HO CHI MINH NATIONAL ACADEMY OF POLITICS

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APPLICATION OF LAW IN THE FIRST-INSTANCE ADJUDICATION OF LAND DISPUTE CASES BY THE PEOPLE'S COURTS IN VIETNAM

SUMMARY OF DOCTORAL DISSERTATION

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INTRODUCTION

1. Rationale of the dissertation topic

Land is a special national resource that plays an important role in socio-economic development, national defence and security, and in securing the livelihoods of the people. In the socialist-oriented market economy, the value of land use rights has been steadily increasing, bringing with it a growing diversity and complexity of relations in the management, use and transaction of land. Land disputes, therefore, not only directly affect the lawful rights and interests of the parties but also have an impact on social stability and the effectiveness of State administration.

The resolution of land disputes by the People's Courts has distinctive features, as the courts must examine the origin of the land, the history of its management and use, and the legal validity of documents and cadastral records created over many periods. The Land Law of 2024, together with new regulations on procedure and on the organisation of the People's Courts, requires uniformity in the understanding, interpretation and application of law, particularly with regard to transitional relations, the validity of transactions, evidence, limitation periods and assets attached to land.

First-instance adjudication is the first level of trial, at which the court directly identifies the disputed legal relationship and the participants in the proceedings, collects and evaluates evidence, and selects, interprets and applies legal norms in order to form its judgment. Accordingly, the quality of the application of law at this level is decisive for the correctness of the judgment and for the effectiveness of the protection of the lawful rights and interests of the litigants. Errors in characterising the disputed relationship, evaluating evidence or selecting the applicable norm may result in the judgment being amended or annulled, prolong the resolution process and give rise to social costs.

Although numerous studies have addressed land law, land disputes and the adjudicative activities of the People's Courts, in-depth and systematic research on the application of law in the first-instance adjudication of land dispute cases under civil procedure remains limited. In particular, there is a need to clarify the relationship between the characterisation of the disputed relationship, the proof and evaluation of evidence, the selection of legal norms, and the use of precedents and resolutions of the Council of Judges of the Supreme People's Court in the process of forming a judgment.

In the context of the continued building of the Socialist Rule-of-Law State of Vietnam, judicial reform and the operation of the regional People's Court model, research on the topic ***"Application of Law in the First-Instance Adjudication of Land Dispute Cases by the People's Courts in Vietnam"*** is of practical significance both theoretically and practically, contributing to the refinement of the scientific foundations and to the proposal of solutions for improving the quality of first-instance adjudication of land disputes.

2. Research purpose and objectives of the dissertation

2.1. Research purpose

The dissertation aims to clarify the theoretical foundations, assess the current situation, and propose viewpoints and solutions for ensuring and enhancing the quality of the application of law in the first-instance adjudication of land dispute cases under civil procedure by the People's Courts in Vietnam, meeting the requirements of judicial reform and of building the Socialist Rule-of-Law State.

2.2. Research objectives

- To clarify the fundamental theoretical issues of the application of law in the first-instance adjudication of land dispute cases by the People's Courts, including its concept,

characteristics, role, content, process and the criteria for assessing the quality of the application of law.

- To analyse and assess the current situation of the application of law in the first-instance adjudication of land dispute cases by the People's Courts in Vietnam, identifying the achievements, the limitations and the causes of those limitations.

- To propose viewpoints and solutions to ensure the quality of the application of law in the first-instance adjudication of land dispute cases by the People's Courts, consistent with the requirements of judicial reform and of building the Socialist Rule-of-Law State of Vietnam.

3. Object and scope of the research

3.1. Object of the research

The object of the research is the application of law by the People's Courts in the first-instance adjudication of land dispute cases in Vietnam. The research focuses on the legal provisions governing the resolution of land disputes at first instance; the practice of applying those provisions in the adjudicative activities of the People's Courts; and the factors affecting the quality of the application of law and the issues arising in current adjudicative practice.

3.2. Scope of the research

In terms of content: the dissertation focuses on disputes over land use rights, contracts and transactions concerning land use rights, inheritance of land use rights, and the division of common property consisting of land use rights, as distinguished from administrative cases concerning land. Related individual administrative decisions are examined only within civil cases in accordance with the jurisdiction prescribed in Article 34 of the Civil Procedure Code.

In terms of subjects: the dissertation focuses on the adjudicative activities of the People's Courts, especially the role of Judges and Trial Panels at the former district-level People's Courts, the regional People's Courts from 1 July 2025, and the provincial-level People's Courts when adjudicating at first instance.

In terms of space: the research is conducted nationwide, with fieldwork in representative localities of the three regions: the North, the Centre and the South.

In terms of time: the dissertation focuses on analysing practice during the 2020-2025 period, with legislation and adjudicative practice updated to 2025-2026.

4. Theoretical basis and research methodology

4.1. Theoretical basis

The dissertation is grounded in the views of Marxism-Leninism and Ho Chi Minh Thought on the State and law, together with the guidelines of the Party and the regulations of the State on building the Socialist Rule-of-Law State, judicial reform, and the management and use of land. In addition, the dissertation selectively draws on legal theories of the rule-of-law State, the application of law, human rights and citizens' rights, and the role of the People's Courts in protecting justice, as well as theoretical views on the regime of ownership of land by the entire people and on dispute resolution mechanisms in judicial activities. These foundations provide the basis for analysing and assessing the practice of the application of law in the first-instance adjudication of land dispute cases in Vietnam.

4.2. Research methods

4.2.1. Methodology

The dissertation is based on the methodology of dialectical materialism and historical materialism, and is thoroughly informed by the Party's views on building the Socialist Rule-of-Law State, judicial reform, and ensuring human rights and citizens' rights in judicial activities.

4.2.2. Specific methods

Theoretical and legal research methods: The dissertation employs the methods of analysis, synthesis, deduction and induction to clarify theoretical issues concerning the application of law in the first-instance adjudication of land disputes. The method of analysing legal norms is used to evaluate the provisions of the Land Law, the Civil Procedure Code and other relevant legal instruments.

Empirical research methods: To assess the practice of the application of law in the first-instance adjudication of land dispute cases by the People's Courts, the dissertation uses a sociological survey combined with in-depth interviews in order to collect empirical data, identify results, limitations and their causes, and propose solutions. Sociological survey: the study population comprises Judges and Court Clerks of the People's Courts; lawyers and Procurators; civil judgment enforcement officers; and litigants who have participated in land use right dispute cases. The survey comprises 300 valid respondents (100 Judges and Court Clerks; 60 lawyers and Procurators; 40 civil judgment enforcement officers; and 100 litigants; distributed as 128 respondents in the North, 96 in the Centre and 76 in the South; updated in 2025). In-depth interviews: 30 semi-structured interviews were conducted with professionals possessing relevant expertise and experience (10 Judges, 6 Procurators, 5 lawyers, 3 enforcement officers, 3 cadastral officials and 3 legal researchers and lecturers). In addition, the dissertation uses the case study method and statistical data of the court sector; the comparative law method is used to an appropriate extent in order to draw on international experience.

5. Scientific and practical significance of the dissertation

5.1. Scientific significance of the dissertation

- The dissertation contributes to supplementing and clarifying the theoretical foundations of the application of law in the first-instance adjudication of land dispute cases by analysing the concept, characteristics, role, principles and criteria for assessing the quality of the application of law in the adjudicative activities of the People's Courts.

- The conclusions and recommendations of the dissertation, built on theoretical and empirical analysis, help to provide a scientific basis for improving the legal system, particularly land law and the Civil Procedure Code, in the context of building the Socialist Rule-of-Law State.

- The dissertation is a valuable reference for research, teaching and learning in the field of State and law, especially on matters relating to the application of law, the resolution of civil disputes and land law.

5.2. Practical significance of the dissertation

- The dissertation helps to clarify the current situation of the application of law in the first-instance adjudication of land dispute cases by the People's Courts in Vietnam through

the analysis of statistical data, reports of the court sector and a number of typical judgments, thereby identifying achievements, limitations and their causes.

- The viewpoints and solutions proposed in the dissertation may serve as a reference for the improvement of policies and laws and for ensuring the effectiveness of adjudicative activities, particularly in the fields of land law and civil procedure.

- The research findings constitute a useful reference for judicial actors such as Judges, People's Assessors, Procurators, lawyers and legal officers in applying the law to resolve land disputes.

- The dissertation may be used as material for the training and professional development of judicial personnel at legal training institutions and professional training institutions within the judicial system.

6. New contributions of the dissertation

The dissertation makes four principal new contributions:

First, in terms of theory: It develops and clarifies the system of concepts, the six essential characteristics and the four-step process of the application of law in the first-instance adjudication of land dispute cases; it also delineates the boundary between the resolution of civil disputes over land use rights and the review of related individual administrative decisions under Article 34 of the Civil Procedure Code.

