

SUPREMACY OF THE LAW IN A RULE-OF-LAW STATE UNDER HO CHI MINH'S IDEOLOGY AND ACHIEVEMENTS ON LAW-MAKING IN VIETNAM RULE-OF-LAW STATE

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Abstract: When discussing about the state, especially a rule of law state, it is impossible not to mention the law, the law and the state are considered as a twin, which have a close and organic relationship with each other. In that relationship, the state is considered the basis for enacting the law and the law is introduced to protect the existence of the state, contribute to the establishment of the state apparatus, consolidate the state power, contribute to economic management, ensure safety and create social relationships of the state. This is further affirmed in the rule of law state that Ho Chi Minh, right from the 20s of the twentieth century, asserted in the state and society "Hundred things must have the rule of law spirit". This article presents Ho Chi Minh's ideology on the role of law in the rule of law state, thereby proving Ho Chi Minh's progressive and righteous ideologies in assessing the role of the law in the state. Furthermore, it points out the achievements in the construction of the legal system in Vietnam, especially in recent years, on the one hand it proves the value of Ho Chi Minh's ideology, and on the other hand it mentions important results in to build and perfect the rule-of-law state in Vietnam at present.

Keywords: law, state, rule of law, achievement.

1. INTRODUCTION

The rule of law state is a model that is assessed as a progressive organization and management of the society in the human development history, with respect to the law and the law as a tool to protect the rights, the freedom and the democracy of human. One of the supreme principles of a democratic rule of law state is that the state must exercise its social management by the democratic legal system because the rule of law state must be a thorough and comprehensive democratic state. Moreover, that state must be a lawful, constitutional state and must have a democratic constitutional system. In general, the rule of law state must always uphold the "rule of law" spirit.

The "rule of law" issue was acknowledged early by President Ho Chi Minh in the 1919 List of Claims of the Annamese People submitted to the Versailles Conference with the requirement that a legal regime for with the people of Indochina. In 1922, the List was converted into a request to Vietnam, which was written and as a requirement that all matters in society must be based on the rule of law to avoid arbitrariness, autocracy and unfoundedness. This is a very unique ideology of Ho Chi Minh, which reflects the core nature of the rule of law state, is the principle in Ho Chi Minh's state management and is the basis for policies on building the Vietnamese rule of law state today, especially in constitutional and legislative perspectives.

2. CONTENT

1. *Ho Chi Minh's ideology on supremacy of law in a rule of law state*

According to Ho Chi Minh, a people's democratic rule of law state must be a state that performs the social management by a democratic law system. The "rule of law" spirit is one of the basic characteristics of a rule of law state. The law in the rule of law state must be democratic and represent the majority. The reason is that the rule of law state emphasizes the supremacy of the law because the law is essentially the legal basis to ensure fairness, democracy and social progress. The law is considered an example to reflect the nature of the state. On the other hand, the state uses the law as a tool to carry out social management, bringing the society into the orbit of order and stability.

In the rule of law state, the law is the "midwife of democracy", every democratic right of the people must be institutionalized by constitution and law. There is no democracy outside the law and the law is an indispensable condition to ensure the freedom rights of the people. The law in the democratic rule-of-law state is built on the basis of the people's will, so the implementation of the law must also ensure the objectivity and impartiality. Ho Chi Minh said that: "The law must punish those who are unupright, whatever their position is and what they do" [6, p.641]. He also asserted: "Our law is truly democratic, because it protects the broad democratic freedom of the working people. Our people now have freedom and freedom is in discipline. Each person has his own freedom, but must respect the freedom of others. It is illegal for anyone who uses his or her own freedom to violate other people's freedom" [8, p.178]. This perspective of Ho Chi Minh affirms the supremacy of the law in the society and also points out the requirement of using freedom rights of human in a reasonable way and avoiding infringement of others' freedom.

In the rule of law state, the constitutional and legislative system exists and develops depending on the strong impacts of the democracy. The content of this relationship is expressed in the following basic aspects:

Firstly, democracy is the foundation of the rule of law: This is evidenced on the basis that democracy is the mode of decision, the purpose and the content of the rule of law and democracy is the most important content of the law.

