resolved or addressed; determine contents to be inherited, developed and further studied; and formulate the scientific hypotheses and research questions of the dissertation.

- To clarify theoretical issues concerning first-instance adjudication of civil cases by People’s Assessors at People’s Courts, including concepts, characteristics, theoretical grounds for their participation, roles, principles, duties, powers, responsibilities and conditions for ensuring their activities; and to study the first-instance adjudication of civil cases by juries and lay assessors in selected countries so as to draw reference values for Vietnam.

- To assess the current state of first-instance adjudication of civil cases by People’s Assessors at People’s Courts in Vietnam, identify limitations and shortcomings, and determine their causes.

- To analyze and propose viewpoints and solutions to ensure first-instance adjudication of civil cases by People’s Assessors at People’s Courts in Vietnam.

3. Research object and scope

3.1. Research object

The dissertation focuses on: (i) theoretical issues concerning first-instance adjudication of civil cases by People's Assessors at People's Courts in Vietnam; and (ii) the current state of Vietnamese law on this activity and its practical implementation.

3.2. Research Object and Scope

In terms of content, the dissertation studies the theoretical foundations, Vietnamese legal provisions and practical implementation concerning first-instance adjudication of civil cases by People's Assessors at People's Courts. In the dissertation, "People's Assessor" means a People's Assessor participating in a first-instance Trial Panel for civil cases at a People's Court; it does not include Military Assessors in the military court system. The study is limited to the ordinary first-instance procedure for civil cases and does not cover simplified procedures or the settlement of civil matters under Vietnamese civil procedure.

In terms of time, the dissertation studies the practice of first-instance adjudication of civil cases by People's Assessors at People's Courts from 2020 to the present. This period is linked to the implementation of the 13th National Party Congress Resolution, preparation for and implementation of the 14th National Party Congress Resolution, and a strong transformation of the judicial system to meet the requirements of building a socialist rule-of-law State in the new era.

In terms of space, the dissertation is conducted nationwide, focusing on the activities of People's Assessors at provincial People's Courts, district-level People's Courts before the reorganization, and the orientation of their activities at regional People's Courts under the roadmap for organizational streamlining set out in Resolution No. 60-NQ/TW dated 12 April 2025.

4. Theoretical basis and research methodology

4.1. Theoretical basis

The dissertation is based on Marxism-Leninism, Ho Chi Minh's thought, and the viewpoints of the Communist Party of Vietnam and the State of the

Socialist Republic of Vietnam on the State and law, the organization and operation of People's Courts, and the mechanism for representatives of the People to participate in the adjudication of civil cases at People's Courts.

4.2. Research methodology

The dissertation flexibly applies specialized research methods in two core groups, consistent with the object and tasks of each chapter. The first group comprises documentary research methods, including analysis, synthesis, historical study, statistics and comparison, to systematize the theoretical basis, assess the historical development of the institution of People's Assessors, and compare civil procedure models and assessor models in selected countries. The second group comprises practical research methods, including practical review, sociological survey by questionnaire and in-depth interviews, to collect primary data from experts and procedural actors, objectively assess the capacity, independence and actual adjudicative effectiveness of People's Assessors, and provide a basis for proposing solutions.

5. New Scientific Contributions of the Thesis

As a specialized, comprehensive and systematic study of first-instance adjudication of civil cases by People's Assessors at People's Courts in Vietnam, the dissertation makes the following main contributions:

First, it develops and clarifies the concept of first-instance adjudication of civil cases by People's Assessors at People's Courts, and identifies the characteristics, role and legal nature of this activity in relation to judicial power, judicial democracy and the mechanism for the People's participation in adjudication.

Second, it systematizes the theoretical grounds for People's Assessors' participation in first-instance adjudication of civil cases, including popular sovereignty, democracy in the judiciary, control of judicial power, procedural justice, protection of civil rights, and balancing public and private interests in civil procedure.

Third, it comparatively studies models of citizens' participation in adjudication in selected countries and draws reference values for Vietnam in

combining social representation with professionalization, independence, impartiality and responsibility of People's Assessors.

Fourth, it assesses the current state of law and practical implementation concerning first-instance adjudication of civil cases by People's Assessors during 2020-2025, taking into account the reorganization of the court system into a three-level model from 1 July 2025. It also uses statistics, sociological surveys, in-depth interviews, judgment analysis and cross-analysis to identify limitations and their causes more clearly.

Fifth, it proposes a system of viewpoints and solutions to ensure first-instance adjudication of civil cases by People's Assessors in a coherent manner, including solutions concerning the constitutional model, improvement of positive law, and institutional and organizational implementation. Notably, it proposes a mechanism of conditional random assignment, strengthened training, remuneration, protection, supervision and assessment of People's Assessors.