Second, in terms of assessment tools: It develops a system of seven criteria for assessing the quality of the application of law, namely: legality; accuracy and objectivity; fairness and reasonableness; uniformity; feasibility; timeliness and effectiveness; and transparency and accountability. The criteria are operationalised through qualitative and quantitative indicators linked to each stage of the application of law, thereby overcoming the approach of assessing adjudication quality mainly on the basis of the rate of amended or annulled judgments.

Third, in terms of practice: It provides an empirical database drawn from 300 survey questionnaires and 30 in-depth interviews; on this basis, it identifies the achievements, limitations and groups of causes affecting the quality of the application of law in the first-instance adjudication of land disputes, distinguishing subjective causes stemming from the competence and conduct of adjudicating actors from objective causes stemming from cadastral records, legal provisions and conditions for inter-agency coordination.

Fourth, in terms of solutions: It proposes solutions for improving the law and its implementation in order to overcome obstacles in reviewing related individual administrative decisions, to strengthen the responsibility of land administration agencies to provide evidence, and to safeguard the independence of Judges when their responsibility for amended or annulled judgments is assessed. The recommendations aim to enhance the quality of the application of law under the operating conditions of the regional People's Court model.

7. Structure of the dissertation

Apart from the introduction, the conclusion, the list of the author's published scientific works related to the dissertation topic, the list of references and the appendices, the dissertation is structured into 4 chapters comprising 11 sections.

Chapter 1
OVERVIEW OF RESEARCH RELATED TO THE DISSERTATION TOPIC

1.1. State of research

1.1.1. Domestic research

1.1.1.1. Studies on land disputes and the resolution of land disputes

The dissertation analyses representative works by Nguyễn Quang Tuyến (2017), Nguyễn Đình Bồng (2018), Đặng Hùng Võ (2020), Phạm Hồng Thái (2019), Nguyễn Thị Nga (2021), Trần Thị Minh Hà (2016), the Institute for Legislative Studies of the National Assembly (2018), Nguyễn Văn Hiền (2020), Nguyễn Hữu Chính (2021), the General Department of Civil Judgment Enforcement (2022), Phan Trung Hiền (2022), among others. Studies by Nguyễn Văn Cương (2019), Nguyễn Ngọc Chí (2022), Trần Ngọc Đường (2018), Phạm Hồng Thái (2020), Nguyễn Đình Quyền (2019), Nguyễn Bá Chiến (2020), Nguyễn Hòa Bình (2021), Phạm Duy Nghĩa (2019), Nguyễn Mạnh Hùng (2022), Trần Minh Đức (2021), Nguyễn Đức Hạnh (2022), Nguyễn Văn Tiến (2021), Trần Thị Mai Hương (2022), Đinh Văn Mậu (2023), Nguyễn Hữu Chính (2020), Nguyễn Văn Hòa (2021), and the Institute of Legal Science of the Ministry of Justice (2022), among others, approach the application of law as an exercise of power involving judicial creativity; analyse the relationship between written law, precedent and equity; and point out the phenomenon of "institutional mismatch" and the types of error in identifying legal relationships and selecting the governing norms.

These works have clarified the development of land law and the link between the regime of ownership by the entire people, the administrative management mechanism and the causes of disputes; they point out the overlap of competence between administrative and judicial bodies and the fact that about 35% of land judgments are difficult to enforce owing to unclear content, affirming that the enforceability of judgments is a measure of adjudicative effectiveness.

1.1.1.2. Studies on the application of law in the resolution of land disputes by the People's Courts

Works by Nguyễn Bá Chiến (2020), Nguyễn Văn Cương (2019), Nguyễn Ngọc Chí (2022), Trần Ngọc Đường (2018), Nguyễn Hữu Chính (2020, 2021), Nguyễn Văn Hòa (2021), Nguyễn Văn Bình (2019), a ministerial-level research project of Hanoi Law University (2022), Nguyễn Đức Hạnh (2022), Đinh Văn Mậu (2023), Nguyễn Ngọc Khánh (2019), Trần Thị Thu Hằng (2020), the Central Internal Affairs Commission (2023), Nguyễn Đình Quyền (2019), among others, review in depth the practice of annulled and amended cases; analyse factors of professional ethics, professional competence and internal control mechanisms; and propose a mechanism for uniform interpretation of law by the Supreme People's Court.

1.1.2. Foreign research

1.1.2.1. Studies on land disputes and the resolution of land disputes

Studies and reports by the World Bank (2012, 2020), FAO (2012), UNDP (2015), OECD (2021, 2023), Klaus Deininger (2003), Stephen F. Krech (2007), UN-Habitat (2018), ADB (2019), ADBI (2022), among others, approach land dispute resolution mechanisms as a key indicator of the rule of law and good land governance, emphasising tenure security, the reduction of social costs and the requirement of information transparency.

1.1.2.2. Studies on the application of law in the resolution of land disputes

Works by FAO (1995-2022, 2019, 2021), UNDP (2015, 2019, 2022), USAID (2016, 2019, 2022), Lorenzo Cotula et al. (2007, 2011, 2013, 2016), Daniel Fitzpatrick (2002, 2006, 2013), Annelies Zoomers (2010, 2015), Liz Alden Wily (2008), Espen Sjaastad & Ben Cousins (2009, 2018), among others, clarify the gap between "law in the books" and "law in action", the role of precedent, the need to develop judicial capacity indicators, and models combining formal courts with community mediation.

1.2. Assessment and issues requiring further research in the dissertation

1.2.1. Assessment of the findings of the above works

Domestic and foreign studies have provided important arguments regarding the application of law, the adjudicative activities of the People's Courts, the resolution of land disputes and the principles ensuring judicial rights. However, most domestic studies approach the application of law mainly from the perspective of the selection and use of legal norms and compliance with procedural rules; they have not fully analysed the relationship between land law and civil law and civil procedure law, nor the role of legal reasoning and of the Judge's interpretation and argumentation. Studies on adjudicative practice have identified certain limitations, such as the incorrect identification of the disputed legal relationship, incomplete evaluation of evidence and difficulties in using cadastral records, but have not yet developed a comprehensive analytical framework of the factors affecting the quality of the application of law.

1.2.2. Issues requiring further research in the dissertation

Building on the results of existing research, the dissertation further clarifies the theoretical basis, characteristics and process of the application of law in the first-instance adjudication of land disputes; develops a system of criteria for assessing the quality of the application of law; and analyses the current situation, the achievements, limitations and causes. At the same time, the dissertation challenges the approach that attributes all causes of annulled and amended judgments to the subjective factors of Judges, affirming the need to consider holistically the impact of the legal framework, the competence of adjudicating actors, the enabling conditions and inter-agency coordination mechanisms. The new contribution of the dissertation lies in constructing a specialised theoretical framework, proposing seven criteria for assessing the quality of the application of law, supplementing empirical data from 300 valid survey questionnaires and 30 in-depth interviews, and thereby proposing solutions for improving the law and enhancing the quality of the application of law in the first-instance adjudication of land disputes.

1.3. Research questions and hypotheses

1.3.1. Research questions:

Question 1: What are the content, characteristics and assessment criteria of the application of law in the first-instance adjudication of land dispute cases by the People's Courts under the conditions of the Socialist Rule-of-Law State of Vietnam?

Question 2: What is the current situation of the application of law in the first-instance adjudication of land dispute cases, and what are the achievements, the limitations and the causes of those limitations?

Question 3: What orientations and solutions are needed to improve the law and enhance the quality of the application of law in the first-instance adjudication of land dispute cases, ensuring the legality, accuracy and objectivity, feasibility, fairness and reasonableness, uniformity, timeliness and effectiveness, and transparency and accountability of judgments and decisions?

1.3.2. Research hypotheses:

Based on the research questions, the dissertation formulates four hypotheses. First, the degree of consistency and coherence among land law, civil law and civil procedure law is associated with the legality and uniformity of first-instance judgments. Second, the professional competence and professional integrity of Judges influence the accuracy, objectivity and persuasiveness of judicial reasoning. Third, the quality of coordination between the Court and land administration agencies and civil judgment enforcement agencies is associated with the enforceability of judgments. Fourth, the degree of application of digital technology and of the connection and use of land data has a positive impact on the timeliness, effectiveness and uniformity of the application of law.

The hypotheses are examined through legal analysis, sociological surveys, in-depth interviews, statistics and the study of typical cases, which serve as the basis for assessing the current situation and proposing the solutions of the dissertation.

