

THE ROLE OF PEOPLE'S PROCURACY IN PROTECTING CONSTITUTION IN VIETNAM

O PAPEL DA PROCURATURA DO POVO NA PROTEÇÃO DA CONSTITUIÇÃO NO VIETNÃ

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The authors declare that there is no conflict of interest

Abstract

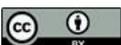
In the legal system of countries, the constitution is considered the fundamental law, with the highest legal value, expressing the will, power and common values of the people. Therefore, the protection of the constitution has political and legal significance, related to the protection of the political regime, the state regime and people's sovereignty. The protection of the constitution is carried out by both state subjects (state agencies) and people subjects (social organizations, people) through the organization of law enforcement and supervision of law enforcement. This study refers to the state subject - the state agency that directly exercises the right to prosecute and supervise judicial activities to protect the constitution in Vietnam, which is the People's Procuracy. The theoretical framework is built with 02 independent scales/variables: "Practice of prosecution rights" (PR), "Supervision of judicial activities" (JA); and 01 dependent scale/variable "Protecting constitution" (PC). The author surveyed the opinions of 240 leaders and prosecutors of the People's Procuracy of 3 localities in 3 regions of Vietnam, including Thai Nguyen province (North), Quang Ngai province (Central), Tay Ninh province (South). The survey results show that the practice of the right to prosecute is well implemented, but the supervision of judicial activities is assessed at a lower level due to the impact of many reasons. From the conclusion of this study, the author discusses the content of policies to increase and balance the function of prosecution and the function of supervision of judicial activities towards the goal of protecting the Constitution of Vietnam in a sustainable manner.

Keywords: People's procuracy. Protecting constitution. Practice of prosecution rights. Supervision of judicial activities. Vietnam.

Resumo

No sistema jurídico dos países, a constituição é considerada a lei fundamental, com o mais alto valor jurídico, expressando a vontade, o poder e os valores comuns do povo. Portanto, a proteção da constituição tem significado político e jurídico, relacionado à proteção do regime político, do regime estatal e da soberania do povo. A proteção da Constituição é realizada tanto por sujeitos estatais (órgãos estatais) quanto por sujeitos populares (organizações sociais, povo) por meio da organização da aplicação da lei e da supervisão da aplicação da lei. Este estudo refere-se ao sujeito estatal - o órgão estatal que exerce diretamente o direito de processar e supervisionar as atividades judiciais para proteger a Constituição no Vietnã, que é a Procuradoria Popular. O quadro teórico é construído com 02 escalas/variáveis independentes: "Prática dos direitos de acusação" (PR), "Supervisão das atividades judiciais" (JA); e 01 escala/variável dependente "Proteção da constituição" (PC). O autor pesquisou as opiniões de 240 líderes e promotores do Ministério Público Popular de 3 localidades em 3 regiões do Vietnã, incluindo a província de Thai Nguyen (Norte), a província de Quang Ngai (Centro) e a província de Tay Ninh (Sul). Os resultados da pesquisa mostram que a prática do direito de acusação é bem implementada, mas a supervisão das atividades judiciais é avaliada em um nível inferior devido ao impacto de muitas razões. A partir da conclusão deste estudo, o autor discute o conteúdo das políticas para aumentar e equilibrar a função de acusação e a função de supervisão das atividades judiciais com o objetivo de proteger a Constituição do Vietnã de maneira sustentável.

Palavras-chave: Procuradoria Popular. Proteção da Constituição. Prática dos direitos



de acusação. Supervisão das atividades judiciais. Vietnã.

1 INTRODUCTION

Vietnam was one of the first two countries in Southeast Asia to declare independence after World War II, in 1945, establishing a democratic regime. The Socialist Republic of Vietnam is currently organized in a democratic form with power belonging to the people through elected representatives; operating according to the law, complying with the principle of supreme constitutionalism.

The legal system of Vietnam includes the Constitution, codes/laws and sub-law documents, promulgated according to the principle of constitutional supremacy. Therefore, the protection of the Constitution is carried out through the process of law enforcement, supervision of law enforcement in general by the system of social entities prescribed in Vietnam, including state agencies, social organizations and people.

The mechanism for protecting the Constitution is implemented through the form of law enforcement and law enforcement supervision. State agencies are both the subjects of law enforcement and the subjects of law enforcement supervision. Social organizations and people are the subjects of law enforcement supervision to, together with state subjects (state agencies), protect the seriousness and supremacy of the Constitution.