The rule of law is basically represented in three legislative, executive and judicial activities, of which legislative activity is one of the most important processes that affirm the preminent nature of the rule of law. Therefore, this activity needs democracy and sees democracy as a means of decision.

In this activity, according to Ho Chi Minh, in a democratic regime, the people have the supreme right in the legislature through the National Assembly - the highest authority. Accordingly, those who represent the will, rights and interests of the people, are trusted and elected by the people, will raise their voice in the legislative activity. Therefore, the democracy in this process needs to ensure the true democracy and is the result of the discussion and consideration process of representatives of the people. Moreover, the legislative activity is not limited to the activities of the representative agency, but it needs to expand the people's participation in this activity, and the mechanisms and conditions for such participation need to function effectively. In making legal decisions, the democratic regime is mainly based on the rule that the majority decides and respects the minority, but it must ensure the transformation of the majority and ensure the representation of the minority within the regulatory authority. The implementation of the law also manifests as a process of forming legal decisions and needs to be done in a democratic manner. In contrast, the party affected by decision-making in law enforcement will respect legal decisions and make them more radical and voluntary when the decisions applied to them are democratic and follow a democratic order because it has been stipulated in the constitutional system and the law is actually built by the people through the form of democracy, either directly or indirectly. Besides, the rule of law that wants to exist sustainably must be created on the basis of the majority, based on the will of the controlling force in the society in which the current democratic state is the people; therefore, democracy is the way to decide on the rule of law.

As the purpose of the rule of law, we all know that in a rule-of-law state according to Ho Chi Minh, all the power and forces belong to the people. Therefore, to build a socialist rule of law state, it must be based on democracy, in other words, taking the "people as the root" because by doing so, the rule of law that we are aiming to complete is the truly rule of law of the people, by the people and for the people.

The law is considered as a typical means of social management in the history of human thought with the "rule of law" of the Fajia School which is represented by the thinker Han Fei Tzu. However, not in any age, the law is made on the basis

of democracy or its content is democratic. The law is class-specific and bears the will of the ruling class in class-opposing society. The law in the socialist rule of law state is democratic in nature, it is reflected in the constitutional system, the law was made on the basis of democracy and the law-making purpose is to protect the democracy. This shows the superiority of the socialist rule of law.

We all know that the purpose of making and establishing the legal system is to build a legal order, when that order is established, it will create stability and strictness in society. In the rule of law state, the law is the will of the people, so that legal system will serve the interests of the people, this is completely plausible, its proof is that the people are allowed to do all that are permitted by the law. Therefore, democracy is considered the purpose of the law.

Besides, the role of democracy is also shown in the fact that it is an important content of the law. Laws are the rules governing social relations, those rules help the society become stable and orderly. However, to create that basic stability, the content of the law must be democratic. President Ho Chi Minh paid special attention in this aspect. From the very beginning of the establishment of a democratic state in Vietnam, he pointed out the need to build the highest legislative body, the National Assembly through the National General Election. The introduction of a legislative institution on the basis of democracy, that organizes the implementation of legislative tasks must also be based on democracy and the content of the Constitution and laws must also be based on such democracy to demonstrate the true nature of the democratic state that we are building and completing. Constitution and law are important legal basis to protect human rights.

Secondly, the rule of law is a means to exercise democracy and a measure of democracy in the society.

Basically, in the interaction between democracy and the law, democracy sometimes plays a more dominant role because democracy is associated with the main role that is the content of organizing and exercising the state power. Meanwhile, the law is often present as a form of organizing and exercising state power in general and exercising democratic state power in particular. The role of law is primarily manifested as a means of exercising democracy, as a function of democratic power and a goal of democracy.

