

PERFECTING THE RULE-OF-LAW STATE FOR FAIR INTERESTS IN VIETNAM TODAY

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ABSTRACT

This study aims to analyze the nature and characteristics of the socialist rule-of-law state in Vietnam, emphasizing its role in ensuring social justice and regulating economic activities in the context of market competition and globalization. The article employs a qualitative research approach based on theoretical analysis and the interpretation of key Party and State documents concerning the socialist rule-of-law model. Comparative and analytical methods are used to examine both the advantages and limitations of Vietnam's current legal framework in managing socioeconomic relations. The findings indicate that Vietnam's socialist rule-of-law state has made significant progress in institutionalizing the principle of "the State of the people, by the people, and for the people." However, limitations remain, particularly in the enforcement of laws and the existence of legal loopholes that some individuals and enterprises exploit for personal gain, leading to corruption and social inequities. To enhance the effectiveness and integrity of the socialist rule-of-law state, it is essential to strengthen legal institutions, improve the quality of law enforcement, and ensure transparency and accountability in governance. These measures will contribute to balancing interests among social classes and promoting sustainable and equitable development in Vietnam.

Keywords: interest; fairness; rule of law; State; Vietnam.

APERFEIÇOANDO O ESTADO DE DIREITO PARA INTERESSES JUSTOS NO VIETNÃ ATUAL

RESUMO

Este estudo visa analisar a natureza e as características do Estado socialista de direito no Vietnã, enfatizando seu papel na garantia da justiça social e na regulação das atividades econômicas no contexto da concorrência de mercado e da globalização. O artigo utiliza uma abordagem de pesquisa qualitativa baseada na análise teórica e na interpretação de documentos-chave do Partido e do Estado relativos ao modelo socialista de Estado de direito. Métodos comparativos e analíticos são utilizados para examinar as vantagens e limitações do atual arcabouço jurídico do Vietnã na gestão das relações socioeconômicas. Os resultados indicam que o Estado socialista de direito do Vietnã fez progressos significativos na institucionalização do princípio do "Estado do povo, pelo povo e para o povo". No entanto, ainda existem limitações, particularmente na aplicação das leis e na existência de brechas legais que alguns indivíduos e

empresas exploram para ganho pessoal, levando à corrupção e às desigualdades sociais. Para aumentar a eficácia e a integridade do Estado socialista de direito, é essencial fortalecer as instituições jurídicas, melhorar a qualidade da aplicação da lei e garantir transparência e responsabilização na governança. Essas medidas contribuirão para equilibrar os interesses entre as classes sociais e promover o desenvolvimento sustentável e equitativo no Vietnã.

Palavras-chave: interesse; justiça; estado de direito; Estado; Vietnã.

1 INTRODUCTION

Ensuring fairness of interests has always been one of the enduring objectives of nations and peoples throughout the world. To achieve this goal, humanity has struggled persistently to eliminate social injustice and move toward fairness, particularly fairness in economic benefits. In reality, no nation has yet succeeded in guaranteeing absolute equality and justice for all social groups. Nevertheless, people everywhere remain conscious of the need to strive toward the highest possible degree of fairness.

In contemporary Vietnam, both the State and the people are oriented toward the universal values of humankind, among which fairness in economic interests among different groups and classes has been a central objective. Remarkable achievements have been attained, and the majority of citizens express satisfaction with the fairness established under Vietnam's socialist rule-of-law state. However, certain individuals, organizations, and enterprises still act with disregard for others' interests. Exploiting loopholes in the legal system, they commit acts that infringe upon others' rights, particularly those of consumers, thus causing social injustice and provoking strong public criticism. Nevertheless, the handling of cases that infringe upon public or individual interests, especially collective interests, has often been inadequate, leading to perceptions of unfairness in society. In light of these limitations, the task of building and perfecting the socialist rule-of-law state in Vietnam has become imperative. Such efforts are essential for promoting fairness in economic interests among citizens, the State, and enterprises alike.

2 LITERATURE REVIEW

Throughout the history of human development, nations have adopted various methods of social governance. Fundamentally, however, most have relied on *rule by law*, that is, state management through a legal system. Yet, not all legal systems in different historical periods have guaranteed justice, equality, respect for human rights, or conditions for comprehensive

human development. In recent decades, numerous studies, both domestic and international, have addressed these issues.

For instance, the work *Human Rights and the Rule of Law* (International Commission of Jurists, 1988) presents findings from an international human rights organization's investigation in several African countries, highlighting violations of human rights by the South African government against its citizens. The study proposes several recommendations to the Apartheid regime, urging it to comply with international law to ensure fairness and justice for the people.

In several European countries, the issue of establishing the rule of law has also been widely examined in many publications. For example, *the Rule of Law in the EU* (Luisa; Carlo, 2024, p.1.) consists of three parts. The first part focuses on topics related to the rule of law in Europe and the threats to democracy posed by violations of legal norms. The second part discusses various perspectives on the rule of law and the implementation of legal practices across European nations. The third part provides a legal analysis of the relationship between the rule of law and democracy, as well as the impacts of legal violations on different sectors and domains within and beyond the European Union.

In *A Democracy-Friendly Theory of the Rule of Law* (Jeremy, 2024) the author offers a profound analysis of the relationship between democracy and the rule of law, particularly addressing debates over whether democracy and the rule of law are mutually exclusive or interdependent concepts. Building on previous theoretical frameworks, Jeremy argues that democracy is closely linked to the construction of the rule-of-law state, and conversely, the rule of law is also inseparable from democracy.

