

LAWFUL RIGHTS AND LEGITIMATE INTERESTS OF CITIZENS IN THE MERGER OF ADMINISTRATIVE UNITS: VIETNAMESE LAW AND PRACTICE IN HO CHI MINH CITY

DIREITOS LEGÍTIMOS E INTERESSES LEGÍTIMOS DOS CIDADÃOS NA FUSÃO DE UNIDADES ADMINISTRATIVAS: LEI E PRÁTICA VIETNAMITA NA CIDADE DE HO CHI MINH

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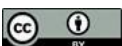
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Abstract

In the context of globalization and ongoing state modernization, the merger and reorganization of administrative units have become central components of administrative reform in Viet Nam. These reforms aim to streamline the state apparatus, enhance governance efficiency, and improve public service delivery. However, beyond their organizational objectives, administrative mergers generate significant legal and social implications, particularly regarding the protection of citizens' lawful rights and legitimate interests. Although the Vietnamese legal framework—grounded in the 2013 Constitution and the Law on the Organization of Local Government—provides a formal basis for adjusting administrative boundaries, it primarily focuses on structural and managerial criteria such as population size and territorial standards. Mechanisms specifically designed to safeguard citizens' rights during transitional periods remain limited. In practice, the merger of district- and commune-level units may directly affect residency rights, civil registration procedures, access to public services, land-use and property rights, and the exercise of complaint and denunciation mechanisms. Without adequate safeguards, such reforms risk undermining legal certainty and continuity in the enjoyment of fundamental rights. The implementation experience in Ho Chi Minh City illustrates the multidimensional challenges of administrative restructuring in a densely populated and rapidly urbanizing environment. Changes in administrative nomenclature and boundaries have required residents to update personal documents and adjust to reorganized public service systems. Transitional inconsistencies have at times created procedural burdens,

Resumo

No contexto da globalização e da modernização contínua do Estado, a fusão e a reorganização de unidades administrativas tornaram-se componentes centrais da reforma administrativa no Vietnã. Essas reformas visam simplificar o aparato estatal, aumentar a eficiência da governança e melhorar a prestação de serviços públicos. No entanto, além de seus objetivos organizacionais, as fusões administrativas geram implicações legais e sociais significativas, particularmente no que diz respeito à proteção dos direitos legais e dos interesses legítimos dos cidadãos. Embora o arcabouço legal vietnamita — fundamentado na Constituição de 2013 e na Lei de Organização do Governo Local — forneça uma base formal para o ajuste das fronteiras administrativas, ele se concentra principalmente em critérios estruturais e gerenciais, como o tamanho da população e os padrões territoriais. Os mecanismos especificamente concebidos para salvaguardar os direitos dos cidadãos durante os períodos de transição permanecem limitados. Na prática, a fusão de unidades distritais e comunais pode afetar diretamente os direitos de residência, os procedimentos de registro civil, o acesso a serviços públicos, o uso da terra e os direitos de propriedade, bem como o exercício dos mecanismos de reclamação e denúncia. Sem salvaguardas adequadas, tais reformas correm o risco de comprometer a segurança jurídica e a continuidade no gozo dos direitos fundamentais. A experiência de implementação na cidade de Ho Chi Minh ilustra os desafios multidimensionais da reestruturação administrativa em um ambiente densamente povoado e em rápida urbanização. Mudanças na nomenclatura e nos limites administrativos



disrupted access to administrative services, and generated uncertainty in land management and urban planning. Vulnerable groups, including migrants and economically disadvantaged residents, may face disproportionate difficulties during these transitions. Moreover, consultation and participation mechanisms, although formally provided for by law, often remain limited in substantive effectiveness, thereby affecting public trust and the perceived legitimacy of reform policies. From a comparative perspective, international experiences—particularly within the European Union, Japan, and South Korea—demonstrate that successful administrative mergers are typically accompanied by robust rights-impact assessments, meaningful community consultation, transitional protection measures, and transparency in decision-making. These approaches align with broader principles of good governance and international human rights standards, which emphasize participation, accountability, and legal certainty. Based on legal analysis and practical observations, several improvements are necessary to ensure that administrative reform does not diminish citizens' rights. These include institutionalizing mandatory rights-impact assessments prior to mergers; strengthening substantive public consultation and participatory mechanisms; ensuring transitional protection of administrative and civil entitlements; enhancing safeguards for property and land-use rights; and reinforcing complaint and access-to-justice systems. Furthermore, integrating digital governance tools and modern urban management models can reduce procedural burdens and improve transparency during administrative transitions. In conclusion, while the merger of administrative units is a necessary step in modernizing governance, it must be implemented within a rights-based framework. Placing citizens' lawful rights and legitimate interests at the center of reform is essential to ensuring that administrative restructuring contributes to sustainable development, social stability, and the consolidation of a rule-of-law state.