Among the state entities, the People's Procuracy is the state agency that directly exercises the right to prosecute and supervise judicial activities (VNA, 2013) to protect the constitution in Vietnam. These two contents need to be implemented in parallel and balanced to always be an effective mechanism for all processes of protecting the constitution. This is also an issue that attracts the attention of many researchers and managers and is also the reason that attracts the author's attention in this study.

2 LITERATURE REVIEW

The term “constitution” is commonly used in countries around the world to mean the fundamental law of the nation. According to POHR (2015), the constitution is built, promulgated, supplemented, and amended with a special procedure and has the highest legal effect. Approached from a historical perspective, the constitution is not only a simple legal document, but also a supreme political-legal document, expressing the will, power, and fundamental interests of the people, recognized, respected, and guaranteed by the state. The nature of the constitution is a synthesis of political, legal, social, and democratic-humanistic nature. The constitution is both a political tool to legitimize state power and a supreme legal document to guarantee human rights and civil rights, and a social mechanism expressing the will, aspirations, and common values of the people.

In Vietnam, the constitution has a deeply democratic, legal and humanistic nature, and is the foundation for organizing power, protecting justice and orienting the country's sustainable development. The nature of the constitution is expressed through political, legal, social, democratic and humanistic aspects. In the political aspect, the constitution affirms the leadership role of the Communist Party of Vietnam; establishes the socialist democratic regime; promotes the rule of law state of the people, by the people, for the people. In the legal aspect, the constitution is the fundamental law, with the highest legal effect. In the social aspect, the constitution recognizes, guarantees and protects human rights and civil rights; reflects the will, aspirations and interests of the entire nation. In the democratic and humanistic aspects, the constitution stipulates the guarantee of fairness, equality and respect for human dignity.

In the history of world politics and law, the idea of protecting the constitution has appeared very early to fight against the arbitrariness, authoritarianism, and dictatorship of the government and the state apparatus. At the same time, it also reflects the development of the rule of law state and the mechanism of power control, becoming an important foundation of the rule of law state, ensuring human rights, limiting abuse of power and maintaining social order. MOJ (2009) and Thao, T.P. (2011) affirmed that constitutional protection is implemented depending on the specific conditions of each country, such as the centralized or decentralized constitutional protection model; and throughout historical periods, the ideas of protecting the constitution have a common

goal, which is to maintain the supremacy of the constitution and protect democratic values and the rule of law. Firstly, maintaining the supremacy of the constitution is a fundamental principle, affirming that the constitution is the basic law, with the highest legal effect in the legal system of a country; All other acts and legal documents must comply with and must not be contrary to the Constitution. Second, protecting democratic values, that is, protecting the fundamental rights and freedoms of citizens, ensuring people's participation in state management, and preventing abuse of power by the government or any other branch of power. Third, protecting the rule of law, demonstrating that constitutionalism reinforces the principle that all individuals and organizations, including the government, must be subject to the law, ensuring justice, fairness, and preventing arbitrary rule.

The above objectives are the foundation for the development of constitutional justice, power checks and balances, and constitutional institutions around the world, to prevent abuse of power and ensure a stable and fair political order. This is also deeply emphasized by a number of other studies, that a rule of law and democratic state must ensure compliance with the constitution and protect the constitution (Lam, N.D., 2003). Or as JPT (2018) explains the political and legal significance of the constitutional protection mechanism for the political regime of each country, which is to ensure the stability and sustainable development of the country's political regime.

This study was conducted by empirical survey at the local level; collecting people's opinions on the construction and implementation of laws by local government agencies associated with the goal of protecting the constitution. Therefore, the scale "Protecting constitution" (PC) was built by the author on the basis of analyzed issues, the author inherited and developed the viewpoints of previous studies and Vietnamese legal regulations, implying some main contents, including: The government develops, promulgates and implements appropriate legal documents, ensuring consistency, contributing to maintaining the supremacy of the constitution and the unity of the legal system (PC1); The government develops, promulgates and implements appropriate legal documents, contributing to protecting the constitution, the legal system, and protecting democratic values and the rule of law (PC2); The government develops, promulgates and implements appropriate legal documents, contributing to protecting the constitution, ensuring stability and sustainable development of the political regime (PC3).

Constitutional protection needs to be carried out through clear and appropriate mechanisms - institutions, structures and methods of constitutional protection (JDL, 2024); at the same time, it is carried out by many subjects, including state agencies, social organizations, and people through the form of law enforcement and law enforcement supervision (Vinh, V.K., 2020). State agencies are both law enforcement subjects and law enforcement supervision subjects. Social organizations and people are law enforcement supervision subjects to, together with state subjects (state agencies), protect the seriousness and supremacy of the constitution.