In Asia, the study of the rule of law as a foundation for national development has increasingly attracted scholarly attention from various perspectives. For example, *Debating Political Reform in China: Rule of Law vs. Democratization* (Zhao; Suisheng, 2006) examines China's political and social situation over an extended historical period (1976–2003). The work highlights the achievements of China's rule-of-law state in national governance while noting persistent limitations that need to be addressed to ensure greater social fairness and equality. Similarly, the *Chinese Rule of Law Path and Cultivation of Foreign-Related Rule of Law Talents* (Xiaobo; Jie, 2024) provides an overview of the historical evolution of China's legal culture, emphasizing a human-centered approach in building a distinctive rule-of-law system with global influence. The authors also stress the importance of training and fostering legal talents to strengthen China's rule-of-law development in the service of the people and in alignment with global integration.

From another perspective, *The Transformation of State Socialist Rule of Law into Party-State Socialist Rule of Law in the Xi Jinping Era* (Randall, 2025) analyzes debates and contributions related to the rule-of-law system before Xi Jinping's leadership. The second part describes new directions under Xi's administration, underscoring the central role of the Communist Party within China's socialist rule-of-law framework and the Party's comprehensive leadership of the nation through law. The final section raises critical questions: Is the socialist rule of law under Xi truly law-based? Does it represent a theoretical breakthrough or a significant improvement over earlier models?

In Southeast Asia, the concept of the rule of law has also drawn significant attention from scholars and experts. Notably, *Religion and Rule of Law in Vietnam & Southeast Asia* (Durham, 2023) explores the relationship between religion and the rule of law in Southeast Asian countries. It concludes that while religious freedom must be respected, all citizens, regardless of their faith, are obliged to abide by the law, which serves as the supreme authority to ensure justice and equality.

Similarly, *Rule of Law, Corruption and Transparency Impacts on Green Growth of East Asian Economies* (Gu; Yan; Yu, 2024) investigates the rapid economic growth occurring in Southeast Asia and its global economic implications. The study also points out that such growth brings challenges of social equity and environmental pollution. Based on data from six Southeast Asian economies from 1995 to 2021, the authors find that strengthening the rule of law promotes green energy development, reduces corruption, and helps mitigate income inequality.

In summary, it can be seen that countries around the world are paying considerable attention to both theoretical and practical aspects of the rule of law. These studies provide valuable reference materials for further analysis and serve as an important theoretical foundation for enhancing the objectivity and scientific value of this paper.

Alongside international scholars, many Vietnamese researchers have also contributed to the study of building a socialist rule-of-law state, examining both the strengths and weaknesses of Vietnam's current legal system and its impact on social justice and equality.

In the article *Building a Socialist Rule-of-Law State in the Process of Democratization in Vietnam* (Tung, 2011), the author argues that the construction of a rule-of-law state must be based on promoting the people's democratic role while simultaneously establishing a legal system that protects the legitimate interests of all citizens. Sharing a similar viewpoint, *On the Principle of Rule of Law in Building a Socialist Rule-of-Law State in Vietnam* (Duong, 2020) clarifies several theoretical foundations for establishing the rule of law in Vietnam.

Echoing these perspectives, the work *People's Ownership – The Foundation of the Socialist Rule-of-Law State of Vietnam* provides a comprehensive analysis of democracy's role, emphasizing that the people are the root of the nation. It asserts that, for the legitimate interests of the people, the state must be built on the principles of “people know, people discuss, people do, people monitor, and people benefit,” consistent with the current orientation of the Communist Party and the State of Vietnam.

In *The Relationship between Law and Power in the Socialist Rule-of-Law State of Vietnam* (Khoi, 2022), the author notes that this relationship has existed throughout human history and continues to evolve. However, as public awareness of rights and equality increases, the use of the legal system to regulate power and protect citizens' interests has become increasingly important.

Vietnam's socialist rule-of-law state continues to improve, ensuring not only equality before the law for all citizens but also the maintenance of social discipline and order. The study *Building and Perfecting the Socialist Rule-of-Law State of Vietnam in the New Era* (Hai; Dat, 2023) affirms the consistent and correct orientation of the Communist Party of Vietnam, particularly the implementation of the 13th National Party Congress Resolution and, most notably, Resolution No. 27-NQ/TW (November 9, 2022) on building and perfecting the socialist rule-of-law state in the new period.

The article *Ho Chi Minh's Thought on the Socialist Rule-of-Law State and Its Application in Managing Social Development in Vietnam Today* (Long; Trang, 2024) analyzes President Ho Chi Minh's vision of a strong, clean, and effective rule-of-law state that places the people's interests above all else. Ho Chi Minh always prioritized the people's well-being; thus, applying his ideas in building Vietnam's contemporary rule-of-law state is of great significance for ensuring harmonized interests in today's context of international cooperation.

2.1 Key Findings and Limitations of Previous Studies

Through an overview of both domestic and international studies, the author observes that the topic has attracted substantial scholarly attention, yielding numerous valuable insights.

First, prior studies have analyzed key aspects of the rule of law, including its role, foundational principles, and its relationship with human rights, democracy, and religion. These studies offer important theoretical insights for selective inheritance and application in this paper.

Second, many works have examined the achievements and limitations in building rule-of-law systems in various countries, showing that legal frameworks worldwide are progressively being refined and strengthened.

Third, several studies have discussed practical measures to enhance governance through the rule of law, emphasizing the supremacy of law as the foundation for managing and operating the state effectively.

2.2 Identified Research Gaps

Despite these valuable contributions, several limitations remain in the existing body of research:

First, while both domestic and international studies have widely discussed the establishment and role of the rule-of-law state in governance, few have systematically explored the *scientific principles* underlying the construction of such a state to ensure sustainable social justice for all citizens.

Second, there has been limited discussion on the *logical causes of social inequality* resulting from incomplete or inconsistent legal systems, which often disadvantage vulnerable groups in society.

Third, existing studies lack *breakthrough solutions* for perfecting the rule-of-law state to achieve fairness and equality in socio-economic activities.

These research gaps present opportunities for further exploration. Building upon previous findings, the present study aims to contribute to the theoretical and practical development of a socialist rule-of-law state in Vietnam, one that ensures lawful, fair, and equal rights and benefits for all citizens.

3 METHODOLOGY

Approach: The author analyzes secondary data from both domestic and international sources while also examining the current state of Vietnam's rule-of-law system. Based on these analyses, the author provides observations and recommendations to improve the socialist rule-of-law state in Vietnam, thereby contributing to the promotion of fairness and equality in citizens' lives.

Methodology

Philosophical Methodology

Dialectical Materialist Method: This method examines the rule-of-law state not as a static model, but as a dynamic entity in motion, constantly influenced by the socio-economic conditions specific to Vietnam.

Historical Materialist Method: This is employed to analyze the evolution of the concept of "justice" from traditional to modern contexts, elucidating why Vietnam's choice of the Socialist rule-of-law model is an objective necessity rather than a mere alternative.

Specific Methods

Analytical and Synthetic Method: This article utilizes this method to dissect the constituent elements of the rule-of-law state (legislative, executive, and judicial) and subsequently synthesize them in relation to the overarching objective of "justice."

Comparative Legal Method: This method is used to compare and contrast the Vietnamese rule-of-law model with global models to derive universal values as well as distinctive characteristics.

Logico-Historical Method: This is applied to clarify the conceptual shifts in constructing a rule-of-law state in Vietnam across various Party Congresses, highlighting the current need for continuous evolution and the integration of new paradigms regarding the Socialist rule-of-law state to ensure equitable benefits.

Systems Analysis Method: This approaches the State as a complex system, wherein every modification in the power oversight mechanism directly impacts the fairness and equity of the entire society.

4 RESULTS AND DISCUSSION

4.1. Theoretical and practical issues in building a socialist rule-of-law state in Vietnam for the sake of justice

4.1.1 The Concept of the Rule-of-Law State and the Socialist Rule-of-Law State

The concept of the *rule-of-law state* has attracted significant scholarly attention from various perspectives. In general terms, a rule-of-law state is a model of state organization in which all activities of state agencies, social organizations, and citizens are carried out based on the law. Simply put, in a rule-of-law state, the law holds the supreme position; no individual or institution stands above the law or acts in disregard of it. The law is sovereign.

The rule-of-law state has evolved through thousands of years of history. Both Eastern and Western civilizations in ancient times developed certain forms of rule-of-law governance

to maintain social order. For instance, in ancient China, as early as the Zhou dynasty, society was governed through two fundamental methods: “*li*” (rites), applied to the aristocracy, and “*xing*” (punishment), applied to commoners Chinh (2022, p. 333). Later, Han Feizi advanced the doctrine of *legalism* (*fa zhi*) as a means to manage society and establish social order.

Meanwhile, in the West, the philosopher Plato outlined several models of the state, each representing different forms of governance: The *aristocratic state*, where the law is established in the best manner; The *timocratic state*, where the law is made by a noble elite; The *oligarchic or plutocratic state*, where the law is made by a small group of the wealthy; The *democratic state*, where the law is made by the people; and The *monarchical or despotic state*, where the law is determined by a single ruler or tyrant (Su, 2014, p. 642).

Throughout the evolution of human society, whether under monarchic absolutism or democracy, legal governance has remained the principal means of social management. However, whether the law serves the interests of a small ruling elite or the majority of the population has depended on the historical context. As society progresses, the rule-of-law state becomes increasingly democratic, ensuring that all power belongs to the people and that all citizens are treated equally before the law.

Today, the socialist rule-of-law state represents a model of governance based on the law, in which the legal system is established to serve the common interests of the people, a *state of the people, by the people, and for the people*. In Vietnam, the viewpoint on building a socialist rule-of-law state has been clearly articulated by President Ho Chi Minh and the Communist Party of Vietnam through numerous documents and Party Congress resolutions. Right after the country’s independence, President Ho Chi Minh affirmed: “Our country is a democratic country. All power belongs to the people. The government, from the commune level to the central level, is elected by the people... In short, all authority and strength lie with the people” (Minh, 2011a, p. 232).

In addition to building a state based on the rights and interests of the people, Ho Chi Minh also advocated the establishment of a state grounded in a democratic constitution that would grant power to the people and serve their interests. He stated: “We must have a democratic constitution. I propose that the Government organize as soon as possible a general election based on universal suffrage” (Minh, 2011a).

Building a legitimate and constitutional state elected by the people serves as clear evidence that state power belongs to the people. Moreover, Ho Chi Minh emphasized the dissemination of legal knowledge among the people so that every citizen could understand their rights and interests in social relations, including vulnerable groups such as ethnic minorities, children, and the elderly, thereby ensuring equality and justice for all members of society.

Ho Chi Minh's viewpoints on the rule-of-law state have been consistently inherited, developed, and refined by the Communist Party of Vietnam through successive Party Congresses. The Party's objective has been to build a *socialist rule-of-law state* that genuinely serves the legitimate interests of the people, ensuring that all citizens live and work in accordance with the Constitution and the law.

At the Third Plenum of the 7th Central Committee (1992), the Communist Party of Vietnam officially affirmed, for the first time, the goal of "building a socialist rule-of-law state of the people, by the people, and for the people" (Communist Party of Vietnam, 2005, p. 28). The Party has continually sought public feedback, guaranteed citizens' rights, and ensured that all aspects of social life are governed by law. Guided by the principle that law is the standard for social governance, the Party has issued numerous directives and resolutions aimed at perfecting Vietnam's rule-of-law system to safeguard justice and equality for all citizens.

At the Eighth Plenum of the 7th Central Committee (1995), the term "socialist rule-of-law state" was officially used for the first time. Later, at the 9th National Congress in 2001, Vietnam reaffirmed that: "The State manages society by law. All agencies, organizations, officials, public servants, and citizens are obliged to observe the Constitution and the law" (Communist Party of Vietnam, 2003, p.131–132).

This Congress, therefore, emphasized the supremacy of the law: the law stands above all, and every citizen, regardless of age, gender, occupation, or social status, must strictly comply with it.

Building upon these viewpoints, the 2013 Constitution of the Socialist Republic of Vietnam defined the socialist rule-of-law state as follows:

The Socialist Republic of Vietnam is a socialist rule-of-law state of the people, by the people, and for the people. The Socialist Republic of Vietnam is the people's state; all state power belongs to the people, and its foundation is the alliance between the working class, the peasantry, and the intellectuals. State power is unified, with a reasonable division, coordination, and control among state agencies in the exercise of legislative, executive, and judicial powers (National Assembly, 2013, p. 1–2).

Thus, the socialist rule-of-law state in Vietnam is organized and operates on the principle that every citizen lives and works under the Constitution and the law, upholding the supremacy of law under the leadership of the Communist Party of Vietnam, and serving the common interests of the people.

Alongside the concept of the rule of law is the concept of distributive justice (justice in benefits). Justice is a term that has been utilized for millennia, originating from Aristotle's perspective that "equals should be treated equally and unequals unequally" (Velasquez et al., 2014). In modern society, this concept is articulated as "similar individuals should be treated similarly, unless they act differently." This implies that for individuals performing the same

task with identical efficiency, equal pay shall be granted; conversely, if their work differs, their compensation will be disparate. According to the philosopher John Rawls (1921–2002), his conception constructs justice as fairness around specific interpretations of the ideas that citizens are free and equal, and that society should be fair (Rawls, 2025).

Economic and political inequalities are often inextricably linked to social inequality. He also proposed two principles of justice as fairness: The first principle dictates that each person has an equal inalienable right to a fully adequate scheme of equal basic liberties, a principle that must be enshrined in the constitution. This is a perspective that we must inherit today to construct a legal system characterized by equality and justice for all citizens. The second principle asserts that social and economic inequalities are to be arranged so that they are to the greatest benefit of the least-advantaged members of society, and they are to be attached to offices and positions open to all under conditions of fair equality of opportunity.

Inheriting human historical conceptions of justice, the Communist Party of Vietnam has identified the national objective as building a country that is "prosperous people, strong nation, democratic, equitable, and civilized" (Communist Party of Vietnam, 2018). Justice in this context signifies "from each according to their ability, to each according to their labor," naturally excluding vulnerable groups in society, for whom the State shall implement social security regimes.

Justice in benefits, viewed through the lens of equality, entails creating equal opportunities for all citizens; furthermore, the realization of justice should not await a highly developed economy but must be integrated into every step of development, ensuring that economic growth goes hand in hand with social progress and justice. Justice in benefits, viewed through the lens of needs, involves prioritizing resources for vulnerable groups, yet this does not imply absolute egalitarianism, so as to avoid creating a dependency on state social welfare. Regarding justice based on contribution, those who contribute more shall enjoy more, and those who contribute less shall enjoy less; simultaneously, the State performs social regulation to prevent extreme wealth polarization.

Thus, in comparison with Rawls' perspective, the viewpoint of the Communist Party of Vietnam shares similarities in its opposition to extreme inequality. Neither accepts a "big fish eats small fish" society governed entirely by a completely free market. Moreover, both prioritize the vulnerable by regulating in favor of those in lower social positions; additionally, both emphasize that all citizens (regardless of status) must have equal opportunities in accessing education, healthcare, and career advancement.

Notwithstanding these similarities, a key difference exists: John Rawls argues that economic inequality is acceptable provided it yields the greatest benefit to the least-advantaged

members of society. Meanwhile, the Communist Party of Vietnam concretizes this through the formula: "Economic growth associated with social progress and justice." The Party accepts that a segment of the population may become wealthy first (creating a certain level of inequality) to generate developmental momentum, but subsequently utilizes taxes and welfare funds to reinvest in poor regions and support the impoverished.

To ensure equitable benefits in society, it is imperative to construct a rule-of-law state with a rigorous legal system that guarantees all citizens are equal before the law, creates conditions for every individual to flourish economically, while simultaneously protecting the vulnerable. Therefore, in essence, the Socialist Rule-of-Law State of Vietnam aims to build...

In terms of its nature, the socialist rule-of-law state of Vietnam is defined in the Resolution of the Politburo No. 49-NQ/TW dated June 2, 2005, which states: "The nature of the socialist rule-of-law state of Vietnam is that it belongs to the people, is created by the people, and serves the people; state power is unified, with a clear division and coordination among state agencies in the exercise of legislative, executive, and judicial powers" (Communist Party of Vietnam, 2016, p. 270).

