

Perspectives and orientations for improving the legal system to meet the requirements of national governance reform towards a modern, effective, and efficient direction

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● **Abstract:** Improving Vietnam's legal system to align with the requirements of modernizing national governance towards greater effectiveness and efficiency will play a crucial role in fostering and enabling a transparent legal environment for socio-economic development. A well-developed legal system will enhance feasibility, reduce cumbersome procedures, and promote administrative reform. This will not only protect the legitimate rights of citizens and businesses but also strengthen social trust. A modern legal system that conforms to international standards will also enable Vietnam to proactively and actively integrate deeply into the global economy, creating conditions for the country's sustainable development.

● **Keywords:** legal system, national governance

1. Introduction

The Vietnamese legal system is understood as the totality of legal documents promulgated by competent state entities (at the central and local levels)⁽¹⁾. The Vietnamese legal system aims to regulate social relations arising in social life according to objectives and directions. Composed of legal norms, the system is unified and coherent, reflecting the characteristics of the socialist rule-of-law state in Vietnam, which serve the goals of national development, protecting human rights and civil rights, and ensuring social justice.

Currently, national governance reform is oriented towards shifting from a traditional administrative management model to a modern one, with a focus on: a socialist rule-of-law state; a digital government and digital administration; enhanced transparency and accountability; and the guarantee of human rights and civil rights. In this context, a “modern, effective, and efficient” legal system aims for a system that is: Modern - conforming to international standards, digitizing the process of lawmaking and enforcement; Effective -

laws are enacted within the proper authority and have binding force; and Efficient - laws must be effective in practice, helping to solve social problems and promote sustainable development.

Improving the legal system to meet the requirements of national governance reform towards modernity, effectiveness, and efficiency is a proactive process of comprehensively, synchronously, and promptly amending, supplementing, repealing, or enacting new legal norms. The aim is to build a legal system capable of regulating complex social relations, effectively serving the reform of national governance methods, ensuring the State operates effectively and efficiently, and adapting to the new context of socio-economic development, digital transformation, and international integration.

Improving the legal system in the context of national governance reform requires the implementation of a series of key contents, manifested in many aspects: perfecting a synchronous, unified, and modern legal system; reforming legislative thinking towards modern national governance; improving the quality of drafting and promulgating legal documents; strengthening the organization of law enforcement and effective control of implementation; reforming the mechanisms of assignment, coordination, delegation of power, and decentralization in state governance; perfecting laws in key areas of national governance; and strengthening the role of supervision, criticism, and participation of citizens and society in the process of lawmaking and implementation.

Thus, perfecting the legal system to renovate national governance should not only focus on legal techniques, but must be a comprehensive reform, associated with the transformation of the governance model, ensuring that the law becomes the core tool of a modern rule-of-law state, operating effectively and efficiently and aiming to serve the people and businesses. Therefore, perfecting the legal system in the context of national governance renovation is a strategic, long-term, and comprehensive task that needs to be thoroughly understood and implemented on the basis of consistent and correct guiding principles.

2. Content

2.1. Perspectives on strengthening the legal system to meet the requirements of modern, effective, and efficient national governance

Firstly, ensuring the comprehensive leadership of the Communist Party of Vietnam over the activities of improving legislation

“Ensuring the comprehensive and direct leadership of the Party in the work of lawmaking”⁽²⁾. This is a fundamental and consistent viewpoint throughout the process of building and perfecting Vietnam’s legal system. Law must be a tool to promptly and fully institutionalize the Party’s policies and

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guidelines, because the Communist Party of Vietnam is the leading force of the State and society. The Party's major orientations on economic and social development, national defense, security, and foreign affairs need to be fully and promptly translated into specific, feasible, and practical legal norms. Timely institutionalization ensures that the law keeps pace with the country's development, while full institutionalization guarantees that the spirit of the Party's directives is not distorted. When the Party's policies are realized through law, their implementation will have a solid legal basis, contributing to improved national governance and the building of a socialist rule-of-law State.

Furthermore, reforming legislative thinking needs to be closely linked with reforming national governance thinking towards a modern, effective, and efficient direction. This is an essential requirement in the process of building a socialist rule-of-law State in Vietnam. Modern national governance thinking demands a shift from management to service, creation, and promotion of development. Therefore, modern legislative thinking should not only focus on enacting legal norms but also aim to build laws that serve development and protect human rights and citizens' rights. These two processes go hand in hand and support each other to create an effective, practical legal system that is consistent with the requirements of reform and integration. At the same time, all reforms must be placed within the framework of socialist orientation, ensuring fairness, democracy, and a system for the people, with the people as masters.

Secondly, place citizens and businesses at the center of the legal reform process

Laws must aim to protect the legitimate rights and interests of citizens and businesses; "Legal regulations must be stable, simple, easy to implement, and centered on citizens and businesses"; "avoid creating difficulties for citizens and businesses in policy design and lawmaking"⁽³⁾. The legitimate rights and interests of citizens and businesses are the goal, driving force, and criteria for evaluating the quality and effectiveness of lawmaking and law enforcement, and the foundation of a just, democratic, and civilized society. In a socialist rule-of-law State, law is not only a management tool but also a means to ensure justice and protect people from abuse of power and corruption. When citizens and businesses are protected by law, they can work, produce, invest, and contribute positively to the country's development. Laws need to be clear, transparent, and easily accessible, while eliminating unreasonable regulations that hinder legitimate rights. Protecting legitimate rights and interests is the measure of the humanistic, progressive, and effective nature of the legal system in modern national governance.