In a rule of law state, the right of ownership belongs to the people and the people exercise their ownership through two forms: direct democracy and indirect democracy. In any case, democracy must be enforced by law because the people are equal before the law and can do everything permitted by the law. From another perspective, the law has the effect of limiting the abuse of power. Ownership belongs to the people, in the form of indirect democracy the people authorize their deputies when they join the state apparatus and exercise democratic rights, but the authorization is a condition to lead to the abuse of power of the trustees who are deemed to act on behalf of the people. Therefore, the law is considered as strict rules to regulate the power, in other words stipulate things that both the people as well as the state officials appointed by the people shall follow. This is not contradictory to democracy when it sees the law limiting power, but actually the law is creating the foundation for democracy to be promoted.

The law is a means to practice democracy, everyone is equal before the law. Ho Chi Minh was very early aware of the role of law, resulting in the creation of the legal background in Vietnam. Recognizing the importance of such a law, Ho Chi Minh has carried out many practical activities of constructing the legal foundation for our country right from the very early stage. In 1919, in the Claims of the An Nam People to send to the conference such as: Versailles mentioned the rule of law. The claim stated that "legal reform in Indochina by giving indigenous people the same legal guarantees as Europeans" [4, pp.435 - 436]. Besides, Ho Chi Minh also mentioned the "replacement of orders with statutory regulations" [4, pp.435 - 436].

Right from the early days of the Democratic Republic of Vietnam, Ho Chi Minh mentioned to build our country into a legal and constitutional country. The provisional government of Vietnam had a legal position after Ho Chi Minh's statement of the Declaration of Independence on September 2, 1945. This is a special political document. Next, in order to realize the thought of "the hundred things must have the rule of law spirit" [4, p.438]. In the first meeting of the Provisional Government - on September 3, 1945, Ho Chi Minh affirmed the need for a democratic constitution with the aim of "ensuring the rights of freedom and democracy for all classes of people", on the basis of union labor and led by the working class. It must really ensure equality between men and women and the people "[7, p.322]. The constitution not only serves as a legal basis to build a legal and constitutional state, but it is also the foundation of specific laws enacted to ensure the democratic rights of the people.

The characteristic of the constitution and law in a democratic state according to Ho Chi Minh is that it deeply expresses the will and aspirations of the people, reflecting the interests as well as protecting democratic rights for the people. Therefore, in the formulation and promulgation of the constitution, the law must really pay attention to the principle of "demonstrating the policy of expanding democracy and strengthening the dictatorship" [5, p.440].

To have such a Constitution, Ho Chi Minh said that a democratic, genuine General Election must be conducted. At the first meeting of the Provisional Government, Ho Chi Minh affirmed: "The general election with universal suffrage regime must be held as soon as possible. All citizens aged from 18 have the right to stand for election and to vote, regardless of their economic situation, religion or race" [5, p.8]. He also emphasized that the nature of conducting such general election is for the people to exercise their rights and responsibilities as masters. Because: "The general election is an opportunity for the entire nation to freely choose talented and virtuous people to take on the work of the country Therefore, the general election means freedom and equality that is democracy and solidarity "[5, p.133]. The organization of a national general election is essential to affirm and practice the nature of a democratic state. The result of the election is a manifestation of a broad democracy of the rule of law, Ho Chi Minh wrote: "By the general election, the entire people will elect the National Assembly. The National Assembly will elect the Government. That government is truly the Government of the entire people" [5, p.133].

Thus, the law is basically associated with democracy, is the "midwife" of democracy. The more civilized society is, the more the law and democracy are developed and closely linked together and the law is the measure of democracy in the society. Therefore, according to Ho Chi Minh, the rule of law state must be a legal and constitutional state, and that state must take the law as a tool to manage society as the supreme principle in operation because that law is a democratic law, which is developed on a democratic basis, but also protects the democracy of the people.

In addition to affirming the democratic nature and the supremacy of the law in the state, Ho Chi Minh also stressed the need to implement the constitutional system and laws strictly in which cadres must first set an example in doing because "you must be righteous first to help others be righteous. If we are not righteous, it is unreasonable to want others to be righteous" [6, p.644]. This is a very important thought in Ho Chi Minh's law practice and has shown a bright mind in a leader by his sense of example. This is very important for the cause of building a democratic state in Vietnam, especially in building a contingent of democratic state officials.