6. Scientific and Practical Significance of the Thesis

6.1. Scientific Significance

The research results contribute to supplementing and enriching the theoretical system on first-instance adjudication of civil cases by People's Assessors at People's Courts. The dissertation also provides a scientific basis for a unified understanding of the values of democracy, fairness and justice, thereby directly serving the reform of the court system, judicial reform and the building of the socialist rule-of-law State.

6.2. Practical significance

The dissertation provides a comprehensive picture of the current state of first-instance adjudication of civil cases by People's Assessors and proposes a system of practically applicable solutions for judicial bodies to protect justice and human rights. It is also a specialized and useful reference for legal research, training and teaching.

7. Structure of the Thesis

In addition to the Introduction, Conclusion, list of the author's published works related to the dissertation, bibliography and appendices, the dissertation consists of four chapters and thirteen sections.

CHAPTER 1

OVERVIEW OF SCIENTIFIC STUDIES RELATED TO FIRST-INSTANCE ADJUDICATION OF CIVIL CASES BY PEOPLE'S ASSESSORS AT PEOPLE'S COURTS

1.1. Scientific studies on theoretical issues concerning first-instance adjudication of civil cases by People's Assessors at People's Courts

Vietnamese studies have clarified the theoretical foundations of the judiciary in the rule-of-law State, judicial independence, the mechanism for the People's participation in exercising state power, the organization of civil hearings, and the position of People's Assessors in court activities. Regarding foreign literature, the dissertation adds classic works on popular sovereignty, the social contract, justice and participatory democracy in the judiciary by Thomas Hobbes, John Locke, Jean-Jacques Rousseau and John Rawls. It also draws on studies of democracy in courts, mixed courts, juries and lay judges by Marijke Malsch, Sanja Kutnjak Ivković, Stefan Machura, Valerie P. Hans and other authors. These works provide a foundation for explaining the legitimacy, democratic value and need for substantive guarantees for the institution of People's Assessors in first-instance adjudication of civil cases.

1.2. Scientific studies on first-instance adjudication of civil cases by People's Assessors at People's Courts

Existing studies have fairly clearly reflected the practice of first-instance adjudication of civil cases with People's Assessors at People's Courts. They identify limitations in mechanisms, independence, professional skills, operating conditions and the effectiveness of People's Assessors' contribution in civil procedure. Foreign studies on civil juries, lay judges and mixed courts show that citizen participation may improve fact-finding, bring community values into adjudication, and enhance the transparency and legitimacy of courts. However, this participation may also be limited if lay participants lack access to information, capacity or independence from professional judges.

1.3. Scientific studies on viewpoints, directions and solutions to ensure first-instance adjudication of civil cases by People's Assessors at People's Courts

This group of studies focuses on viewpoints, directions and solutions for ensuring first-instance adjudication of civil cases by People's Assessors at People's Courts. These include ensuring the independence of courts, judges and assessors; improving the mechanism for the People's participation in adjudication; improving the selection, training, management, remuneration and protection of People's Assessors; and studying a separate law on People's Assessors. However, most solutions remain general in orientation. They are not closely linked to the characteristics of first-instance adjudication of civil cases and have not fully addressed the relationship between social representation, non-professional status and the professionalization required by modern civil justice.

1.4. Assessment of research results and issues requiring further study

1.4.1. Assessment of research results related to first-instance adjudication of civil cases by People's Assessors at People's Courts

Existing studies have helped clarify the theoretical basis, historical development, legal status and role of People's Assessors in adjudication. They affirm the significance of the People's participation in adjudication for ensuring democracy, fairness, justice and control of judicial power. Nevertheless, these studies mainly approach separate aspects of the institution of People's Assessors or focus more on criminal procedure. They have not comprehensively studied first-instance adjudication of civil cases by People's Assessors as an integrated whole in the context of judicial reform, the building of a socialist rule-of-law State, digital transformation and the reorganization of courts under a new model.

1.4.2. Issues requiring further study

First, the dissertation should continue to systematize and develop a specialized theoretical framework for first-instance adjudication of civil cases by People's Assessors in civil procedure, a field strongly governed by

the principle of party disposition, freedom of commitment and agreement, and the private nature of civil legal relations. It must clarify and harmonize the relationship between the social representation and non-professional status of People's Assessors and the increasing need for professionalization in resolving civil disputes in the context of the market economy and international integration.