Keywords: Administrative Reform. Citizens' Rights. Legal Safeguards. Urban Governance. Viet Nam.

exigiram que os residentes atualizassem seus documentos pessoais e se adaptassem aos sistemas de serviços públicos reorganizados. Inconsistências transitórias, por vezes, criaram entraves processuais, interromperam o acesso aos serviços administrativos e geraram incerteza na gestão territorial e no planejamento urbano. Grupos vulneráveis, incluindo migrantes e residentes economicamente desfavorecidos, podem enfrentar dificuldades desproporcionais durante essas transições. Além disso, os mecanismos de consulta e participação, embora formalmente previstos em lei, muitas vezes permanecem limitados em eficácia substantiva, afetando assim a confiança pública e a legitimidade percebida das políticas de reforma. De uma perspectiva comparativa, as experiências internacionais — particularmente na União Europeia, no Japão e na Coreia do Sul — demonstram que as fusões administrativas bem-sucedidas são normalmente acompanhadas por avaliações robustas de impacto sobre os direitos, consultas comunitárias significativas, medidas de proteção transitórias e transparência na tomada de decisões. Essas abordagens estão alinhadas com princípios mais amplos de boa governança e padrões internacionais de direitos humanos, que enfatizam a participação, a responsabilização e a segurança jurídica. Com base em análises jurídicas e observações práticas, diversas melhorias são necessárias para garantir que a reforma administrativa não diminua os direitos dos cidadãos. Essas melhorias incluem a institucionalização de avaliações obrigatórias de impacto sobre os direitos antes das fusões; o fortalecimento de mecanismos substanciais de consulta pública e participação; a garantia da proteção transitória dos direitos administrativos e civis; o aprimoramento das salvaguardas para os direitos de propriedade e uso da terra; e o fortalecimento dos sistemas de reclamação e acesso à justiça. Além disso, a integração de ferramentas de governança digital e modelos modernos de gestão urbana pode reduzir os encargos processuais e melhorar a transparência durante as transições administrativas. Em conclusão, embora a fusão de unidades administrativas seja uma etapa necessária na modernização da governança, ela deve ser implementada dentro de uma estrutura baseada em direitos. Colocar os direitos legais e os interesses legítimos dos cidadãos no centro da reforma é essencial para garantir que a reestruturação administrativa contribua para o desenvolvimento sustentável, a estabilidade social e a consolidação de um Estado de Direito.

Palavras-chave: Reforma Administrativa. Direitos dos Cidadãos. Salvaguardas Legais. Governança Urbana. Vietnã.

1 INTRODUCTION

In the context of globalization and the imperative to modernize state governance, reforms of the administrative apparatus and the reorganization of administrative units have been regarded as key measures to enhance managerial efficiency, streamline the state structure, and promote socio-economic development. Many countries have implemented territorial administrative restructuring programs as part of broader public governance reforms, with the aim of optimizing resources, improving the quality of public service delivery, and strengthening local-level administrative capacity.

In Viet Nam, policies on the merger and reorganization of district- and commune-level administrative units in recent years have been vigorously implemented pursuant to resolutions of the National Assembly and the Standing Committee of the National Assembly. This represents an important step in the ongoing process of state administrative reform, reflecting a broader trend toward the reconfiguration of governance space to align with new development conditions, particularly in the context of rapid urbanization and the demand for effective governance in major urban centers such as Ho Chi Minh City.

However, alongside organizational and structural benefits, the merger of administrative units also gives rise to significant legal and social challenges, especially in relation to the lawful rights and legitimate interests of citizens. In practice, changes in administrative boundaries may directly affect residency rights, access to public services, civil status procedures, property and land rights, as well as mechanisms for complaints and denunciations. In the absence of adequate legal safeguards and effective enforcement mechanisms, administrative reform through the merger of administrative units may risk disrupting or adversely affecting the exercise of citizens' fundamental rights.

