HO CHI MINH NATIONAL ACADEMY OF POLITICS

CAO THI HA

IMPROVING THE LEGAL FRAMEWORK FOR CONTROL OF STATE POWER OVER PROVINCIAL-LEVEL LOCAL GOVERNMENT IN VIETNAM

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INTRODUCTION

1. Rationale for the Study

In the process of building Vietnam's socialist rule-of-law state, control of state power has increasingly been recognized as an essential requirement to ensure that power is exercised for its intended purposes, within lawful competence, and without abuse. The Party and the State have emphasized the need to strengthen effective control of state power while accelerating administrative deconcentration and decentralization, and promoting local initiative and accountability. In particular, since 1 July 2025, under the two-tier local government model, provincial-level local government has acquired an especially important position as an increasing number of powers have been conferred upon it.

However, practice also demonstrates that the greater the degree of deconcentration and decentralization, the higher the risks of abuse and excess of power, local particularism, vested interests, and inadequate accountability, unless effective control mechanisms are in place. Violations occurring in several localities indicate that mechanisms for controlling the exercise of power by provincial-level local governments still suffer from significant limitations and do not yet meet the requirements of local governance under the new conditions.

Although the legal framework for controlling state power over provincial-level local governments has gradually taken shape, legal gaps remain in establishing control mechanisms commensurate with the increasing degree of decentralization and the requirements of modern local governance. Moreover, from an academic perspective, no study has yet developed a comprehensive theoretical framework and legal mechanism for controlling state power over provincial-level local governments in the present context.

For these reasons, the research topic "Improving the Legal Framework for Control of State Power over Provincial-Level Local Government in Vietnam" is of pressing theoretical and practical significance. It contributes to refining the theoretical foundations, assessing the existing legal framework, and proposing solutions to enhance the effectiveness of state power control over provincial-level local governments in the ongoing development and improvement of Vietnam's socialist rule-of-law state.

2. Research Aim and Tasks

2.1. Research Aim

The dissertation aims to clarify theoretical issues concerning improvements to the law governing control of state power over provincial-level local governments. Based on an overall assessment of legal provisions against specified criteria and certain forecasts of their

impact, it proposes amendments and supplements to improve this legal framework, enhance institutional effectiveness, and promptly prevent potential violations by provincial-level local governments in contemporary Vietnam.

2.2. Research Tasks

To achieve the stated aim, the dissertation undertakes the following tasks:

- Analyze overarching theories of provincial-level local government, control of state power, and the relevant legal framework; and identify the conditions necessary to ensure effective improvement of the law governing state power control over provincial-level local governments.

- Using the established criteria for legislative improvement, analyze and evaluate the current legal framework across each category of provisions governing state power control over provincial-level local governments; assess the conditions necessary for legal improvement; and identify achievements, limitations, and their underlying causes.

- On the basis of impact forecasts and clearly articulated viewpoints, propose groups of solutions for improving the law governing state power control over provincial-level local governments in the process of building and perfecting Vietnam's socialist rule-of-law state of the People, by the People, and for the People in the new era.

3. Research Subject and Scope

3.1. Research Subject

The research subject is the theoretical and practical foundations for improving the law governing control of state power over provincial-level local governments in Vietnam, from the perspective of the discipline of Theory and History of State and Law.

3.2. Research Scope

- Substantive scope: The dissertation examines the theoretical issues, current legal position, and solutions for improving the law governing state power control over provincial-level local governments in Vietnam. It addresses the relationship between state power, the need for its control, and the legal institutionalization of provincial-level local government activities amid intensified deconcentration, decentralization, and reform of the local government model.

- Geographical scope: The dissertation examines legal provisions and their implementation concerning control of state power over provincial-level local governments in Vietnam, drawing on selected foreign experiences for comparative purposes and to inform proposals for legal reform.

- Temporal scope: The dissertation focuses on the period from 2013, when the

2013 Constitution expressly recognized the principle of control of state power, to the present, especially following the introduction of the two-tier local government structure. It also proposes future directions and solutions for improving the relevant legal framework.

4. Theoretical Foundations and Research Methods

4.1. Theoretical Foundations

The dissertation's methodology is grounded in Marxism-Leninism and Ho Chi Minh Thought on the state and law, together with the Party's and the State's views on improving the law relating to control of state power over provincial-level local governments in the development of a socialist rule-of-law state of the People, by the People, and for the People.

4.2. Research Methods

The dissertation employs the methodological foundations of Marxist-Leninist dialectical materialism and historical materialism to examine state power control over provincial-level local governments in relation to the development of Vietnam's socialist rule-of-law state, intensified deconcentration and decentralization, and reform of the contemporary local government organizational model.

To achieve its research objectives, the dissertation combines methods from legal scholarship and the social sciences, primarily analysis and synthesis, doctrinal analysis of legal norms, comparative analysis, systems approaches, statistical methods and secondary-source research, and interdisciplinary methods.

5. Original Contributions of the Dissertation

- Theoretical contribution: The dissertation is among the in-depth studies offering a systematic and comprehensive examination of improvements to the law governing control of state power over provincial-level local governments in Vietnam in the context of intensified deconcentration and decentralization, reform of local government, and development of Vietnam's socialist rule-of-law state.

- Practical and legal contribution: The dissertation systematically analyzes and evaluates the current situation, identifies achievements, deficiencies and limitations, and explains their causes across the principal categories of legal provisions governing state power control over provincial-level local governments in contemporary Vietnam.