Second, the dissertation should study the experience of countries with different legal traditions and models of citizen participation in adjudication; assess development trends and legal convergence; and draw reference values suitable to Vietnam's political, legal and practical conditions.

Third, the dissertation should analyze the practice of civil case adjudication by People's Assessors throughout the procedural process, from trial preparation, opening of the hearing and adversarial proceedings to deliberation and judgment. The focus is on substantively assessing the position, role, duties, powers and responsibilities of People's Assessors on the basis of case files, practical data and survey results. It should also clarify the degree of independence of People's Assessors and analyze their actual impact on adjudication quality through indicators such as the rates of judgments quashed or modified.

Fourth, on the basis of the theoretical and practical issues analyzed, the dissertation should propose a system of solutions to ensure high-quality, effective and reform-oriented first-instance adjudication of civil cases by People's Assessors.

1.5. Research hypotheses and research questions

1.5.1. Research hypotheses

The dissertation formulates research hypotheses covering both the nature of power and its practical operation. First, the participation of People's Assessors in first-instance adjudication of civil cases is an institution intended to realize the principles of participatory democracy and popular sovereignty in the judiciary; however, there is a tension between the increasing demand for professionalization and the representative, non-

professional nature of People's Assessors. Second, the current model for selecting and assigning People's Assessors remains oriented mainly toward representative structure and is not sufficiently linked to the professional requirements of each type of civil dispute. Third, without institutional breakthroughs, the institution of People's Assessors may become a merely procedural form of participation and may not create sufficient added value for judgment quality.

1.5.2. Research questions

From these hypotheses, the dissertation raises the following research questions:

Research question 1: What theoretical grounds in state and legal theory justify the participation of citizens, who are non-professionals, in the adjudication of civil disputes? How is the democratic legitimacy of People's Assessors in the Trial Panel explained in light of the doctrine of popular sovereignty and the socialist rule-of-law State?

Research question 2: How has Vietnam's constitutional and legislative history shaped, consolidated and transformed the position and role of the institution of People's Assessors in judicial activities? What reference values for Vietnam can be drawn from models of citizen participation in civil adjudication in major legal traditions?

Research question 3: In the practical operation of first-instance civil adjudication in Vietnam today, what factors affect the independence and equality of People's Assessors? What viewpoints and institutional solutions should be established to balance judicial democracy, professionalization and adjudicative effectiveness in the context of implementing Resolution No. 27-NQ/TW?

CHAPTER 2**THEORETICAL FOUNDATIONS OF FIRST-INSTANCE
ADJUDICATION OF CIVIL CASES BY PEOPLE'S ASSESSORS AT
PEOPLE'S COURTS****2.1. Concept and characteristics of first-instance adjudication of
civil cases by People's Assessors at People's Courts*****2.1.1. Historical formation and development of the institution of
representatives of the People participating in adjudication at People's Courts***

The institution of representatives of the People participating in adjudication in Vietnam originated from Decree No. 13/SL of 1946 with the model of People's Assistant Assessors, later developing into People's Assessors under Decree No. 85/SL of 1950 and being recognized in the Constitutions, the Laws on Organization of People's Courts and procedural laws. Across different periods, the legal status of People's Assessors has become increasingly clear, as reflected in their right to participate in the Trial Panel, study case files, ask questions, deliberate, vote and be equal to Judges in adjudication. Since 2025, the new court model has raised the requirement to continue renewing this institution.

***2.1.2. Concept of People's Assessor and of first-instance adjudication
of civil cases by People's Assessors at People's Courts***

The dissertation supplements the history of formation and development of the institution of representatives of the People participating in adjudication at People's Courts. This institution emerged early, in connection with the establishment of the Democratic Republic of Vietnam, and has continued to be recognized and developed through the Constitutions, laws on court organization and procedural laws. Across historical periods, the role of the People in state and social management and in the exercise of judicial power has been increasingly affirmed, consistent with the requirements of building the socialist rule-of-law State of Vietnam.

2.1.2.1. Concept of People's Assessor

A People's Assessor is a representative of the People, elected or appointed in accordance with law, who participates in a Trial Panel together

with a Judge to adjudicate cases falling under the court's jurisdiction, thereby ensuring the People's participation, democracy, objectivity and legitimacy of judicial activities.

2.1.2.2. Concept of first-instance adjudication of civil cases by People's Assessors at People's Courts

First-instance adjudication of civil cases by People's Assessors at People's Courts is the totality of procedural acts performed by People's Assessors, in their capacity as representatives of the People and members of the first-instance Trial Panel, independently and equally with Judges under law, from their assignment to the case until the Trial Panel issues a judgment or decision. Through this activity, they join Judges in examining and assessing evidence, clarifying the nature of the dispute, applying the law, ensuring the parties' right of disposition and lawful interests, and protecting justice, equity, public order and the legitimacy of civil judicial decisions.