In the system of state entities, the People's Procuracy is the state agency that directly exercises the right to prosecute and supervise judicial activities (VNA, 2013) to protect the constitution and laws in Vietnam. These two contents need to be implemented in parallel and balanced to always be an effective mechanism for all processes of protecting the constitution.

- Firstly, the function of the People's Procuracy in exercising the right to prosecute is to exercise the State's right to accuse criminals, starting from the time a crime occurs and throughout the process of investigation, prosecution and trial of criminal cases.

When exercising the right to prosecute, the People's Procuracy ensures that all criminal acts and criminals must be detected, prosecuted, investigated, prosecuted, and tried promptly, strictly, with the right person, the right crime, and in accordance with the law, without wrongly accusing innocent people, without letting criminals and criminals escape; without allowing anyone to be prosecuted, arrested, detained, imprisoned, or have their human rights and civil rights restricted illegally. With this responsibility, the People's Procuracy has handled and prevented socially dangerous acts that violate social relations regulated by the Constitution (VNA, 2013) and protected by criminal law (VNA, 2015), namely: Independence, sovereignty, unity, and territorial integrity of the Fatherland; political regime, economic regime, culture, national defense, security, order, social safety, rights and legitimate interests of organizations; human rights, rights and legitimate interests of citizens; other areas of the socialist legal order, to determine the legal basis for the organization and operation of society and the state, while ensuring and protecting human rights and civil rights in criminal proceedings and exercising control over power in the criminal justice branch.

Thus, the People's Procuracy exercises the State's right to prosecute criminals, making an important contribution to protecting the Constitution and the law through strict, timely, and lawful handling of criminals to educate and punish criminals, raise people's awareness of compliance with the Constitution and the law, and recommend crime prevention measures to competent agencies and organizations. Based on the analyzed issues, the author inherits and develops the viewpoints of previous studies and Vietnamese legal regulations to build the scale "Practice of prosecution rights" (PR), implying a number of main contents, including: The People's Procuracy exercises the right to prosecute, ensuring that the detection, prosecution, investigation, prosecution, and trial of crimes and offenders are carried out promptly and strictly (PR1); The People's Procuracy exercises the right to prosecute, ensuring that the detection, prosecution, investigation, prosecution, and trial of crimes and offenders are carried out by the right people and for the right crimes, without letting criminals and offenders escape (PR2); The People's Procuracy exercises the right to prosecute, ensuring that the detection, prosecution, investigation, prosecution, and trial of crimes and offenders are carried out in accordance with the law, without allowing people who are prosecuted, arrested, detained, or imprisoned to have their human rights and civil rights illegally restricted (PR3).

- Second, the function of the People's Procuracy to supervise judicial activities is to supervise the legality of the acts and decisions of agencies, organizations and individuals in judicial activities. The supervision of judicial activities is carried out right from the time of receiving and handling denunciations and reports of crimes, recommendations for prosecution and throughout the process of resolving criminal cases; in resolving administrative cases, civil cases, marriage and family, business, trade, labor; in the execution of judgments, the settlement of complaints and denunciations in judicial activities; in other judicial activities as prescribed by law.

When exercising the right to supervise judicial activities, the People's Procuracy has the authority to: (1) Request agencies, organizations and individuals to conduct judicial activities in accordance with the provisions of law; self-inspect the conduct of judicial activities under its authority and notify the results to the People's Procuracy; provide records and documents for the People's Procuracy to supervise the legality of acts and decisions in judicial activities; (2) Directly supervise, verify and collect documents

to clarify violations of the law by agencies, organizations and individuals in judicial activities; (3) Handle violations, request and recommend competent agencies, organizations and individuals to remedy and strictly handle violations of the law in judicial activities; recommend relevant agencies and organizations to apply measures to prevent violations of the law and crimes; (4) Protest against court judgments and decisions that violate the law; recommend against court actions and decisions that violate the law; Protesting against illegal acts and decisions of other competent agencies and individuals in judicial activities; (5) Supervising the settlement of complaints and denunciations in judicial activities; settling complaints and denunciations under the authority of.