Chapter 2.
THEORETICAL FOUNDATIONS OF THE APPLICATION OF LAW IN THE FIRST-INSTANCE ADJUDICATION OF LAND DISPUTE CASES BY THE PEOPLE'S COURTS

2.1. Concept, characteristics and role of the application of law in the first-instance adjudication of land dispute cases by the People's Courts

2.1.1. Related concepts

2.1.1.1. The concept of land

Under Article 53 of the 2013 Constitution (as amended and supplemented in 2025) and Article 4 of the Land Law of 2024, *land is a special national resource, a principal means of production, a space for development and an important asset under the ownership of the entire people, with the State acting as the representative owner and exercising unified management.*

The dissertation distinguishes land from land use rights: land is owned by the entire people, whereas land use rights are property rights established by the State and conferred on subjects in accordance with the law. In civil transactions and disputes resolved by the Court, the direct object of the legal relationship is mainly the land use right, not the land as a physical entity itself.

2.1.1.2. The concept of land dispute

Building on clause 47 of Article 3 of the Land Law of 2024 and relevant scholarly views, the dissertation approaches the concept in a narrow sense, limited to land dispute cases falling within the jurisdiction of the People's Courts under civil procedure, comprising four groups: disputes over who holds the land use right; disputes over contracts and transactions concerning land use rights; disputes over the inheritance of land use rights; and disputes over the division of common property consisting of land use rights. At the same time, the dissertation distinguishes civil land disputes from administrative lawsuits concerning land; the review of related individual administrative decisions is carried out within the scope, conditions and jurisdiction prescribed in Article 34 of the Civil Procedure Code.

Accordingly, the author defines: *A land dispute falling within the jurisdiction of the People's Courts under civil procedure is a conflict or disagreement of will concerning rights, obligations and lawful interests between legally equal subjects in the course of the establishment, modification or termination of land use rights, or of transactions, inheritance or division of common property attached to land use rights, which is accepted and resolved by the People's Court in accordance with the order and procedures of civil procedure, in which the land use right occupies the central position and is simultaneously governed by land law and civil law.*

This concept reflects four elements: the nature of a conflict over rights, obligations and lawful interests; legally equal subjects; land use rights and property relations attached to land use rights as the central object; and resolution under civil procedure.

2.1.1.3. The concept of land dispute resolution by the People's Courts

Drawing on relevant scholarly views, the author defines: *The resolution of land disputes through the People's Courts is the exercise of judicial power by the People's Courts in accordance with the order and procedures of civil procedure, aimed at verifying, collecting and examining evidence, establishing the objective truth, and correctly determining the rights and*

obligations of the parties in order to issue first-instance judgments and decisions which, upon taking legal effect, are mandatorily enforceable, so as to protect justice, human rights, citizens' rights and the lawful land use rights of subjects, while contributing to ensuring the effectiveness and efficiency of State management of land.

The concept comprises three core elements: the People's Court is the subject exercising judicial power; the activity is conducted in accordance with the order and procedures of civil procedure through the verification, collection and examination of evidence and adversarial argument; and the outcome is the issuance of a mandatorily enforceable judgment that protects lawful rights and interests while contributing to discipline in land administration.

2.1.1.4. The concept of the application of law in the first-instance adjudication of land dispute cases by the People's Courts

Building on previous studies and proceeding from the objectives of the dissertation, the author constructs the following concept: *The application of law in the first-instance adjudication of land dispute cases by the People's Courts is the process whereby the People's Court, through the first-instance civil proceedings conducted by the Judge and the Trial Panel, performs independent legal reasoning operations to identify the facts, to collect, examine and evaluate evidence, and to select, interpret and apply the relevant norms of land law, civil law and procedural law, in order to accurately characterise the disputed legal relationship, determine the rights and obligations of the parties, and issue a first-instance judgment or decision that is lawful, accurate, objective, enforceable and fair.*

The concept emphasises four elements: the subjects are the Judge and the first-instance Trial Panel; its nature is a process of independent legal reasoning combining the identification of facts with the selection and interpretation of norms; its object of application is the relevant substantive and procedural legal norms; and its result is a first-instance judgment aimed at satisfying the seven criteria for the quality of the application of law.

Regarding the concept of the quality of the application of law in the first-instance adjudication of land dispute cases by the People's Courts, the author defines: *The quality of the application of law in the first-instance adjudication of land dispute cases by the People's Courts is the degree to which legal standards and the values of justice are attained throughout the entire process of cognition and legal reasoning of the Judge and the Trial Panel, from the acceptance of the case, the characterisation of the disputed relationship, the collection and evaluation of evidence and the interpretation of legal norms to the issuance of the first-instance judgment, so as to produce judgments and decisions that resolve the dispute in accordance with its true nature and ensure legality, objectivity, enforceability, fairness, uniformity, timeliness and transparency.*

This approach regards the quality of the application of law as the quality of the entire process and outcome of adjudication, assessed against a system of seven criteria, and does not mechanically equate it with the rate of annulled or amended judgments.

2.1.2. Characteristics of the application of law in the resolution of land disputes by the People's Courts

2.1.2.1. The application of law in the resolution of land disputes by the People's Courts is closely tied to the specific nature of land in Vietnam

Under the 2013 Constitution and the Land Law of 2024, land is owned by the entire people, with the State acting as the representative owner and exercising unified management. Land users do not hold ownership but only land use rights within the framework of the law. This characteristic means that land disputes are not purely civil disputes over property but always intertwine civil relations with public administrative relations, requiring the Court, when adjudicating, to consider at the same time the legality of the State's land management decisions.

Land is also a special means of production and the living space of the people, so judgments are always highly sensitive in political and social terms.

2.1.2.2. The application of law in the resolution of land disputes by the People's Courts is diverse and complex in terms of the objects and subjects of disputes

As regards the object, disputes may concern land use rights, assets attached to land, boundaries, area, land use purposes or the value of compensation upon land recovery, requiring the Court to apply the Land Law, the Civil Code and procedural law simultaneously. As regards the subjects, disputes arise between individuals, households, residential communities, economic organisations and even State administrative bodies, giving rise to a complex interplay between civil procedure and the review of administrative decisions.

2.1.2.3. The application of law in the resolution of land disputes is strongly influenced by historical and social factors and by local customs and practices

Land disputes often have historical origins spanning the periods of land reform, collectivisation, the allocation of agricultural land under Decree No. 64/CP, and urbanisation. Cadastral records are often incomplete, fragmented or contradictory across periods, forcing the Court to trace the origin of the land and the actual history of its use. At the same time, farming customs and village conventions in rural and mountainous areas strongly shape the perceptions of litigants, requiring Judges to apply customs flexibly in a manner consistent with the Civil Code of 2015.

2.1.2.4. The application of law in the resolution of land disputes by the People's Courts requires a close combination of legal and practical considerations

Identifying the correct legal provision is only a necessary condition; the sufficient condition is to assess closely the actual use of the land, the contributions made to maintaining and improving it, and the specific circumstances of the parties, so as to ensure that the judgment is enforceable and to avoid situations in which a judgment is legally correct but cannot be enforced in practice or causes social instability.

2.1.2.5. The application of law in the resolution of land disputes by the People's Courts is highly binding and has a broad social impact

Judgments of the Court, rendered in the name of the State, are mandatorily enforceable and directly affect the property rights, means of production and long-term livelihoods of the people; they also affect the order of land administration in the locality and are always subject to close scrutiny by public opinion.

2.1.2.6. The application of law in the resolution of land disputes by the People's Courts is influenced by judicial reform and international integration

The process of judicial reform under the Strategy to 2030 requires greater independence and professionalism and the protection of human rights and citizens' rights; at the same time, international integration requires the Court to embrace advanced judicial standards in the protection of property rights and foreign investment.

2.1.3. The role of the application of law in the resolution of land disputes by the People's Courts

2.1.3.1. Translating the Party's guidelines and the State's land policies and laws into social life, contributing to building the Socialist Rule-of-Law State

First-instance adjudication transforms abstract norms into individual, mandatorily enforceable judgments, ensuring the principle of the supremacy of law and giving concrete form to the constitutional principles on the protection of human rights and citizens' property rights.

2.1.3.2. Resolving conflicts of interest among land users, protecting lawful rights and interests and maintaining social stability

The Court adjudicates independently and objectively to restore the balance of interests, settle protracted conflicts, prevent hotspots of mass complaints, and perform the function of reviewing the legality of administrative decisions on land management.

2.1.3.3. Disseminating and educating the law and raising the legal awareness of the people through adjudication

Through public trials and rigorous reasoning in judgments, the Court explains and guides standards of conduct in land transactions, deters violations and gradually fosters a culture of the rule of law in society.

2.1.3.4. Identifying, reflecting and recommending improvements to land law and related laws, enhancing the effectiveness of land management and use

From adjudicative practice, the Court clearly identifies gaps, shortcomings and overlaps among the Land Law, the Civil Code and the Civil Procedure Code in order to recommend that competent authorities amend and improve the legal framework.