Although the issue of administrative unit reorganization has been addressed in several domestic studies, existing scholarship has primarily focused on institutional structure and state management efficiency, while insufficient attention has been paid to

the legal implications of mergers for human rights and citizens' rights under international standards. Furthermore, in-depth research on implementation practices in special urban areas such as Ho Chi Minh City—where high population density and complex urban governance pose additional challenges—remains limited. This constitutes a research gap that warrants further clarification, particularly in the context of Viet Nam's ongoing efforts to build a rule-of-law state and its commitments to the protection of human rights.

Against this backdrop, this article aims to analyze the legal foundations for safeguarding the lawful rights and legitimate interests of citizens during the process of administrative unit mergers under Vietnamese law, while also examining implementation practices in Ho Chi Minh City. On that basis, the study assesses the compatibility of the current legal framework with the requirements of citizens' rights protection, identifies shortcomings in practical application, and proposes recommendations for improving both legal regulations and enforcement mechanisms to ensure that administrative reform is carried out effectively without diminishing the legitimate rights and interests of the people.

2 LITERATURE REVIEW

In international legal scholarship and public governance studies, the reform of territorial administrative organization through the merger, adjustment, or restructuring of administrative units has been extensively examined from multiple perspectives. Such reforms are commonly approached as part of the broader process of modernizing state governance, aimed at enhancing managerial efficiency, optimizing public resources, and improving the quality of public service delivery at the local level.

One important line of research focuses on the relationship between administrative unit reform and models of modern governance. Scholars in the field of public governance argue that the restructuring of administrative boundaries is not merely a technical reorganization of the state apparatus, but also reflects a transformation in the way the state exercises public authority—from traditional administrative management toward polycentric governance and citizen-centered governance. In this context, the principle of good governance is regarded as a key standard for assessing the legitimacy and effectiveness of administrative reform programs.

At the same time, numerous international studies emphasize that territorial administrative reforms often produce far-reaching impacts on human rights and citizens' rights, particularly the right of access to public services, the right to participate in decision-making processes, and the right to legal certainty. Some research indicates that if the merger of administrative units is implemented without transparency, without mechanisms for community consultation, or without transitional safeguards for affected interests, such reforms may increase the risk of social conflict and erode public trust in local authorities.

Furthermore, comparative studies in Europe and East Asia reveal significant differences in how countries design mechanisms to protect citizens' rights during administrative mergers. In many jurisdictions, reforms are considered legitimate only when accompanied by local democratic procedures, social impact assessment mechanisms, and measures to safeguard the rights and interests of affected residents. This demonstrates that administrative reform cannot be separated from the requirement to protect human rights in accordance with international legal standards.

However, in the context of developing countries, particularly in Southeast Asia, research on the rights implications of administrative unit reform remains limited. Most studies concentrate on state management efficiency and institutional reform, while a rights-based approach has not yet been fully explored. In the case of Viet Nam, existing research has primarily addressed the reorganization of administrative units from the perspectives of institutional structure, decentralization, and administrative efficiency. In contrast, in-depth analyses of the lawful rights and legitimate interests of citizens in the context of administrative mergers—especially from the practice of major urban centers such as Ho Chi Minh City—remain a significant gap in international academic discourse. Therefore, examining this topic is not only of practical relevance to the process of administrative reform in Viet Nam, but also contributes to international debates on local governance and the protection of citizens' rights in the context of administrative restructuring.

3 RESEARCH QUESTIONS & METHODOLOGY

3.1 Research questions

Based on the identified research gap and the need to analyze the legal implications of administrative unit mergers for citizens' rights, this article addresses the following research questions:

1. How does the merger of administrative units under current Vietnamese law affect the lawful rights and legitimate interests of citizens?
2. What shortcomings in the protection of citizens' lawful rights and legitimate interests are revealed by implementation practice in Ho Chi Minh City?
3. From a comparative perspective and in light of international standards on good governance and human rights, which legal mechanisms should Viet Nam further refine to ensure that administrative reform does not undermine citizens' rights?

These questions guide the study through an approach that combines legal analysis with an evaluation of implementation practices.

3.2 Methodology

3.2.1 Case study approach

The study selects Ho Chi Minh City as a representative case to examine the practical implementation of administrative unit mergers in the context of a special urban area. Analysis of a concrete case allows for an assessment of the gap between the legal framework and actual implementation, particularly in relation to the administrative and civil rights and interests of residents.

3.2.2 Comparative law method

The article draws on selected international experiences concerning the protection of citizens' rights in the context of administrative boundary reforms, and compares them with Vietnamese law and practice. This method serves to evaluate Viet Nam's level of

compatibility with international standards on good governance and human rights protection.