The above authorities aim to ensure that the People's Procuracy can supervise the legality of decisions and actions of subjects in judicial activities. Through the performance of the function of supervising judicial activities, the People's Procuracy ensures compliance with the law of subjects in judicial activities, contributing to protecting legal order in the process of conducting judicial activities; protecting human rights, basic rights of citizens in judicial proceedings that are not restricted by law, contributing to protecting the sanctity of the constitution and the legal system. Based on the analyzed issues, the author inherits and develops the viewpoints of previous studies and Vietnamese legal regulations to build the scale "Supervision of judicial activities" (JA), implying some main contents, including: The People's Procuracy exercises the right to supervise judicial activities, ensuring the reception and settlement of denunciations and reports of crimes and recommendations for prosecution; the settlement of criminal cases, administrative cases, civil, marriage and family, business, commercial and labor cases; the execution of judgments; the settlement of complaints and denunciations in judicial activities; and other judicial activities are carried out in accordance with the provisions of law (JA1); The People's Procuracy exercises the right to supervise judicial activities, ensuring the arrest, detention, temporary detention, execution of prison sentences, the regime of temporary detention, temporary detention, management and education of people serving prison sentences in accordance with the provisions of law; human rights and other legitimate rights and interests of people arrested, detained, temporarily detained, and people serving prison sentences that are not restricted by law must be respected and protected (JA2); The People's Procuracy exercises the right to supervise judicial activities, ensuring that court judgments and decisions that have come into legal

effect must be strictly enforced; all violations of the law in judicial activities must be detected and handled promptly and strictly (JA3).

Thus, the practice of the right to prosecute and supervise judicial activities of the People's Procuracy aims to achieve the goals of protecting the Constitution. These two functions need to be carried out in parallel and in balance to always be an effective mechanism for all processes of protecting the Constitution, becoming a factor that directly affects all processes of protecting the Constitution. With that meaning, this study puts forward the hypothesis: *Practice of prosecution rights (H1) and Supervision of judicial activities (H2) have a direct impact on Protecting constitution, contributing to ensuring the unity and seriousness of the Constitution and building a smooth legal system.*

Through the general research, the basic theoretical issues related to the protection of the constitution and the function of practicing the right to prosecute, the function of supervising judicial activities of the People's Procuracy are explained towards the goal of protecting the constitution. On that basis, the theoretical framework is designed with 3 scales, 9 observation variables in the direction of assessing the role of the People's Procuracy in protecting the constitution in Vietnam through the function of practicing the right to prosecute and supervising judicial activities. These observation variables are designed into a survey form with 9 corresponding questions and measured by a 5-level Likert scale: 1 - Strongly disagree; 2 - Disagree; 3 - No opinion; 4 - Agree; 5 - Strongly agree (Table 1, Figure 1).

Table 1

Theoretical framework

No	Scales	Encode	Rating levels				
			1	2	3	4	5
I	Practice of prosecution rights	PR					
1	The People's Procuracy exercises the right to prosecute, ensuring that the detection, prosecution, investigation, prosecution, and trial of crimes and offenders are carried out promptly and strictly	PR1					
2	The People's Procuracy exercises the right to prosecute, ensuring that the detection, prosecution, investigation, prosecution, and trial of crimes and offenders are carried out by the right people and for the right crimes, without letting criminals and offenders escape	PR2					
3	The People's Procuracy exercises the right to prosecute, ensuring that the detection, prosecution, investigation, prosecution, and trial of crimes and offenders are carried out in	PR3					