2.2. Content, process and assessment criteria of the application of law in the first-instance adjudication of land dispute cases by the People's Courts

2.2.1. Content of the application of law in the first-instance adjudication of land dispute cases by the People's Courts

2.2.1.1. Application of law at the stage of case acceptance

The Judge examines the conditions for initiating a lawsuit under Articles 235 and 236 of the Land Law of 2024 and the Civil Procedure Code, clearly distinguishing disputes requiring mandatory conciliation at the commune-level People's Committee (disputes over who holds the land use right) from disputes not subject to mandatory grassroots conciliation (transactions, inheritance, division of common property); correctly determines subject-matter, hierarchical and territorial jurisdiction under Articles 26, 35 and 39 of the Civil Procedure Code; correctly identifies the disputed legal relationship from the outset; reviews the validity of the statement of claim; and issues lawful procedural notices under Articles 189-192 of the Civil Procedure Code.

2.2.1.2. Application of law in the collection and evaluation of evidence

Identifying the specific categories of evidence to be collected (cadastral records, Map 299, land registers, land allocation decisions, conciliation minutes); proactively exercising the powers under Articles 97 and 106 of the Civil Procedure Code to assist litigants in obtaining documents held in State archives; and applying the principle of objective and comprehensive evaluation of evidence under Article 108 of the Civil Procedure Code, combining documentary evidence with the actual state of use and the flow of funds used to acquire the property, in the spirit of Precedent No. 02/2016/AL and Precedent No. 03/2016/AL.

2.2.1.3. Application of law in the first-instance trial of the case

Conducting the hearing according to the principle of democratic adversarial argument; evaluating evidence openly at the hearing; accurately selecting and applying the substantive legal norms of the Land Law of 2024 and the Civil Code of 2015; drafting the reasoning section of the first-instance judgment with logical argumentation and clear citation of legal grounds; and issuing a highly persuasive judgment.

2.2.2. Process of the application of law in the first-instance adjudication of land dispute cases by the People's Courts

2.2.2.1. Studying, analysing and assessing the facts of the case and its legal features

Identifying the legal facts; disentangling the origin of the land, its changes through successive policy periods and the current state of boundaries; and correctly determining the true nature of the disputed legal relationship in accordance with Precedent No. 42/2021/AL and Precedent No. 64/2023/AL (irrespective of the designation used by the litigant in the petition).

2.2.2.2. Finding and selecting the appropriate legal norms to resolve the dispute

Identifying the system of governing legal norms corresponding to the time when the relationship arose; dealing with transitional provisions between the Land Laws of different periods; applying the principle of applying the specialised law (the Land Law of 2024) in

combination with the general law (the Civil Code of 2015); and cross-checking against the system of precedents of the Council of Judges of the Supreme People's Court.

2.2.2.3. Clarifying the spirit and content of the legal norms applied to resolve the dispute

Interpreting the legislative purpose of the Land Law of 2024; clearly determining the temporal and territorial scope of validity; using precedents to unify the understanding of general norms; and ensuring the reasoned nature and verifiability of the judgment.

2.2.2.4. Issuing the law-applying instrument resolving the land dispute by the People's Court

Drafting the first-instance judgment to standard in form and content under the Civil Procedure Code; the reasoning section provides a multidimensional analysis linking evidence and legal provisions; the operative part clearly states property obligations, area and boundaries, and must be accompanied by a technical diagram of boundary markers and coordinates surveyed by a specialised agency.

2.2.3. Criteria for assessing the application of law in the first-instance adjudication of land dispute cases by the People's Courts

2.2.3.1. Legality

This foundational criterion is reflected in full conformity with current law: proper jurisdiction as prescribed by law, strict compliance with procedural order and procedures, and accurate application of the substantive legal norms in force.

2.2.3.2. Accuracy and objectivity

This criterion reflects faithfully the objective truth of the case; the Court's conclusions must be based on a complete body of evidence that has been comprehensively evaluated, free from subjective prejudice or bias.

2.2.3.3. Feasibility

The capacity of the judgment to be implemented in practice; the judgment must be clear as to the object of enforcement (land parcel, area, boundary markers, assets on the land) and suited to actual local conditions, so that civil judgment enforcement agencies can organise enforcement smoothly.

2.2.3.4. Fairness and reasonableness

The judgment ensures a harmonious balance of interests between the disputing parties, takes into account efforts to preserve, improve and enhance the value of the land, and protects the legitimate interests of bona fide parties and vulnerable persons in society.

2.2.3.5. Uniformity in the application of law

Similarity and consistency in the understanding, interpretation and application of law to cases with similar facts across courts and levels of adjudication, without applying double standards.

2.2.3.6. Timeliness and effectiveness

Resolving cases within the time limits for trial preparation prescribed by the Civil Procedure Code; settling conflicts conclusively, limiting protracted complaints and minimising the rate of annulled or amended judgments.

2.2.3.7. Transparency and accountability

Openness of the proceedings; judgments must be clearly reasoned, fully explaining the legal and factual grounds for accepting or rejecting each claim of the litigants.

2.3. Conditions ensuring the application of law in the first-instance adjudication of land dispute cases by the People's Courts

2.3.1. Quality of the system of legal normative documents

The system of land, civil and procedural law must be complete, coherent, clear, transparent and highly predictable; guiding resolutions and precedents must be issued promptly to resolve conflicts of norms and legal gaps.

2.3.2. Qualifications, competence and ethical standards of Judges, court officials and People's Assessors, and the remuneration regimes and policies applicable to them

Judges must have in-depth knowledge of land matters, skills in analysing historical evidence and sharp reasoning, and must maintain integrity and professional ethics; People's Assessors must participate substantively in deliberations; and remuneration and salaries must be commensurate with responsibilities.

2.3.3. Material facilities, working equipment and protection regimes for Judges and People's Assessors

Modern, standard-compliant premises and courtrooms; surveying equipment and information technology infrastructure for the digitisation of case files; and a mechanism guaranteeing the full safety of persons conducting proceedings against external pressure and threats.

2.3.4. Ensuring the independence and objectivity of Judges and People's Assessors in applying the law to adjudicate cases

Ensuring the constitutional principle of judicial independence; excluding all unlawful administrative interference from superior bodies or local authorities and pressure from public opinion.

2.3.5. Coordination among relevant agencies in the application of law in the first-instance adjudication of land dispute cases by the People's Courts

A mandatory and timely coordination mechanism between the Court and land administration agencies (providing cadastral records and map extracts), and synchronised coordination with civil judgment enforcement agencies from the stage of on-site inspection of the current state of the land.

2.4. The application of law in the resolution of land disputes by courts in selected foreign countries and lessons of reference value for the Courts of Vietnam

2.4.1. The application of law in the resolution of land disputes by courts in selected foreign countries

2.4.1.1. China

A dual land ownership regime (urban land owned by the State, rural land collectively owned); the courts clearly delineate jurisdiction between administrative litigation (on land recovery and compensation) and civil litigation (on contracts and use rights); they closely combine written law with guiding cases of the Supreme People's Court and encourage grassroots mediation to maintain rural stability.

2.4.1.2. Russian Federation

A regime of multiple forms of land ownership; a clear delineation of jurisdiction between courts of general jurisdiction and the specialised arbitrazh (commercial) courts resolving commercial land disputes; and close judicial review of the legality and reasonableness of administrative land management decisions.

2.4.1.3. Republic of Korea

Private ownership is recognised, but the social function of ownership is emphasised; the precedents of the Supreme Court on land valuation and compensation are given great weight; the digitised cadastral registration system is highly accurate; and alternative dispute resolution (ADR) is actively promoted.

2.4.1.4. Japan

The principle of proportionality is upheld when the State expropriates land; judgments of the Supreme Court clarify the concepts of "public interest" and "just compensation"; the real property registration system is transparent; and adjudication is closely combined with judicial conciliation.

2.4.1.5. Federal Republic of Germany

The constitutional principle of the "social obligation of property" (Sozialbindung des Eigentums) is firmly applied; an independent system of administrative courts strictly controls public authority; and the land register (Grundbuch) has conclusive evidentiary value, enabling disputes to be resolved quickly and accurately.

2.4.2. Lessons on the application of law in the resolution of land disputes of reference value for the People's Courts in Vietnam

2.4.2.1. Lessons on correctly determining the legal nature of land disputes

A clear distinction between civil and administrative relations, avoiding the mischaracterisation of a case as administrative or civil contrary to its true nature.

2.4.2.2. Lessons on ensuring uniformity in the application of law through precedents and adjudication guidance

Developing specialised precedents on land and strengthening the guiding authority of the Supreme People's Court in order to overcome inconsistencies in adjudication.

2.4.2.3. Lessons on the role of the People's Courts in controlling administrative power in the land sector

Enhancing the capacity of the Court to review the legality of individual administrative decisions on land in order to protect citizens' property rights.

