

THE PRINCIPLE OF ALL STATE POWER RESERVES TO THE PEOPLE IN THE LEGAL STATE SOCIAL RIGHTS OF VIETNAM CURRENTLY FOLLOWING HO CHI MINH'S IDEOLOGY

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Abstract: The ideology of the rule of law holds a very important position in Ho Chi Minh's ideology system and plays a guiding role in the process of building and developing the current Vietnamese rule of law. In Ho Chi Minh's system of views on the rule of law state, the idea of a state in which state power is unified and belongs to the people is one of the bright spots, and is an ideology of great value. theory and high practice for the practice of building a socialist rule of law state in Vietnam. This principle clearly shows the basic characteristics of a democratic rule of law state according to Ho Chi Minh's thought. This article provides an overview of Ho Chi Minh's thought on the principle that state power is unified, belongs to the people, on that basis, evaluate the results achieved in applying Ho Chi Minh's thought in this content in building the socialist rule of law state in Vietnam in the current period.

Keywords: power; rule of law; people; Ho Chi Minh's thought; state.

1. INTRODUCTION

The division of power is one of the basic features of the rule of law in the history of human thought. The most common view when talking about the rule of law state is that the division of state power means that the rule of law must be a decentralized state, in which there is a clear division between legislative, executive and administrative powers. Judiciary whose purpose of decentralization is to avoid abuse of power and tyranny in the state apparatus. Ho Chi Minh basically inherited the values of the principle of decentralization in the Western rule of law to offer a creative perspective but completely in line with the nature of Vietnamese society. on the unification of power in the state. Accordingly, there is assignment and coordination among agencies in the exercise of legislative power, executive and judicial, but all state power is unified and belongs to the people. This principle has been introduced and implemented by Ho Chi Minh throughout since the birth of the Democratic Republic of Vietnam, and our Party has taken it as the foundation to give special strategic directions in building construction. the current socialist state ruled by law in Vietnam.

The 13th National Party Congress has determined that "Building and perfecting the Vietnamese socialist rule of law state of the people, by the people and for the people is the central task of reforming the political system." ". Accordingly, the socialist rule-of-law state of Vietnam is a state "of the people, by the people, for the people...all state power belongs to the people...state power... is unification, with assignment, coordination and control among state agencies in the exercise of legislative, executive and judicial powers. It shows that our Party has been applying Ho Chi Minh's thought on the rule of law in general and the principle that state power is the unity of the people in particular in the construction of a social rule of law state. current Vietnameseism with the goal that our state is truly a state of the people, by the people and for the people.

2. CONTENTS

1. Ho Chi Minh's thought on the unification of state power among the people

In terms of basic principles in the organization of the state apparatus, Ho Chi Minh recognizes the principle of state power as the unification of all state power belonging to the people. The National Assembly – the legislative body is the highest representative elected by the people. The system of other agencies in the state apparatus is formed and operated by the authorization of the National Assembly, the activities of the state established by the National Assembly are called arising. The identification of the state polity was paid special attention by Ho Chi Minh by defining the polity as building the skeleton for the state body. Therefore, the definition of polity is very important for the state.