3.2.3 Policy analysis

On the basis of the research findings, the article proposes recommendations for improving legal regulations and enforcement mechanisms to ensure that administrative reform through the merger of administrative units is implemented effectively while fully safeguarding citizens' lawful rights and legitimate interests.

4 VIETNAM'S LEGAL FRAMEWORK FOR SAFEGUARDING CITIZENS' RIGHTS IN THE PROCESS OF ADMINISTRATIVE UNIT MERGERS

In recent years, the merger, adjustment, and reorganization of administrative units in Viet Nam have been implemented within the broader framework of administrative reform and the streamlining of the state apparatus. This process is grounded in constitutional principles concerning the organization of local government, while also being governed by specialized legal instruments and resolutions of the National Assembly.

4.1 Constitutional foundations for citizens' rights and the organization of administrative units

The 2013 Constitution affirms that the Socialist Republic of Viet Nam is a socialist rule-of-law state of the People, by the People, and for the People. Human rights and citizens' rights are recognized as fundamental and inviolable values that the State respects, protects, and guarantees.

At the same time, the Constitution provides for the system of territorial administrative units and local government organization, thereby establishing the legal basis for the State's authority to adjust administrative boundaries in response to management needs at different stages of development. However, this power must be exercised within constitutional limits and must not diminish citizens' fundamental rights.

Accordingly, administrative reform through the merger of administrative units should be viewed not merely as an issue of institutional organization, but also as a process that directly affects the exercise of citizens' rights in social life.

4.2 Legal framework governing the reorganization of administrative units and the lawful rights and legitimate interests of citizens affected

On the basis of the Constitution, the Law on the Organization of Local Government, and related legal instruments, Vietnamese law provides for the competence, procedures, and conditions for the establishment, dissolution, merger, division, and adjustment of administrative boundaries. In recent years, the National Assembly and its Standing Committee have promulgated numerous resolutions concerning area standards, population size, and plans for reorganizing district- and commune-level administrative units. These resolutions reflect a reform orientation aimed at reducing the number of administrative units that fail to meet statutory criteria while enhancing the effectiveness of local governance.

However, from the perspective of citizens' rights protection, the current legal framework remains primarily focused on organizational and managerial criteria, whereas mechanisms to safeguard the lawful rights and legitimate interests of residents during administrative transitions have not been comprehensively or specifically regulated. The merger of administrative units may affect several categories of citizens' fundamental rights, including:

- The right to residence and civil registration, as changes in administrative nomenclature necessitate adjustments to personal identification documents;
- The right of access to public services, where grassroots administrative bodies are reorganized;
- Property rights and land use rights, in cases where new administrative boundaries influence land-use planning and management;
- The right to lodge complaints and denunciations and to access justice, when residents encounter difficulties in identifying the competent authority for dispute resolution.

These impacts demonstrate that the merger of administrative units is not merely a matter of administrative technique, but is directly related to the protection of legal certainty and the continuity of citizens' rights.

4.3 General assessment of legal gaps

Although Vietnamese law has established a legal basis for the merger of administrative units, significant gaps remain in the design of mechanisms to protect citizens' rights, particularly with respect to: mandatory community consultation procedures; ex ante rights-impact assessment prior to mergers; transitional safeguards during administrative changes; and the provision of legal and administrative assistance to residents following mergers. These gaps underscore the need for further legal refinement to ensure that administrative reform does not diminish the lawful rights and legitimate interests of citizens.

5 IMPLEMENTATION PRACTICE IN HO CHI MINH CITY

5.1 Ho Chi Minh City as a representative case study in administrative unit reform

Within the process of state administrative reform in Viet Nam, the reorganization and merger of district- and commune-level administrative units have been regarded as central measures aimed at streamlining the state apparatus, enhancing governance efficiency, and meeting development demands in the new period. Ho Chi Minh City, as a special urban area, the country's largest socio-economic center, and a locality characterized by rapid urbanization and high population density, represents a typical case that vividly reflects the multidimensional impacts of administrative unit mergers on the lawful rights and legitimate interests of citizens.

Unlike rural localities or areas with relatively low population density, the reorganization of administrative units in Ho Chi Minh City takes place within a context of complex urban governance, where issues relating to urban planning, land management, migrant populations, public service provision, and social security are closely intertwined. Accordingly, administrative reform in Ho Chi Minh City raises not only questions of

organizational efficiency but also demands a higher level of protection of citizens' rights, in order to prevent disruptions to residents' legal and social lives.