A state "of the people" means that all power belongs to the people, who are the highest and most legitimate holders of power. A state "by the people" means that the people directly or indirectly elect state organs from the central to local levels and have the right to alter or replace these institutions if they operate inefficiently. A state "for the people" implies that all policies, laws, and decisions are directed toward protecting and promoting the legitimate interests of the people. Accordingly, all public agencies and officials must respect the people's rights and interests, serve the people wholeheartedly, and avoid bureaucratic or authoritarian behavior.

The ultimate goal of building a socialist rule-of-law state in Vietnam is to uphold popular sovereignty, democracy, and humanism. The people-oriented nature of the state is reflected in the fact that state power derives from and serves the people, fostering great national unity. Its democratic nature manifests in ensuring that the people participate intellectually and practically in state activities, thereby expanding democracy so that the majority of citizens can exercise their rights and obligations in nation-building. Its humanistic nature is expressed through state policies and measures that safeguard legitimate interests, ensure fairness and equality before the law, and protect vulnerable groups such as the elderly, children, people with disabilities, and ethnic minorities.

Regarding its characteristics, the understanding of the socialist rule-of-law state in Vietnam has become increasingly comprehensive, meeting the evolving needs of the people's lives. Resolution No. 27-NQ/TW (2022) of the Communist Party of Vietnam identifies the essential characteristics of the socialist rule-of-law state that Vietnam seeks to build, which can

be summarized as follows: It is under the leadership of the Communist Party of Vietnam; It is a state of the people, by the people, and for the people; Human rights and citizens' rights are recognized, respected, guaranteed, and protected in accordance with the Constitution and the law; The State is organized and operates based on the Constitution and the law, managing society through the Constitution and the law; State power is unified, with a clear division, close coordination, and effective control among legislative, executive, and judicial bodies; The legal system is democratic, just, humanitarian, comprehensive, coherent, consistent, timely, feasible, transparent, stable, and accessible, and is enforced strictly and uniformly; The judiciary operates independently within its jurisdiction, and judges and jurors adjudicate independently and in strict compliance with the law; The State respects and ensures the implementation of international treatie (Central Committee of the Communist Party of Vietnam, 2022, p.4–5).

Thus, the socialist rule-of-law state that Vietnam strives to build governs society by law, taking the law as the standard to ensure justice and equality for all citizens, whether officials, leaders, or ordinary people. The management of society by law is grounded in the legitimate interests of the people and is consistent with international law and the Charter of the United Nations.

4.1.2 The Role of the Socialist Rule-of-Law State in Vietnam

Regarding the role of the socialist rule-of-law state in Vietnam today, there has been limited discussion in existing literature. Even in official State documents such as Directives, Resolutions, or Policy Papers, no specific section has been devoted to this topic. However, based on various materials and research findings, the author identifies several fundamental roles of the socialist rule-of-law state in Vietnam as follows.

First, it governs society by law to effectively maintain social order and security. Every society requires a common set of legal norms to preserve order and ensure that citizens live and work in accordance with the Constitution and the law.

Second, it protects the legitimate rights and interests of citizens from violations of the law, thereby ensuring social justice. The protection of human rights is among the most fundamental and inviolable obligations of the state.

Third, it ensures that socio-economic development follows the correct orientation and maintains a harmonious balance of interests among the state, investors, and consumers. It also safeguards natural resources, the environment, and vulnerable groups in society, while protecting consumer rights.

Fourth, it performs the functions of supervision, inspection, and control of power to prevent the abuse of political authority in policy-making. This reflects the promotion of democracy through the principles of “the people know, the people discuss, the people do, the people inspect, and the people benefit”.

Fifth, it contributes to enhancing transparency and openness in state activities, deterring and educating against unlawful behaviors, and orienting citizens toward noble values and moral standards of humanity. At the same time, it helps attract investors in the context of international integration.

In summary, the socialist rule-of-law state of Vietnam operates for the sake of justice and public interest. All violations of the law are handled in accordance with legal provisions, ensuring equality and fairness for all citizens before the law, regardless of whether they are officials or ordinary people. There is no discrimination between domestic and foreign citizens; everyone is subject to and must comply with the law. The law is supreme.

4.2. The Practical Implementation of the Socialist Rule-of-Law State in Vietnam for the Promotion of Social Justice

4.2.1 Achievement

The construction of a socialist rule-of-law state for the sake of social justice has long been a central concern of the Communist Party and the people of Vietnam. This process represents a persistent and resilient struggle of the nation. From a country that suffered under feudal rule and foreign domination for thousands of years, where the people were deprived of equality, freedom, and the right to pursue happiness, the Vietnamese people eventually awakened to fight for national independence and liberty. Following independence, the Vietnamese people established a socialist regime with a system of rule-of-law governance, a state “of the people, by the people, and for the people,” ensuring that every citizen lives under the Constitution and the law, and that justice and equality are upheld across all social strata, regions, and vulnerable groups. These achievements are reflected in several key aspects as follows.

First, the legal system has become increasingly comprehensive and refined. After gaining independence in 1945, Vietnam gradually built a legal framework centered on the interests of the people. Although the concept of a “socialist rule-of-law state” was not yet explicitly mentioned in the early period, it is evident that the State operated in accordance with the law. This development was reflected through successive Constitutions those of 1946, 1959,

1980, 1992, and most recently, 2013. By 2024, Vietnam had enacted 266 codes and laws currently in force. At the 9th session of the 15th National Assembly, 34 new or amended laws were adopted (Phổ biến Pháp luật, 2025). This increasingly comprehensive legal system has contributed to the regularization of political, economic, cultural, and social activities, meeting the growing needs of the people and ensuring that all citizens live and act under the law, with their legitimate rights and human rights being better protected.

Second, the role, interests, and power of the people have been increasingly enhanced. One of the most remarkable achievements in building Vietnam's socialist rule-of-law state is the effective realization of democracy, ensuring that power belongs to the people and is guaranteed by law. The *Law on the Implementation of Grassroots Democracy* (National Assembly, 2022) specifies the rights of citizens within local organizations such as villages, communes, wards, and townships. Every citizen has the right to access information, express opinions and aspirations, protect legitimate personal or organizational interests, and participate in discussions on socio-economic development policies and orientations of the country.

Third, human rights and citizens' rights have been increasingly safeguarded. Vietnam's legal system on the protection of citizens' lawful rights and interests has become more comprehensive and better enforced. The Constitution clearly stipulates fundamental rights such as the right to life, the right to personal inviolability, the right to honor and dignity, the right to lawful residence, and the right to engage in economic, cultural, and social activities. These legal provisions have been effectively implemented in social life, contributing to the establishment of discipline and order, and fostering equality and respect for human dignity among all social actors.

Fourth, it has contributed to building an honest and just state that operates in accordance with the Constitution and the law. As the rule-of-law state has become more refined, legal regulations governing economic and social activities have helped reduce corruption, embezzlement, and wastefulness. Political interference in the legislative, executive, and judicial systems has been limited, allowing for greater institutional independence and mutual oversight among these bodies. The increasing number of prosecutions and trials conducted with fairness and transparency demonstrates that there are no "exempt zones" regardless of position or rank; everyone is subject to the law.

As part of the superstructure, the State exerts a profound influence on the economy. In recent years, thanks to a more coherent and adaptive legal system, Vietnam has fostered equality among organizations and individuals in socio-economic participation, creating a healthy developmental environment and attracting both domestic and foreign investors. Consequently, the national economy and society have continued to grow steadily. Moreover, this progress has

stimulated other spheres of social consciousness, such as culture, education, ethics, religion, and the arts, to function in accordance with their proper purposes and within the state's defined orientation.

In summary, the Resolution of the 6th Plenum of the 13th Central Committee affirms: "The understanding and theoretical framework regarding the socialist rule-of-law state of Vietnam have become increasingly unified, comprehensive, and profound. The legal system has been fundamentally improved; the role and enforcement of law have been emphasized in both state organization and social life... Human rights and citizens' rights as defined by the Constitution have continued to be concretized by law and more effectively implemented in practice" (Central Committee of the Communist Party of Vietnam, 2022).

4.2.2 Limitations

At present, the construction of a socialist rule-of-law state in Vietnam remains a major and complex issue that significantly affects the economy and society. Although the legal system has become increasingly comprehensive and public awareness of the rule of law has deepened, resulting in many remarkable achievements, there are still notable shortcomings in the operation, state management, and law enforcement processes that cause social injustice and infringe upon the legitimate rights of vulnerable groups and citizens. These limitations can be seen in the following aspects:

First, although many laws have been promulgated, overlapping and conflicting regulations continue to hinder state administration and law enforcement. According to general assessments by legal experts, the Vietnamese socialist rule-of-law state, while much improved, still faces numerous overlapping legal provisions, making law enforcement complex and accountability unclear. In some cases, multiple agencies are involved in addressing a single issue, yet no agency bears full responsibility.

For example, the overexploitation of natural resources and resulting environmental pollution often lacks clear accountability from relevant management authorities. As General Secretary To Lam emphasized in his article "Promoting the Party's Role in Building the Socialist Rule-of-Law State of Vietnam", "the legal system still contains contradictory, overlapping, and inconsistent provisions that do not adequately reflect socio-economic development, and are slow to be amended or replaced" (Vietnam News Agency, 2024). This situation is particularly evident in laws related to natural resources, land, investment, construction, housing, environmental sanitation, and food safety. These inconsistencies create

difficulties in applying legal provisions, weaken public trust in the state apparatus, and compromise fairness when different legal documents are inconsistently applied to similar cases.

Second, the laws dealing with violations of citizens' rights and interests lack sufficient deterrence, leading to widespread offenses that undermine justice and human security. In recent years, human rights violations and offenses against citizens' legitimate interests have remained serious. The number of prosecuted cases and defendants has been alarmingly high, yet the current legal framework lacks the deterrent power to ensure justice and equality for all citizens. According to the Statistical Yearbook 2023, there were 7,826 fraud cases with 4,938 defendants, 2,071 murder cases with 3,885 defendants, 5,813 cases of intentional injury with 11,232 defendants, and 1,465 robbery cases with 2,109 defendants (General Statistics Office of Vietnam, 2023, pp. 1056–1072). By 2024, these figures remained high: 6,197 intentional injury cases with 11,621 defendants, 3,613 fraud cases with 5,161 defendants, 1,777 murder cases with 3,756 defendants, and 1,310 robbery cases with 1,932 defendants (General Statistics Office of Vietnam, 2024, p.1087).

These alarming numbers demonstrate that the current legal system still lacks the preventive and educational mechanisms needed to deter violations. Consequently, citizens' fundamental rights to life, to bodily integrity, and to property continue to be violated. This situation calls for a serious review and strengthening of the legal framework to ensure timely deterrence, effective law enforcement, and the protection of justice for all.

Third, certain legal provisions remain inadequate to address tax evasion, embezzlement, corruption, counterfeit production, fraudulent health supplements, and online scams issues which severely affect millions of citizens but are insufficiently regulated under the current rule-of-law system. In many instances, profits flow disproportionately into the hands of a few individuals and enterprises, while the state and consumers suffer economic and moral losses. Sanctions related to public procurement, tax evasion, and resource exploitation have not been fully effective.

Furthermore, collusion between corrupt officials and businesses for personal gain remains difficult to detect and punish. Consumers who suffer from counterfeit or substandard products also face weak mechanisms for compensation or redress.

Additionally, the regulation of functional foods and dietary supplements remains incomplete. Many such products are advertised as “health-supporting” without specific dosage or efficacy standards, enabling unqualified individuals or businesses to engage in production and sales that harm consumers. Another pressing concern is online fraud, which has grown rapidly. In 2024, Vietnam lost nearly USD 16 billion (Tuổi Trẻ, 2024) to online scams out of a global total of USD 53 billion, ranking among the top ten countries most affected.

These phenomena tax evasion, counterfeit goods, online scams, and misleading health products, reflect growing social inequality and call for a more effective and transparent rule-of-law system to ensure fairness in public life.

Fourth, some laws lack clear scientific foundations and principles, resulting in frequent revisions, inefficiency, and social inequality. Many legal documents are amended or replaced shortly after enactment, creating uncertainty and inconsistency in governance. For example, the same legal issue may be handled differently before and after an amendment within a short period, leading to unequal treatment of citizens. While legislative updates are necessary, they must be grounded in scientific reasoning to ensure fairness and consistency. According to the Ministry of Justice, “about 32% of legal documents issued in the past five years were amended within two years of enforcement. Some laws were revised just six months after adoption, while others were amended twice within a year” (Phong; Ngọc, 2025).

Moreover, some regulations remain vague and delegate excessive decision-making power to agency heads. For instance, Clause 1, Article 3 of Circular No. 05/2024 of the Ministry of Education and Training stipulates: “Public higher education institutions with vacancies corresponding to professional titles may nominate staff members for rank promotion examinations, subject to authorization by competent authorities” (Ministry of Education and Training, 2024). In practice, this leads to inconsistency: some universities nominate lecturers for promotion exams, while others do not, resulting in inequitable treatment among equally qualified candidates.

Fifth, the awareness, competence, and integrity of some law enforcement officers still show signs of group interest, collusion, and corruption. Law enforcement officers play a crucial role in ensuring social justice. However, in certain cases involving bidding, inspection, auditing, investigation, or adjudication, some officials have not performed their duties impartially, leading to corruption and loss of public confidence. In the context of increasing international integration and competition, some enterprises have colluded with officials to win contracts, disadvantaging more capable and honest competitors. Several major corruption and bid-rigging cases have been prosecuted in recent years, revealing alliances between degenerated officials and private investors. In addition, many trials have shown bias or misjudgment, resulting in injustices for law-abiding citizens. These realities reveal that Vietnam’s socialist rule-of-law state still faces substantial challenges that undermine social justice and require urgent measures to restore public trust and fairness.

5 CONCLUSION AND RECOMMENDATIONS

The socialist rule-of-law state in Vietnam is a model of governance in which society is managed and administered through the law. While the idea of governance by law is not new, having existed in many parts of the world for centuries, each historical period develops its own legal system suited to its socio-political context. In Vietnam, the rule-of-law state is built upon the principle of being a state “of the people, by the people, and for the people.” All legal systems and legislative activities originate from the legitimate interests of the people and are designed to protect those interests.

Over the past decades, the establishment and development of the rule-of-law state have contributed significantly to protecting citizens’ rights, safeguarding legitimate interests, and promoting social justice. However, because this is a complex issue that touches upon numerous aspects of socio-economic life, shortcomings and limitations remain, some of which have generated considerable public concern. These problems become more severe when certain corrupt officials, individuals with authority, and enterprises masquerading as legitimate entities exploit legal loopholes to infringe upon citizens’ rights and interests. If these issues are not promptly addressed, the rule-of-law state may risk deviating from its original purpose of serving the public good to serving narrow, self-interested groups.

Recommendations for Further Improving the Socialist Rule-of-Law State to Ensure Social Justice in Vietnam

Ensuring fairness and justice in social life requires continuous improvement of the socialist rule-of-law state in Vietnam, particularly in the current context of global competition and integration. Based on both theoretical and practical considerations, this paper offers the following key recommendations:

Strengthen Party Leadership and Improve Legal Frameworks. Authorities at all levels must continue to thoroughly implement the Communist Party of Vietnam’s directives on perfecting the socialist rule-of-law state, especially in socio-economic governance, which directly affects the rights and interests of every citizen. Legal documents must be revised and supplemented to align with contemporary realities.

Specifically, it is imperative to supplement and refine legal documents to align with practical exigencies, including the Law on Taxation, the Penal Code, the Law on Anti-Corruption, the Law on Education, the Law on Prices, and the Law on Consumer Protection. In particular, a dedicated and distinct law on anti-counterfeiting, imitation, and substandard goods must be enacted to ensure sufficient deterrence and the rehabilitation of offenders who compromise social justice. At present, several laws lack sufficient deterrent power to effectively

prevent violations of citizens' legitimate rights. Thousands of cases involving assaults on health, dignity, and life occur annually, yet deterrence remains weak. Issues such as tax evasion, fraud, embezzlement, and corruption have become increasingly complex, seriously undermining social justice. Therefore, it is necessary to impose stronger sanctions and the most severe penalties to protect vulnerable groups and citizens' rights.

Laws should also mandate stricter punishment and asset recovery for crimes involving fraud, corruption, and tax evasion, ensuring that offenders cannot reoffend and that no one who violates human rights or public interests is eligible for clemency.

