

NEW SITUATION AND PROBLEMS FOR CONSTRUCTION OF VIETNAM'S SOCIALIST RULE-OF-LAW STATE TODAY

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Abstract: After more than 35 years of renovation and more than 30 years of implementing the National Platform during the transition to socialism, the construction of Vietnam's socialist rule-of-law state of the People, by the people and for the sake of the Socialist Republic of Vietnam under the leadership of the Party has obtained many important achievements. The achievements are reflected in the following aspects: greater unity, completeness and depth in the perception of Vietnam's socialist rule of law state; the state apparatus is increasingly improved in the direction of leanness and efficient operation; administrative reform and judicial reform have made many breakthroughs; human rights, civil rights under the Constitution continue to be concretized by law and better implemented in practice, etc. However, there are still many limitations and inadequacies in the construction of the rule of law, focusing on basic issues, such as: a number of theoretical and practical issues have not been fully and convincingly explained; the problem of controlling state power; administrative reform, judicial reform, especially in some aspects, have not met the requirements of development, management and protection of the country in the new situation. The current international, regional and domestic context with many profound changes is posing problems as the requirements for the construction of Vietnam's socialist rule of law state today.

Keywords: background; request; build; rule of law, socialism.

I. INTRODUCTION

“To perfect the Vietnam's socialist rule of law State of the People, by the People and for the People led by the Communist Party of Vietnam, with a complete legal system, strictly and consistently implemented; upholding the Constitution and the law, respecting, ensuring and effectively protecting human rights and citizens' rights; state power is unified, clearly assigned, closely coordinated, and effectively controlled; a contingent of state civil servants who are qualified, capable, truly professional and with integrity; modern and effective national governance; meet the requirements of rapid and sustainable development of the country, becoming a developed and high-income country under the socialist orientation by 1945” [4] is the general goal identified by the Communist Party of Vietnam in the leadership, formation and perfection of the socialist rule of law state of Vietnam in the new period. The issues raised show that building and perfecting Vietnam's socialist rule of law state is now a central task in the renovation of the current political system. Meanwhile, the world, the region and the country are experiencing many complicated developments, which have advantages but also pose many challenges for the cause of constructing Vietnam's socialist rule of law state. The correct identification of the situation, thereby determining the issues raised and the requirements to be implemented, is one of the most essential things in the construction of Vietnam's socialist rule of law state today. The article summarizes the basic issues of the world, regional and domestic situation in the current context that affect the construction of Vietnam's socialist rule of law state and identifies the issues raised from the current situation, and at the same time make requirements such as tasks to be performed in current implementation practice.

II. CONTENT

1. World, regional and domestic situation

- World situation

Currently, the world is going through a period of many changes, fast, complicated and difficult to predict. Peace, cooperation and development are still big trends, but are facing obstacles and difficulties; in the context of strategic competition between major powers, the situation of local conflicts continues to take place in many forms, becoming increasingly complex and somewhat more drastic. This increases risks to the international economic, political and security environment. Globalization and international integration continue to make progress but are being challenged by competition for influence among major powers and the rise of extreme nationalism. International law and global multilateral institutions face many major challenges.

Besides, the world situation continues to change towards the trend of multi-polarity and multi-center; major countries still cooperate and compromise, but struggle and contain each other more fiercely. Extreme nationalism, great powerism, and pragmatism in international relations are on the rise. Developing countries, especially small ones, face many new difficulties and challenges.

In the past 2 years, the world economy has fallen into a state of crisis, a serious and possibly prolonged recession due to the impact of the Covid-19 pandemic. Large countries tend to adjust their development strategies, reduce external dependence, and change supply chains. Economic competition, trade war, market competition, resources, technology, high-quality human resources, etc. increasingly fierce among countries.

The industrial revolution 4.0 has a profound impact on all areas of social life, which is the driving force behind the formation of the information society, promoting the process of reform, innovation, creativity and economic restructuring. The development of the 4.0 technology revolution has had a strong impact on our country, especially the fact that we take advantage of the positive factors in the trend of the era to serve the cause of national defense. The revolution creates breakthroughs in many fields but also creates opportunities and challenges for all nations and peoples.

Global issues, such as protection of peace, human security, natural disasters, pandemics, social security, non-traditional security, cyber security, climate change, environmental pollution, etc., continue to develop complicatedly.

- Regional situation

The Asia-Pacific region has an increasingly important geo-strategic position, an area of fierce competition between great powers, and potential instability. Issues, such as “Disputes over territorial sovereignty, sovereignty over seas and islands are tense, complicated and more drastic. Peace, stability, freedom, security and safety of navigation and aviation in the East Sea face great challenges and potential conflicts. ASEAN, which plays an important role in maintaining peace and stability, and promoting regional cooperation, also faces many difficulties”.