2. The value of Ho Chi Minh's ideology about respect for the law in the rule of law state

One of the supreme principles of a democratic rule of law state is that the state must exercise its social management by the democratic legal system because the rule of law state must be a thorough and comprehensive democratic state. Moreover, that state must be a lawful, constitutional state and must have a democratic constitutional system. In general, the rule of law state must always uphold the "rule of law" spirit. This was given by Ho Chi Minh early and it had a strong influence on the construction of the Vietnamese rule of law state.

It can be said that this thought reflected the core nature of the rule of law democratic state according to Ho Chi Minh's ideology at the same time, it has become the principle in his state management activities throughout the years since founding the new democratic state when undertaking the mission of being the head of state. Thus, in reality we realize that it is rare for a state leader to determine the role and necessity of a Constitution from very early like Ho Chi Minh. In the early days of the new state, when Ho Chi Minh had not yet built a new legal system, it was necessary to apply the old laws that were still relatively suitable to the new situation and excluded violations or contradictions to national independence because according to Ho Chi Minh, it is impossible to leave an hour and a minute without the law if we want to create a stable, orderly, fair and equal society. It can be noticed that Ho Chi Minh's ideology about the nature of law is expressed in this view. According to him, the law is not only a tool for the state to exercise its management function, but also a basis for assessing the level of democratic justice and social progress, which is a reflection of the democratic nature of the state, at the same time analyzes that the law is also a tool to control and limit the abuse of power by state agencies. Mentioning about the nature of the law during the feudal colonial period, Ho Chi Minh asserted that the law was a weapon of the ruling class to punish the class against himself, the old law was the will of the French colonialists rather than the common will of our people. The old law was truly designed to preserve the social order, but that social order was only beneficial to feudal colonists, not to the entire people. First of all, the law was to punish oppression. The feudal laws set out to punish workers and the working people while the current law is to protect the interests of millions of working people.

Therefore, the value in Ho Chi Minh's ideology about the law is not only that he always respects the supremacy of the law but also the nature of the law because the law in the rule of law state is democratic law. There is a dialectic relationship between democracy and law. The law to protect democracy and democracy is the basis for the law formation. Ho Chi Minh said that, in a democratic state, all the rights of the people must be institutionalized by the constitution and laws, there cannot be democracy standing outside the law, he affirmed our state law is a truly democratic law, because it protects the broad democratic freedom of the working people. The nature of the law of the new democratic state is to bear the will of the working class, it aims to protect the rights and interests of all working people. As a result, compared to the old law - the law under the colonial regime, feudalism, the law according to Ho Chi Minh's perspective is really valuable and meaningful to the cause of building a democratic rule-of-law state in our country in the current stage, especially in the law formation and enforcement in the society.

3. *Achievements in the formulation of the Constitution and laws in Vietnam*

With the viewpoint of considering the Constitution as the core of the rule of law state, in the process of building the rule of law state of Vietnam, the promulgation and improvement of the Constitutional and legal system is one of the issues of great concern to be implemented. The achievements in the field of building and completing the Constitutional and legal system in Vietnam are evidenced by the democratic formation, development and process in the establishment and development of the process of making the constitution of our country, and its achievements are also reflected in the basic contents of the Constitution, which are regulations on human rights and citizens' rights. This represents an important step in the construction of a rule of law state in Vietnam, especially when the 2013 Constitution was adopted and promulgated by the National Assembly, which is considered a basis for assessments of important achievements in building the current socialist rule of law state of Vietnam.

One of the urgent requirements and tasks in building and completing the socialist rule of law state of the people, by the people and for the people in Vietnam today is to soon build and complete improve the legal system. The important role of the Constitution and the law was affirmed by Ho Chi Minh in the 20s in the campaign to find his way to save the country. Ho Chi Minh affirmed the necessity of the Constitution and the law because it is the legal basis for confirming the freedom and rights of an independent country.

