

RESEARCH ON LAW PROTECTION IN VIETNAM

PESQUISA SOBRE A PROTEÇÃO JURÍDICA NO VIETNÃ

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Abstract

In a democratic state governed by the rule of law, the spirit of the supremacy of law is a fundamental and important issue, defined in the perspective and actions of every social entity, because the law reflects the will, power, and common values of the people. Protecting the law means protecting the nation's political system, the people's sovereignty, legal order, and fundamental human rights. The protection of the law is carried out by both state entities (state agencies) and other social entities (social organizations, citizens); it is implemented through law enforcement and law enforcement oversight. This study addresses the issue of law protection in two main forms: law enforcement and law enforcement oversight. The theoretical model is designed to analyze the influence of law enforcement and law enforcement oversight on law protection. The author surveyed 450 people from several localities in Vietnam, including Bac Ninh province (Northern Vietnam), Quang Ngai province (Central Vietnam), and Kien Giang province (Southern Vietnam). The survey results showed that people rated the local government's organization of law enforcement positively; however, they rated the level of citizen oversight in the government's enforcement of laws lower. Based on these research findings, the author discusses policy adjustments aimed at promoting democracy and enhancing citizen oversight in the enforcement of laws in Vietnam.

Resumo

Em um Estado democrático de Direito, o espírito da supremacia da lei é uma questão fundamental e importante, que se reflete na perspectiva e nas ações de todas as entidades sociais, pois a lei reflete a vontade, o poder e os valores comuns do povo. Proteger a lei significa proteger o sistema político da nação, a soberania do povo, a ordem jurídica e os direitos humanos fundamentais. A proteção da lei é realizada tanto por entidades estatais (órgãos do Estado) quanto por outras entidades sociais (organizações sociais, cidadãos); ela é implementada por meio da aplicação da lei e da fiscalização da aplicação da lei. Este estudo aborda a questão da proteção da lei em duas formas principais: aplicação da lei e fiscalização da aplicação da lei. O modelo teórico foi concebido para analisar a influência da aplicação da lei e da fiscalização da aplicação da lei na proteção da lei. O autor realizou uma pesquisa com 450 pessoas de várias localidades no Vietnã, incluindo a província de Bac Ninh (norte do Vietnã), a província de Quang Ngai (centro do Vietnã) e a província de Kien Giang (sul do Vietnã). Os resultados da pesquisa mostraram que as pessoas avaliaram positivamente a organização da aplicação da lei pelo governo local; no entanto, avaliaram como inferior o nível de fiscalização dos cidadãos sobre a aplicação da lei pelo governo. Com base nessas conclusões da



Keywords: Law Protection. Law Enforcement. Law Enforcement Monitoring. Vietnam.

pesquisa, o autor discute ajustes nas políticas voltados para a promoção da democracia e o fortalecimento da fiscalização dos cidadãos na aplicação da lei no Vietnã.

Palavras-chave: *Proteção da Lei. Aplicação da Lei. Fiscalização da Aplicação da Lei. Vietnã.*

1 INTRODUCTION

In 1945, Vietnam gained independence, and the Democratic Republic of Vietnam was formed under the leadership of the Communist Party of Vietnam. Power belonged to the people through elected representatives; a democratic regime was officially established. In 1975, the war ended, and in 1976, the unified Socialist Republic of Vietnam was established. The Constitution stipulates that the Vietnamese state is organized and operates based on the principle of democratic centralism; state power belongs to the people, as demonstrated by the people's election of the representative body representing the will and sovereignty of the people – the National Assembly; state agencies, social organizations, and citizens comply with and are protected by law; the state is committed to ensuring human rights and civil rights as stipulated in the constitution and laws (VNA, 2013).

In Vietnam, protecting the law is not only the duty of the state (state agencies) but also the responsibility of the people (social organizations and citizens). The mechanism for protecting the law is manifested in the form of law enforcement and law enforcement supervision. Law enforcement is the primary responsibility of the state; law enforcement supervision is the responsibility of both the state and the people. The organization of law enforcement is clearly defined by law regarding the procedures, content, and methods for implementation by all levels of government, and its practical implementation is stable and effective. However, law enforcement supervision is diverse in terms of the subjects and levels of supervision, becoming a topic of interest for many researchers and administrators; this is also the reason for the author's interest in this study.