In the process of building a modern rule-of-law State, citizen satisfaction and practical effectiveness must be considered the most important measures to assess the quality of the legal system and national governance. Laws are only truly valuable when they solve practical problems, protect the legitimate rights and interests of the people, and promote the stable development of the country. If citizens find the law cumbersome, difficult to access, or unfair, then even if it is meticulously drafted, it can hardly be called effective. Modern governance thinking demands that laws not only be correct in theory but also practical, easy to understand, and feasible in life.

Thirdly, ensuring the “democracy, fairness, consistency, uniformity, openness, transparency, and feasibility of the legal system”⁽⁴⁾

Democracy is reflected in the fact that laws must originate from the legitimate will and aspirations of the people, ensuring their right to self-governance and participation in the process of lawmaking and implementation. Fairness requires that laws be just, unbiased, and protect the legitimate rights and interests of all individuals and organizations in society, especially vulnerable groups. When the legal system ensures democracy and fairness, it will create a foundation for sustainable development, social stability, and strengthen the people's trust in the Party and the State. This is also a measure of the quality of national governance in the context of deep international integration today.

Building a comprehensive and unified legal system is a prerequisite for ensuring stability and effectiveness in state management. This comprehensiveness is reflected in the harmony between legal documents from the central to local levels, and between different areas of law such as administrative, civil, criminal, and economic laws. Unity requires that laws avoid contradictions and overlaps, ensuring they all aim towards the common goal of protecting the legitimate rights and interests of citizens and the national interest. When laws are systematically developed and closely interconnected, legal gaps are minimized, enforcement effectiveness is enhanced, and conflicts in application are reduced. This forms the basis for building a strong and sustainably developing rule-of-law State.

Furthermore, perfecting the legal system based on the principles of openness, transparency, and feasibility is an urgent requirement to enhance the effectiveness and efficiency of state management. Openness and transparency enable citizens and businesses to easily access legal information, creating conditions for them to participate in contributing opinions and monitoring the process of lawmaking and implementation. Feasibility ensures that legal regulations are consistent with practice, can be implemented in daily life, and do not hinder or burden society. When laws are both clear, transparent, and easy to apply, they will strengthen compliance, limit negative practices, and contribute to building a strong socialist rule-of-law State.

Fourthly, closely link lawmaking and law enforcement⁽⁵⁾

It is not enough to simply enact laws; simultaneously improving the effectiveness of law enforcement is essential to ensure the legal system truly fulfills its role. The two stages of lawmaking and enforcement should be considered a unified, interconnected, and effective whole. If laws are fully enacted but not strictly and fairly enforced, they lose their value and the trust of the people. The effectiveness of law enforcement depends on the capacity and responsibility of state agencies, the transparency and fairness in handling cases, and the compliance of citizens and businesses. Therefore, it is necessary to synchronize both lawmaking and enforcement, while strengthening inspection, supervision, and strict handling of violations to create a stable, reliable, and effective legal environment.

Monitoring, evaluating, and promptly adjusting legal norms that are no longer relevant to current practices is a key factor in ensuring a flexible and effective legal system. The rapid pace of societal development means that many legal regulations are no longer appropriate,

and some even hinder development. Without regular review and updating, laws lose their feasibility, leading to difficulties in enforcement and even injustice. Therefore, a robust monitoring mechanism, feedback from practical experience and citizens, and proactive amendments and additions are necessary to ensure that laws remain relevant to reality, meeting the requirements of modern national governance and sustainable development.

Fifthly, proactively and selectively adopt international experiences that are suitable to Vietnam's conditions

“Expanding international cooperation on legal matters”⁽⁶⁾. Actively and selectively adopting international experience in lawmaking and enforcement that is appropriate to Vietnam's specific conditions. The process of improving legislation requires learning from and adopting modern governance experiences from advanced countries and these must be adapted to suit Vietnam's specific political system and socio-economic conditions to enhance the quality and effectiveness of the law. This ensures that the law is both modern and progressive, while also being relevant to reality and meeting the country's development needs. Thus, combining international learning with preserving Vietnam's unique identity and advantages is key to building a sustainable and effective legal system.

Furthermore, the legislative process needs to ensure a harmonious blend of universal values and national characteristics to build a legal system that is both progressive and relevant to Vietnamese society. Universal values such as human rights, fairness, and democracy are fundamental principles widely recognized worldwide, helping Vietnamese law integrate with international trends. At the same time, national characteristics in terms of history, culture, traditions, and political institutions must be respected so that the law is consistent with the country's unique identity and conditions. This combination creates a legal system that is both integrated and retains its distinctive features, contributing to the building of a modern and sustainably developing socialist rule-of-law State.

Sixthly, link legal reform with digital transformation, administrative reform, and international integration

Law must be the foundation for national digital transformation, digital government, digital economy, and digital society. Clear and transparent legal regulations create a favourable environment for the application of new technologies, ensuring information security and protecting the rights of citizens and businesses in the digital environment. When the law is appropriate, the implementation of digital transformation will be more effective, contributing to improved state governance capacity and sustainable socio-economic development in the digital age.

Enhancing the application of information technology in lawmaking and enforcement is essential to improve the efficiency of state management and meet the demands of modern society. Technology makes the process of drafting, consulting, and disseminating laws faster and more transparent. Simultaneously, the application of technology in law enforcement contributes to minimizing negative practices, enhancing fairness, and improving enforcement effectiveness. