



The changes of administrative law in Vietnam from central planned to the socialist-oriented open market economy-A commentary article

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ABOUT THE STUDY

Administrative law plays important role in society. It ensures the exercise of human rights and protects legitimate interests. The administrative law of a country must be inconsistent with socio-economic development. The authors describe the full picture of Vietnam in the transactional period, the features of administrative laws under the central planned economy, and requirements to change administrative law towards an open market economy. Vietnam has embarked on a transactional period from a central planned economy to an open market under a socialist-oriented economy. Therefore, reforming the legal system including administrative law is crucial for achieving development targets. Significantly, administrative law is also influenced by international standards as the rule of law and good governance. The Vietnamese government has amended its Constitutions and administrative laws to build a strong, transparent, and accountable government. This study identifies the key changes of administrative law including the organization and operation of the government system; public service delivery; public participation, and administrative dispute settlement mechanism. The paper's initial sections on changes in Vietnam's administrative law are intriguing. For example, on the organization of the administrative system, it is so interesting that Vietnam seems to have been so successful in streamlining its central organizations and personnel (the PRC has undergone many rounds of administrative reforms to achieve something similar only the number of organizations quickly increases again following cuts. For example, the Law on Local Government makes the distinction between the powers and duties of rural and urban local government. This appears to be an important change as a requirement of administrative reform in Vietnam. In addition, on public service provision, the approach to

administrative units like public hospitals and universities appears very limited changes.

It can examine the current issues of Vietnam as a great example of transactional countries with remaining issues such as lack of accountability and transparency in the administrative system; ineffective corruption control; quality control of public services delivery; and judicial review in the decision-making process. Based on examining all laws and policies related to public administration in Vietnam.

The study proposes some recommendations to reform administrative law in Vietnam towards rule of law and good governance standards through developing the administrative procedures as other countries like Japan or the US; strengthening corruption control; promoting privatization; and promoting public participation. The authors' understanding of the role of administrative laws, what has been changed, and what are remaining issues in Vietnam is a good example to make a comparative study about countries in transactional period. The paper achieves a brilliant balance between the informative overview that it sets out with and a detailed treatment of specific, concrete issues in Vietnam. Administrative reforms require the changes of administrative laws to ensure that all components of the administrative system to organize and operate to serve the people. The 2013 Constitution, Article 8 (2) confirms that: All state agencies, cadres, civil servants and public employees shall show respect for the People, conscientiously serve the People, maintain close interaction to the People, listen to their opinions and submit to their supervision; resolutely combat corruption, waste, and all manifestations of bureaucracy, arrogance, and authoritarianism.