- Domestic situation

Over 35 years of conducting the renovation cause, our country has achieved many important achievements in all aspects and fields, including building the rule of law state. With 10 years of implementing the socio-economic development strategy 2011-2020, the country faced many difficulties and challenges, especially the complicated and rapid developments of the world political and economic situation and the covid-19 pandemic, but our country has gained many important achievements in various fields. The position and force of our country is stronger, the macro-economy is basically stable, the quality of economic growth has been gradually stabilized. The politics and society is stable and people's lives are improved. The aspiration for a prosperous Vietnam, the will to self-reliance is the endogenous strength for the country to develop quickly and sustainably in the coming time.

Besides the economic achievements of our country, there are many limitations, weaknesses, difficulties, challenges and potential risks. The basic goal of turning our country into an industrialized country has not met the requirements, the productivity, quality and competitiveness of the economy are not high. Social management has some limitations that have not kept up with development requirements. The fields of culture, society, and environmental protection are still weak in many aspects, and the gap between rich and poor is still large. The life of a part of the people is still difficult. The process of urbanization puts great pressure on the need for infrastructure development and environmental pollution treatment. Non-traditional security factors, natural disasters, climate change, etc. Change complicatedly. In particular, the situation of the Covid-19 pandemic may have a negative and long-lasting impact.

In addition, the four dangers pointed out by the Party still exist, and are present even more sharply. The risk of falling behind and falling into the middle-income trap is still great. Corruption, wastefulness, bureaucracy, degradation in ideology, politics, morality, lifestyle, “self-evolution”, “self-transformation” internally as well as social contradictions still change complicated. Enemy forces have intensified their opposition to the Party, State and our country. Protecting independence, sovereignty, unity and territorial integrity, maintaining a peaceful, stable environment and adapting to climate change are urgent requirements and huge challenges for the country in the near future.

The situation in the world, in the region and in the country has advantages, opportunities and difficulties, challenges are intertwined, posing new problems, new requirements are heavier and more complicated for the construction and national defense, including the cause of constructing Vietnam’s socialist rule-of-law state.

2. Problems posed to the construction of a Vietnam’s socialist rule of law state today

2.1. Requirements

The world is facing many urgent problems, related to the common destiny of all mankind. Those issues are demanding to be resolved based on the thinking of global rule of law and the rule of law in the region, by international law combined with peaceful and consensus methods. Such a way of solving problems is the choice in accordance with the law of development in the direction of civilization, progress and increasingly dominant; very consistent with the human nature of Marxism-Leninism, as stated by Ho Chi Minh's ideology.

Domestically, the socialist-oriented market economy institution is increasingly being perfected, thereby bringing our country from a poor, low-income country to a group of middle-income countries, integrating into the world economy deeper and wider. However, economic development requires to associate rapid growth with sustainable development, which requires our Party and State to perfect the socialist-oriented market economy institution, which strengthens the constructive role of the state. The socialist-oriented market economy in our country was formed and developed on the basis of promoting the people's mastery role, ensuring the role of the rule of law state in economic management and regulation led by the Party. Accordingly, the state manages the economy, regulates, promoting socio-economic development by laws, strategies and planning, ensuring the development of the market while complying with the laws of the market economy and at the same time being compatible with the practices of other countries, creating a macro development environment, building infrastructure, ensuring social security, etc. Proper state management to promote the positive aspects and limit the negative aspects of the market mechanism. The economic undertakings and policies and the organization of the implementation of the State's policies must be consistent with the market mechanism and bring benefits and social justice. All these problems are requiring the Communist Party of Vietnam to be brave, intellectual and creative, to build a state apparatus, and to build and implement a progressive and appropriate legal system; manage and regulate all activities in order to meet the increasing demands for the quality of public services and administrative services provided by the state.

Vietnam is integrating more and more deeply and widely with the world and the region, which also requires our state to have reforms and innovations in the direction of improving efficiency, efficiency in public service performance, quality of service provision, public administrative services, publicity, transparency and accountability. Moreover, in the relationship with the outside, disputes and lawsuits are inevitable. Therefore, state power agencies need to pay more attention to legal development and enforcement to both ensure Vietnam's interests and be in line with international law.

The fourth industrial revolution is having a strong impact on the economic, cultural and social aspects of Vietnam; accordingly, the digital transformation process is being implemented quite strongly, the digital economy is being formed clearly. That fact raises problems about establishing and protecting national sovereignty in cyberspace, maintaining legal order, ensuring security and safety for people when participating in cyberspace - new survival of people in the context of current technological development.