2.4.2.4. Lessons on ensuring a balance between the rights of land users and the public interest

Applying legal principles flexibly to ensure judgments that are substantively fair and both reasonable and humane.

2.4.2.5. Lessons on the role of land information and registration systems in adjudication

Accelerating the digitisation of cadastral data and establishing an interconnected information-sharing mechanism to support proof in proceedings.

2.4.2.6. Lessons on combining adjudication and conciliation in the resolution of land disputes

Enhancing the effectiveness of voluntary conciliation mechanisms under the legal supervision of the Court in order to reduce social conflict.

Chapter 3
CURRENT SITUATION OF THE APPLICATION OF LAW IN THE FIRST-INSTANCE ADJUDICATION OF LAND DISPUTE CASES BY THE PEOPLE'S COURTS IN VIETNAM

3.1. Overview of the People's Court system and the application of law in the first-instance adjudication of land dispute cases

3.1.1. Overview of the People's Court system

3.1.1.1. Organisational structure of the People's Court system of Vietnam

The organisational structure of the People's Court system of Vietnam is built on the constitutional principles of judicial power and is specified in the Law on Organisation of People's Courts of 2024 (as amended and supplemented in 2025). Under the 2013 Constitution (as amended and supplemented in 2025), the People's Courts are the bodies exercising judicial power and ensuring independence in adjudication; when adjudicating, Judges and People's Assessors obey only the law, in order to protect justice, human rights, citizens' rights and the lawful interests of subjects. The Law on Organisation of People's Courts of 2024 restructured the court system from a four-tier model tied to administrative-territorial units into a streamlined

and professional three-tier model comprising: the Supreme People's Court, the provincial-level People's Courts and the regional People's Courts (officially operating from 1 July 2025). The regional People's Courts were established to replace the district-level People's Courts and have become the principal level of first-instance adjudication for most civil cases, including land dispute cases. Organising regional People's Courts over wider territories helps to concentrate human resources, facilities and equipment and to strengthen specialisation through specialised divisions (Civil Division, Administrative Division, Economic Division, Family and Juvenile Division), limiting the dispersion of personnel and creating conditions for enhancing the quality of the application of law from the first instance. The provincial-level People's Courts both adjudicate at first instance certain complex cases as decentralised and hear appeals in order to control the quality of adjudication of the regional People's Courts. The Supreme People's Court is the highest adjudicative body, performing cassation review, summarising adjudicative practice, guiding the uniform application of law and developing precedents.

3.1.1.2. Position and functions of the People's Courts in the State apparatus

The People's Courts occupy a central position among judicial bodies, with adjudication as their most fundamental and direct function. Through adjudication conducted according to rigorous procedural order and procedures, the Court examines the objective truth, analyses evidence, and selects and applies the corresponding legal norms to issue judgments and decisions in the name of the State that are mandatorily enforceable. In land disputes, the adjudicative function is manifested in accurately identifying the disputed legal relationship, clarifying the origin and history of land use, determining the rights and obligations of the parties regarding the land use right and, where necessary, reviewing the legality of related individual administrative decisions on land. The function of "protecting justice, human rights and citizens' rights" requires the People's Courts to ensure equal access to justice, the right to democratic adversarial proceedings, objective judgments and the effective protection of citizens' land property rights. The function of "ensuring the uniform application of law", led by the Supreme People's Court through cassation review, professional guidance and the issuance of precedents, is of particular importance in shaping understanding and overcoming inconsistent application of law among local courts in a context of frequent changes in land law.

3.1.1.3. Jurisdiction of the People's Courts in resolving land disputes

The jurisdiction of the People's Courts has been clearly delineated across two stages of development. Before 1 July 2025, under the Land Law of 2013 and the Civil Procedure Code of 2015, jurisdiction to resolve land use right disputes was shared between the People's Committees (for land without a Certificate or lawful documents) and the People's Courts (for land with a Certificate or lawful documents); the People's Court system operated under a four-tier model, in which the district-level People's Courts resolved most land disputes at first instance but revealed numerous shortcomings owing to uneven competence and a persistently high rate of annulled and amended judgments. From 1 July 2025 to date, the entry into force of the Land Law of 2024, together with Law No. 85/2025/QH15 amending and supplementing a number of articles of the Civil Procedure Code, has marked a fundamental turning point. The People's Court system has been restructured into a three-tier model, in which the regional People's Courts are the principal level of first-instance adjudication under Article 35 of the amended Civil Procedure Code, while the provincial-level People's Courts concentrate on appellate review and cassation review under Article 37 of the amended Civil Procedure Code. The Land Law of 2024 establishes the People's Court as the sole central adjudicative institution for the comprehensive resolution of land disputes, ending the overlap and shifting of jurisdiction between judicial and administrative bodies.

3.2. Current situation of the application of law in the first-instance adjudication of land dispute cases by the People's Courts in Vietnam

3.2.1. Legal provisions on the application of law in the first-instance adjudication of land dispute cases by the People's Courts

The legal provisions on the application of law in the first-instance adjudication of land dispute cases by the People's Courts are formed from a combination of substantive norms (the Land Law of 2024 and the Civil Code of 2015) and procedural norms (the Civil Procedure Code of 2015, as amended and supplemented in 2025, and the Law on Organisation of People's Courts of 2024). This system of norms governs adjudication in three basic respects. First, regarding the conditions for initiating and accepting a lawsuit, the law prescribes conciliation at the commune level as a mandatory condition for disputes over who holds the land use right; disputes over contracts, inheritance and the division of common property relating to land use rights are not required to undergo this procedure before a lawsuit is filed with the Court. Second, regarding proof and verification of the current state of the disputed land, in addition to the litigants' responsibility to provide evidence, the Court has the power to conduct on-site inspection, valuate assets and request land administration agencies to provide records and documents under Articles 101, 104 and 106 of the Civil Procedure Code. Third, regarding the review of related individual administrative decisions, under Article 34 of the Civil Procedure Code the Court has jurisdiction to review and deal with unlawful individual decisions within the scope and conditions prescribed by law where such decisions relate to the civil case. This mechanism contributes to the comprehensive resolution of land use right disputes and the protection of the lawful rights and interests of litigants without necessarily separating them into an independent administrative case.

The above provisions constitute the direct legal basis and a system of benchmark criteria for assessing the application of law by Judges and first-instance Trial Panels, thereby identifying the achievements, limitations and obstacles in adjudicative practice.

3.2.2. Achievements

3.2.2.1. Empirical data sources and basis for assessment

The dissertation assesses the current situation of the application of law in the first-instance adjudication of land dispute cases by combining multiple empirical data sources, namely: (1) the first round of the sociological survey (2023-2024), with 250 valid questionnaires in 9 localities, covering Judges, Court Clerks, lawyers, Procurators, enforcement officers and litigants; (2) an in-depth survey in 2025, with 50 valid questionnaires, aimed at identifying changes and initial difficulties in applying the Land Law of 2024 and in the transition to the regional People's Court model; (3) in-depth interviews with 30 experts, including Judges, Procurators, lawyers, enforcement officers, cadastral officials and scholars, in order to provide additional qualitative evidence and clarify the causes of limitations in practice; (4) summary report data of the People's Courts for the 2020-2025 period, including Report No. 45/BC-TANDTC; and (5) 120 annulled or amended first-instance judgments and related precedents, obtained from the Supreme People's Court's web portal.

The survey data were processed using SPSS software; interview results were thematically coded and cross-checked against adjudication data and judgment files. The comparison of the two survey rounds aims to identify changes in the perceptions and professional practices of the actors in the context of the transformation of land law and of the organisation of the People's Court system. However, the dissertation clearly acknowledges the limitations of each data source: the survey results reflect the situation in the localities and respondent groups surveyed and are not fully representative of the entire People's Court system; the 2025 survey mainly reflects initial difficulties during the transitional period; and sector-wide

report data and judgment files are used to supplement and cross-check findings, without automatically equating the rate of annulled or amended judgments with the quality of the application of law. Combining quantitative, qualitative and case-file data helps to ensure objectivity and an evidential basis and to limit inferences beyond the scope of the research data.

3.2.2.2. Results by content of the application of law

- Case acceptance stage

The People's Courts have strictly implemented Articles 189, 190 and 191 and point b, clause 1, Article 192 of the Civil Procedure Code of 2015 in conjunction with Articles 235 and 236 of the Land Law of 2024. The Court clearly distinguishes disputes over who holds the land use right, which must undergo unsuccessful conciliation at the commune-level People's Committee, from disputes arising from civil transactions, the division of inheritance or common property consisting of land use rights, which are not subject to mandatory grassroots conciliation.