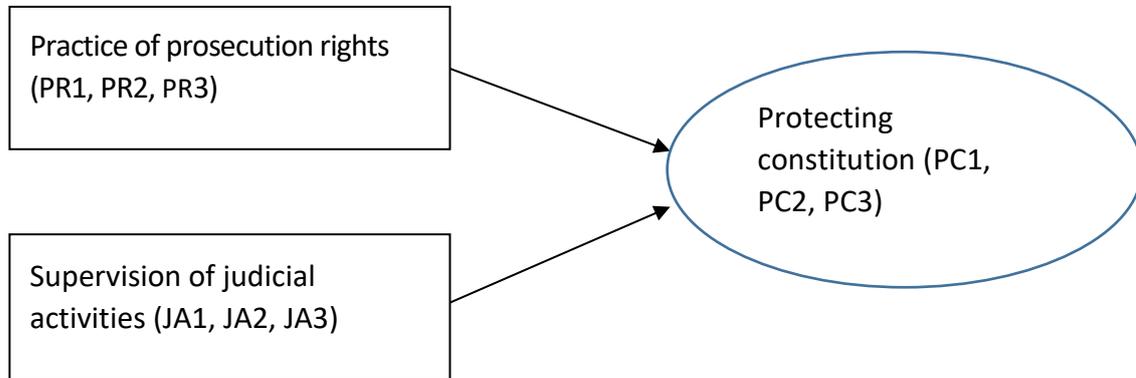
No	Scales	Encode	Rating levels				
			1	2	3	4	5
	accordance with the law, without allowing people who are prosecuted, arrested, detained, or imprisoned to have their human rights and civil rights illegally restricted						
II	Supervision of judicial activities	JA					
4	The People's Procuracy exercises the right to supervise judicial activities, ensuring the reception and settlement of denunciations and reports of crimes and recommendations for prosecution; the settlement of criminal cases, administrative cases, civil, marriage and family, business, commercial and labor cases; the execution of judgments; the settlement of complaints and denunciations in judicial activities; and other judicial activities are carried out in accordance with the provisions of law	JA1					
5	The People's Procuracy exercises the right to supervise judicial activities, ensuring the arrest, detention, temporary detention, execution of prison sentences, the regime of temporary detention, temporary detention, management and education of people serving prison sentences in accordance with the provisions of law; human rights and other legitimate rights and interests of people arrested, detained, temporarily detained, and people serving prison sentences that are not restricted by law must be respected and protected	JA2					
6	The People's Procuracy exercises the right to supervise judicial activities, ensuring that court judgments and decisions that have come into legal effect must be strictly enforced; all violations of the law in judicial activities must be detected and handled promptly and strictly	JA3					
III	Protecting constitution	PC					
7	The government develops, promulgates and implements appropriate legal documents, ensuring consistency, contributing to maintaining the supremacy of the constitution and the unity of the legal system	PC1					
8	The government develops, promulgates and implements appropriate legal documents, contributing to protecting the constitution, the legal system, and protecting democratic values and the rule of law	PC2					
9	The government develops, promulgates and implements appropriate legal documents, contributing to protecting the constitution, ensuring stability and sustainable development of the political regime	PC3					

Source: Compiled by the author through the review

2.1 Research model

Figure 1

Research model



3 RESEARCH METHODS

The author conducts a combination of qualitative and quantitative research to analyze and evaluate the practical role of the People's Procuracy in constitutional protection activities in Vietnam. Qualitative research is conducted through collecting and analyzing secondary documents to build a theoretical framework and research model. Quantitative research is conducted through practical surveys to verify the theoretical framework and research model. The survey to collect primary data is conducted in two steps: Preliminary survey and official survey.

- Preliminary survey: In this study, the theoretical model includes 03 scales, 09 observed variables. According to Hair, J.F. et al. (2009), the minimum sample size required for exploratory factor analysis and regression analysis for this research model is $N = 9 \times 5 = 45$. In fact, the author conducted a sample size of $N = 240$ leaders and prosecutors of the People's Procuracy ($N > 45$), showing high reliability when conducting survey research. First, the author conducted a preliminary survey in a selected research area - Thai Nguyen province with a sample size of $N = 80$ leaders and prosecutors of the People's Procuracy. The results of the preliminary survey in Thai Nguyen province showed that the scales and observed variables were reliable enough to be used in an official survey on a wider scale.

- Official survey: The author conducted an official survey with a sample size of $N = 240$ leaders and prosecutors of the People's Procuracy of 3 localities in 3 regions of Vietnam, including Thai Nguyen province (North), Quang Ngai province (Central), Tay Ninh province (South). The survey subjects were selectively identified, including those with at least 3 years of working experience. The author conducted preliminary interviews to capture information about the standards of the surveyed people and distributed survey forms based on their consent to answer. The survey results collected 240/240 valid responses, achieving a valid response rate of 100%.

4 KẾT QUẢ NGHIÊN CỨU VÀ THẢO LUẬN

With the collected data, the author conducts scale testing, exploratory factor analysis, and regression analysis to test the relationship between the scales and draw research conclusions on the practice of constitutional protection in Vietnam. First, the author conducts reliability testing of the scales and observed variables in the theoretical model. In quantitative research, the scales are reliable when meeting the standard condition of Cronbach's $\alpha > 0.6$; observed variables are reliable when meeting the standard condition of Corrected Item-Total Correlation > 0.3 (Hair, J.F. et al., 2009). The test results show that all 3 scales and 9 observed variables in the theoretical model are reliable (Table 2).

Table 2

Statistical results and testing results of the scale

Scales	Observed variables	N	Min	Max	Mean	Std. Deviation	Cronbach' Alpha	Corrected Item-Total Correlation
1. Practice of prosecution rights (PR)	PR1	240	1	5	4.23	.761	.710	PR1 = .554
	PR2	240	1	5	4.18	.739		PR2 = .585
	PR3	240	1	5	4.19	.743		PR3 = .498
2. Supervision of judicial activities (JA)	JA1	240	1	5	4.04	.691	.676	JA1 = .542
	JA2	240	1	5	4.02	.702		JA2 = .493
	JA3	240	1	5	3.99	.633		JA3 = .158
3. Protecting constitution (PC)	PC1	240	1	5	4.08	.688	.791	PC1 = .608
	PC2	240	1	5	4.10	.711		PC2 = .562
	PC3	240	1	5	4.05	.687		PC3 = .534
Valid N (listwise)		240						

Source: Author's survey results

The statistical data in Table 2 shows that the observations of the scales "Practice of prosecution rights" (PR), "Supervision of judicial activities" (JA), "Protecting constitution" (PC) are rated at an average level of Mean ≥ 3.99 , all of which are statistically significant according to the Likert scale (1-5). This shows that the survey responses contribute to demonstrating that localities develop, promulgate and implement appropriate legal documents, ensuring smoothness, contributing to protecting and maintaining the supremacy of the constitution and the unity of the legal system, ensuring stability and sustainable development of the political regime. The People's Procuracy exercises the right to prosecute and supervise judicial activities in parallel, aiming to achieve the goals of protecting the constitution, becoming a direct mechanism to protect the constitution, a factor directly affecting the protection of the constitution.

In particular, the observations of the "Supervision of judicial activities" (JA) scale were rated at a lower level: Mean (JA1) = 4.04, Mean (JA2) = 4.02, Mean (JA3) = 3.99, contributing to demonstrating that there are still cases where investigation, prosecution and execution of judgments... are not objective and thorough, while the intervention of the People's Procuracy is not timely or does not have the power to intervene to ensure that the law is strictly enforced. This is also an issue that reflects the challenges and limitations in the current Vietnamese judicial system, mentioned by a number of studies. According to Quy, T.V. (2023), the work of supervising the handling of crime reports and denunciations and recommendations for prosecution is not really effective; In many cases, the People's Procuracy does not promptly grasp the decisions to initiate criminal proceedings, decisions not to initiate criminal proceedings, decisions to temporarily suspend the handling of denunciations, reports of crimes, recommendations for prosecution, etc., or does grasp them but out of respect and sympathy for the overload of work with the investigation agency, it does not conduct the inspection of this activity. The lack of responsibility in performing the functions and duties of such entities leads to many cases where people accept the loss of property and do not report the incident to the competent authority.

The above problems can originate from many causes, including human factors (capacity, qualifications, sense of responsibility); negative issues, corruption is also one of the causes that reduce the objectivity of the litigation process; some legal provisions may be incomplete, overlapping, or have loopholes that create conditions for inconsistent

application, even being exploited; coordination between litigation agencies is sometimes not close and timely, leading to errors in the process of handling cases.

The scales and observed variables have standard reliability test values, which are the basis for further analysis. The author conducts exploratory factor analysis with Varimax rotation to preliminarily assess the unidimensionality, convergent value, and discriminant value of the scales to have more basis for drawing research conclusions about the suitability of the proposed theoretical research model (Table 3 and Table 4).

Table 3

Total Variance Explained

KMO and Bartlett's Test

Kaiser-Meyer-Olkin Measure of Sampling Adequacy.	.754
Bartlett's Test of Sphericity	Approx. Chi-Square
	df
	Sig.
	2352.184
	36
	.000

Total Variance Explained

Component	Initial Eigenvalues			Extraction Sums of Squared Loadings			Rotation Sums of Squared Loadings		
	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %
1	3.542	39.359	39.359	3.542	39.359	39.359	2.871	31.898	31.898
2	2.891	32.123	71.482	2.891	32.123	71.482	2.753	30.584	62.483
3	1.084	12.046	83.528	1.084	12.046	83.528	1.894	21.045	83.528
4	.497	5.528	89.055						
5	.456	5.069	94.124						
6	.192	2.138	96.262						
7	.165	1.834	98.096						
8	.121	1.347	99.443						
9	.050	.557	100.000						

Extraction Method: Principal Component Analysis.

Source: Author's survey results

Table 4

Rotated Component Matrix

Rotated Component Matrix^a				
Scales	Observed variables	Component		
		1	2	3
1. Practice of prosecution rights (PR)	PR1	.911		
	PR2	.915		
	PR3	.861		
2. Supervision of judicial activities (JA)	JA1		.927	
	JA2		.931	
	JA3		.862	

3. Protecting constitution (PC)	PC1			.852
	PC2			.818
	PC3			.780

Extraction Method: Principal Component Analysis.