The problems raised today require the urgency of building and perfecting the socialist rule of law state apparatus in Vietnam. Faced with that situation, our Party has given one of the country's development orientations to 2030 as follows:

Building and perfecting a socialist rule-of-law state that is clean, strong, lean, effective and efficient, serving the people and for the development of the country. Enhance publicity, transparency and accountability; controlling power is associated with tightening discipline and discipline in the activities of the State and of cadres, civil servants and public employees. Continue to step up the fight against corruption, wastefulness, bureaucracy, crime and social evils [3].

In which, key tasks are identified, such as: Speeding up the promulgation of laws directly implementing the 2013 Constitution; step up the improvement of the law in association with the improvement of the effectiveness and efficiency of law enforcement organizations, building a unified, synchronous, transparent, stable, and internationally competitive legal system. and the legitimate and legitimate interests of the people as the center; the state manages and administers the economy by law; focus on building a state administration in service of the people, democracy, rule of law, professionalism, modernity, purity and strength; building a professional, modern, fair, strict, and integrity Vietnamese judiciary, serving the Fatherland, serving the people, and focusing on building a contingent of professional cadres, civil servants and public employees with creative ability, good moral character and strong political will. These contents show that the importance of building a socialist rule of law state in Vietnam is increasingly being affirmed both in accordance with the progressive development trend of the world and meeting the requirements of the domestic development.

2.2. Some tasks to be implemented

On the basis of existing problems in Vietnam's socialist rule of law state today, as well as the requirements in building Vietnam's socialist rule of law State identified above, it is possible to outline some urgent issues that need to be done in constructing Vietnam's socialist rule of law state today. The issues raised are explained in the direction that these are the issues that need to be implemented and ensured in the construction of Vietnam's socialist rule of law state, namely:

Firstly, it is necessary to ensure and promote higher democracy by increasing transparency and publicity indicators in the society.

Democracy is the foundation of the rule of law, the most basic feature of Vietnam's socialist rule of law state. Therefore, in determining the requirements of building and perfecting Vietnam's socialist rule of law state today, ensuring democracy in society is one of the most important requirements. In fact, since the birth of the democratic state of Vietnam until now, the task of state construction has always been accompanied by national defense. There were times when the Vietnamese revolution went through hardships and challenges that created many changes in the process of building the rule of law, the position and role of the people in the state must always be fought to protect the state. However, that nature has always been identified by our Party as a fundamental issue in building a rule of law state, so in any situation, our Party and people have always remained steadfast in the Marxist-Leninist ideal and Ho Chi Minh's thought in state construction, which is clearly defined in the Party's documents and the legal basis of the state right from the first Constitution and throughout the process of state building. Through this, it also affirms the consistency of the Party's political bravery and also the unity of will with the people. Affirming the position of the people in the rule of law is of great significance because the people play an important role in the construction of the state in all historical periods and times. The participation of the people in the state apparatus will be a basic condition for promoting the strength and intelligence of the people and at the same time creating a basis for the people to exercise their right to inspect and supervise the activities of the state, thereby preventing and combating bureaucratic manifestations, away from the people of the agencies in the state apparatus.

Moreover, implementing democracy, respecting and ensuring the people's right to mastery is not only a matter of vital importance for the socialist rule of law state that we are building, but also an important factor in the success of the socialist revolutionary cause in Vietnam. Ensuring and promoting democracy is also a criterion and a measure of the superiority of our regime.

Therefore, promoting democracy, ensuring all power belongs to the people by increasing transparency and publicity indicators in society is both a direction, a goal and a requirement in building Vietnam's socialist rule of law state today, following Ho Chi Minh's ideology.

It can be seen that setting the requirements for the implementation of democracy is the top requirement in building and perfecting the rule of law state today, showing that this is an important orientation and is consistent with reality. The issue of democracy and not strictly implementing democracy is the cause of limitations in the socialist rule of law state in Vietnam. In fact, due to not fully aware of this issue, in our country there are still many inadequacies, serious violations of democracy, many limitations in the operation of the state apparatus, such as bureaucracy, corruption, and waste. These things reduce people's trust in the state, which also reduces the effectiveness of the state apparatus for the society. Therefore, the principle of democracy in the organization and operation of the state apparatus in particular and in society in general is considered both a goal and a driving force in building and perfecting Vietnam's rule of law state today.

Secondly, building and perfecting the state apparatus in terms of organization and operation method synchronously and comprehensively in the direction of lean, effective and efficient operation.