The selection of Ho Chi Minh City as a case study is therefore significant both practically and academically. This case enables a clearer assessment of the degree of compatibility between the current legal framework and implementation practice, while also providing empirical data for international comparative discussions on urban governance and the protection of human rights in the context of administrative restructuring.

5.2 Context and characteristics of the implementation of administrative unit mergers in Ho Chi Minh City

The process of administrative unit mergers in Ho Chi Minh City has been carried out within the framework of resolutions of the National Assembly and its Standing Committee concerning the reorganization of administrative units that do not meet statutory standards regarding area and population size. In practice, many wards and communes in the city are small in area yet densely populated, while in other cases there exist significant disparities in population size between adjacent administrative units. This situation necessitates the reorganization of governance space to ensure a more rational allocation of resources, improve administrative effectiveness, and reduce fragmentation in urban management.

However, administrative reform in a major metropolis such as Ho Chi Minh City also unfolds under specific conditions: substantial population fluctuations due to migration, high demand for public services, complex land management and urban planning systems, and significant socio-economic diversity between inner-city and peri-urban areas. Consequently, the impacts of administrative unit mergers in Ho Chi Minh City extend beyond mere changes in administrative boundaries, directly affecting residents' legal lives, economic interests, and access to public services.

5.3 Practical impacts on citizens' lawful rights and legitimate interests

Implementation practice in Ho Chi Minh City indicates that the merger of administrative units has generated a range of noteworthy legal and social consequences, particularly in relation to key categories of citizens' fundamental rights.

First, impacts on administrative procedures and the continuity of personal legal status

One of the most common issues arising after administrative mergers is the change in administrative nomenclature, which entails the need to update information in citizens' personal documents such as citizen identification cards, birth certificates, residence certificates, civil status records, and other related documents. Although Vietnamese law adopts the policy that residents are not required to change all documents simultaneously or immediately, in practice the lack of uniform guidance and application among administrative bodies has generated considerable difficulties.

In Ho Chi Minh City, where administrative and civil transactions occur at high frequency, inconsistencies between old and new administrative address information have at times created obstacles in activities such as business registration, banking transactions, property-related procedures, and other civil legal relations. This increases the procedural burden on residents and undermines the principle of legal certainty, which constitutes a key standard in the protection of citizens' rights.

Second, disruptions in access to public services and grassroots governance

The reorganization of ward- and commune-level administrative units often entails the restructuring of grassroots governmental bodies, the relocation of administrative service points, and the reassignment of civil servants. During the transitional period, residents may encounter difficulties in identifying the competent authority responsible for handling administrative procedures, particularly with regard to essential services such as residence registration, document issuance, certification procedures, and the implementation of social welfare policies.

For vulnerable groups, including the elderly, migrant workers, and persons in disadvantaged circumstances, such changes may create significant barriers to accessing public services. This underscores the need for administrative reform to be accompanied

by transitional support mechanisms to ensure that no social group is excluded or disproportionately affected during the process of administrative restructuring.

Third, impacts on economic interests, land rights, and urban planning

In the context of Ho Chi Minh City, where land values are high and urban planning is subject to rapid change, adjustments to administrative boundaries are sometimes associated with changes in planning management, budget allocation, and infrastructure development policies. These developments may directly affect citizens' economic rights and interests, particularly in relation to land-use rights, property ownership, and the right to compensation in land clearance and resettlement projects.

Certain cases indicate that changes in administrative units may lead to adjustments in land-use plans or urban management mechanisms, thereby influencing property values and the lawful interests of residents. Administrative reform in this field therefore requires a high degree of transparency and mechanisms to safeguard property rights in accordance with international legal standards.

Fourth, limitations in consultation mechanisms, citizen participation, and the protection of rights in complaint and dispute resolution

A notable issue in practice in Ho Chi Minh City is the limited level of substantive citizen participation in decision-making processes concerning administrative mergers. Although the law provides for voter consultation, in many instances such mechanisms remain largely formalistic and do not ensure that residents are fully informed, have opportunities for meaningful discussion, or can provide substantive feedback.

In modern public governance, citizen participation is not merely an administrative procedure but a core factor underpinning the legitimacy of reform policies. The absence of effective consultation mechanisms may increase social skepticism and erode public trust in local authorities.