Establish Legal Mechanisms for Accountability and Transparency. Legal regulations must be enacted to handle cases involving corrupt, incompetent, or irresponsible officials. To ensure justice, activities such as bidding, investigation, and adjudication must be conducted transparently and fairly. In reality, instances of bid rigging and collusion between contractors and authorities remain difficult to detect due to loopholes in the legal system. Hence, Vietnam should develop legal frameworks that promote fair and transparent procurement, such as publicizing contractor qualifications, using artificial intelligence (AI) in bid evaluation, and scientifically defining assessment criteria. Contractors found violating commitments should face permanent disqualification from future bidding. Officials colluding with enterprises for personal gain must be immediately dismissed to maintain justice and efficiency in governance.

Empower Local Authorities and Strengthen Decentralized Oversight. Given Vietnam's two-tier administrative system, it is crucial to enhance local authority powers for inspection and supervision of business operations. Many cases of counterfeit and substandard goods production occur within local jurisdictions without detection due to unclear oversight mandates. Therefore, laws must authorize local governments to inspect and supervise any enterprise operating within their area.

Officials who neglect their duties and allow illegal production to persist should face dismissal, while offending enterprises must be prosecuted for fraud, with penalties severe enough to eliminate any possibility of reoffending. Only a rigorous and consistent legal system can ensure that Vietnam achieves true social justice.

Define Core Principles for Building the Rule-of-Law State. Although the Communist Party of Vietnam has long emphasized the importance of building a socialist rule-of-law state "of the people, by the people, and for the people," there is still no formal legal document specifying the fundamental principles for constructing a fair and sustainable legal system. Consequently, many laws have short lifespans and require frequent amendments.

To address this, several guiding principles should be institutionalized: Draft laws must be made publicly available on official websites and social media to encourage public

participation and democratic engagement; All legal development must be grounded in scientific evidence and rational analysis; The law must protect legitimate interests and strictly punish any infringement upon citizens' and the state's rights; The legal system must align with international standards and norms; Human rights and citizens' rights must be placed above all and remain inviolable; Legal frameworks must harmonize the interests of the state, enterprises, and citizens.

Promote Legal Education and Raise Public Awareness. To ensure social justice, citizens must fully understand and respect the rule of law. Legal education should therefore be expanded across all levels of schools, organizations, and government agencies, and through multiple channels such as public trials, media campaigns, and online platforms.

Citizens should be encouraged to regard the law as the supreme authority and to act objectively and fairly in all social relations. Schools should educate children on the importance of legality and justice from an early age. Media outlets must continuously disseminate legal knowledge, expose violations, and publicize major trials to deter future offenses and strengthen societal respect for the rule of law.

It is essential to conduct research to eliminate overlapping legal provisions. This process should be implemented incrementally; specifically, from a technical perspective, instead of piecemeal amendments to individual laws which are labor-intensive, the National Assembly should enact a single "omnibus" law to rectify conflicts across a series of interrelated legislations, such as the Land Law, the Penal Code, the Law on Investment, the Law on Prices, and the Law on Consumer Protection.

Subsequently, an electronic codification system (Legal Code) must be implemented, where regulations are organized by subject matter rather than chronological order, enabling the immediate detection of overlapping clauses. Furthermore, the principle of "single-agency primacy" should be applied, ensuring that one specific task is assigned to one lead agency to avoid overlaps where no party is held accountable—a common issue arising from overly complex and time-consuming inter-departmental coordination mechanisms. Regarding specialized cross-cutting sectors such as food safety, a single primary responsible agency must be designated, while other entities, such as the Ministry of Health or the Ministry of Industry and Trade, should only provide professional coordination as required. Additionally, the law must institutionalize the accountability of heads of departments or local chairmen; should violations occur within their jurisdiction or assigned management scope, they must be held personally liable, thereby eliminating the phenomenon of "diffused responsibility."

In addition, the legislative process must be innovated to prevent overlaps at their source—"sectoral parochialism" in drafting, where each Ministry independently drafts laws for

its own sector. Consequently, independent vetting agencies, particularly the Committee on Legal Affairs of the National Assembly and the Ministry of Justice, must strengthen their "gatekeeping" role, resolutely rejecting provisions that conflict with existing laws. Simultaneously, prior to the promulgation of any new law, it must be demonstrably proven that such legislation does not conflict with prior laws, and the executing agency must be clearly identified. Given the advancements in science and technology, governing bodies should utilize Artificial Intelligence (AI) to scrutinize documents, articles, clauses, and points of law for overlaps or redundancies to ensure timely elimination.

Strengthening judicial independence. To enhance the efficacy of fair adjudication in criminal cases and administrative violations, it is imperative to respect the principle of judicial independence. Avoiding the interference of administrative agencies or directives from superiors that distort the nature of cases is a pivotal solution in terms of paradigm shift. The Party exercises leadership by orienting judicial reform and inspecting as well as supervising general law enforcement, rather than directing the outcomes of specific cases.

To strengthen the Party's leadership role while ensuring the accurate prosecution of individuals and crimes, it is necessary to codify regulations that guarantee Judges and Assessors adjudicate independently and solely in accordance with the law, free from the pressure of external factors such as economic or political relationships. The public disclosure of judgments on electronic portals must be mandated as the most robust form of social supervision, compelling Judges to remain independent and meticulous in their rulings. Furthermore, it is essential to bolster the adversarial process at trial to ensure that verdicts are based on the results of courtroom proceedings rather than pre-existing case files or external directives.

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