With the determination of polity for the Vietnamese state, after successfully leading the August Revolution in 1945, Ho Chi Minh was diligently researched and studied by Ho Chi Minh to select and build a model of the Vietnamese government. The country can meet the actual requirements of the nation and at the same time be consistent with the trends and the future. Therefore, the people's democracy was established in Vietnam in 1945 with the meaning of abolishing the old regime and building a new one - a state owned by the people. completely correct, suitable but also very creative of Ho Chi Minh. The people's democratic polity in Vietnam has overcome the limitations and inadequacies of the existing polities at that time (Parliamentary Republic, Presidential Republic, Soviet Republic) to form the own characteristics and properties suitable for the Vietnamese revolution. This model applies the principle that "State power must completely belong to the people" stated in Article 4 of the 1946 Constitution. The determination of the people's mastery role in the state apparatus according to the Constitution of Vietnam Nam proves that our people's democratic polity has a successor to the Soviet regime. However, the difference here is that the content of the concept of people in the two models is different. The people in the Soviet polity were the working classes, peasants and soldiers. The people in the Democratic Republic of Vietnam are the entire people, including workers, farmers, intellectuals, national bourgeoisie and patriotic feudal landlords. This is the creation of Ho Chi Minh's thought on the rule of law, which both represents the selective inheritance in the selection of the state model, at the same time affirming Ho Chi Minh's wisdom for choosing a model that is very suitable with the reality of the Vietnamese revolution and with the development trend of the era - the Socialist era. The regulation on how to organize state power in accordance with Ho Chi Minh's thought expressed in the 1946 Constitution is completely consistent with the requirements of the contemporary rule of law state. The method of organization with reasonable assignment and division of responsibilities among state agencies not only ensures the people to fully exercise their rights and responsibilities as masters, but also creates a basis for state power agencies. develop their own abilities. The regulation on how to organize state power in accordance with Ho Chi Minh's thought expressed in the 1946 Constitution is completely consistent with the requirements of the contemporary rule of law state. The method of organization with reasonable assignment and division of responsibilities among state agencies not only ensures the people to fully exercise their rights and responsibilities as masters, but also creates a basis for state power agencies. develop their own abilities. The regulation on how to organize state power in accordance with Ho Chi Minh's thought expressed in the 1946 Constitution is completely consistent with the requirements of the contemporary rule of law state. The way of organization with reasonable assignment and division of responsibilities among state agencies not only ensures the people to fully exercise their rights and responsibilities as masters, and creates a basis for state power agencies to develop their own abilities.

2. The principle that all power belongs to the people in the practice of building the current socialist Vietnamese rule of law state

In building a socialist rule of law state in Vietnam today, building and creating a state apparatus with an appropriate way of organization and operation is one of the important achievements. The remarkable point is that the rule of law in Vietnam operates with a division of power among agencies in the state apparatus, but there is coordination and mutual control, and all powers belong to the state apparatus. people. This is one of the unique and outstanding features but shows the socialist democratic nature of the rule of law in Vietnam.

Determining the issue of state power to whom at the Ninth National Congress of the Party affirmed: "The State of Vietnam is the main tool to exercise the people's right to mastery, the State rule of law of the people, by the people, for the people." [2, p.131]. This content has been institutionalized in the 1992 Constitution as amended in 2001, Article 2 of the Constitution stipulates:

The State of the Socialist Republic of Vietnam is a socialist rule of law state of the people, by the people, for the people. All state power belongs to the people, whose foundation is the alliance between the working class and the peasantry and the intelligentsia. State power is unified, with assignment and coordination among state agencies in the exercise of legislative, executive and judicial powers [8].

That core view of the Party continues to be recognized by our Party in the document of the 12th National Congress and institutionalized by the state's constitution. Article 2 of the 2013 Constitution provides:

The Socialist Republic of Vietnam is owned by the people; all state power belongs to the people whose foundation is the alliance between the working class and the peasantry and the intelligentsia. State power is unity, assignment, coordination and mutual control among state agencies in the exercise of legislative, executive and judicial powers [9].

It can be said that the affirmation of the unity of state power in which all power in the state and in society belongs to the people is one of the highlights and important achievements in establishing the ministry. rational state machine in building the current socialist Vietnam ruled by law. This principle is considered as one of the characteristics and also an achievement in building a socialist rule of law state in Vietnam today according to Ho Chi Minh's thought, on ensuring that the people are the subject of state power. Water is expressed through the following activities:

- Confirmation through documents of legal nature

The principle of unifying state power in the hands of the people is one of the issues that Ho Chi Minh cares most about in building a democratic rule of law state. Based on Ho Chi Minh's ideology "the country takes the people as its root", so right from the moment when we won power and established a new state, our Party and State have always been steadfast in the goal of building a new house. country of the people, by the people and for the people.

Affirming the role and position of the people as a cross-cutting point in the leadership of the Communist Party of Vietnam, the Platform for National Construction in the Doi Moi era clearly states: Socialist democracy is the essence of our regime, both the goal and the driving force of the country's development. Building and gradually perfecting a socialist democracy ensures that democracy is implemented in real life at every level, in all fields. In particular, the Party's document also stipulates the form of exercising the people's right to mastery through two ways: direct democracy and representative democracy.