2 LITERATURE REVIEW

In the field of legal research, the term "law protection" is commonly used to describe the actions of subjects empowered by law (state organizations, individuals) to carry out necessary activities (law enforcement, law enforcement supervision) to ensure that the law is applied strictly and uniformly. Long, T.Q. (2016) approaches law protection in the form of constitutional protection, affirming that it is the identification of subjects (state agencies, individuals) whose duties and powers to protect the law are directly or indirectly defined, along with the operating methods and conditions ensuring the operation of that system in protecting the law, in order to ensure respect for and preservation of the seriousness of the law, and to prevent and combat all acts of law violation. According to Hung, L.N. (2023), the task of protecting the law is to check and monitor the constitutionality and legality of legal documents and the actions of agencies in the state apparatus, organizations and citizens; state agencies must still be able to control their own actions, while also being able to control the actions of other agencies is necessary in the process of law enforcement.

Thus, the emphasis on law protection is expressed as the measures and methods of action taken by entities to ensure that norms are applied uniformly and strictly. On the part of the state, law protection is manifested through the issuance of constitutional legal documents that do not conflict with existing legal and policy systems, are consistent with practice, and address emerging issues. On the part of the people, law protection is manifested through compliance with the law and the prevention/resistance of legal violations. This study was conducted empirically through surveys of people's opinions to assess the law protection activities at the local level in Vietnam; therefore, the development of content/criteria for law protection is linked to the issuance and implementation of local legal documents. With that in mind, the scale "Law protection" (LP) developed for this study broadly expresses the main implications: Local laws are issued in accordance with the constitution and do not conflict with existing legal and policy systems (LP1); Local laws are issued in accordance with practical realities and address problems arising in practice (LP2); Citizens comply with the law and prevent/combat violations of the law (LP3).

In a deeper analysis of law protection, Vinh, V.K. (2020) affirms that law protection is carried out by many entities, including state agencies (state entities), social organizations, and citizens (social entities); it is implemented through the forms of law enforcement and law enforcement supervision. The operation of law protection entities forms a law protection mechanism, aiming to ensure that the law is strictly enforced, protecting human rights, civil rights, state and social interests from violations, and maintaining social order and justice. This mechanism is defined as including: law enforcement and law enforcement supervision.

- Firstly, law enforcement is the responsibility of the state – its agencies. These agencies are responsible for organizing the implementation, compliance, and ensuring the supremacy of the constitution and laws. Law enforcement encompasses many aspects: Investigation and trial activities (initiating proceedings, investigating, prosecuting, and adjudicating violations of criminal, civil, and administrative laws); Enforcement of judgments (ensuring the execution of court judgments and decisions); Supervision and oversight activities (the procuracy performs the function of supervising compliance with the law in the activities of other agencies); Constitutional protection activities (protecting the constitution, human rights, and civil rights from violations); Support activities (legal assistance, legal education and dissemination, building awareness of law compliance among the people).

Chien, D.V. *et al.* (2006) interpret the protection of the constitution and laws as implying law enforcement measures such as legal propaganda and education; implementing appropriate administrative measures; receiving feedback and explaining responsibility for law enforcement, in order to ensure the supremacy of the constitution and prevent violations of constitutional principles and norms. In practice, in Vietnamese state management, in each law enforcement activity, the content to be implemented is clearly defined in terms of the order and method of implementation, including: Issuing guiding documents, programs, and plans for implementing legal norms; organizing resources for implementation; disseminating and educating about the law; inspecting, checking, handling violations, resolving complaints and petitions regarding compliance with legal documents... (VG, 2012). With that in mind, the scale "Law enforcement" (LE) was designed for this study, implying content related to the timely and effective implementation of local legal documents so that organizations and citizens can quickly and accurately grasp information

and strictly comply with it, including: Local authorities issue guidelines, programs, and plans to implement the content of legal documents in a timely and effective manner (LE1); Local authorities disseminate and educate on the law and organize resources for the implementation of legal documents in a timely and effective manner (LE2); Local authorities conduct inspections, checks, handle violations, and resolve complaints and petitions regarding compliance with legal documents in a timely and effective manner (LE3).