At the same time, implementation practice in Ho Chi Minh City indicates a growing risk of complaints and disputes related to administrative competence, land interests, and the implementation of transitional policies. In this context, mechanisms for complaint settlement, denunciation procedures, and access to justice assume particular importance in ensuring that citizens' rights are not infringed during the reform process. However, legal aid and support systems for residents during the transition period remain

limited, especially for vulnerable groups and individuals with restricted access to legal information.

In summary, the case of Ho Chi Minh City clearly demonstrates that the merger of administrative units constitutes a reform process with multidimensional impacts. While the objectives of streamlining the state apparatus and enhancing governance efficiency are necessary, the absence of adequate mechanisms to safeguard citizens' rights may lead to unintended consequences, including disruptions in public services, increased procedural burdens, and potential conflicts of interests. This case study therefore underscores that administrative reform should be implemented on the basis of a rights-based approach and closely linked to principles of good governance such as transparency, accountability, and community participation.

The study of Ho Chi Minh City makes an important contribution to academic discourse on administrative reform in Viet Nam in three respects: first, it incorporates a human rights-based perspective into the analysis of administrative unit reform; second, it provides empirical evidence from a special urban area to inform international comparative dialogue; and third, it lays the groundwork for recommendations to improve legal and policy frameworks aimed at safeguarding citizens' rights in the process of administrative restructuring.

6 EXPERIENCES FROM THE EUROPEAN UNION (EU), JAPAN, AND SOUTH KOREA, AND RECOMMENDATIONS FOR IMPROVING LEGAL AND INSTITUTIONAL MECHANISMS FOR THE PROTECTION OF CITIZENS' RIGHTS IN VIET NAM

6.1 Experiences from the European Union (EU), Japan, and South Korea

In **Europe**, reforms of administrative units are often associated with the principle of local democracy as recognized in the European Charter of Local Self-Government. Adjustments to administrative boundaries are considered legitimate only when they respect local self-government and ensure substantive participation of residents. Many EU countries employ mechanisms such as local referendums, mandatory consultation procedures, and ex ante rights-impact assessments prior to administrative mergers. At the

same time, transitional policies are designed to ensure the continuity of public services and the administrative rights of residents. Compared with this model, Viet Nam still lacks rights-impact assessment mechanisms and institutional safeguards for local self-government in the merger process. This highlights the need for legal reform aimed at strengthening grassroots democracy and policy transparency.

Japan provides a notable example through the large-scale “Heisei mergers.” These reforms were implemented to reduce the number of municipalities and enhance local governance efficiency. A distinctive feature of the Japanese experience is that mergers were consistently accompanied by financial support mechanisms from the central government for newly merged localities, long-term transitional policies to prevent disruptions in public services, and communication and community consultation programs designed to foster social consensus. Japan’s experience demonstrates that the success of administrative reform depends not only on organizational restructuring decisions but also on ensuring social stability and the protection of residents’ interests during the transitional period.

South Korea’s experience is particularly marked by its emphasis on urban governance and citizen participation. In the context of rapid urbanization, South Korea has undertaken multiple administrative boundary reforms while highlighting the role of urban governments and participatory mechanisms at the grassroots level. Administrative reforms are typically associated with multi-layered community consultation mechanisms, the application of digital technologies to enhance transparency and access to information, and strengthened measures to protect the rights and interests of urban residents during administrative changes. This experience is especially relevant for Ho Chi Minh City, where administrative reform needs to be closely integrated with modern urban governance and the safeguarding of citizens’ access to public services.

6.2 Recommendations for improving the legal framework and mechanisms to safeguard citizens’ rights in Vietnam during the merger of administrative units

In the context of Vietnam’s ongoing efforts to build a socialist rule-of-law state and deepen international integration, ensuring that administrative reform programs do not undermine citizens’ rights constitutes a principled requirement. It is therefore necessary

to further refine the legal framework and enforcement mechanisms in accordance with a **rights-based approach**, placing citizens at the center of the reform process. Based on an analysis of current legislation, practical implementation in Ho Chi Minh City, and reference to international standards, this article proposes several key recommendations as follows:

First, institutionalizing rights impact assessment as a mandatory requirement in administrative unit reform, and improving substantive consultation mechanisms while strengthening citizens' participatory rights

One notable limitation of current Vietnamese law is that proposals for the merger of administrative units are primarily formulated on the basis of administrative–technical criteria such as territorial size, population scale, and the objective of streamlining the state apparatus. Meanwhile, the impacts on the lawful rights and interests of citizens have not been systematically or comprehensively assessed.