- Policy contribution: The dissertation proposes a coherent set of guiding viewpoints and solutions for improving the legal framework in an integrated and coordinated manner consistent with local government reform, further deconcentration and decentralization,

digital transformation of local governance, and the prevention and combating of corruption and other misconduct.

6. Theoretical and Practical Significance

Theoretical significance: The dissertation enriches the general theory of state and law, particularly the theory of improving legal provisions concerning state power control over provincial-level local governments in Vietnam.

Practical significance: The findings make an important contribution to developing criteria and conditions for improving the law on state power control over provincial-level local governments amid stronger local governance, far-reaching deconcentration and decentralization, and greater local autonomy. The dissertation also serves as a reference for research, study, and teaching of state and law at universities and academies.

7. Structure of the Dissertation

Apart from the Introduction, Conclusion, and References, the dissertation comprises four chapters and eleven sections.

Chapter 1
OVERVIEW OF RESEARCH RELATED TO IMPROVING THE LAW ON CONTROL OF STATE POWER OVER PROVINCIAL-LEVEL LOCAL GOVERNMENT

1.1. RESEARCH ON IMPROVING THE LAW GOVERNING CONTROL OF STATE POWER OVER PROVINCIAL-LEVEL LOCAL GOVERNMENT IN VIETNAM

1.1.1. Domestic Research

1.1.1.1. Scientific Studies on Control of State Power

The dissertation reviews research projects, scholarly monographs, doctoral dissertations, and academic articles in three main areas: general theories of state power control; legal mechanisms for mutual control among state bodies exercising state power; and power control through accountability, social oversight, and public participation.

1.1.1.2. Scientific Studies on Control of State Power over

The dissertation examines relevant studies in three main directions: the organization and operation of; administrative deconcentration, decentralization, and local self-government; and mechanisms for controlling the power of local governments.

1.1.1.3. Scientific Studies on the Law Governing Control of State Power over Provincial-Level Local Government

In this field, existing studies have principally examined general theories of the law on state power control; legal mechanisms for controlling the exercise of power by state bodies; and improvements to the law governing the organization and operation of local governments in connection with requirements for power control.

1.1.2. International Research

International scholarship examines control of state power over local government primarily through decentralization and local governance, local government accountability, multilevel governance, control through democratic and social institutions, and institutional reform to ensure effective governance under decentralization. Although these studies seldom use the expression "control of state power" in the Vietnamese sense, they provide important theoretical foundations for the control, accountability, transparency, and limitation of local government power.

1.2. REVIEW, EVALUATION, AND ISSUES REQUIRING FURTHER RESEARCH

1.2.1. General Evaluation of Research Relevant to the Dissertation

Existing studies have clarified fundamental theoretical questions concerning control of state power under the rule of law, the position and role of local governments in organizing and exercising state power, and trends toward increased deconcentration,

decentralization, and local autonomy in modern public governance. Some studies have begun addressing the role of law in state power control and the need to improve legal mechanisms in the development of Vietnam's socialist rule-of-law state. These provide valuable foundations for further investigation and development.

Nevertheless, research gaps remain: (1) most studies address state power control at the level of the state apparatus generally or examine individual mechanisms separately; (2) power control is studied from political science, institutional organization, or public administration perspectives rather than a legal perspective; (3) no comprehensive assessment has been made of existing Vietnamese law on state power control over provincial-level local governments; (4) the requirements of power control in the new context have not been adequately reflected; and (5) proposed solutions remain general or focus on isolated oversight institutions.

1.2.2. Matters Requiring Further Research

Theoretical perspective: The dissertation further clarifies the concept, characteristics, role, nature, content, and structure of the law governing state power control over provincial-level local governments; identifies its fundamental components; establishes criteria for assessing the comprehensiveness and quality of the legal framework and conditions for its improvement; and examines foreign experience in controlling local government power and ensuring accountability to derive lessons relevant to Vietnam.

Practical perspective: The dissertation assesses legal provisions and their implementation concerning state power control over provincial-level local governments from the entry into force of the 2013 Constitution to the present, with particular emphasis on positive law, achievements, deficiencies, limitations, and their causes.

Policy and solutions perspective: Drawing on the theoretical and practical findings, the dissertation proposes guiding viewpoints and measures to improve the law governing state power control over provincial-level local governments in contemporary Vietnam.

1.3. RESEARCH HYPOTHESES, QUESTIONS, AND THEORETICAL FRAMEWORK

1.3.1. Research Hypothesis

The current law on control of state power over provincial-level local governments in Vietnam is not yet sufficiently comprehensive or coherent to meet the requirements of power control amid intensified deconcentration and decentralization and reform toward a two-tier local government model.

Specifically, existing legal provisions are fragmented and insufficiently systematic; they do not adequately clarify the relationship between deconcentration, decentralization,

power control, and local government accountability. Coordination mechanisms among oversight actors remain unclear, while internal and external forms of control are not effectively integrated. Structural streamlining, greater decentralization, and the adoption of two-tier local government generate new requirements for legal reform. Improvements must therefore strengthen accountability and transparency, ensure effective coordination among oversight actors, and meet the requirements of developing Vietnam's socialist rule-of-law state.

1.3.2. Research Questions

To test the foregoing hypothesis, the dissertation addresses the following principal research questions:

1. What are the concept, characteristics, and principal regulatory subject matter of the law governing control of state power over provincial-level local governments?