- Secondly, monitoring law enforcement is the responsibility of both state entities (state agencies) and people's entities (social organizations and citizens). The organization of law enforcement is clearly defined by law regarding the procedures, content, and methods for implementation by all levels of government, and its practical implementation is stable and effective. However, monitoring law enforcement is diverse in terms of the subjects involved and the level of supervision varies. In this study, the author focuses on the aspect of monitoring from the citizens' perspective.

In the theoretical framework of a democratic, rule-of-law state, the people are the subjects of state power, using the legal system to supervise and ensure that state agencies perform their functions and duties correctly, protecting their legitimate rights and interests. Therefore, the supervision of law enforcement needs to be widely implemented by the people. According to Ha, N.T. (2020), the process of law enforcement must ensure that the law is put into practice in social life, requiring extensive participation and supervision from the people to ensure the feasibility, consistency, and seriousness of legal documents. According to Vietnamese law, the supervision of law enforcement basically includes monitoring the activities of state agencies and authorized individuals in the implementation of laws; monitoring legal normative documents and the handling of complaints and denunciations from citizens... The Constitution (VNA, 2013) stipulates that the people have the right to supervise law enforcement. Accordingly, they have the right to participate in state and social management, to discuss and make recommendations to state agencies on issues at the local, regional, and national levels. At the same time, the state creates conditions for citizens to participate in state and social management; ensuring openness and transparency in receiving and responding to citizens' opinions and recommendations.

Building upon existing research and legal regulations, the author constructs a scale "Law enforcement monitoring" (LM) that includes key aspects related to the exercise of citizens' rights at the local level: Citizens are empowered to participate in the process of drafting, enacting, and implementing local laws (LM1); The government encourages and mobilizes citizen participation in the process of drafting, enacting, and implementing local laws (LM2); Citizens are empowered and encouraged to participate in discussions and propose community issues so that the locality can enact laws that are appropriate to the practical situation (LM3).

It can be observed that the fundamental issue in the aforementioned studies is that they all analyze law enforcement and law enforcement monitoring with the goal of protecting the law, improving the quality of legal documents, protecting the rights and interests of citizens, protecting democracy and the rule of law, and maintaining social order. With that in mind, this study hypothesizes and affirms that: *Law enforcement (H1) and Law enforcement monitoring (H2) directly influence Law protection, contributing to building a smooth legal system that protects the rights and interests of citizens, protects democracy and the rule of law, and maintains social order.*

Through a comprehensive review of the research, the fundamental aspects of law enforcement are analyzed and clearly explained. Based on the results of this review, the author constructs a theoretical model with two independent variables/scales: "Law enforcement" (LE) and "Law enforcement monitoring" (LM), and one dependent variable: "Law protection" (LP). The scales include nine observed variables designed as survey questionnaires with nine corresponding questions and measured using a 5-point Likert scale: 1 - Strongly disagree; 2 - Disagree; 3 - Neutral; 4 - Agree; 5 - Strongly agree (Table 1, Figure 1).