Accordingly, Vietnam should introduce a human and citizens' rights impact assessment mechanism as a mandatory step prior to decisions on administrative mergers. This mechanism would aim to:

- identify categories of rights that may be directly affected (residence, civil status registration, land rights, access to public services);
- anticipate legal and social risks arising during the transitional period;
- design appropriate safeguard measures to prevent infringements upon citizens' legitimate rights and interests.

Codifying rights impact assessment would not only enhance the constitutional and legal conformity of reform policies but also align with international trends in rights-based public governance and state accountability.

Regarding the improvement of substantive consultation mechanisms and the strengthening of citizens' participatory rights, modern public governance recognizes citizens' participation in decision-making as a core element underpinning the legitimacy of reform policies. In Vietnam, although the law provides for voter consultation when adjusting administrative boundaries, this mechanism remains largely formalistic in practice and lacks the conditions necessary for meaningful participation.

Therefore, legislation should be improved in the following directions: clearly stipulating the obligation to fully disclose information on merger proposals, including

anticipated impacts on residents' rights and interests; establishing mandatory community consultation procedures with the participation of social organizations and residents' representatives; and ensuring that citizens' opinions have practical value in adjusting or refining merger plans. Strengthening consultation mechanisms not only contributes to protecting participatory rights in line with international standards such as the ICCPR but also fosters social consensus and reduces complaints and conflicts during the reform process.

Second, ensuring transitional protection of entitlements and the continuity of administrative and civil rights

A major challenge in the merger of administrative units is the risk of disruption to citizens' administrative entitlements due to changes in place names, boundaries, and the structure of local authorities. In practice, residents may encounter difficulties in updating personal documents, carrying out administrative procedures, or accessing public services during the transition period.

Therefore, the law should establish mechanisms to ensure transitional protection of rights, including: recognizing the continued validity of existing administrative documents to avoid the burden of simultaneous mass replacement; simplifying procedures for updating address and civil status information, thereby reducing compliance costs for citizens; and organizing special administrative support mechanisms in merged areas, particularly for vulnerable groups. A clear transitional framework would help ensure legal certainty and the continuity of citizens' rights, while preventing inequalities in access to public services.

Third, strengthening the protection of property rights and land-use rights in the context of administrative boundary adjustments, and improving complaint, denunciation, and access-to-justice mechanisms during the merger process.

In large urban centers such as Ho Chi Minh City, the merger of administrative units may be closely associated with adjustments in urban planning, budget allocation, and development policies. This may affect citizens' property rights and land-use rights, particularly in areas experiencing significant fluctuations in land value.

Accordingly, it is necessary to further refine the legal framework and oversight mechanisms in order to:

- ensure that adjustments to administrative boundaries do not arbitrarily generate disadvantages affecting residents' economic interests;
- enhance transparency in planning decisions and land-related policies associated with administrative mergers;
- establish mechanisms for controlling administrative power so as to prevent the misuse of boundary reform as a means of creating inequalities in the enjoyment of rights and interests.

The protection of property rights in the context of administrative reform is not only a constitutional requirement but also consistent with international standards concerning the protection of ownership and the maintenance of social stability.

The merger of administrative units may give rise to disputes relating to administrative competence, land-related interests, or access to public services. In this context, complaint-handling mechanisms and access to justice play a particularly important role in ensuring that citizens can effectively defend their rights and interests. Vietnam in general, including Ho Chi Minh City, should: strengthen complaint-resolution capacity at the grassroots level during the transitional period; ensure transparency and accountability of local authorities; and expand legal aid programs for vulnerable groups in merged areas. Effective access-to-justice mechanisms will contribute to minimizing social conflict and strengthening public trust in administrative reform.

Fourth, orienting reform toward a modern urban governance model and the application of digital technology

In the context of rapid urbanization and the need to improve governance effectiveness in special urban centers such as Ho Chi Minh City, the merger of administrative units should be viewed not merely as a measure to streamline the state apparatus, but also as an opportunity to promote a modern model of urban governance. In line with international trends, modern urban governance emphasizes transparency, inclusiveness, community participation, and effective public service delivery, with citizens placed at the center of governance processes.

Accordingly, Vietnam should approach administrative unit reform in conjunction with innovations in urban governance, particularly by strengthening the managerial capacity of grassroots authorities after mergers, ensuring effective coordination among different levels of government, and minimizing disruptions in public service provision.