Determining that state power belongs to the people is a consistent view in our Party's leadership line based on the views of Marxism-Leninism and Ho Chi Minh's thought. To concretize that spirit in the program on building the country in the transitional period to socialism, the Resolution of the 10th Party Congress continued to affirm: Our state is the main tool for exercising the right to mastery. of the people, is a state ruled by law of the people, by the people and for the people. In particular, the Party's Resolution also clearly states that state power belongs to the people. In the Platform for national construction in the transitional period, revised and supplemented in 2011, stated: Our State is a socialist rule of law state of the people, by the people and for the people. The 11th National Party Congress also defined the principle of building a state ruled by law of the people. by the people and for the people is one of the basic characteristics in building a socialist Vietnamese society and is also one of the eight contents in the striving direction of the Party and our people to successfully realize the goal of the Socialist Republic of Vietnam. Criterion proposed. In addition, the Platform also points out the nature and operating principles of the rule of law so that the people's supreme position in the State is expressed, such as: "All state power belongs to the people". . State power is unified but there is assignment, coordination and mutual control between agencies in the state apparatus and between the state and the people. The nature of the state is to stick with the people, serve the people, and be controlled by the people. This guiding view of the Party has been carried out during the transition to socialism in our country and up to the present.

In the Political report submitted to the 11th National Party Congress and in the content of the socio-economic development strategy from 2011 to 2020 of the Party, strategic objectives, tasks and concrete solutions in building and perfecting the socialist rule of law state in Vietnam. Among those goals, strategies and solutions, our Party advocates and emphasizes the requirement of consolidating and promoting the people's mastery in the rule of law as a powerful subject in the apparatus of the government:

Building the operating mechanism of the socialist rule of law state, ensuring the principle that all state power belongs to the people; State power is unified, with assignment and coordination among agencies in the exercise of legislative, executive and judicial powers. Completing the legal system, increasing the specificity and feasibility of provisions in legal

documents. Develop and improve the mechanism to check and monitor the constitutionality and legitimacy in the activities and decisions of public agencies [4, p.126].

The Party's viewpoints and lines are institutionalized in the Constitution. The regulation on state power belonging to the people is the essential content of all Constitutions of Vietnam from the 1946 Constitution, 1959 Constitution, 1980 Constitution, 1992 Constitution amended and supplemented in 2001 and Constitution 2013. The declarations on the position of the people in the state from the 1946 Constitution were taken as the basis for subsequent constitutions to be born, revised and supplemented to continue to develop. A typical example to demonstrate that development is: Article 1 of the 1946 Constitution affirms: "Vietnam is a Democratic republic. All power in the state belongs to the entire Vietnamese people regardless of race, male or female, rich or poor, class or religion" [7], to the 1992 Constitution (amended and supplemented in 2001). positive: "The State of the Socialist Republic of Vietnam is a socialist rule of law state of the people, by the people and for the people. All State power belongs to the people, the basis of which is the alliance of the working class with the peasantry and the intelligentsia.

The 2013 Constitution took effect from January 1, 2014, the most basic and comprehensive content is the affirmations and recognitions of human rights and defines the principles in the people's use of power. how. Article 2 of the 2013 Constitution affirms: "The Socialist Republic of Vietnam is owned by the people; all state power belongs to the People, whose foundation is the alliance between the working class and the peasantry and the intelligentsia. It can be seen that the inheritance and affirmation of the people's idea of the subject of power in all the Constitutions of Vietnam from the beginning of building a democratic state to the present day. Here, the role of the people's power in the Constitution is reflected in the following contents:

Firstly, determine the method of exercising power of the people. Article 6 states: "The people exercise state power by direct democracy, by representative democracy through the National Assembly, the People's Council and through other state agencies" [9]. Accordingly, the people have the right to directly exercise their mastery or through their elected representatives. It can be said that the content of how the people exercise their mastery is a matter of our country's Constitutions that are always focused on and are constantly improving and developing. Also in the 2013 Constitution, the goal of the people's implementation of the Constitution was defined "for the goal of a rich people, a strong country, democracy, justice and civilization" [9, p.11] - this shows democratic nature of the socialist rule of law state because the goal of state building is towards bringing back human rights.