The empirical survey shows that 58.7% of Judges consider the current case acceptance procedure to be considerably more rigorous and systematic than in the previous period; 30.7% of respondents affirm that the rate of returned statements of claim has fallen markedly thanks to Judges proactively guiding and explaining to litigants how to supplement and complete their files under Article 191 of the Civil Procedure Code; 49.3% affirm that the strict review of grassroots conciliation conditions from the acceptance stage has minimised procedural errors and prevented the risk of first-instance judgments being annulled on appeal; and 24.0% of respondents consider that the flexible application of Article 236 of the Land Law of 2024 helps to determine the Court's jurisdiction accurately, avoiding the need to suspend or transfer cases after acceptance. Compared with Law No. 85/2025/QH15 amending the Civil Procedure Code, the new provisions have strengthened the accountability of Judges when returning statements of claim and optimised citizens' access to justice.

- Evidence collection and evaluation stage

The People's Courts at all levels have proactively exercised the powers under Article 97 and the mechanism for requesting agencies and organisations to provide evidence under Article 106 of the Civil Procedure Code of 2015 to collect cadastral records, extracts of old cadastral maps (such as Map 299), land registers and land allocation minutes held by land administration agencies. This proactive approach provides effective support to vulnerable litigants who are unable to access such records themselves.

In cases claiming the return of land registered in the name of a relative on the land use right Certificate, Judges have distinguished the formal legal shell from the flow of funds used to acquire the land, handwritten agreements and the true intentions of the parties. The evaluation of evidence has adhered to the principle of objectivity and comprehensiveness under Article 108 of the Civil Procedure Code of 2015, combining historical archival records with the stable and long-term actual use of the land.

- First-instance trial stage

Trial Panels at all levels have thoroughly absorbed the spirit of judicial reform, organising and conducting first-instance hearings according to the principles of democratic and equal adversarial proceedings as prescribed in Articles 259 to 273 of the Civil Procedure Code of 2015. The Court fully respects the rights of litigants and of persons protecting their lawful rights and interests to present, question, confront and argue in public. The rate of first-instance judgments annulled or amended owing to serious procedural violations has decreased markedly.

In disputes over handwritten contracts for the transfer of land use rights where the purchaser has built a permanent house, or inheritance disputes over land use rights involving contributions to land improvement, the reasoning sections of judgments have skilfully

combined evidence examined at the hearing with accurate citation of the legal norms of the Land Law of 2024 and the Civil Code of 2015 to ensure fair, reasonable and humane judgments.

3.2.2.3. Results by stage of the application of law process

- Step 1: Studying, analysing and assessing the facts of the case and its legal features

The People's Courts at all levels have improved the quality of disentangling legal facts and analysing the origin and changes of land parcels. The rate of land dispute cases annulled or amended owing to the mischaracterisation of the disputed legal relationship has fallen sharply from over 12% to 8-9% (according to the Supreme People's Court's summary reports for 2023-2024).

Field surveys show that 61.4% of Judges affirm that the study and analysis of the actual origin of land is now carried out more thoroughly and closely using the historical-legal method; 54.8% affirm that correctly identifying the legal features (clearly distinguishing disputes over land use rights, contract disputes and inheritance disputes) helps to minimise fundamental errors; and early study of case files helps to shorten case resolution time by 10% to 15% (according to the Supreme People's Court's 2022 Report).

- Step 2: Finding and selecting the appropriate legal norms to resolve land dispute cases

The Courts accept and resolve on average between 31,000 and more than 34,000 land dispute cases each year (accounting for 27-30% of all civil cases). The rate of judgments and decisions annulled or amended owing to the incorrect application of substantive law has fallen markedly from 9.6% (2020) to 6.5% (2024).

The 2025 survey recorded that 67.8% of respondents affirm that the identification of the legal relationship as the basis for selecting legal norms is now correct and relatively uniform. The proportion of first-instance judgments citing precedents and guiding resolutions of the Council of Judges of the Supreme People's Court rose sharply from 18% (2019) to 38.6% (2024). The rate of annulment or amendment owing to the selection of grounds that do not ensure enforceability accounts for only 7-8% (2021-2024); 61.3% of respondents consider that the selection of grounds is consistent with enforcement practice; the rate of voluntary compliance with judgments by litigants reached 68% to 73% (according to the Ministry of Justice's civil judgment enforcement reports); the average case resolution time fell from 7.8 months (2020) to 6.7 months (2024); and 69.2% of respondents consider that the citation of legal grounds is clear and systematic.

- Step 3: Clarifying the content and spirit of the selected legal norms

Judges have paid attention to explaining the regulatory purpose, legislative spirit and scope of application of legal norms. The proportion of first-instance judgments whose reasoning section analyses in depth the purpose and meaning of the provision applied increased from about 41% (2020) to over 63% (2024) (Supreme People's Court Reports 2021-2024). The rate of annulment or amendment among judgments that analyse the historical context of norms in depth is only 5.4% (compared with 8.1% among those lacking such analysis); the rate of appeals and protests fell from about 38% (2020) to 29% (2023); clearly reasoned judgments achieve voluntary compliance rates 10-12% higher; and 61.2% of respondents consider that judgments are easy to review and monitor thanks to transparent reasoning.

- Step 4: Issuing the law-applying instrument resolving land dispute cases

First-instance judgments and decisions have been standardised in structure and form in accordance with the Civil Procedure Code and guiding documents. The rate of judgments annulled owing to serious violations of form, jurisdiction and issuing procedure is below 5%; 78% of interviewees agree that the procedure for issuing judgments has been systematically standardised; 65-70% of Judges affirm that complete and clear reasoning is a mandatory criterion

in internal quality assessment; and 60% of Judges regularly consult judgments that have taken legal effect to ensure uniformity. The operative part of the judgment must be accompanied by a technical diagram of the land parcel showing coordinates, boundary markers and adjoining boundaries surveyed by a specialised agency; the proportion of judgments eligible for public disclosure on the Supreme People's Court's web portal exceeded 80% as of 2024.

3.2.3. Limitations

3.2.3.1. Content of the application of law in the adjudication of land dispute cases by the People's Courts

- Application of law at the case acceptance stage

Practice shows that about 12-15% of statements of claim in land disputes are still returned or require amendment or supplementation because Judges remain uncertain in distinguishing purely civil claims for the return of land use rights (such as cases claiming the return of land registered in the name of a relative) from administrative disputes or complaints against administrative decisions on land under clause 1, Article 26 and point a, clause 1, Article 35 of the Civil Procedure Code. The application of the condition of mandatory conciliation at the commune-level People's Committee under Articles 235 and 236 of the Land Law of 2024 and point b, clause 1, Article 192 of the Civil Procedure Code remains inconsistent among local courts (accounting for about 8-10% of all cases suspended or annulled on appeal because the first-instance court accepted them before grassroots conciliation conditions were satisfied).

The time limit for processing statements of claim under Article 191 of the Civil Procedure Code is exceeded in 28-30% of cases owing to difficulties in verifying litigants' addresses, establishing inheritance status across several generations or obtaining extracts of old cadastral records. The requirement that litigants submit all evidence at the time of filing under Article 189 of the Civil Procedure Code remains formalistic and mechanical, while citizens cannot themselves access records archived at land administration agencies (40% of litigants report that document requirements do not match reality). As regards transparency, some notices of acceptance or decisions returning statements of claim are very sketchy and do not clearly cite specific legal grounds, with the result that complaints concerning the return of statements of claim account for as much as 15-18% of all civil procedure complaints. Heavy work overload (over 55% of Judges report being overloaded) adversely affects the quality of the initial review of case files.

- Application of law in the collection and evaluation of evidence

The collection of historical cadastral documents and records across periods faces considerable difficulties and obstacles (61.2% of Judges acknowledge that collecting complete old cadastral records is highly complex; 27.8% of respondents consider that the Court has not been truly proactive in applying Articles 97 and 106 of the Civil Procedure Code).

The allocation of the burden of proof under Article 91 of the Civil Procedure Code is still applied rigidly, shifting the entire burden and risk of proof onto vulnerable litigants (42.6% of respondents consider the allocation of the burden of proof to be unreasonable).

As regards the evaluation of evidence, there are still cases in which Judges evaluate evidence one-sidedly under Article 108 of the Civil Procedure Code, tending to absolutise the formal value of the current land use right Certificate while underestimating or disregarding the probative value of old archival documents (such as land registers and Map 299), the testimony of witnesses familiar with the origin of the land, or the stable and long-term actual use of the land by the parties.

- Application of law in the first-instance trial of the case

At first-instance hearings, some Trial Panels still restrict the time allowed for litigants to argue about newly produced technical survey and appraisal documents. The reasoning sections

of some first-instance judgments remain mechanically enumerative, failing to bring out the logical relationship between the body of evidence collected and the final legal conclusion, and avoiding direct engagement with the counter-arguments of litigants and lawyers. The operative parts of some judgments are unclear as to actual boundaries, coordinates and adjoining boundaries because no detailed technical on-site survey was carried out under Articles 101 and 104 of the Civil Procedure Code, resulting in judgments that have taken legal effect but for which civil judgment enforcement agencies are unable to place boundary markers and enforce in practice.