Consequently, the constitution and legislature, specially the construction of the Vietnamese constitutional system and the law, is a matter of great concern to our Party and State. Immediately after declaring independence, Ho Chi Minh determined one of the immediate things to do was to conduct the general election with universal suffrage to vote for the National Assembly and enact the Constitution. The rule of law state makes a "rule of law" spirit, so the requirement for a democratic constitution is the most important requirement in building a rule of law state. Ho Chi Minh has affirmed right from the years seeking to save the country when talking about the role of the constitution, according to him: "Before we were ruled by an authoritarian monarchy, then the colonial regime was no less tyrannical, so our country has no constitution. Our people cannot enjoy freedom and democracy. We must have a democratic constitution" [4, p.8].

With the foundation of Ho Chi Minh's ideology, our country's constitutional and legislative process has been very noticeable right from the very first days of its founding. The later versions of the constitution created the basis for asserting human rights, civil rights and regulations on the political regime, on the organization and operation of the state apparatus, and on internal and external relation policies of our state. The Constitution is the basic law of the state, with the highest legal effect. All other legal documents must conform to the constitution. In our country, the legislative process from the early years of building a democratic state up to now has passed 5 Constitutions, namely: 1946 constitution; 1959 constitution; 1980 constitution; 1992 Constitution and 2013 Constitution. In general, the introduction of the 2013 constitution is a remarkable achievement in the process of building the Vietnamese rule of law state in general and in the completion of the constitutional system and the law in particular. In this regard, our Party has identified: "The Party and the State continue to promulgate many guidelines, policies and laws in order to promote socialist democracy and ensure the exercise of the people's sovereignty. Human rights, basic rights and obligations of citizens are more fully defined in the 2013 Constitution and in the newly promulgated and amended legal system" [1, p. 166, 167].

Assessment on achievements - new developments of the Vietnamese legal system in recent years can be summarized as follows:

The first is the development of awareness about the state and the law in general and the legal system in particular. The development in the awareness of the rule of law state with the supreme role of the law in the state is reflected in the Party's leadership line in the content of the XIIth Congress document of the Party and is institutionalized in the constitution. Accordingly, the mission in the heart of the current political system is defined as: build the socialist rule-of-law state of the people, by the people and for the people, fundamentally renovate the mechanism, build and complete the legal system, promote the role of the law in order to contribute to the social stability, create a stable environment for economic development, international integration, towards building a transparent, strong and effective state, and promote the people's ownership [View 2 , p.270]. [See 2, p.270].

Secondly, Vietnam's legal system is becoming more complete and perfect. At the same time, it is associated with practicability and ensures good feasibility. It can be said that one of the achievements in law making in our country is the sufficiency and practicality of the Vietnamese legal system. In law-making, our country not only focuses on the construction of laws on the organization and operation of the state apparatus, but also laws in the fields of economics, business, commerce, finance, credit, investment, land, intellectual property or other economic, social, educational, etc. issues were also developed. In particular, the codes on administrative and judicial procedures have been developed and enacted in a timely manner to meet the requirements of diverse relations in the market economy in the context that the country and the market economy tend to have a deeper and more comprehensive integration.

Thirdly, the characteristics of the Vietnamese legal system are transparent, complete, democratic and humane, along with publicity, transparency and clarity. The number of laws in our country is increasing and overcoming the abuse of by-laws. Regulations on procedures of promulgating laws and legal documents are also complete and clear and show democracy, openness and transparency. The role of the people is shown more clearly in providing comments on the process of developing, appraising and reviewing legal documents. Furthermore, people's access to legal services is faster, more convenient and less expensive, creating favorable conditions for people to use the law as a tool to protect their legitimate rights and interests. In addition, the use of the gazette regime with the publication of draft laws on the mass media; or as the people's courts conducting public disclosure of cassation decisions of the Supreme People's Court justifies the democracy and transparency of legislative, executive and justice activities. The state's simplification, mitigation of administrative procedures and strengthening of procedural laws, mechanisms to ensure law enforcement, strengthening laws on ensuring social security, implementing criminal policy in the direction of reducing penalties, strengthening the role of public opinion, promoting the propaganda of revolutionary ethics are the expression of the noble humanity and civilization of the Vietnam legal system and this is also the characteristic of Vietnamese law, built on the basis of Ho Chi Minh's humane rule of law spirit.