The functioning of the state is composed of three parts: legislative, executive and judicial. These three agencies operate both separately and bound to each other. The separation is reflected in the rights, positions and roles of each state power agency. However, these agencies operate for the same purpose, which is for the rights and interests of the people, and are subject to the people's control and mutual control. In our country, the principle of decentralization is relatively independent. These agencies do not overlap each other, each agency has its own power, but all power in the state is concentrated in the people. Therefore, in order for the state apparatus to operate effectively, it is necessary to carry out reforms in all three areas of activity: legislative, executive and judicial. This is essentially an operational innovation to enhance the role of the National Assembly, the Government and the Court.

In general, in the requirements of renovating the operation of state power agencies, besides focusing on comprehensive renovation of constituting elements of the state apparatus, our Party also determines that it must be carried out in a synchronously in all fields, with the focus being on consolidating the state apparatus in accordance with its functions, tasks and really effective operations. The direction that the Party has determined for reforming the state apparatus under the rule of law is to build the state apparatus in a streamlined way, to reduce administrative agencies and procedures, to select people with sufficient capacity and quality to participate in state agencies, from selecting to using human resources effectively and economically. The 12th Party Congress determined: "Building the organizational apparatus of the entire political system to be lean, effective and efficient; strengthen the fight against corruption, wastefulness, bureaucracy" [1] is one of the six key tasks in the Congress term. Affirming this proves that building and perfecting the rule of law state in association with the renovation of the political system in the direction of lean and efficiency is the great determination of the Party and becomes an important orientation to promote the construction and perfecting of Vietnam's rule-of-law state today. Our party also affirms: political innovation associated with economic, cultural and social innovation. There is a dialectical relationship between economics and politics with the rest of the elements, in which economics serves as the basis and foundation for building a corresponding political system. In contrast, that politics has a strong impact on the economy in two ways that can either promote the development, or inhibit the development. This is the basic sign of the dialectical relationship between the infrastructure and the superstructure according to the theory of Marxism-Leninism. The superstructure is built in accordance with the foundation of the infrastructure. Therefore, political innovation is concurrent with economic, cultural and social innovation to create a synchronous and appropriate development.

Thirdly, focus on staffing: have a strategy to build a contingent of cadres, which focuses on such contents as the selection, training, use, evaluation and management of cadres, in order to create a contingent of qualified and capable cadres, and meet the requirements of the new situation. Special attention is paid to the construction of a contingent of cadres doing judicial work, on that basis, there will be enough legal grounds to meet the operational requirements of the socialist rule of law state. At the same time, it is also necessary to have sanctions and specific regulations to manage and handle judicial officers, in order to minimize the violations of the law by judicial officers. Personnel work must be really respected, as "the key of the key" [3], towards "building a contingent of cadres at all levels, especially those at the strategic level with sufficient quality, capacity and prestige, live up to the task" [3].

It can be said that the guiding views in the Documents of the XII and XIII Congresses of the Party are very comprehensive and important in the cause of constructing Vietnam's socialist rule of law state today. Those guiding viewpoints have pointed out the requirements for each specific field in state construction and this is the basis for proposing solutions to contribute to the construction and improvement of Vietnam's communist rule of law state today. These orientations continue to be stated in the Resolution of the 13th Party Congress, proving that building and perfecting the socialist rule of law state is now a requirement and a key task in reforming the political system of Vietnam.

With the results achieved in cadre work, it has been shown that the Party has fully and properly aware of the roles and responsibilities of the contingent of cadres and civil servants and has oriented the activities of the State in building a contingent of state cadres and civil servants to meet the practical requirements of state construction according to Ho Chi Minh's instructions on cadre work. The focus on improving the quality of cadres in terms of capacity and quality and having the right policy on cadre work has been affirmed by Ho Chi Minh since the early days of building a democratic state and until now that is still valid and in line with practical requirements. The results achieved in directing and implementing cadre work show that the Party has adhered to the principles of Ho Chi Minh's ideology to set forth views and policies for the State to perform cadre work with the following contents: staff training, staff arrangement, staff use, staff evaluation, etc.

III. CONCLUSION

Through the results of the research, it shows that the construction and improvement of the Socialist rule of law state in Vietnam has been fully realized, especially about the problems posed in the new context of the country, the region and the world today. On that basis, the main solutions are proposed, focusing both on the problems of the new situation and inheriting the achievements of the history of state construction. Basically, the central problem identified is: perfecting the legal system and strict and consistent law enforcement organization mechanism; ensure respect for the law; improve the quality of legal human resources; perfect the mechanism for controlling state power, step up the fight against corruption and negativity, continue to step up administrative reform, strengthen decentralization and decentralization, and clarify the functions, powers and duties of organizations and individuals in the state apparatus go hand in hand with improving the execution capacity, building the state apparatus in the direction of leanness, effective and efficient operation; step up judicial reform, ensure the independence of the courts according to their jurisdiction, judges and jurors are independent and only obey the law.

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