Table 1

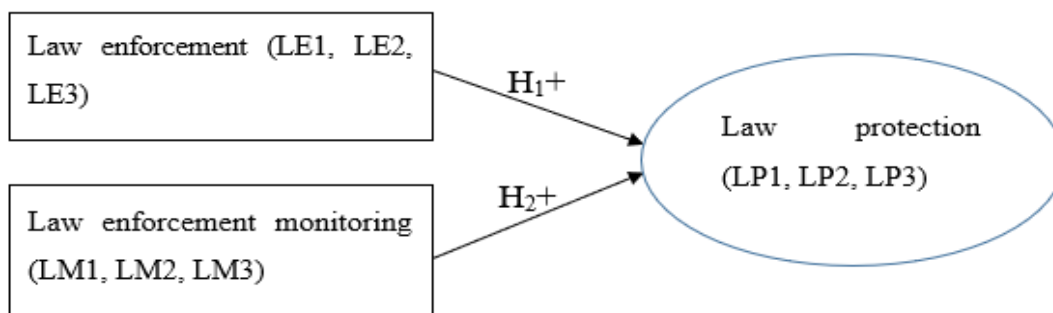
Theoretical framework

No	Scales	Encode	Rating levels				
			1	2	3	4	5
I	Law enforcement	LE					
1	Local authorities issue guidelines, programs, and plans to implement the content of legal documents in a timely and effective manner	LE1					
2	Local authorities disseminate and educate on the law and organize resources for the implementation of legal documents in a timely and effective manner	LE2					
3	Local authorities conduct inspections, checks, handle violations, and resolve complaints and petitions regarding compliance with legal documents in a timely and effective manner	LE3					
II	Law enforcement monitoring	LM					
4	Citizens are empowered to participate in the process of drafting, enacting, and implementing local laws	LM1					
5	The government encourages and mobilizes citizen participation in the process of drafting, enacting, and implementing local laws	LM2					
6	Citizens are empowered and encouraged to participate in discussions and propose community issues so that the locality can enact laws that are appropriate to the practical situation	LM3					
III	Law protection	LP					
7	Local laws are issued in accordance with the constitution and do not conflict with existing legal and policy systems	LP1					
8	Local laws are issued in accordance with practical realities and address problems arising in practice	LP2					
9	Citizens comply with the law and prevent/combat violations of the law	LP3					

Source: Compiled by the author through the review

Figure 1

Research model



3 RESEARCH METHODS

- Qualitative research: The author uses qualitative research by collecting and analyzing secondary data to provide a research overview and build a theoretical model of legal protection.
- Quantitative research: The author uses quantitative research through a survey of 450 people from several localities, including Bac Ninh province (Northern Vietnam), Quang Ngai province (Central Vietnam), and Kien Giang province (Southern Vietnam), to assess the practice of law enforcement in Vietnam.

According to Hair, J.F. *et al.* (2009), in quantitative research, the minimum sample size required is $N = m*5$, where m is the number of observed variables. For this study, the theoretical model consists of 3 scales and 9 observed variables, so the minimum sample size required for the survey is $N = 9*5 = 45$. In practice, the author conducted the official survey with a sample size of $N = 450$ people ($N > 45$), ensuring the reliability of the survey research.

The survey was conducted selectively to collect information from respondents with an education level of high school or higher and who had interacted with local authorities at least twice in the past two years. The survey results yielded 450/450 valid responses, achieving a 100% valid response rate.

4 RESEARCH RESULTS AND DISCUSSION

From the collected survey data, the author tested the reliability of the scales and observed variables in the research model. In quantitative research, scales are considered reliable when they meet the Cronbach's alpha standard > 0.6 ; observed variables are considered reliable when they meet the Corrected Item-Total Correlation standard > 0.3 (Hair, J.F. *et al.*, 2009). The test results show that all three scales and nine 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. Law enforcement (LE)	LE1	450	1	5	4.19	.661	.713	LE1 = .609
	LE2	450	1	5	4.21	.703		LE2 = .554
	LE3	450	1	5	4.11	.711		LE3 = .489
2. Law enforcement monitoring (LM)	LM1	450	1	5	4.04	.714	.675	LM1 = .501
	LM2	450	1	5	3.97	.688		LM2 = .532
	LM3	450	1	5	3.98	.669		LM3 = .487
3. Law protection (LP)	LP1	450	1	5	4.05	.649	.791	LP1 = .582
	LP2	450	1	5	4.03	.702		LP2 = .488
	LP3	450	1	5	4.06	.687		LP3 = .516
Valid N (listwise)		450						

Source: Author's survey results

Statistical data in Table 2 shows that observations of the scales “Law enforcement” (LE), “Law enforcement monitoring” (LM), and “Law protection” (LP) are rated at a mean of ≥ 3.98 , all of which are statistically significant according to the Likert scale (1-5). This indicates that people's opinions contribute to proving that the drafting and promulgation of local legal documents are consistent with the constitution, do not conflict with the existing legal and policy system; are consistent with practice and solve problems arising in practice; people comply with the law and prevent/combat violations of the law.