Rotation Method: Varimax with Kaiser Normalization.

a. Rotation converged in 5 iterations.

Source: Author's survey results

In terms of theory, exploratory factor analysis was performed in accordance with the data set shown through the values: $0.5 \leq \text{KMO} \leq 1$; Bartlett test with observation significance level $\text{Sig.} < 0.05$; Eigenvalue ≥ 1 ; Total Variance Explained $\geq 50\%$; Factor Loading ≥ 0.5 (Hair, J.F. et al., 2009). Data in Table 3 and Table 4 show that:

- $\text{KMO} = 0.754 > 0.5$, confirming that exploratory factor analysis is appropriate for the data set; Bartlett's test has an observed significance level of $\text{Sig.} = 0.000 < 0.05$, showing that the observed variables have a linear correlation with the representative factor. Total variance extracted with Cumulative % = $83.528\% > 50\%$ (Table 3), showing that 83.528% of the variation of the representative factors is explained by the observed variables; all observed variables have Factor Loading > 0.5 (Table 4), showing that the observed variables have good statistical significance. The theoretical research model initially proposed is consistent with the survey research practice.

- The observed variables were extracted into 03 factors corresponding to 03 initial factors with Eigenvalues > 1 (Table 3), continuing to confirm the suitability of the theoretical model. And the original research model was kept intact, including: 02 independent variables "Practice of prosecution rights" (PR), "Supervision of judicial activities" (JA) and 01 dependent variable "Protecting constitution" (PC) with a total of 9 observed variables with good statistical significance, which can perform multivariate linear regression analysis to examine the relationship of the scales in the model. The results of the regression analysis are shown in Table 5, which is the basis for the author to draw research conclusions.

Table 5*Multivariate regression results***Coefficients^a**

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	VIF
		B	Std. Error	Beta			
1	(Constant)	1.201	.282		12.342	.000	
	Practice of prosecution rights (PR)	.523	.318	.501	10.388	.000	1.854
	Supervision of judicial activities (JA)	.491	.285	.474	9.573	.000	1.794

a. Dependent Variable: Protecting constitution (PC)
R²: 0.752; Durbin-Watson: 2.102

Source: Author's survey results

The data in Table 5 shows that:

+ $R^2 = 0.752$, confirming that the scales "Practice of prosecution rights" (PR), "Supervision of judicial activities" (JA) explain 75.2% of the variation in the scale "Protecting constitution" (PC); VIF = 1.854 and VIF = 1.794 ($1 < VIF < 2$), showing that the regression model does not have multicollinearity; Durbin-Watson = 2.102 ($1 < d < 3$), showing that the regression model does not have autocorrelation, confirming that the scales "Practice of prosecution rights" (PR), "Supervision of judicial activities" (JA) are independent and have the same impact on the scale "Protecting constitution" (PC), confirming the suitability of the theoretical research model with the survey data set.

+ The regression coefficients of the two independent variables "Practice of prosecution rights" (PR), "Supervision of judicial activities" (JA) are both statistically significant Sig. = 0.000 (Sig. < 0.05) and have positive values: B (RP) = 0.523 and B (JA) = 0.491, confirming the positive relationship between the two independent variables "Practice of prosecution rights" (PR), "Supervision of judicial activities" (JA) and 01 dependent variable "Protecting constitution" (PC); hypotheses H1, H2 are accepted; the initial research model continues to be confirmed to be appropriate. The multivariate regression model of this study is determined as: $PC = 1.201 + 0.523*PR + 0.491*JA$.

Based on the regression coefficient (B), it can be seen that the correlation level of independent variables and dependent variables in decreasing order is: "Practice of prosecution rights" (PR), "Supervision of judicial activities" (JA). From the above results of testing, analysis and evaluation, the research conclusion that the author is interested in is:

- Firstly, in general, the People's Procuracy exercises the right to prosecute and supervise judicial activities in parallel, aiming to achieve the goals of protecting the constitution, becoming a mechanism to protect the constitution, becoming a factor directly influencing the processes of protecting the constitution.
- Second, in terms of specific aspects, there are still cases where the People's Procuracy's supervision of judicial activities is not timely or does not have the power to intervene to ensure that the law is strictly enforced. This leads to the situation where there are still cases where investigation, prosecution and execution of judgments are not objective and thorough, reflecting the challenges and limitations in the current Vietnamese judicial system.