2.1.3. Characteristics of first-instance adjudication of civil cases by People's Assessors at People's Courts

First-instance adjudication of civil cases by People's Assessors has five basic characteristics: (1) representation of the People and direct democracy in the exercise of judicial power; (2) the exercise of state power, which in civil procedure is directed toward creating, protecting, supporting and restoring civil rights; (3) interaction between legal knowledge and social experience, morality and equity; (4) non-professional and part-time status combined with the requirement of independence and obedience only to law; and (5) diversity of civil procedural relationships.

2.1.4. Role of first-instance adjudication of civil cases by People's Assessors at People's Courts

First-instance adjudication of civil cases by People's Assessors plays an important role in realizing the People's mastery in judicial activities; contributing to internal control of adjudicative power within the Trial Panel; improving fact-finding, evidence assessment and equity; protecting civil rights and resolving social disputes; and disseminating legal knowledge and strengthening public confidence in courts.

2.2. Theoretical grounds for People's Assessors' participation in first-instance adjudication of civil cases at People's Courts

2.2.1. Theoretical grounds for providing People's Assessors' participation in first-instance adjudication of civil cases

2.2.1.1. Role of first-instance adjudication of civil cases by People's Assessors at People's Courts

First-instance adjudication of civil cases by People's Assessors has the following basic roles: consolidating the mechanism for controlling state power and realizing the People's mastery in adjudication; improving the quality of court judgments, ensuring equity and protecting civil rights; resolving social disputes; contributing practical input to the identification of shortcomings in adjudication; and disseminating legal knowledge and building a legal culture in the community.

2.2.1.2. Responsibilities of People's Assessors in first-instance adjudication of civil cases at People's Courts

Although People's Assessors are not court civil servants, they hold a judicial title and directly participate in adjudication in the name of state power. Therefore, they must strictly comply with law, may not refuse adjudicative duties when assigned without a legitimate reason, and must study case files, attend hearings, deliberate, vote and take responsibility for the performance of their duties and powers. Their responsibilities include legal responsibility, political-social responsibility, professional ethical responsibility and responsibility before the People.

2.2.1.3. Principles governing first-instance adjudication of civil cases by People's Assessors at People's Courts

First-instance adjudication of civil cases by People's Assessors is governed by the following basic principles: (1) the principle that People's Assessors participate in first-instance adjudication of civil cases, reflecting representative democracy in civil procedure; (2) the principle that People's Assessors adjudicate independently and obey only the law; (3) the principle of collective adjudication and decision by majority; and (4) the principle of

impartiality and objectivity. These principles are the basis for People's Assessors to participate substantively in studying case files, examining evidence, adversarial proceedings, deliberation and voting.

2.2.2. Theoretical grounds for defining the duties and powers of People's Assessors in first-instance adjudication of civil cases

2.2.2.1. Duties and powers of People's Assessors before the opening of the hearing

Before the opening of the hearing, the right to study case files, understand claims, counterclaims, independent claims, evidence and disputed legal relations is a condition for People's Assessors' substantive participation in adjudication. It also provides a basis for People's Assessors to request the Chief Judge or the Judge to perform necessary procedural acts when the case file is not yet ready for trial.

2.2.2.2. Duties and powers of People's Assessors at the opening stage of the hearing

At the opening stage of the hearing, People's Assessors participate in controlling the legality of the hearing, examining the presence or absence of procedure participants, requests for replacement of procedure-conducting persons, experts and interpreters, modifications, supplements or withdrawal of claims, and the possibility of settlement between parties. The theoretical basis for these powers lies in ensuring the parties' procedural rights, the impartiality of the Trial Panel and the lawful scope of adjudication.

2.2.2.3. Duties and powers of People's Assessors during adversarial proceedings

During adversarial proceedings, People's Assessors directly follow and examine evidence, ask questions, assess the parties' arguments, participate in decisions to suspend the hearing, request further debate or return to questioning and debate if the case has not been clarified. The theoretical basis for these powers is the principle that judgments must be based on evidence publicly examined and on the results of substantive adversarial proceedings at the hearing.

2.2.2.4. Duties and powers of People's Assessors during deliberation and pronouncement of judgment

During deliberation and pronouncement, People's Assessors discuss and vote with Judges on each issue of the case; they vote before the presiding Judge, may reserve minority opinions, sign the deliberation minutes, take responsibility for the judgment, and coordinate in correcting or supplementing the judgment within the limits prescribed by law. This stage most clearly expresses the legal equality between People's Assessors and Judges in adjudication.

2.2.3. Conditions for ensuring first-instance adjudication of civil cases by People's Assessors at People's Courts

First-instance adjudication of civil cases by People's Assessors is affected by political-ideological, legal, socio-economic and court-organizational conditions. The Party's leadership is an important political basis, but it must be exercised through policies and orientations, without interference in specific cases, so as to guarantee the principle of independence and obedience only to law.

2.3. Laws of selected countries on the participation of lay assessors in first-instance adjudication of civil cases and reference values for Vietnam

Civil procedure worldwide is now moving toward convergence between inquisitorial and adversarial models, forming flexible mixed models in which mechanisms of citizen participation are organized in various forms, such as juries, mixed trial panels, lay judges and expert assessors. The experiences of the United States, Germany, China and the Russian Federation show that each model has its own strengths and limitations, but all aim to strengthen democracy, social representation and judgment quality. For Vietnam, important reference values are to improve the mechanism for People's Assessors' participation in first-instance adjudication of civil cases in a more flexible and professional manner while still ensuring democracy, representation of the People and conformity with the particular features of

Vietnamese civil procedure. Attention should be paid to independence, impartiality, access to information, capacity to assess evidence, responsibility of lay participants, and mechanisms for selection and assignment appropriate to each type of case.

CHAPTER 3

CURRENT STATE OF VIETNAMESE LAW ON FIRST-INSTANCE ADJUDICATION OF CIVIL CASES BY PEOPLE'S ASSESSORS AT PEOPLE'S COURTS AND ITS PRACTICAL IMPLEMENTATION

3.1. Factors affecting first-instance adjudication of civil cases by People's Assessors at People's Courts

3.1.1. Organization of the People's Court system

First-instance adjudication of civil cases by People's Assessors is directly affected by the organization of the court system. Before 1 July 2025, the People's Court system comprised the Supreme People's Court, High People's Courts, provincial People's Courts, district-level People's Courts and military courts. From 1 July 2025, under Law No. 81/2025/QH15, the People's Court system shifted to a three-level model: the Supreme People's Court, provincial People's Courts and regional People's Courts; High People's Courts and district-level People's Courts ceased operation. This change streamlines the organization and concentrates resources, but also raises new requirements for the selection, election, assignment, management, training and operating conditions of People's Assessors, especially as first-instance jurisdiction becomes more concentrated at regional People's Courts.

3.1.2. The contingent of People's Assessors participating in first-instance adjudication of civil cases at People's Courts

The contingent of People's Assessors is also an important factor. In recent years, this contingent has been relatively stable and has contributed to ensuring the composition of Trial Panels, adding social experience, and enhancing the democracy and objectivity of adjudication. However, the representative structure remains imbalanced; selection criteria have not kept

pace with professionalization requirements; the model of People's Assessor Delegations remains formalistic; and working conditions, remuneration, training, management and supervision remain inadequate. Civil cases are increasingly diverse, with many land, commercial, credit, intellectual property, electronic data and digital transaction disputes, requiring People's Assessors to have appropriate access to case files, knowledge and skills.

3.2. Current state of Vietnamese law on first-instance adjudication of civil cases by People's Assessors at People's Courts

3.2.1. Participation of People's Assessors in first-instance adjudication of civil cases

From the perspective of procedural principles, Vietnamese law has fairly fully recognized the principle that People's Assessors participate in first-instance adjudication of civil cases. These provisions concretize the principle of the People's participation in adjudication and ensure democracy, sociality and control of power in judicial activities. However, limitations remain. Certain provisions on standards, structure, selection and assignment of People's Assessors have not yet balanced social representation with professional requirements. The mechanism ensuring their substantive independence in procedural relations is not sufficiently complete. The right to reserve opinions, the mechanism for recording dissent, responsibility for judgments, professional ethical standards and a specialized assessment mechanism for People's Assessors require further improvement.

3.2.2. Duties and powers of People's Assessors in first-instance adjudication of civil cases

3.2.2.1. Regulations on the duties and powers of People's Assessors before the opening of the hearing

Before the opening of the hearing, the law recognizes People's Assessors' right to study case files, participate in adjudication as assigned and propose certain necessary procedural acts. However, the law has not clearly defined case-file study as a mandatory obligation, has not prescribed a minimum time for People's Assessors to access case files, and has not established an official

procedure for receiving and processing their pre-trial procedural proposals. This makes their powers dependent on the organizational conditions of each court.

3.2.2.2. Regulations on the duties and powers of People's Assessors at the opening stage of the hearing

At the opening stage of the hearing, the law relatively clearly distinguishes between the presiding Judge's power to conduct procedural formalities and the Trial Panel's power to decide procedural matters such as adjournment, replacement of procedure-conducting persons, modifications, supplements or withdrawal of claims, and recognition of settlement between parties. However, procedures for on-the-spot consultation, discussion and voting, recording divergent opinions, and enabling People's Assessors to proactively propose solutions to arising issues remain insufficiently specific.

3.2.2.3. Regulations on the duties and powers of People's Assessors during adversarial proceedings

During adversarial proceedings, the Civil Procedure Code recognizes the right of People's Assessors to ask questions, examine evidence, participate in decisions to suspend the hearing, request further debate or return to questioning and debate. This is the legal basis for People's Assessors to form independent understanding based on evidence and public adversarial proceedings. However, the right to ask questions, the right to propose further debate, mechanisms for resolving disagreements among Trial Panel members, and mechanisms supporting People's Assessors in assessing special evidence such as electronic data, digital transactions, banking evidence and technical materials remain insufficiently detailed.

3.2.2.4. Regulations on the duties and powers of People's Assessors during deliberation and pronouncement of judgment

During deliberation and pronouncement, the law provides that People's Assessors participate in deliberation, vote before the presiding Judge, decide by majority, may reserve opinions, sign the deliberation minutes and share responsibility for the judgment. This is an important mechanism ensuring the principle of equality. However, the law has not fully designed the method of

discussing each issue, recording independent opinions, handling disagreements, checking consistency between deliberation and the pronounced judgment, or defining the specific responsibility of each Trial Panel member in finalizing the judgment.

3.3. Practical implementation of law on first-instance adjudication of civil cases by People's Assessors at People's Courts

3.3.1. Practical implementation of regulations on the duties and powers of People's Assessors before the opening of the hearing

The implementation of regulations on the duties and powers of People's Assessors before the opening of the hearing has achieved certain results. Courts have basically established a relatively stable mechanism for assigning People's Assessors, notifying them and handing over case files. Case-file study has received greater attention, and the proactive role of People's Assessors at the pre-trial preparation stage has gradually been promoted. These results stem from the growing awareness of Chief Judges at all court levels of the need to ensure the principle of the People's participation in adjudication; the coordination among Judges, Court Clerks and People's Assessor Delegations in assignment, file handover and case-file study; as well as the responsibility, practical experience and support provided to People's Assessors in terms of working conditions, remuneration, encouragement and commendation.

However, several limitations remain. The assignment of People's Assessors in some courts is still uneven and formalistic; the actual time for case-file study remains limited; some People's Assessors do not have a full and consistent understanding of their duty to study case files; the quality of case-file study is uneven; and their right to request the Chief Judge or Judge to issue procedural decisions has not been exercised regularly or effectively. These limitations mainly result from inappropriate mechanisms for organizing, managing and assigning People's Assessors; the part-time nature of their work, which limits time for case-file study; the limited legal knowledge and procedural skills of some People's Assessors; and the lack of

specific legal provisions on their duties and powers at the pre-trial preparation stage, as well as mechanisms to ensure the effectiveness of their procedural requests and substantive independence.

3.3.2. Practical implementation of regulations on the duties and powers of People's Assessors at the opening stage of the hearing

The implementation of regulations on the duties and powers of People's Assessors at the opening stage of the hearing has achieved certain results. Courts have generally ensured their participation in the Trial Panel from the beginning of the hearing. People's Assessors have taken part in checking initial procedural conditions, thereby helping limit the concentration of decision-making power in the presiding Judge, protect the parties' right to self-determination, define the proper scope of adjudication, and consider the possibility of settlement between the parties. These results stem from the 2015 Civil Procedure Code, which relatively clearly distinguishes the presiding Judge's power to conduct the hearing from the Trial Panel's power to decide procedural matters. They also reflect improved awareness of collective, objective and democratic adjudication, greater attention to training, and the gradual promotion of People's Assessors' social and professional experience.

However, several limitations remain. In many cases, the role of People's Assessors in the opening procedures is still unclear; their participation in deciding issues arising at the hearing is sometimes formalistic; and requests for replacement of procedure-conducting persons, experts or interpreters are not always properly handled. In some cases, People's Assessors do not proactively refuse to participate, or are not replaced in time, despite grounds to doubt their impartiality and objectivity. Their role in supporting settlement at the hearing has also not been fully promoted. These limitations mainly result from insufficient awareness of the significance of the opening stage; limited conditions for case-file study and access to information; unclear legal mechanisms to ensure their right to participate in decision-making; inadequate control over refusal and replacement; and the lack of clear legal recognition of their role in supporting settlement at the hearing.

3.3.3. Practical implementation of regulations on the duties and powers of People's Assessors during adversarial proceedings

The implementation of regulations on the duties and powers of People's Assessors during adversarial proceedings has achieved certain results. Their participation is generally ensured in terms of composition, procedure and procedural position. Their right to ask questions has initially been exercised, helping clarify inconsistent or insufficient facts. Their monitoring, examination and assessment of evidence at hearings have enhanced objectivity and limited reliance solely on case files. Given their participation in a large number of first-instance civil cases and the basically ensured quality of adjudication, People's Assessors may be regarded as an important and regular force in first-instance civil adjudication. Practice also shows that the quality of their participation varies by court level and depends partly on their occupational background, expertise and social experience, especially in complex and specialized cases.

However, several limitations remain. The right to ask questions is not exercised regularly and does not clearly reflect independence; adversarial proceedings in some hearings remain formalistic; their role in controlling the quality of arguments is still unclear; evidence examination and assessment remain difficult in cases involving numerous or complex documents and evidence; and their power to participate in deciding temporary suspension of the hearing, additional expert examination, re-examination or return to questioning is not used regularly. These limitations mainly result from incomplete and inconsistent legal mechanisms for ensuring adversarial proceedings; the central role of the presiding Judge in conducting the hearing; limited conditions for case-file study and access to information; insufficient training in adversarial skills and evidence assessment; and the incomplete awareness of some People's Assessors of the role of adversarial proceedings in forming judgments.

3.3.4. Practical implementation of regulations on the duties and powers of People's Assessors during deliberation and pronouncement of judgment

The implementation of regulations on the duties and powers of People's Assessors during deliberation and judgment pronouncement has achieved certain results. Their participation in deliberation is generally ensured in terms of composition, procedure and procedural form. Deliberation minutes, judgment pronouncement, finalization and correction of judgments are carried out relatively seriously. Their right to democratic discussion and independent expression has gradually been better ensured, and deliberation, voting and judgment pronouncement with their participation basically meet procedural requirements. These results stem from the relatively clear provisions of the 2015 Civil Procedure Code on deliberation, voting, judgment pronouncement, correction and supplementation of judgments, and the right to reserve opinions, together with appellate and cassation review, training and People's Assessors' practical experience.

However, limitations remain. The principle that People's Assessors vote before Judges is sometimes formalistic; discussion and voting on each issue of the case are not always complete; minority opinions are rarely reserved; and evidence assessment, use of adversarial results and application of legal grounds remain limited in some cases. The quality of their participation is also related to court level, occupational background, expertise and suitability to the nature of the case. These limitations mainly result from the lack of effective legal mechanisms to ensure deliberation, voting, opinion reservation and responsibility for judgments; limited conditions for case-file study, following adversarial proceedings and preparing deliberation opinions; and weak mechanisms for responsibility, post-review, inspection and supervision.

CHAPTER 4

VIEWPOINTS AND SOLUTIONS TO ENSURE FIRST-INSTANCE ADJUDICATION OF CIVIL CASES BY PEOPLE'S ASSESSORS AT PEOPLE'S COURTS IN VIETNAM

4.1. Viewpoints on ensuring first-instance adjudication of civil cases by People's Assessors at People's Courts in Vietnam

Ensuring first-instance adjudication of civil cases by People's Assessors at People's Courts in Vietnam requires adherence to the following viewpoints: (1) ensuring this activity on the basis that state power belongs to the People and that the People participate in exercising judicial power; (2) linking it to the shift from the judicial reform thinking of Resolution No. 49-NQ/TW to the thinking on improving the socialist rule-of-law State under Resolution No. 27-NQ/TW; (3) ensuring the independence, equality and responsibility of People's Assessors within the mechanism for controlling judicial power; (4) linking it to the goals of protecting justice, human rights, citizens' rights and improving the quality of first-instance civil judgments; and (5) ensuring professional, modern and integrated operation and substantive conditions for People's Assessors' adjudicative activities.

4.2. Solutions to ensure first-instance adjudication of civil cases by People's Assessors at People's Courts in Vietnam

To ensure first-instance adjudication of civil cases by People's Assessors at People's Courts in Vietnam, three groups of solutions should be implemented synchronously.

First, regarding the constitutional model and political-legal orientation, the mechanism of People's Assessors should be properly understood as a means for the People to participate in exercising and supervising judicial power. The model should combine popular representation with professional suitability for each case type. It is also necessary to consider enacting a Law on People's Assessors or a specialized law on the People's participation in adjudication.