Specifically, observations from the "Law enforcement" (LE) scale were rated highly: Mean (LE1) = 4.19, Mean (LE2) = 4.21, Mean (LE3) = 4.11; observations from the "Law enforcement monitoring" (LM) scale were rated lower: Mean (LM1) = 4.04, Mean (LM2) = 3.97, Mean (LM3) = 3.98, further demonstrating that:

- Firstly, localities organize law enforcement according to the prescribed general procedures, from issuing guidelines, programs, and plans for implementing legal documents; disseminating and educating the public about the law and organizing resources for its implementation; to conducting inspections, examinations, handling violations, and resolving complaints and petitions regarding compliance with legal documents in a timely and effective manner. This helps people to grasp information promptly and proactively and voluntarily implement policies and laws.

- Secondly, there are limitations in the aspect of law enforcement oversight, as the government has not been highly effective in encouraging and mobilizing public participation in the process of drafting, enacting, and implementing local laws; the effective participation of citizens in discussing and proposing community issues to enable the local government to enact laws that are consistent with reality has not yet been fully realized.

The research and survey results contribute to reflecting the reality of law enforcement in Vietnam, showing that people's monitoring of law enforcement is limited to participation in the process of drafting, promulgating, and implementing local legal documents. At the same time, the government's responsibility to encourage and utilize people's resources in the process of drafting, promulgating, and implementing local legal documents has not been strongly demonstrated. This is also a common situation addressed and analyzed in many studies in Vietnam. In particular, Tu, T.T.C. (2024) and MOJ (2025) assessed that law enforcement monitoring activities lack proactiveness; lack clear regulations; lack flexibility in monitoring methods; and lack transparent mechanisms for receiving and responding to public feedback and sanctions for not accepting public feedback.

With the reliability test results confirmed, the scales and observed variables can be used for further analysis. The author conducted exploratory factor analysis with Varimax rotation to preliminarily assess the unidimensionality, convergent validity, and discriminant validity of the scales, providing further basis for drawing 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.		.749
Bartlett's Test of Sphericity	Approx. Chi-Square	2467.155
	df	36
	Sig.	.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	3.488	38.755	38.755	3.488	38.755	38.755	2.925	32.505	32.505
2	2.936	32.621	71.376	2.936	32.621	71.376	2.782	30.910	63.415
3	1.087	12.074	83.450	1.087	12.074	83.450	1.803	20.035	83.450
4	.508	5.639	89.089						
5	.469	5.209	94.298						
6	.187	2.077	96.375						
7	.161	1.787	98.162						
8	.117	1.301	99.463						
9	.048	.537	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. Law enforcement (LE)	TT1	.861		
	TT2	.866		
	TT3	.874		
2. Law enforcement monitoring (LM)	GS1		.830	
	GS2		.852	
	GS3		.851	
3. Law protection (LP)	PL1			.850
	PL2			.771
	PL3			.773

Extraction Method: Principal Component Analysis.

Rotation Method: Varimax with Kaiser Normalization.

a. Rotation converged in 5 iterations.

Source: Author's survey results

Theoretically, exploratory factor analysis is performed appropriately with the dataset as shown by the values: $0.5 \leq KMO \leq 1$; Bartlett's test has an observed significance level $Sig. < 0.05$; Eigenvalue ≥ 1 ; Total Variance Explained $\geq 50\%$; Factor Loading ≥ 0.5 (Hair, J.F. *et al.*, 2009). Data from Tables 3 and 4 show that:

- The $KMO = 0.749 > 0.5$ confirms that exploratory factor analysis is appropriate for the dataset; the Bartlett test has an observed significance level $Sig. = 0.000 < 0.05$, indicating that the observed variables are linearly correlated with the representative factor. The total variance extracted with Cumulative % = $83.83.450\% > 50\%$ (Table 3) shows that 83.450% of the variation in the

representative factors is explained by the observed variables; all observed variables have Factor Loading > 0.5 (Table 4), indicating that the observed variables are statistically significant. The initial theoretical research model is consistent with the survey research.