Secondly, the Constitution also defines the right to supervise the work of the State when it stipulates that the People have the right to elect their representatives in terms of rights and interests, which are delegates to participate in the state apparatus at all levels. but at the same time have the right to remove the delegates elected by them if they go against the interests of the nation and the people or no longer have the trust of the people. Article 7 of the 2013 Constitution stipulates: "The election of the National Assembly and the People's Council is conducted on the principle of universality, equality and direct secret ballot. Delegates of the National Assembly or People's Council are dismissed by voters or by the National Assembly or People's Council when they are no longer worthy of the People's trust. Article 28 stipulates: "Citizens have the right to participate in state and social management, to participate in discussions and proposals with state agencies on grassroots issues, locally and nationally". In contrast, the Constitution also stipulates the responsibility of the state to promote the people's right to control in that the state creates conditions for citizens to participate in the management of the state and society; publicity and transparency in receiving and responding to citizens' opinions and recommendations.

Thirdly, the constitution's provision of centralized power in the hands of the people is also reflected in the people's right to participate in the state apparatus if they are eligible and trusted. Regarding this content, Article 27 stipulates: "Citizens full eighteen years of age or older have the right to vote and full twenty-one years of age have the right to stand for election to the National Assembly and the People's Council. The exercise of these rights is prescribed by law".

Fourthly, the people's rights in the state are reflected in the state's responsibility to create conditions to ensure that people exercise their rights. Article 3 of the 2013 Constitution stipulates: "The State ensures and promotes the people's right to mastery; recognize, respect, protect and guarantee human and citizen rights; realize the goal of rich people, strong country, democracy, justice and civilization, where everyone has a prosperous, free and happy life and has conditions for comprehensive development". Clause 2, Article 8 of the Constitution also affirms: "State agencies, cadres, civil servants and public employees must respect the People, devote themselves to serving the People, stay in close contact with the

People, and listen to the People. opinions and subject to the supervision of the People; resolutely fight against corruption, wastefulness and all manifestations of bureaucracy, dominion and bossiness".[9]

All state power belongs to the people, which is the basic principle embodying the democratic nature of our state. It can be seen that the above contents define the role of the People in the state as the subject of state power. This shows that state power is unified and belongs to the people. This is one of the new points about the socialist rule of law state in Vietnam built and developed on the basis of Ho Chi Minh's view of a democratic state, a state in which "the people are the root". The view that the people are the root, foundation, goal and revolutionary motivation of Ho Chi Minh has been identified in the Party's guidelines and policies through the congresses and has been concretized, recognized and confirmed. determined in specific articles of the constitutions in affirming that the subject of state power belongs to the people. This is a testament to the construction of the rule of law state according to Ho Chi Minh's thought, especially in which the values of democracy and the rule of law left behind by Ho Chi Minh's thought. The recognition and affirmation of the people's right to mastery in the state in the political and legal documents of the Party and our State are remarkable results in building and perfecting the rule of law in Vietnam. especially in recent years and this is one of the important bases for affirming the principle that state power is unified and belongs to the people.

- The process of ensuring state power belongs to the people

In addition to affirming and recording in documents of legal and orthodox nature the content of unified state power in the people, it is important to create a process to ensure that state power belongs to the people. It is very important and almost the realization of the principle that state power belongs to the people. Implementing this process is to ensure the principle that all power in the state and in society belongs to the people, which is reflected in theory and implemented in practice.

Given the nature of building a democratic society, creating an appropriate relationship between the three components namely the Party - the state - the people is a very important requirement. How to promote the role and position of each of those elements, and at the same time ensure all state power belongs to the people, is the requirement for creating an implementation process for the state. Socialist rule of law in Vietnam today. This content is reflected in the mechanism of Party leadership, state management and people's mastery.