Second, regarding positive law, the duties and powers of People's Assessors should be more clearly defined at each stage of adjudication. Case-file study should be established as a mandatory obligation. Their rights to decide procedural matters, ask questions, request clarification of evidence,

participate in further debate, deliberate, vote, reserve opinions and bear responsibility for judgments should be concretized. Regulations on professional ethics, responsibility, discipline and the scope of cases involving People's Assessors should also be improved.

Third, regarding institutional and organizational conditions, the mechanisms for selecting, electing, dismissing, managing and assessing People's Assessors should be renewed. A mechanism of conditional random assignment should be designed, under which Assessors are randomly selected from a group with knowledge and experience relevant to the case. Specialized training, remuneration, working conditions and protection mechanisms should also be strengthened.

In addition, inspection, supervision and assessment of People's Assessors should be more substantive, focusing not only on their presence in the Trial Panel but also on their case-file study, participation in adversarial proceedings, deliberation, voting, opinion reservation and responsibility for judgments. A data management system should be developed to support assignment, training, commendation, responsibility handling and policy-making.

CONCLUSION

On the basis of the defined purpose, tasks, object and scope of research, the dissertation has systematically studied theoretical, legal and practical issues concerning first-instance adjudication of civil cases by People's Assessors at People's Courts. The main conclusions are as follows:

First, the research overview shows that many works have addressed the institution of People's Assessors, the mechanism for the People's participation in adjudication, judicial power and judicial reform. However, no work has comprehensively and deeply studied first-instance adjudication of civil cases by People's Assessors at People's Courts from the perspective of Theory and History of State and Law. The dissertation therefore helps fill a research gap concerning the mechanism for the People's participation in exercising and controlling judicial power in civil justice.

Second, the dissertation develops a theoretical framework for first-instance adjudication of civil cases by People's Assessors, including concepts, characteristics, roles, principles, duties, powers, responsibilities

and conditions for ensuring this activity. It affirms that People's Assessors have a special legal status in civil procedure: they represent the People in adjudication and are Trial Panel members who, together with Judges, examine evidence, deliberate, vote and decide cases. This activity is distinctive because it is governed by the parties' right of disposition, freedom of agreement and the private nature of civil legal relations.

Third, comparative research shows that citizen participation in adjudication is designed differently depending on each country's legal tradition, procedural model and political-social conditions. Jury, people's assessor, expert assessor and mixed models all provide reference values for Vietnam, especially in combining representation of the People with professionalization in complex civil cases.

Fourth, practice shows that first-instance adjudication of civil cases by People's Assessors at People's Courts has contributed to ensuring the principles of adjudication with People's Assessors, collective adjudication, majority decision and protection of the lawful rights and interests of individuals and organizations. However, there remains a gap between their legal status as equal to Judges and their actual capacity to exercise adjudicative powers, reflected in information asymmetry, assignment mechanisms not linked to expertise, and limited roles in adversarial proceedings, deliberation, voting and responsibility for judgments.

Fifth, the dissertation proposes a system of viewpoints and solutions to ensure first-instance adjudication of civil cases by People's Assessors at People's Courts in Vietnam in a coherent manner, including solutions on the constitutional model, improvement of positive law, and institutional and organizational implementation. The focus is on improving the law on the duties, powers and responsibilities of People's Assessors; studying a mixed model of People's Assessors; designing a mechanism of conditional random assignment; and strengthening training, remuneration, protection, supervision and assessment of People's Assessors.

Thus, the dissertation has fulfilled its research objectives, supplemented theoretical foundations, and provided scientific and practical arguments for improving the law, renewing implementation organization and improving the quality of first-instance adjudication of civil cases by People's Assessors at People's Courts in Vietnam.

**LIST OF THE AUTHOR’S PUBLISHED WORKS RELATED
TO THE DISSERTATION**

1. Hoang Minh Son (2024), “The Principle That Judges and People’s Assessors Adjudicating Civil Cases Are Independent and Subject Only to Law: Practical Application and Some Recommendations,” *Journal of Law and Development*, No. 4, pp. 63–71.
2. Hoang Minh Son (2024), “The Legal Institution of People’s Assessors in Vietnam: Current Situation and Some Recommendations for Improvement,” *Journal of Legislative Studies*, No. 9, pp. 28–35.
3. Hoang Minh Son (2025), “Improving the Legal Mechanism to Ensure Adjudicatory Activities by People’s Assessors in Civil Cases in Vietnam,” *Journal of Procuracy Science*, No. 08 (92), pp. 44–51.