- The observed variables were extracted into 3 factors corresponding to the 3 original factors with Eigenvalues > 1 (Table 3), further confirming the suitability of the theoretical model. The original research model was retained, consisting of: 2 independent variables "Law enforcement" (LE), "Law enforcement monitoring" (LM) and 1 dependent variable "Law protection" (LP), with a total of 9 observed variables of good statistical significance. Multiple linear regression analysis could be performed to examine the relationship between the scales in the model. The regression analysis results are shown in Table 5, which forms the basis for the author's research conclusions.

Table 5

Multivariate regression results

Coefficients^a

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.	VIF	
	B	Std. Error	Beta				
1	(Constant)	1.028	.281		12.382	.000	
	Law enforcement (LE)	.523	.314	.477	10.319	.000	1.823
	Law enforcement monitoring (LM)	.478	.296	.449	9.587	.000	1.845
a. Dependent Variable: Law protection (LP) R ² : 0.744; Durbin-Watson: 2.105							

Source: Author's survey results

Table 5 data shows:

+ $R^2 = 0.744$, confirming that the "Law enforcement" (LE) and "Law enforcement monitoring" (LM) scales explain 74.4% of the variation in the "Law protection" (LP) scale; $VIF = 1.823$ and $VIF = 1.845$ ($1 < VIF < 2$), indicating that the regression model does not exhibit multicollinearity; Durbin-Watson = 2.105 ($1 < d < 3$), indicating that the regression model does not exhibit autocorrelation, confirming that the "Law enforcement" (LE) and "Law enforcement monitoring" (LM) scales are independent and influence the "Law

protection" (LP) scale, thus confirming the suitability of the theoretical research model to the survey dataset.

+ The regression coefficients of the two independent variables "Law enforcement" (LE) and "Law enforcement monitoring" (LM) are both statistically significant (Sig. = 0.000, Sig. < 0.05) and positive: $B(LE) = 0.523$ and $B(LM) = 0.478$, confirming a positive correlation between the two independent variables "Law enforcement" (LE) and "Law enforcement monitoring" (LM) and the dependent variable "Law protection" (LP); hypotheses H1 and H2 are accepted; and the initial research model continues to be confirmed as appropriate. The multivariate regression model of this study is determined as: $LP = 1.028 + 0.523*LE + 0.478*LM$. The correlation levels of the independent and dependent variables in decreasing order are: "Law enforcement" (LE), "Law enforcement monitoring" (LM).

From the above analysis and verification results, the author's research conclusion is: (1) In the overall aspect, localities build, promulgate, and implement legal documents in accordance with the constitution, without conflicting with the existing system of laws and policies; in accordance with practice and solving problems arising in practice; people comply with the law, prevent/combat violations of the law, thereby maintaining and promoting the effectiveness of law protection activities; (2) In the specific aspect, there is a limitation in the aspect of monitoring law enforcement, that the government has not been effective in encouraging participation and mobilizing people's participation in the process of building, promulgating, and implementing legal documents at the local level; people's participation in discussing and proposing community issues for localities to promulgate legal documents in accordance with practice has not yet been effectively promoted.

The above reality is directly affecting the protection of the law and directly affecting the promotion of active participation of citizens in the process of building, promulgating, and implementing legal documents at the local level. Based on the conclusions of this research, the author discusses the content of policy adjustments aimed at promoting the proactive and positive role of citizens in monitoring law enforcement, contributing to ensuring the uniformity and strictness of the law and building a legal system that accurately reflects practical needs. Two solutions are mentioned: (1) Building and implementing transparent mechanisms to encourage and mobilize citizens' participation in the process of building, promulgating, and implementing legal documents

at the local level; (2) Building and implementing transparent mechanisms for accountability of localities in receiving social feedback from citizens.

When these issues are handled transparently, and citizens are valued in the process of drafting, enacting, and implementing local laws, citizen oversight of law enforcement will have both principled and practical weight. In reality, Vietnam's legal system has general provisions regarding the responsibility to receive social feedback from citizens; however, there are no specific, detailed regulations on the timeframe, criteria for receiving feedback, and mechanisms for accountability from agencies that draft, enact, and implement laws. Therefore, implementing the two aforementioned solutions will have practical significance in state management in Vietnam.

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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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