Fourthly, it is the harmony and appropriateness of Vietnamese law with the common values of international law.

Vietnam is stepping up the trend of integration, expansion and willingness to make friends with countries around the world. One of the principles of integration is to respect equality and ensure the common benefits. As a result, in the development of laws and legal documents in Vietnam in recent years, attention has always been paid to ensuring the principle of respecting international commitments and treaties. On the other hand, in the formation, we still ensure the principle of inheritance and development, this is reflected in the fact that Vietnam has acquired the quintessence and values of international law, but has always kept nationality. It shows the harmony between tradition and modernity of the legislative tradition in our country. For Ho Chi Minh, his ideology about the rule of law state, the principle of division of state power is the evidence for the succession of the rule of law state of the world, inheriting the principle of decentralization in the doctrine of the French thinkers in the Enlightenment Period. However, he still maintained the appropriate elements of feudal country rule and the advantages of the laws in our feudal country. Therefore, the legislature in Vietnam today is completely inherited and developed Ho Chi Minh's ideology. Thus, Vietnamese law is both practical and national, but also consistent with general issues of international law. This can be proved by the association of the Vietnamese legal system with the principles of the ASEAN's Charter and other international documents; or compliance with WTO commitments on intellectual property, tax system, investment law, corporate law, etc. At the same time, in the development of laws in Vietnam, attention has been paid to the universal values of humanity, so new laws on new issues have been introduced and represent progress, such as: Gender Equality Law, Domestic Violence Prevention Law, Anti-Corruption Law, etc.

The above characteristics are also the basic achievements of the Vietnamese legal system. Especially, since the 2013 Constitution was adopted and put into practice in practice, in the years 2014 - 2015 and the last years of the 13th National Assembly term, our National Assembly has focused on the legislative activity through the consideration and the adoption of nearly 80 laws contributing to concretizing the constitution. Basic groups of laws are adopted, such as: Law on organization and operation of state apparatus; laws on democracy, human rights, and civil rights; laws on socio-economic groups. Specifically: Law on Organization of National Assembly, Law on Organization of the Government, Law on Organization of People's Courts, Law on Organization of People's Procuracies, Law on Organization of Local Government, Law on Supervision of the National Assembly, Laws on Civil, Criminal, Administrative Procedures, etc. Law on Election of National Assembly deputies and People's Council deputies, Law on Referendum, Law on Journalism, Law on Beliefs, religion, etc. Law on Investment, Law on Enterprises and Law on Social Insurance.

Basically, our country's legal system is complete in all areas of social life, showing the comprehensiveness and comprehensiveness and the basis for the adjustment of social issues. The Politburo's Resolution No. 48 - NQ/TW dated May 24, 2005 set out a strategy to build and perfect the legal system by 2010 and orientation to 2020. It shows the views and policies of the Party and the State about the important role of law development in our country. In addition, at the 9th session, the XIIIth National Assembly passed the Law on Promulgation of Legal Documents, starting from July 1, 2016, this Law officially replaces the Law on Promulgation of Legal Documents in 2018 and the Law on the Issuance of Legal Documents of the People's Council and People's Committee in 2004. The breakthrough content of this Law is the constitutional principle of the power of the people, the principle of organizing state power and the supreme law in the rule of law state. This law not only overcomes limitations and shortcomings in law development and enforcement practices in Vietnam over the years. But also, the role of the new Law on the Enactment of Legal Normative Documents is assessed as the "law of law making", and this Law will establish a unified basis for the entire national legal system. At the same time, it strengthens the order of promulgating laws of state agencies from the central to local levels and opens up a large space to promote democracy in the fact that the people can enhance their role in participating in supervising and reviewing the law-making process, even the people can easily and conveniently access and use legal services, enhance democracy, transparency and increase high awareness of law observance in state agencies and in society in general.

Assessment on the role of the introduction of the Law on Promulgation of Legal Documents in 2015 is also a new step in the construction and improvement of the legal system of our country, which can outline the main points as follows:

- The law has defined and clarified two basic instrumental concepts of the Vietnamese legal system and the law-making activity, the most important of which is the concept of "legal documents". On that basis, the issues that will have to be issued in a legal document and which documents belong to which authority will be identified. It means identification of internal function and subject of the document to be issued. This is considered a rule of law to restrict and eliminate the arbitrary promulgation of documents by some state agencies that do not have or are not authorized to issue.
- The law contributes to streamlining the system of legal documents on both the enactment authority and the form of legal documents. This contributes to making it easier for organizations and individuals to access and use legal documents.
- It contributes to concertizing principles and processes of document development, ensuring openness, democracy, transparency, and improving the responsibility of state agencies for the promulgation of normative legal documents. This law clearly stipulates to ensure the openness, democracy and transparency in receiving feedback from people, agencies and mass organizations in the process of developing and issuing legal documents.
- With the legislative right of the National Assembly deputies, the Law has contributed to ensure this right of the National Assembly deputies. With the prescribed rights such as the right to propose laws, ordinances and the right to propose law and ordinance making and the right to propose law formulation, this content is provided for in Article 33 of the 2013 Constitution that is: "The National Assembly deputies have the right to request the Office of the National Assembly, the Office of the National Assembly Delegation, the Institute of Legislative Research to assist in the making of petitions on laws, ordinances, and proposals to request law and ordinance making. The National Assembly's Office has the responsibility to ensure the necessary conditions for the National Assembly deputies to exercise their right to propose laws, ordinances and the right to request law/ordinance formulation" [3].
- This Law also contributes to restricting the promulgation of documents that are not in line with their competence, authority and duties and adding some prohibited acts in the elaboration and promulgation of legal documents. This has

raised the responsibility of the agency and the leader in the promulgation of legal documents, on the other hand, the quality of the system of legal documents in our country has been focused and more advanced.

- The issuance of the Law on Promulgation of Legal Documents also contributed to quickly, reasonably solving the process of a number of necessary and unexpected cases in promulgating legal documents, such as: emergency and emergency cases in the prevention and control of natural disasters, fires, explosions, epidemics and diseases; urgent cases to solve problems arising in practice under decisions of the National Assembly and cases to invalidate all or part of legal documents for a certain period of time.

- Moreover, the supplementation of the state's regulations and responsibilities in attracting, training, fostering and employing officials and civil servants in the formulation and issuance of legal documents in the law promulgating legal documents contributes to ensuring the conditions for the formulation and issuance of legal documents.

In short, the promulgation of the Law on Promulgation of Legal Documents based on the consolidation of the 2004 Law and the 2008 Law with new points and advantages is the result of the process of effort, innovation and creativity of the legislature agency. This is also one of the achievements in our country's legal development in formulating and completing the applicable law of Vietnam.

3. CONCLUSION

Building and perfecting the socialist rule-of-law state in Vietnam is a central, fundamental and key task in renovating the political system towards establishing a democratic and progressive political regime. The implementation of this task is posing a lot of problems both theoretically and practically. Theoretically, the theory of the rule-of-law state still has many unclear contents, especially in the new context and the new type of rule-of-law state. In fact, there are still many social issues, such as: operation models and principles of the rule-of-law state, the leadership mechanism of the Party or the relationship between the rule-of-law state and the market, society, etc., the state apparatus still has the following conditions: the contingent of civil servants is both redundant and both lacking and weak; especially the low level of knowledge and understanding of law has led to inadequate law enforcement. In the society, legal violations due to lack of knowledge are quite common. The lack of legal provisions governing new social relations arising in the process of building and developing a socialist-oriented market economy is outstanding an issue. These are also barriers in the process of completing the new-style democracy, the state of the people, by the people and for the people. Therefore, the continuation of Ho Chi Minh's theory of the rule of law in general, the idea of the supremacy of the law in the rule of law state to inherit the core values, as a basis for construction and completing the socialist rule-of-law state of Vietnam is one of the important research orientations in current theoretical research.

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