Administrative reform can only achieve sustainability when it is associated with improvements in the quality of local governance and a better response to the needs of urban residents.

An important component of this orientation is the application of digital technology to support the administrative transition. In practice, the merger of administrative units often entails changes in residence information, administrative addresses, and population management systems, thereby creating the risk of complex procedures and increased compliance burdens for citizens. The development of digital government and integrated administrative data systems can help mitigate these difficulties by enabling automatic data updates, ensuring interoperability among state agencies, and reducing the need for citizens to manually adjust their documents.

Moreover, digital technology also contributes to enhancing transparency and citizen participation in the reform process. Online consultation platforms, public information disclosure systems, and electronic feedback mechanisms can enable citizens to access administrative decisions more fully and provide substantive input. Thus, orienting reform toward a modern urban governance model combined with the application of digital technology not only improves organizational efficiency but also constitutes an important solution for safeguarding citizens' rights and strengthening social trust throughout the process of administrative unit mergers.

7 CONCLUSION

The process of merging and reorganizing administrative units constitutes a central component of ongoing state administrative reform in Vietnam, aimed at streamlining the state apparatus, enhancing governance effectiveness, and meeting development demands in the new period. However, as this study has demonstrated, administrative reform through adjustments of administrative boundaries is not merely an organizational or technical change, but a process with far-reaching implications for the lawful rights and interests of citizens. In the context of building a rule-of-law state and deepening international integration, ensuring that reform programs do not diminish citizens' rights has become a fundamental principle that must be placed at the center of reform efforts.

The case of Ho Chi Minh City provides a representative illustration of the complexity and multidimensional nature of administrative unit mergers in a special urban setting. As the country's largest socio-economic center, characterized by high population density, rapid urbanization, and significant demand for public services, Ho Chi Minh City faces not only pressure to improve the efficiency of its administrative structure but also specific challenges related to urban governance, land management, planning, and the protection of social welfare. This context renders the impacts of administrative mergers in the city more visible, particularly with respect to citizens' administrative, civil, and economic rights.

Practical implementation in Ho Chi Minh City shows that although the policy of mergers is intended to streamline the apparatus and enhance managerial capacity, the transitional process may generate considerable difficulties, including disruptions in administrative procedures, inconsistencies in the adjustment of personal documents, limitations in access to public services, and potential effects on land- and property-related rights. Moreover, mechanisms for consultation and meaningful public participation in decision-making remain limited, thereby reducing policy legitimacy and the level of social consensus surrounding reform. These issues reflect a certain gap between the existing legal framework and implementation practice in large urban areas. While Vietnamese law has established the legal basis for administrative unit mergers, it still lacks specific mechanisms to safeguard transitional rights, conduct *ex ante* rights impact assessments, and support citizens during the transitional period. Accordingly, the case of Ho Chi Minh City underscores that administrative reform can only achieve sustainability when grounded in a rights-based approach, in which the lawful rights and interests of citizens are fully protected as a key criterion for policy evaluation.

From a comparative perspective, the study indicates that principles of good governance promoted by the OECD, obligations to protect participatory rights under the ICCPR, and experiences of administrative boundary reform in the EU, Japan, and South Korea all emphasize the roles of transparency, community consultation, transitional arrangements, and accountability in administrative restructuring. This suggests that Vietnam, particularly in major urban centers such as Ho Chi Minh City, should continue to refine its legal framework and implementation mechanisms in a citizen-centered

direction, strengthen meaningful public participation, and ensure the continuity of administrative and civil rights.

In the future, administrative unit mergers in Ho Chi Minh City should be oriented toward a modern model of urban governance combined with the application of digital technology in order to reduce procedural burdens, enhance transparency, and improve access to public services. The development of integrated administrative data systems, online consultation platforms, and legal support mechanisms for citizens during the transitional period will contribute to strengthening social trust and ensuring that administrative reform genuinely serves the interests of the urban community.

In sum, the Ho Chi Minh City case study demonstrates that the merger of administrative units is a necessary reform, yet one that simultaneously poses urgent demands for the protection of citizens' rights. The refinement of the legal framework and implementation mechanisms in line with international standards will not only enhance the effectiveness of local governance but also ensure that Vietnam's administrative reform process proceeds consistently with rule-of-law principles and commitments to the protection of human rights in the context of deep international integration.

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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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