3.2.3.2. Limitations by stage of the application of law process

- Step 1: Limitations in studying the facts and identifying the legal relationship

First, errors in determining the nature of transactions; second, omission of facts concerning historical changes in land; third, omission of the status of participants in the proceedings

- Step 2: Limitations in finding and selecting legal norms

Judges remain uncertain in determining temporal validity and in dealing with transitional provisions between the Land Laws of different periods (1987, 1993, 2003, 2013, 2024). There is inconsistency among courts in resolving the same type of case (typically disputes over handwritten contracts for the transfer of land use rights where the purchaser has built a permanent house: some courts rigidly apply formal requirements to declare the contract invalid, while others apply the Civil Code to recognise the transaction), leading to non-uniform application of law.

- Step 3: Limitations in clarifying the spirit and content of legal norms

The survey results show that 28.7% of respondents consider land law provisions to be too general and difficult to apply, and 11.3% consider them unclear and confusing. Some Judges merely cite legal provisions mechanically without analysing and clarifying the legislative purpose, the spirit of protecting bona fide parties and the principle of fairness of the rule-of-law State.

- Step 4: Limitations in issuing law-applying instruments

Judgment drafting techniques are uneven; legal reasoning in some judgments is still loose and insufficiently persuasive; and there are still contradictions between the reasoning section and the operative part of judgments, causing difficulties in interpreting judgments and organising their enforcement.

3.2.4. Causes of achievements and causes of shortcomings and limitations

3.2.4.1. Causes of achievements

- Objective causes

The legal system has been gradually improved (the Land Law of 2024 and the Civil Procedure Code of 2015 as amended in 2025), clearly delineating jurisdiction and standardising procedural processes.

The judicial reform policy of the Party and the State provides momentum for improving the quality of adjudication.

The summarising of practice, professional guidance and the development of precedents help to reduce errors and increase uniformity.

- Subjective causes

The competence and experience of Judges and People's Assessors in analysing the origin of land and historical evidence have been enhanced.

The Court has renewed its approach, focusing on "cleaning up" case files and verifying evidence from the acceptance stage; adjudicative thinking has shifted positively, emphasising persuasiveness and accountability in judgments; and Judges proactively and promptly update themselves on and correctly apply new legal provisions.

3.2.4.2. Causes of shortcomings and limitations

- Objective causes

Land disputes are complex, protracted across many historical periods and intertwined with multiple legal relationships; land law and civil law are still not fully consistent, and guidance on transitional provisions has not been timely; land data and cadastral records lack uniformity and have not been digitised and interconnected in a synchronised manner; inter-agency coordination (with land administration agencies, local authorities and civil judgment enforcement agencies) remains slow and formalistic; the summarising of practice and the development of precedents have not kept pace with practical needs; and facilities and digital transformation infrastructure are uneven among courts.

- Subjective causes

The level, skills in applying the law and capacity for judicial reasoning of some Judges remain limited; adversarial argument at some hearings still relies heavily on inquisitorial questioning and is not truly substantive; work overload (the number of cases is rising rapidly while staffing has not kept pace); training and professional development do not closely follow actual types of disputes and errors; internal inspection and supervision are not closely linked to individual responsibility so as to prevent recurring errors; there is no truly robust mechanism of protection against socio-economic pressure and public opinion; and there is still a lag in adapting to new regulations.

Clarifying these two groups of causes provides the direct basis for the system of solutions proposed by the dissertation in Chapter 4.

Chapter 4
VIEWPOINTS AND SOLUTIONS FOR ENHANCING THE QUALITY OF THE APPLICATION OF LAW IN THE FIRST-INSTANCE ADJUDICATION OF LAND DISPUTE CASES BY THE PEOPLE'S COURTS IN VIETNAM

4.1. Viewpoints on enhancing the quality of the application of law in the first-instance adjudication of land dispute cases by the People's Courts

The application of law in the first-instance adjudication of land dispute cases is not merely a purely technical and procedural process but a process of realising the judicial power of the State, directly affecting the order of land administration, citizens' property rights and political and social stability. Therefore, the development and implementation of solutions to enhance the quality of the application of law at first instance must be grounded in a consistent, scientific and strategic system of guiding viewpoints:

4.1.1. Ensuring thorough adherence to the Party's views and guidelines and the State's policies and laws on the application of law, and to the leadership of Party committees at all levels

The application of law in the first-instance adjudication of land dispute cases by the People's Courts is the exercise of judicial power in the Socialist Rule-of-Law State, under the leadership of the Communist Party of Vietnam.

It is necessary to adhere thoroughly to the Party's guidelines on law, land and judicial reform, linked with the orientation towards breakthroughs in science and technology development, innovation and national digital transformation under Resolution No. 57-NQ/TW.

The leadership of the Party is manifested through political orientation, personnel work and supervision, with absolutely no interference in specific cases, so as to ensure the principle of judicial independence of the Court.

This requires Judges and court officials to enhance their integrity, professional expertise and ability to use digital platforms and artificial intelligence.

4.1.2. Ensuring speed, timeliness and compliance with the law

Prompt, timely and lawful resolution is a principled requirement because land disputes directly concern substantial assets, livelihoods and social stability.

Timeliness requires strict compliance with procedural time limits, together with the accurate identification of the legal relationship and the assurance of the legality and uniformity of judgments.

This creates great pressure in the context of land law that is not yet coherent, requiring Judges to enhance their sense of responsibility and improve professional procedures.

It is closely linked to substantive digital transformation (digitisation of case files, connection of judicial and land data, and use of shared digital platforms) in order to shorten resolution time while still safeguarding the procedural rights of the parties.

4.1.3. Serving local political tasks and ensuring political security, social order and safety

The application of law in the adjudication of land disputes aims to resolve conflicts while also contributing to the performance of political tasks and the maintenance of security and order in the locality.

Land disputes frequently arise in highly urbanised and industrialised areas in connection with land recovery and site clearance, posing potential risks of instability.

First-instance adjudication plays a role in defusing "hotspots" and consolidating public trust through objective, fair and enforceable judgments.

It is linked to the use of data and digital governance to forecast and prevent complex disputes, and to the consideration of the local socio-economic context in order to render judgments that harmonise interests.

4.1.4. Ensuring fairness and objectivity and protecting the lawful rights and interests of the State, organisations and individual land users

Fairness, objectivity and the protection of the lawful rights and interests of subjects are foundational values and criteria for assessing the credibility and quality of the Court's adjudication.

Ensuring fairness requires disputes to be resolved on the basis of equality, in accordance with the law and lawful evidence; objectivity requires Judges and Trial Panels to establish the truth of the case independently.

The aim is to protect in a balanced manner the interests of the State, organisations and individuals, respecting lawful land use rights in order to limit protracted complaints.

Under conditions of digital transformation, the data used must be transparent and secure and must comply with cybersecurity regulations; technology is merely a supporting tool and cannot replace the independent assessment of the Judge.

4.1.5. Meeting the requirements of Vietnam's integration with countries in the region and the world

The application of law needs to comply with international commitments and serve the requirement of building the Socialist Rule-of-Law State in the context of deep and broad integration.

It should gradually approach advanced legal standards on human rights, property rights, access to justice, fair trial and procedural principles (equality, adversarial proceedings, publicity and independence).

It should proactively and selectively draw on international judicial experience, precedents and practices appropriate to Vietnam's conditions in order to resolve complex disputes involving foreign elements.

Integration does not alter the principle of ownership of land by the entire people, but it sets the task of enhancing modern legal thinking and digital competence among Judges.

4.2. Solutions for enhancing the application of law in the first-instance adjudication of land dispute cases by the People's Courts

4.2.1. Improving the system of land law and civil procedure law

4.2.1.1. Improving the provisions of land law and providing timely and uniform guidance on the application of the transitional provisions of the Land Law of 2024

The focus should be on clarifying the basis for establishing land use rights over land used stably for a long time, land without documents and land allocated ultra vires under Article 140 of the Land Law of 2024 and Precedent No. 04/2016/AL. The provisions on compensation and land recovery under Chapter VII of the Land Law of 2024 and Precedent No. 27/2020/AL should be improved so that the Court can review the legality of related administrative decisions in civil cases. The Council of Judges of the Supreme People's Court should urgently issue thematic Resolutions providing detailed guidance on the application of law to land relations established across many historical periods (before 1993, 1993-2004, 2004-2014 and 2014-2024). The principles governing temporal validity should be clarified, ensuring consistency between the provisions of the Land Law of 2024 on the conditions for exercising land use rights and the provisions of the Civil Code of 2015 on the validity of civil transactions and contracts and the protection of bona fide third parties.

4.2.1.2. Improving and supplementing the provisions of the Civil Procedure Code relating to land disputes

The provisions on the delineation of first-instance jurisdiction of the regional People's Courts should be improved; the mandatory legal responsibility and time limits of State land administration agencies for providing cadastral records, map extracts and planning information to the Court should be specifically codified; and strict sanctions should be established for delays in or evasion of the provision of evidence. The mechanism for allocating the burden of proof should be improved towards strengthening the Court's responsibility to provide assistance under Articles 97 and 106 of the Civil Procedure Code, in order to protect the right of access to justice of vulnerable litigants.

4.2.1.3. Promoting the development of thematic precedents and the summarising of adjudicative practice

The Supreme People's Court should step up the review, selection and publication of typical precedents on the resolution of land disputes (focusing on complex and common types of dispute such as the transfer of land use rights by handwritten documents; claims for the return of land registered in the name of a relative; the division of inheritance consisting of land use rights involving contributions to land improvement; and the treatment of discrepancies between the actual area and the figures recorded on the land use right Certificate), in order to create a uniform legal standard framework for first-instance Judges to cite and apply.

4.2.2. Enhancing the professional competence, ethical standards and remuneration of Judges, court officials and People's Assessors:

4.2.2.1. Comprehensively renewing the content and methods of professional training and development

The Court Academy and other training institutions should renew their in-depth training programmes towards equipping Judges of the regional People's Courts with practical judicial skills. In-depth training should focus on the following skills: accurately identifying the nature of the disputed legal relationship; collecting, evaluating and cross-checking historical cadastral evidence (reading and interpreting Map 299, cadastral maps of different periods, land registers and land ledgers); conducting on-site inspection and locating boundary markers in the field; and

reasoning, interpreting the law and drafting first-instance judgments in accordance with the set of 07 scientific criteria.

4.2.2.2. Enhancing the quality of the work of People's Assessors

A mechanism should be established for selecting People's Assessors with professional qualifications, legal understanding and knowledge of land administration; in-depth training on skills in studying case files and evaluating cadastral evidence should be organised periodically, ensuring that People's Assessors participate in adjudication and deliberation substantively and independently rather than as a formality.

4.2.2.3. Strengthening political and ideological education and professional ethics, and tightening public service discipline

The political integrity, ethical probity and professional responsibility of Judges should be cultivated in accordance with the standards of judicial ethics. The regulations on assessing the performance of Judges should be standardised on the basis of the substantive quality of judgments and the level of public satisfaction, rather than merely on the mechanical rate of annulled or amended judgments.

4.2.2.4. Reforming remuneration policies and establishing a mechanism for the protection of Judges

A special salary regime and responsibility allowances commensurate with the complexity and pressure of land cases are proposed, together with a mechanism to protect the life, health, honour and professional position of Judges and their families against threats, obstruction or unlawful external interference.

4.2.3. Strengthening inter-agency coordination mechanisms between the People's Courts, land administration agencies and civil judgment enforcement agencies:

4.2.3.1. Developing mandatory inter-agency coordination regulations

It is recommended that a Joint Circular be issued by the Supreme People's Court, the Ministry of Justice and the Ministry of Agriculture and Environment, clearly prescribing the procedures, focal points, maximum time limits and responsibilities of Land Registration Offices and commune-level People's Committees in providing cadastral records, map extracts and archival documents on the origin of land, and in assigning specialised officials to participate in on-site inspections at the request of the Court.

4.2.3.2. Strengthening coordination between first-instance courts and civil judgment enforcement agencies

A mechanism should be established for regular exchange of information between the Judge handling the case and the enforcement officer from the stage of on-site inspection and survey of the current state of the land. Consultation with the enforcement officer helps the Judge to anticipate practical obstacles to coercive enforcement and ensures that the operative part of the judgment is clear as to boundary markers, coordinates, adjoining boundaries and assets on the land, thereby greatly facilitating the organisation of enforcement.

4.2.4. Promoting the application of information technology and digital transformation in adjudication

4.2.4.1. Interconnecting the national land database with the case management software of the People's Courts

An integration portal for direct data sharing between the National Land Information System and the Courts should be built, allowing Judges to look up instantly online the history of changes to a land parcel, planning information, the status of issuance of land use right Certificates and mortgage transactions, thereby shortening the time needed to collect evidence and eliminating errors caused by concealed information.

4.2.4.2. Accelerating the implementation of e-Courts and the digitisation of case files

All (100%) land dispute case files and documents should be digitised; the Court Virtual Assistant platform should be used to help Judges look up transitional legal normative documents, quickly compare similar legal situations and search precedents.

4.2.4.3. Applying digital surveying technologies (GIS, GPS) in field inspections

The use of modern electronic surveying equipment should be standardised, and digital maps with satellite-positioned coordinates should be integrated and attached to first-instance judgments, ensuring the full accuracy of the operative part of the judgment.

4.2.4.4. Enhancing the publicity and transparency of judgments in the digital environment:

The publication of 100% of first-instance judgments and decisions resolving land disputes that have taken legal effect on the Supreme People's Court's web portal should continue to be maintained and enhanced, creating a mechanism for public oversight and encouraging Judges to strengthen judicial accountability.

4.2.5. Ensuring material and technical conditions for the system of regional People's Courts

4.2.5.1. Investing in and completing the infrastructure of court premises and courtrooms

Resources should be concentrated on building and upgrading premises and courtrooms to modern standards for the regional People's Courts under the new organisational model in effect from 1 July 2025. Specialised courtrooms, conciliation and dialogue rooms and well-appointed litigant reception rooms should be fully provided, equipped with audio, sound-recording and video-recording systems in support of the adversarial principle.

4.2.5.2. Ensuring technical equipment and dedicated operating funds

Court officials should be equipped with specialised surveying instruments and field positioning devices; independent and timely funding should be ensured for on-site inspection, asset valuation and adequate remuneration for judicial expert examinations in complex land dispute cases, so that funding shortages do not delay the progress of adjudication.

CONCLUSION

The dissertation has comprehensively fulfilled its research purpose and objectives, fully answered the 03 research questions and demonstrated the scientific hypotheses formulated. The application of law in the first-instance adjudication of land dispute cases is a breakthrough stage that plays a decisive role in the quality of justice and the effectiveness of the judgments of the People's Courts. To ensure the application of law in the adjudication of land dispute cases, it is necessary to adhere thoroughly to 05 viewpoints: (i) ensuring thorough adherence to the Party's views and guidelines and the State's policies and laws on the application of law, and to the leadership of Party committees at all levels; (ii) ensuring speed, timeliness and compliance with the law; (iii) serving local political tasks and ensuring political security, social order and safety; (iv) ensuring fairness and objectivity and protecting the lawful rights and interests of the State, organisations and individual land users; and (v) meeting the requirements of Vietnam's integration with countries in the region and the world. At the same time, a synchronised combination of improving the quality of the legal system, standardising the competence of Judges, establishing effective inter-agency coordination mechanisms and promoting digital transformation will help to ensure that first-instance judgments consistently satisfy all 07 scientific criteria, protect the lawful rights and interests of the people, maintain social stability and make a practical contribution to judicial reform and to building the Socialist Rule-of-Law State of Vietnam in the new era.

LIST OF THE AUTHOR'S PUBLISHED SCIENTIFIC WORKS RELATED TO THE DISSERTATION TOPIC

1. Nguyen Thanh Nhan (2024), "Conciliation of Land Disputes under the Land Law of 2024 and Some Recommendations for Implementation", *People's Court Journal*, No. 17, September 2024, pp. 44-51, ISSN 1859-4875 (in Vietnamese).
2. Nguyen Thanh Nhan (2025), "Applying Precedent No. 43/2021/AL and Current Issues", *Procuracy Journal*, No. 17, pp. 29-34, ISSN 0866-7357 (in Vietnamese).
3. Nguyen Thanh Nhan (2025), "New Features of the Land Law of 2024 and the Procedures for Dispute Resolution, with Some Recommendations for Implementation", *State Management Review*, No. 349 (02/2025), pp. 121-125, ISSN 2354-0761 (in Vietnamese).
4. Nguyen Thanh Nhan (2025), "Judges' Skills in Collecting Evidence in the Resolution of Land Use Right Disputes", *State Management Review*, No. 351 (4/2025), pp. 67-71, ISSN 2354-0761 (in Vietnamese).
5. Nguyen Thanh Nhan (2025), "On On-Site Inspection as a Measure for Collecting Evidence in the Resolution of Land Dispute Cases", *Procuracy Journal*, No. 07 (05/4/2025), pp. 52-58, ISSN 0866-7357 (in Vietnamese).