2. What shortcomings and deficiencies remain in the current Vietnamese legal framework under intensified deconcentration, decentralization, and reform toward two-tier local government?

3. What guiding viewpoints and solutions should be adopted to improve this legal framework in the present period?

1.3.3. Theoretical Framework

The dissertation draws on the following principal theories and approaches:

Theories of the rule of law and state power control, particularly the limitation, allocation, coordination, and control of power in the organization and exercise of state authority;

Theories of administrative deconcentration, decentralization, and local governance, emphasizing the relationship between local autonomy, accountability, and control of local government power;

Theories of accountability and modern public governance, identifying transparency, accountability, and societal participation as key factors in controlling the exercise of public authority;

Systems and legal-institutional approaches to studying the law governing control over provincial-level local government.

Chapter 2

THEORETICAL FOUNDATIONS FOR IMPROVING THE LAW ON CONTROL OF STATE POWER OVER PROVINCIAL-LEVEL LOCAL GOVERNMENT

2.1. CONCEPT, CHARACTERISTICS, AND ROLE OF THE LAW GOVERNING CONTROL OF STATE POWER OVER PROVINCIAL-LEVEL LOCAL GOVERNMENT

2.1.1. Control of State Power over Provincial-Level Local Government

2.1.1.1. Concept and Defining Features of State Power Control

Control of state power encompasses the legal mechanisms and oversight institutions designed to limit the exercise of state authority, ensure compliance with the Constitution and the law, and establish accountability and legal liability for abuse of power, acts in excess of authority, or the exercise of power for improper purposes.

Principal legal characteristics: First, it is directed at limiting the exercise of public authority. State power may be exercised only within constitutional and statutory limits; abuse, excess of authority, and unlawful exercise of power must be detected and sanctioned. Second, it is intrinsically linked to the accountability of public authorities. Third, it necessarily involves mechanisms for imposing responsibility. Fourth, it operates through multiple mechanisms, including control from within and outside the state apparatus. Law plays the central role in defining the limits of power and establishing these mechanisms.

2.1.1.2. Concept and Characteristics of State Power Control over Provincial-Level Local Government

Control of state power over provincial-level local government means the use of legal mechanisms and oversight institutions to limit the exercise of authority by agencies, organizations, and individuals within provincial-level local government, ensure compliance with the Constitution and the law, and establish accountability and legal liability for abuse, excess of authority, or improper exercise of power.

Its characteristics are: First, it concerns the exercise of state power by provincial-level local governmental bodies, organizations, and individuals. Second, it is invariably associated with accountability. Third, it is multidimensional and operates through various mechanisms. Fourth, it must balance enhanced local autonomy with the unity of state power. Fifth, its effectiveness is closely dependent upon the quality and completeness of the legal framework.

2.1.2. Concept and Characteristics of the Law Governing Control of State Power over Provincial-Level Local Government

2.1.2.1. Concept of the Law Governing State Power Control over Provincial-Level Local Government

The law governing control of state power over provincial-level local government comprises the body of legal norms regulating relationships arising from the oversight of the exercise of authority by provincial-level local governmental agencies, organizations, and individuals. Its purpose is to ensure that power is exercised in conformity with the Constitution and the law, within legal competence, with accountability and legal liability for abuse, excess of authority, or exercise for improper purposes.

2.1.2.2. Characteristics of the Law Governing State Power Control over Provincial-Level Local Government

First, it comprises legal norms governing oversight of the exercise of state power by provincial-level local governments. Second, it establishes limits on authority and the legal liability of power holders. Third, it provides for the accountability of those exercising authority. Fourth, it regulates coordination among oversight bodies. Fifth, it is highly comprehensive and interdisciplinary in nature.

It must also be distinguished from related bodies of law governing inspection, examination, or supervision; the organization of local government; and the prevention and combating of corruption.

2.1.3. Role of the Law Governing State Power Control over Provincial-Level Local Government

First, it provides the legal basis for limiting the exercise of state power at local level. Second, it underpins the accountability of public authorities. Third, it helps maintain the unity of state power amid deconcentration and decentralization. Fourth, it contributes to preventing corruption, misconduct, and vested interests in local administration. Fifth, it improves the effectiveness and efficiency of local governance. Sixth, it enables the People and society to exercise oversight over state power.

2.2. SUBSTANTIVE CONTENT OF THE LAW GOVERNING CONTROL OF STATE POWER OVER PROVINCIAL-LEVEL LOCAL GOVERNMENT

2.2.1. Provisions on Bodies and Actors Exercising Oversight

First, provisions on oversight actors within the state apparatus; second, provisions on social oversight actors; third, provisions governing relationships and coordination among oversight actors; fourth, provisions concerning their independence and responsibility.

2.2.2. Provisions on the Objects and Scope of State Power Control

First, control over the issuance and implementation of provincial-level government administrative decisions; second, control over the performance of functions, duties, and powers by provincial-level governmental agencies, organizations, and individuals; third, control over the management and use of local public resources; fourth, control over the performance of public duties by officials, civil servants, and officeholders; fifth, provisions on the scope of control by central state authorities over provincial-level local governments.

2.2.3. Provisions on the Substance and Methods of State Power Control

Substantive matters comprise: First, review of the constitutionality and legality of the exercise of power by provincial-level local governments; second, review of its reasonableness and effectiveness; third, oversight of transparency and responsibility in exercising power and managing public resources; fourth, oversight of accountability in the exercise of power; and fifth, monitoring compliance with public service ethics, integrity, and professional responsibilities among provincial officials and civil servants.