These problems may arise from many causes, including some legal provisions that are incomplete, or have loopholes that create conditions for inconsistent application, or even exploitation; coordination between agencies conducting proceedings is sometimes not close and timely, leading to errors in the process of handling cases. From the conclusions of this study, the author discusses the content of policies to increase and balance the functions of prosecution and supervision of judicial activities towards the goal of protecting Vietnam's constitution in a sustainable manner: (1) Fully institutionalize the constitutional functions of the People's Procuracy, linked with accountability and power control mechanisms; supplement regulations on prosecution to direct investigations or the institution of arbitrary prosecution, in accordance with international practice, while clearly defining the boundaries between investigation, prosecution and trial to ensure the independence of each stage of proceedings; (2) Perfecting the legal mechanism for multi-disciplinary judicial supervision, strengthening the right to supervise the enforcement of civil, administrative, economic and labor judgments; clearly defining the responsibilities of judicial agencies in implementing recommendations and protests of the People's Procuracy; if not implemented, there must be an official written explanation; (3) Building a mandatory reporting and feedback mechanism between the court, investigation agency, enforcement agency and the People's Procuracy, creating inter-sectoral cohesion and responsibility.

Protecting the Constitution is the supreme responsibility of the rule of law state, but for the People's Procuracy, it is also a special political-legal mission, closely linked to the nature and functions of the Procuracy. Throughout its development, the People's

Procuracy has contributed to maintaining legal order, protecting justice and the core constitutional values of the socialist state. However, in the face of the changes of the times, this task requires a new approach - from "protecting legality" to "protecting constitutional values". To fulfill this mission well, the People's Procuracy needs to be comprehensively improved in terms of institutions, mechanisms, people and technology. First of all, it is necessary to fully institutionalize constitutional functions, strengthen prosecution responsibilities, control judicial power, and promote the mechanism of initiating lawsuits to protect public interests and vulnerable groups. When the People's Procuracy properly and fully performs its constitutional role, this agency is not only a guardian of the law, but also a "gatekeeper of the constitution", contributing to strengthening people's trust in justice, the rule of law and a modern, humane and transparent Vietnamese judiciary.

REFERENCES

1. Hair, J.F.; Black, W.C.; Babin, B.J.; Anderson, R.E. (2009). *Multivariate Data Analysis*, 7th Edition. Prentice Hall.
2. Lam, N.D. (2003). "On Constitutionalism". *Journal of Legislative Studies*, No.10 (33).
3. JDL - Journal of Democracy and Law (2024). "Building and perfecting the mechanism to protect the Constitution in the spirit of the resolution of the 13th National Party Congress", address <https://danchuphapluat.vn/xay-dung-hoan-thien-co-che-bao-ve-hien-phap-theo-tinh-than-nghi-quyet-dai-hoi-xiii-cua-dang-3440.html>, May 14, 2024.
4. MOJ - Ministry of Justice (2009). "Constitution in the world: Depending on the specific conditions of each country", address <https://moj.gov.vn/qt/tintuc/Pages/thong-tin-khac.aspx?ItemID=1310>, October 6, 2009.
5. POHR - Permanent Office on Human Rights & Ho Chi Minh National Academy of Politics (2015). *Human rights, basic rights and obligations of citizens in the Constitution of Vietnam*. National Political Publisher, Hanoi.
6. JPT - Journal of Political Theory (2018). "Protecting the Constitution contributes to ensuring the sustainability of the political regime", address <https://lyluanchinhtri.vn/bao-ve-hien-phap-gop-phan-bao-dam-su-ben-vung-cua-che-do-chinh-tri-502.html>, March 27, 2018.

7. Quy, T.V. (2023). “Some solutions to ensure the criminal prosecution work of the People's Procuracy”. *Journal of Political Theory*, address <https://lyluanchinhtri.vn/mot-so-giai-phap-bao-dam-cong-tac-kiem-sat-an-hinh-sucua-vien-kiem-sat-nhan-dan-3219.html>, November 14, 2023.
8. Thao, T.P. (2011). “Building state mechanisms to protect the Constitution in the Socialist Republic of Vietnam”, Master's thesis. Faculty of Law, Vietnam National University, Hanoi.
9. Vinh, V.K. (2020). *Legal policy*. Social Science Publisher.
10. VNA - Vietnam National Assembly (2013). *The Constitution of the Socialist Republic of Vietnam*. National Political Publisher - Truth.
11. VNA - Vietnam National Assembly (2015). Penal Code No.100/2015/QH13 dated November 27, 2015.

Authors' Contribution

All authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

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