Firstly, in principle, in principle, the Party leads, the people are masters: A special feature of the socialist rule of law state in Vietnam is the existence of the relationship between the Party as the leader and the people as the master in the political system. of our country. The Communist Party of Vietnam since its inception until now, in terms of operational purposes, has been determined: Our Party has no other purpose in itself other than the purpose of leading the people to carry out the revolutionary cause for the benefit of the people. benefit the entire population. Regarding the nature of the Party, it is stated: "Our Party is the vanguard of the working class, and at the same time the vanguard of the working people and the Vietnamese nation; faithful representative of the interests of the working class, the toiling people and the nation" [4, p.88]. In fact, after leading the people to conduct the successful national liberation revolution in 1945, Our party continues to lead the cause of the socialist revolution with the goal of building a state of the people, by the people and for the people. Under the leadership of the Party, after gaining independence, our people build a state government, that government is a government owned by the people.

Secondly, state management, people master: still exists in the relationship between the Party - the state and the people. When building a state government belonging to the people under the leadership of the Party, it means that our people build a state to exercise their power. The state of the people means the people are the master, the people exercise their right to mastery through two forms of direct democracy and representative democracy; a state by the people is a state owned by the people and built by the people; State for the people is a state that serves the legitimate interests of the majority of the people. The rights of the state are essentially the rights of the people because the state is established by the people, and state power is the right of the people to entrust it.

Thirdly, the people are the masters: the people are the supreme subjects of the state. All state power belongs to the people. This is enshrined in our Constitution. The state is built up and owned by the people. Article 6 of the 2013 Constitution affirms: "The people exercise state power by direct democracy, by representative democracy through the National Assembly, the People's Council and other State agencies" 9]. Direct democracy is a way in which the people directly exercise their sovereignty without going through others. The forms in which the people are directly exercising their democratic rights are: participating in the candidacy and election to the National Assembly and the People's Councils at

all levels; participate in the implementation of grassroots democracy regulations; people participate in direct dialogues with state agencies and deputies of the National Assembly when interacting with voters;

Representative democracy is a method of exercising popular sovereignty of the people. The process of implementing representative democracy is that the people directly elect deputies to participate in the National Assembly and People's Councils at all levels; these agencies continue to establish other agencies in the state apparatus such as executive and judicial agencies. Therefore, the authorization of the people is not only in the elected bodies but also in the organs of the state apparatus, and these agencies are also subject to the supervision of the people. The pinnacle of authorization is that the people elect the National Assembly - the highest authority of the state. By way of direct democracy, by secret ballot and by universal suffrage, the people select and elect delegates to participate in the state legislature. This body decides the enactment of constitutions and laws at will, the will of the people. Thus, the activities, nature and objectives of the National Assembly as well as the agencies in the state apparatus show that, in the end, the people are the supreme subject of state power, all state power belongs to the people. Regarding the people, the use of power by state agencies is only the authorization of the people.

In short, the mechanism of Party leadership, state management, and people's mastery represents the implementation process to ensure state power belongs to the people. This is the creative application and development of our Party on building a socialist rule of law state in Vietnam according to Ho Chi Minh's ideology on the rule of law.

- State accountability

The state is of the people, by the people and for the people. Therefore, the state's activities are not only monitored by the people, but the state is also accountable to the people for its activities. Regarding this content, the regulation on questioning in the National Assembly is one of the typical regulations. Article 2 of the Law on Supervision of the National Assembly and the People's Council clearly states that for issues questioned by the National Assembly deputies, the accountability belongs to the President, the President of the National Assembly, the Prime Minister, and the Ministry of Finance. Chief, other members of the Government, Chief Justice of the Supreme People's Court, Chief Procurator of the Supreme People's Procuracy, State Auditor General. For questions raised by the People's Council deputies, they fall under the responsibility of the President of the People's Committee, other members of the People's Committee, the Chief Justice of the People's Court, the Chief Procurator of the People's Procuracy.

The questioning process is also fully regulated in Article 15 of this Law, according to which: The person being questioned must answer directly or in writing (for issues not in the group of questioning at session or issues that need to be verified) with the contents set out by the National Assembly deputies. In case if a member of the National Assembly does not agree with the answer of the person being questioned, he/she can re-question them so that the person being questioned can answer. The answer to the question must be done fully on the question asked, not authorized to answer for another person, answers on the issues need to clearly define responsibilities, measures and limited time limit for remedy. (if). For questions questioned but not answered directly as stated, the person being questioned must reply in writing and must be sent to the deputies of the National Assembly for questioning, to the delegations of the National Assembly,

As can be seen, the provisions on questioning in the Law on supervisory activities of the National Assembly and the People's Councils both demonstrate the principle of democracy in the operation of the state apparatus, on the other hand, show the supervision mechanism, control the power of the National Assembly over the organs of the state apparatus through questioning the heads and other members of the organization, but more deeply, the people's control over the activities of the state apparatus. government through elected representatives.

Regarding taking a vote of confidence and voting of confidence specified in Articles 18 and 19 of the Law, it is also one of the forms of demonstrating the National Assembly's control of state power over powerful agencies. The vote of confidence is to evaluate the work results of the delegates in the state apparatus - who are trusted and elected by the people. Therefore, if the confidence results are not enough as prescribed, those members will be put to vote of confidence and use the confidence results to decide whether to consider dismissing, removing or approving the proposal. dismiss or dismiss that person. The vote of confidence is one of the very new and meaningful regulations in building a really clean and strong state apparatus. The Constitution clearly stipulates that the people have the right to elect, but also the right to dismiss deputies if they are not loyal to the people's legitimate interests. Therefore, in order to clean up the state apparatus, it is necessary to remove from the state apparatus those who no longer meet the people's requirements in terms

of both capacity and moral qualities. Regulations on taking votes of confidence also show the people's supervision, through the National Assembly to control members in state agencies about their powers and responsibilities. This is considered an extension of Ho Chi Minh's thought on cadres and cadres of the Party and also an achievement in building a mechanism to control state power in particular and in building the state apparatus. rule of law in socialist Vietnam in general. In order to clean up the state apparatus, it is necessary to remove from the state apparatus those who no longer meet the people's requirements in terms of both capacity and moral qualities. Regulations on taking votes of confidence also show the people's supervision, through the National Assembly to control members in state agencies about their powers and responsibilities. This is considered an extension of Ho Chi Minh's thought on cadres and cadres of the Party and also an achievement in building a mechanism to control state power in particular and in building the state apparatus. rule of law in socialist Vietnam in general. In order to clean up the state apparatus, it is necessary to remove from the state apparatus those who no longer meet the people's requirements in terms of both capacity and moral qualities. Regulations on taking votes of confidence also show the people's supervision, through the National Assembly to control members in state agencies about their powers and responsibilities. This is considered an extension of Ho Chi Minh's thought on cadres and cadres of the Party and also an achievement in building a mechanism to control state power in particular and in building the state apparatus. rule of law in socialist Vietnam in general. through the National Assembly to control members of state agencies about their powers and responsibilities. This is considered an extension of Ho Chi Minh's thought on cadres and cadres of the Party and also an achievement in building a mechanism to control state power in particular and in building the state apparatus. rule of law in socialist Vietnam in general. through the National Assembly to control members of state agencies about their powers and responsibilities. This is considered an extension of Ho Chi Minh's thought on cadres and cadres of the Party and also an achievement in building a mechanism to control state power in particular and in building the state apparatus. rule of law in socialist Vietnam in general.

- The people's control of state power

As we all know, the emergence of power always goes hand in hand with the risk of alienation and abuse of power. Therefore, in order to minimize the risk of monopoly, establish absolute power or the risk of "usurping power, overtaking the throne", and at the same time to ensure the real mastery for the mastering class, control Power is a very important requirement. In the rule of law state apparatus, the legislative, executive and judicial branches of agencies are divided on the basis of mutual control. The essence of this article is to indicate the limits of power and procedures for exercising power of power agencies in the state apparatus with the goal of ensuring the unity and systematicity of the power agencies. while ensuring that no powerful institution can stay out of control.