Principal methods include: (1) supervision; (2) inspection and examination; (3) auditing; (4) adjudication and procuratorial supervision of judicial activities; (5) social criticism and social oversight; and (6) public disclosure, transparency, and digital oversight.

2.2.4. Provisions on Accountability in State Power Control

First, identification of actors subject to accountability obligations; second, the substantive scope of accountability; third, forms and methods for discharging accountability obligations; fourth, the relationship between accountability and public disclosure and transparency; fifth, legal liability for failure or inadequate performance of accountability obligations; and sixth, accountability in central-local government relations.

2.2.5. Provisions on Imposition of Legal Liability in State Power Control

First, grounds for identifying violations in the exercise of state power; second, forms of legal liability; third, competent authorities and procedures for imposing liability; fourth, liability of heads of provincial-level local governments; fifth, the relationship between legal sanctions and prevention of violations; and sixth, legal liability amid local government reform and digital transformation.

2.3. ASSESSMENT CRITERIA AND CONDITIONS FOR IMPROVING THE LAW GOVERNING STATE POWER CONTROL OVER PROVINCIAL-LEVEL LOCAL GOVERNMENT

2.3.1. Criteria for Assessing the Degree of Development of the Legal Framework

First, constitutionality, legality, and coherence of the legal system; second, completeness and consistency in regulating state power control; third, the capacity to impose effective and substantive limits on the exercise of provincial-level governmental authority; fourth, the level of accountability and transparency; fifth, the balance between deconcentration, decentralization, and state power control; sixth, legal feasibility and effectiveness in implementation; and seventh, adaptability to local government reform and digital transformation in local governance.

2.3.2. Conditions Necessary for Improving the Legal Framework

First, ensuring Party leadership in improving the law on state power control; second, strengthening the legal system and institutions of the socialist rule-of-law state; third, streamlining the state apparatus and clearly delineating functions, duties, and powers of oversight actors; fourth, securing qualified personnel and institutional capacity; fifth, ensuring the economic, financial, and material resources required for oversight; sixth, securing participation by the People, the Vietnam Fatherland Front, socio-political organizations, and the media; and seventh, establishing the conditions for digital transformation and digital government.

2.4. INTERNATIONAL LEGAL EXPERIENCE IN CONTROLLING STATE POWER OVER LOCAL GOVERNMENT AND LESSONS FOR VIETNAM

The dissertation identifies four basic models of local government power control: first, control in a centralized unitary state; second, control in a decentralized unitary state; and third, control in a federal state or a state with a particularly high degree of decentralization.

The dissertation examines experience from China, South Korea, France, the United States, and the United Kingdom to identify general principles and practices relevant to improving the Vietnamese legal framework for controlling provincial-level local government power.

Lessons for Vietnam include: First, deconcentration and decentralization must be accompanied by power control. Second, the powers and responsibilities of oversight actors must be clearly delineated. Third, accountability must become a central element of the legal framework. Fourth, social oversight mechanisms must be strengthened. Fifth, digital technologies should be used more extensively to control state power. Sixth, power control must be distinguished from administrative interference in the operation of local government. and vested interests in local governance.

Chapter 3

CURRENT STATE OF THE LAW GOVERNING CONTROL OF STATE POWER OVER PROVINCIAL-LEVEL LOCAL GOVERNMENT IN VIETNAM

3.1. ACHIEVEMENTS OF THE LAW GOVERNING CONTROL OF STATE POWER OVER PROVINCIAL-LEVEL LOCAL GOVERNMENT IN VIETNAM

3.1.1. Achievements in the Substantive Legal Provisions

3.1.1.1. Provisions on Oversight Actors

Existing law has established a relatively comprehensive system of actors overseeing provincial-level local government, encompassing both state oversight institutions and external social oversight actors. Their status, functions, powers, and oversight mandates are relatively clearly defined. The law also delineates responsibilities for coordination among state agencies in supervision, inspection, examination, auditing, and adjudication. Existing provisions have gradually strengthened the independence and responsibility of oversight actors.

Measured against the seven criteria for improving the legal framework, this group of provisions has achieved a certain degree of development.

3.1.1.2. Provisions on the Objects and Scope of Control

Control over the issuance and implementation of administrative decisions: The law establishes two levels of scrutiny: review of normative legal instruments through supervision, inspection, and legal review, and review of individual administrative decisions through administrative litigation.

Control over the functions, duties, and powers of People's Councils, People's Committees, specialized agencies, and authorized individuals: The law regulates not only the institutional bodies (provincial People's Councils and People's Committees) but also officeholders and individual officials exercising public functions.

Control over management and use of local public resources: Oversight has expanded to budgets, public assets, public investment, land, natural resources, and public-sector human resources.

Control over performance of public duties: Existing law increasingly subjects the official conduct of officers, civil servants, and other officeholders within provincial People's Councils, People's Committees, and their specialized agencies to oversight.

Scope of control exercised by central authorities: Existing law has progressively clarified central oversight of provincial governments in balancing local autonomy with the unity of state power.

Against the seven criteria, provisions on the objects and scope of control have reached a certain degree of development.

3.1.1.3. Provisions on the Substance and Methods of Control

As to substance: First, the law addresses the constitutionality and legality of the exercise of provincial-level governmental power. Second, the scope of review has gradually expanded from legality to reasonableness, effectiveness, and efficiency. Third, rules on transparency and responsible use of power in managing public resources have developed significantly. Fourth, accountability has begun to be recognized as a key component of power control. Fifth, greater attention has been paid to public service ethics, integrity, and professional responsibility among provincial officials and civil servants.

As to methods: First, supervision is relatively comprehensively regulated. Second, inspection and examination have become direct administrative control methods. Third, state auditing provides specialized oversight of local public finance and public assets. Fourth, administrative adjudication and procuratorial supervision of judicial activities are important legal control mechanisms. Fifth, social criticism and social oversight have been increasingly recognized. Sixth, public disclosure, transparency, and digital oversight have begun to receive statutory recognition as new mechanisms suited to modern governance.

Against the assessment criteria, this group of provisions has achieved a certain level of development.

3.1.1.4. Provisions on Accountability in State Power Control

First, existing law has begun to define relatively clearly the persons and bodies accountable for the exercise of state power locally. Second, it has broadened accountability from reporting results to explaining legal and factual grounds, legality, reasonableness, and responsibility for decisions. Third, multiple forms and procedures for accountability are recognized. Fourth, the connection between accountability, public disclosure, and transparency is increasingly established. Fifth, legal liability for failure or inadequate performance of accountability obligations has begun to be regulated. Sixth, accountability has progressively been established in central-local relations.

Against the criteria for assessing legal development, this group of provisions has also made progress.

3.1.1.5. Provisions on Legal Liability in State Power Control

First, the law has progressively established grounds for identifying violations committed in the exercise of local state power. Second, it provides a relatively comprehensive range of forms of legal liability. Third, the competent authorities and

procedures for imposing liability are increasingly clear. Fourth, the liability of heads of provincial-level local governments and their agencies is more clearly defined. Fifth, the imposition of legal liability is linked to the prevention of violations. Sixth, the legal foundations for imposing liability amid local government reform and digital transformation have begun to emerge.

Measured against the criteria for improving the legal framework, this group of provisions has achieved the level required.

3.1.2. Achievements in Establishing Conditions for Improving the Legal Framework

* Party leadership: First, Party policies on power control amid intensified deconcentration and decentralization, increased local initiative, and prevention of degeneration of power have been progressively institutionalized. Second, Party policies on combating corruption and misconduct have driven legal improvement. Third, Party leadership has provided a strong political foundation for developing digital government and digital oversight.

* The legal system and socialist rule-of-law institutions: First, rules on control of provincial-level government power are increasingly recognized as an important part of the law governing the organization and exercise of state power. Second, control is supported through connections among several branches of legal regulation.

* Streamlined state apparatus and clear competencies: First, the system of oversight institutions has been gradually consolidated and improved. Second, state restructuring, adoption of the two-tier local government model, accelerated deconcentration and decentralization, and clarification of institutional and individual responsibilities have progressed.

* Human resources and capacity in lawmaking and power control: Legal provisions governing officials and civil servants have more clearly defined rights, duties, accountability, and professional qualifications.

* Financial, economic, and material conditions: The law provides for budget allocations to state power control, while facilities and digital infrastructure supporting oversight have improved.

* Public participation, the Vietnam Fatherland Front, socio-political organizations, and the media: The law provides relatively comprehensive recognition of the participatory rights of citizens, the Vietnam Fatherland Front, and the press and media.

* Digital transformation and digital government: A relatively coherent legal basis for digital transformation and digital government in support of power control has gradually emerged.

3.2. SHORTCOMINGS AND LIMITATIONS OF THE LAW GOVERNING STATE POWER CONTROL OVER PROVINCIAL-LEVEL LOCAL GOVERNMENT IN VIETNAM

3.2.1. Shortcomings and Limitations in Substantive Legal Provisions

3.2.1.1. Provisions on Oversight Actors

First, although oversight powers have expanded, competencies still overlap and are not clearly delineated among different actors. Second, coordination mechanisms lack coherence and continuity across the control process. Third, some oversight institutions lack sufficient independence and effective capacity. Fourth, follow-up responsibility remains inadequate relative to violations detected.

Against the criteria for assessing legal development, this group of provisions still has identifiable limitations.

3.2.1.2. Provisions on the Objects and Scope of Control

First, the rules do not adequately cover the entire process of adopting and implementing decisions. Second, gaps remain in defining oversight responsibility for the functions, duties, and powers of provincial agencies, organizations, and individuals. Third, control over management and use of public resources remains fragmented and insufficient to address risks arising from decentralization. Fourth, rules governing official conduct focus more on sanctions than on monitoring the exercise of authority as duties are performed. Fifth, the provisions do not adequately balance the unity of state power against local autonomy.

Against the criteria for assessing legal development, this category of provisions has significant deficiencies.

3.2.1.3. Provisions on the Substance and Methods of Control

As to substance: First, scrutiny of constitutionality and legality remains predominantly ex post. Second, review of reasonableness and effectiveness lacks clear legal criteria. Third, transparency and accountability controls over public-resource management remain fragmented. Fourth, accountability has not been designed as a unified legal mechanism. Fifth, public service ethics and integrity controls fail to cover all forms of degeneration of power.

As to methods: First, supervision emphasizes detection and recommendations without adequate follow-up. Second, inspection and examination may overlap with other

mechanisms. Third, state auditing detects significant problems but follow-up on recommendations is insufficiently effective. Fourth, administrative adjudication and procuratorial oversight remain reactive. Fifth, social criticism, the press, citizen reception, complaints, denunciations, and public oversight do not form an integrated control chain. Sixth, transparency and digital oversight are at an early stage of development.

Against the legal assessment criteria, this group of provisions has achieved only a limited degree of development.

3.2.1.4. Provisions on Accountability in State Power Control

First, the scope of actors subject to accountability obligations does not encompass everyone effectively involved in exercising provincial public power. Second, the required content of accountability remains insufficiently comprehensive and weakly linked to effective power control. Third, accountability procedures and forms are dispersed and lack a unified mechanism. Fourth, the relationship between accountability, disclosure, and transparency has not been integrated into a coherent legal arrangement. Fifth, liability for noncompliance or inadequate compliance is unclear and insufficiently deterrent. Sixth, central-local accountability arrangements are not commensurate with deconcentration and decentralization.

Against the criteria for assessing legal development, these provisions remain limited.

3.2.1.5. Provisions on the Imposition of Legal Liability

First, grounds for identifying violations are dispersed, lacking unified criteria to identify abuse, excess of authority, misuse of office, and exercise of power for personal or vested interests. Second, although legal liability takes various forms, these are inadequately coordinated and not always proportionate to the particular features of abuse of local governmental power. Third, the procedures and powers for imposing liability are dispersed, with insufficient linkage between detection, findings, recommendations, and enforcement. Fourth, the responsibility of provincial government heads is insufficiently defined in cases of lax management, failure of internal control, or delayed action against violations within their remit. Fifth, sanctions and prevention of violations have not become an integrated mechanism. Sixth, provisions addressing abuses in digital environments remain largely aspirational and insufficiently specific.

Against the assessment criteria, this group of provisions retains numerous deficiencies.

3.2.2. Shortcomings in the Conditions Necessary for Improving the Legal Framework

3.2.2.1. Shortcomings in Ensuring Party Leadership in Legal Improvement

First, some Party policies on state power control have not been institutionalized fully, promptly, or consistently. Second, the legal implementation of decentralization policies has not adequately balanced transferred powers with oversight. Third, Party requirements for accountability, publicity, and transparency have not been fully codified. Fourth, policies for controlling power in personnel matters are insufficiently specified in law. Fifth, institutionalization of digital-transformation policies connected with power control is slow. Sixth, mechanisms for monitoring the incorporation of Party policies in lawmaking remain ineffective.

3.2.2.2. Shortcomings in the Legal System and Socialist Rule-of-Law Institutions

First, the law on control of provincial-level local government power has not developed fully, stably, or consistently within the wider legal system. Second, legislative orientations, legislative drafting techniques, and coordination across statutes governing oversight actors and mechanisms lack sufficient coherence.

3.2.2.3. Shortcomings in Streamlining the State Apparatus and Delineating Oversight Competencies

First, the organizational structures of agencies responsible for oversight of provincial-level local governments do not operate effectively. Second, their functions, duties, and powers remain inadequately delineated.

3.2.2.4. Shortcomings in Human Resources and Institutional Capacity

First, professional qualifications and professionalism among oversight personnel are insufficient. Second, operational independence is not adequately ensured. Third, political commitment, public service ethics, and personal responsibility require strengthening. Fourth, elected representative bodies lack adequate capacity to oversee local power. Fifth, digital oversight capacity is inadequate. Sixth, mechanisms for training, professional development, and human-resource development are insufficient.

3.2.2.5. Shortcomings in Economic, Financial, and Material Conditions

First, funding for oversight of provincial-level local government is inadequate for expanding duties. Second, expenditure norms are not tailored to specialized oversight. Third, financial and material resources for inspection, examination, and auditing lag behind workloads and substantive control requirements. Fourth,

physical facilities, digital infrastructure, and shared data systems remain insufficiently integrated.

3.2.2.6. Shortcomings in Public Participation, the Vietnam Fatherland Front, Socio-Political Organizations, and the Media:

First, although citizens' right to participate in oversight is recognized, implementation mechanisms lack binding legal force. Second, social criticism by the Vietnam Fatherland Front remains largely recommendatory and lacks effective enforcement mechanisms. Third, the right of access to information remains constrained. Fourth, the press and media continue to encounter barriers in controlling state power.

3.2.2.7. Shortcomings in Digital Transformation and Digital Government

First, the law governing control of state power in digital environments is incomplete and lags behind digital transformation. Second, public-data development and sharing remain fragmented. Third, digital technologies are unevenly deployed in inspection, examination, auditing, and supervision. Fourth, electronic oversight and citizen participation are largely formalistic in many localities. Fifth, digital traceability of individual responsibility is not sufficiently assured. Sixth, digital human resources for state power control remain inadequate.

3.2.3. Causes of the Shortcomings and Limitations

3.2.3.1. Objective Causes

First, state restructuring, deconcentration, decentralization, and local government reform require simultaneous amendments to numerous related legal provisions. Second, control of state power, especially over provincial-level governments within a two-tier model, is a novel issue in Vietnamese legal scholarship and public administration. Third, specifying mechanisms for controlling provincial governments' autonomous decision-making presents complex legal questions. Fourth, disparities among localities in socioeconomic development, human resources, governance capacity, and digital transformation make nationally consistent, practicable legislation difficult. Fifth, the legal system is undergoing transition and substantial reform. Sixth, legal culture and levels of social development have an influence. Seventh, digital transformation changes the exercise of state power and creates new requirements for the substance and legislative process of power-control laws.

3.2.3.2. Subjective Causes

First, understanding of the nature and requirements of provincial-level government power control is not sufficiently comprehensive or consistent. Second, legislative thinking still emphasizes the grant of powers rather than design of mechanisms to control their exercise. Third, lawmaking lacks comprehensive and coordinated approaches. Fourth, accountability and legal liability have not received adequate attention. Fifth, the institutionalization of non-state oversight is insufficiently connected to duties of public agencies to receive and respond to information. Sixth, studies and rules on digital power control lag behind changes in administration. Seventh, lawmaking conditions and the use of legislative reviews and implementation assessments remain insufficient to support coherent reform.

Chapter 4

GUIDING VIEWPOINTS AND SOLUTIONS FOR IMPROVING THE LAW ON CONTROL OF STATE POWER OVER PROVINCIAL-LEVEL LOCAL GOVERNMENT IN VIETNAM

4.1. GUIDING VIEWPOINTS ON IMPROVING THE LAW GOVERNING STATE POWER CONTROL OVER PROVINCIAL-LEVEL LOCAL GOVERNMENT IN VIETNAM

First, legal reform must be undertaken under the comprehensive and direct leadership of the Party while ensuring strict institutional control of power. Second, it must be linked to building Vietnam's socialist rule-of-law state and upholding constitutional and legal supremacy and discipline in public office. Third, it must integrate greater deconcentration and decentralization with power control and accountability. Fourth, it must place the People at the center and promote social oversight of provincial government power. Fifth, it must prioritize early prevention and strict sanctions for abuse of authority. Sixth, it must accompany digital transformation through modern, interconnected oversight systems adapted to technology-enabled governance.

4.2. SOLUTIONS FOR IMPROVING THE LAW GOVERNING STATE POWER CONTROL OVER PROVINCIAL-LEVEL LOCAL GOVERNMENT IN VIETNAM

4.2.1. Solutions for Improving Substantive Legal Provisions

4.2.1.1. Policy Directions for Legal Reform

First, ensure that autonomy in the exercise of state power is accompanied by corresponding oversight and responsibility. Second, correctly identify regulatory problems through implementation reviews and examination of related legislation. Third, ensure connections among the various aspects of state power control at

provincial level. Fourth, select appropriate legal reform options and follow established policymaking procedures. Fifth, link legislative amendments to implementation conditions and evaluate their effectiveness.

4.2.1.2. Improving the Law on Oversight Actors

First, improve provisions governing the legal status of oversight bodies. Second, clarify the allocation of powers among actors exercising control over provincial-level government. Third, strengthen coordination mechanisms. Fourth, enhance the initiative, independence, and responsibility of oversight actors.

4.2.1.3. Improving the Law on the Objects and Scope of Control

First, improve regulation of oversight of the adoption and implementation of provincial administrative decisions. Second, improve control over management and use of public resources. Third, improve control over officials', civil servants', and officeholders' performance of public duties. Fourth, clarify the scope of oversight by central authorities over provincial-level local governments.

4.2.1.4. Improving the Law on the Substance and Methods of Control

* Improving substantive rules: First, strengthen review of the constitutionality and legality of provincial government action. Second, improve assessment of reasonableness and effectiveness. Third, strengthen transparency and responsibility in exercising power and managing public resources. Fourth, improve the legal institution of accountability. Fifth, reinforce oversight of public service ethics, integrity, and professional responsibilities of provincial officials and civil servants.

* Improving methods of control: First, strengthen supervision by the National Assembly, People's Councils, the Vietnam Fatherland Front, and the People, particularly the effectiveness of follow-up measures. Second, reduce overlap and improve coordination and post-inspection responsibility. Third, ensure implementation of State Audit recommendations. Fourth, strengthen administrative adjudication and procuratorial supervision of judicial activities to control provincial administrative decisions and acts. Fifth, establish an integrated system of social oversight. Sixth, improve disclosure, transparency, and digital oversight mechanisms.

4.2.1.5. Improving the Law on Accountability

First, refine provisions identifying persons and bodies subject to accountability obligations. Second, specify the substance of those obligations. Third, improve the forms and procedures of accountability. Fourth, strengthen the relationship between

accountability and disclosure and transparency. Fifth, clarify legal liability for failure or inadequate performance of accountability obligations. Sixth, improve accountability in central-local government relations.

4.2.1.6. Improving the Law on Legal Liability

First, refine the legal grounds for identifying violations in the exercise of provincial-level state power. Second, improve the system of legal liabilities so that sanctions are coherent and proportionate to the nature and seriousness of violations. Third, clarify jurisdiction and procedures for imposing liability following oversight. Fourth, specify the liability of heads of provincial-level governments and specialized agencies under provincial People's Committees. Fifth, connect sanctions with the prevention of violations. Sixth, address legal liability amid local government reform and digital transformation.

4.2.2. Solutions for Securing Conditions for Legal Improvement

4.2.2.1. Ensuring Party Leadership in Improving the Law

First, continue to fully implement and institutionalize Party viewpoints on building a socialist rule-of-law state and controlling state power. Second, improve the quality and timeliness of giving legal effect to Party resolutions and conclusions. Third, strengthen oversight over institutionalization of Party policies. Fourth, ensure Party leadership in deconcentration and decentralization linked to provincial-level power control. Fifth, strengthen Party leadership in improving accountability, disclosure, and transparency. Sixth, fully institutionalize Party policies on controlling power in personnel management. Seventh, strengthen Party leadership in legislation on digital government and digital oversight of provincial authorities.

4.2.2.2. Ensuring Improvement of the Legal System and Socialist Rule-of-Law Institutions

First, situate legal reform on provincial government power control within the broader improvement of law governing the organization and exercise of state power. Second, review, systematize, and harmonize related legal provisions. Third, improve the quality of lawmaking, including foresight, stability, and practical enforceability. Fourth, pursue systematic, coordinated reform with a long-term perspective. Fifth, establish common principles, standards, and oversight mechanisms while allowing flexibility in implementation.

4.2.2.3. Streamlining the State Apparatus and Clarifying Oversight Competencies

First, clearly define the status and functions of each oversight actor. Second, eliminate overlap among oversight mechanisms. Third, establish unified coordination arrangements. Fourth, specify the individual responsibility of agency heads. Fifth, align the allocation of functions, duties, and powers with two-tier local government and digital transformation.

4.2.2.4. Securing Human Resources and Oversight Capacity

First, improve professional and legal standards for personnel directly engaged in oversight. Second, strengthen the professionalism, integrity, and relative independence of inspectorates. Third, improve state auditors' expertise in public finance, public assets, public investment, land, natural resources, and areas susceptible to vested interests. Fourth, strengthen the supervisory capacity of provincial People's Council deputies, especially in policy, budgets, investment, land, assets, and the accountability of People's Committees. Fifth, strengthen judges' and procurators' professional expertise, independence, and responsibility in reviewing administrative power. Sixth, enhance social oversight capacity among the Vietnam Fatherland Front, the press, and citizens through access to information, skills training, public data, and protection for complainants and whistleblowers.

4.2.2.5. Securing Financial, Economic, and Material Conditions

First, establish stable, adequate, and earmarked funding mechanisms for oversight of provincial governments. Second, introduce specific spending norms for specialized oversight. Third, fund field visits, inquiries, verification, and work in localities. Fourth, invest in facilities, digital infrastructure, and shared databases. Fifth, fund professional training and independent experts. Sixth, improve performance-based budget allocations aligned with oversight duties.

4.2.2.6. Ensuring Public Participation, the Vietnam Fatherland Front, and the Media

First, strengthen legal mechanisms guaranteeing citizens' right to oversee provincial government action. Second, increase the legal effectiveness of oversight and social criticism by the Vietnam Fatherland Front. Third, improve access-to-information law and public-data disclosure. Fourth, enhance the press and media's role in detecting, reporting, and overseeing abuses of power. Fifth, establish digital platforms for social oversight.

4.2.2.7. Securing Digital Transformation and Digital Government

First, improve the legal framework for control of state power in digital environments. Second, strengthen legislation on open data and disclosure. Third, expand the use of digital technology in inspection, examination, auditing, and supervision. Fourth, develop digital explanation and electronic accountability mechanisms. Fifth, improve social oversight through digital platforms. Sixth, strengthen traceability and attribution of legal liability in digital environments. Seventh, develop digital human resources for state power control.

CONCLUSION

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Control of state power is an objective requirement of every modern state, ensuring that power is exercised in accordance with the Constitution and the law for the benefit of the People, while preventing, detecting, and promptly addressing abuse, excess of authority, and degeneration of power. In the context of further developing Vietnam's socialist rule-of-law state, intensifying deconcentration and decentralization under a two-tier local government model, and expanding digital government, improving the legal framework for controlling provincial-level government power is of major theoretical and practical importance.

Based on its review of domestic and international scholarship, the dissertation identifies existing findings and research gaps. It develops the theoretical foundations of the law on controlling state power over provincial-level local governments, clarifying its concept, characteristics, role, substantive content, categories of legal provisions, and criteria for evaluating the quality and development of the legal framework.

A systematic analysis of existing legal provisions shows that the law governing control of state power over provincial-level local government has progressively improved. Nevertheless, in light of reforms to national and local governance, deficiencies remain in legal coherence, consistency, transparency, coordination among oversight actors, accountability, imposition of legal liability, digital oversight, and practical implementation. The dissertation establishes guiding viewpoints and proposes an integrated set of solutions for further legal improvement.

Improving the legal framework for controlling provincial-level local government power is not simply a matter of legislative drafting; it also requires reforming the organization and exercise of state power within Vietnam's socialist rule-of-law state. Reform must reconcile control with decentralization, local initiative and innovation with stronger accountability and legal liability, internal with external oversight, conventional with digital control, and prevention with detection and sanctioning of violations. Only a coherent, transparent, practicable, modern, and rigorously enforced legal framework can ensure that provincial-level governmental power is exercised lawfully, contributing to local governance characterized by integrity, effectiveness, efficiency, service to the People, and the country's rapid and sustainable development in the new era.

LIST OF SCIENTIFIC PUBLICATIONS RELATED TO THE DISSERTATION TOPIC

1. Cao Thi Ha (2022), "Improving the Mechanism for Controlling State Power in Preventing and Combating Corruption and Misconduct in Vietnam," *State Organization Review*, July 2022, p. 68.

2. Cao Thi Ha (2022), "Coherently Improving Institutions for National Development in Accordance with the Thirteenth Party Congress," *State Management Review* (316), p. 34.

3. Cao Thi Ha (2023), "Improving Institutions for Deconcentration and Decentralization of Provincial Leadership Personnel," *State Management Review*, (331), p. 42.

4. Cao Thi Ha (2024), "Improving the Law on Power Control in Selected Countries: Implications for Provincial-Level Local Government in Contemporary Vietnam," *State Management Review*, (342), p. 116.

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