For the process of building the rule of law in Vietnam, the issue of controlling power is always posed as an indispensable requirement in the operation of the state. This contributes to protecting the people's ownership position in the state through controlling the activities of state agencies and also the fact that state agencies control each other's activities in an objective and transparent manner. White. This issue has been implemented since the early years of constitutional and legislative work to varying degrees and is reflected in the content of the Constitutions. State control is considered an independent and specific right in the provisions of the people's rights in the Constitution. This right can only be exercised with a suitable operating mechanism of the state apparatus. Implementing state control will contribute to preventing and minimizing inappropriate decisions in the decision-making process of some competent authorities. At the same time, the control of power also aims to ensure the exercise of power by the people within the framework of the Constitution and the law. The 6th National Party Congress (1986) affirmed that the operating mechanism of Vietnam's political system is "the Party leads, the people are masters, the State manages". Thus, the issue of power control being implemented in our country includes the following issues: controlling the power of the Communist Party of Vietnam; control state power. The 6th National Party Congress (1986) affirmed that the operating mechanism of Vietnam's political system is "the Party leads, the people are masters, the State manages". Thus, the issue of power control being implemented in our country includes the following issues: controlling the power of the Communist Party of Vietnam; control state power. The 6th National Party Congress (1986) affirmed that the operating mechanism of Vietnam's political system is "the Party leads, the people are masters, the State manages". Thus, the issue of power control being implemented in our country includes the following issues: controlling the power of the Communist Party of Vietnam; control state power.

Controlling the Party's power is carried out by means of mainly limiting the Party's power and monitoring the Party's activities by the people. Article 4 of the 2013 Constitution clearly stipulates: "The Communist Party of Vietnam is closely associated with the People, serves the People, is subject to the People's supervision, and is accountable to the People for

its decisions." [9]. Moreover, the Constitution also stipulates that the Communist Party of Vietnam is completely equal before the law, must enforce the law like all other subjects in society, Party organizations, cadres and party members must also comply with the law. fully operate in accordance with the Constitution and the law. In addition to the people exercising control over the Party's activities, the Party itself also exercises "self-control". Among the new-style Party building principles of the proletariat that the Communist Party of Vietnam adheres to, the principle of "self-criticism and criticism" is the basic principle in Party activities. Accordingly, the essence of "Self-criticism" is to evaluate and rethink oneself in all aspects to draw lessons for oneself. Therefore, in the Party, the exercise of "self-criticism" is so that the Party organization and its members can control their own actions and make adjustments to be more appropriate and correct, avoiding the loss of life. control. In controlling the Party's power, it is also done by another method, which is to evaluate the effectiveness of the Party's leadership with the measure of social development and progress, which through the implementation of the Party's guidelines brings about positive results. again; the trust of the society and the people in the Party and the degree of implementation of the goals set by the Party.

Controlling state power has become an indispensable requirement in building the rule of law in our country today. This is also an issue of concern to the Party, the State and the whole society. The goal of state power control is to prevent, prevent and eliminate violations of agencies and civil servants in the state apparatus, and at the same time direct organizations, agencies and officials to State officials and employees operate in accordance with the Constitution and the law. Identification of the role of state power control was introduced very early in the state's legal documents. Currently, in the cause of building the rule of law in Vietnam, this issue is receiving great attention, and the results in the exercise of state power control are reflected in the provisions of the constitution. Activities of controlling state power through: Constitution; election activities; judicial authorities; The people carry out control activities and agencies in the state apparatus control each other, in which the constitution is the most important basis for both regulation and the basis for exercising control over power in the ministry. state machine.

3. CONCLUSIONS

In the Document of the 13th National Party Congress, one of the major guidelines and orientations for national development in the new situation was identified by our Party as: Building and perfecting a socialist rule of law state clean, strong, modern, effective and efficient in a lean direction for the people's service and for the development of the country. At the same time, strengthening publicity, transparency, accountability, and control of power is associated with the tightening of discipline and discipline in the activities of the state and cadres. On the other hand, step up the fight against corruption, waste, bureaucracy, crime and social evils. This orientation has shown the nature and necessity of building and perfecting the socialist rule of law state in Vietnam today.

In order to build a socialist rule of law state of the people, by the people and for the people, the construction of a state operating mechanism must ensure the principle that all state power belongs to the people. people; State power is unified, with assignment, coordination and control among agencies in the exercise of legislative, executive and judicial powers which is an important and inevitable requirement. The achieved results are the basis for our Party to continue its career of leading and directing the construction of a socialist rule of law state in the current period and also to prove the correctness and validity. left behind by Ho Chi Minh's thought.

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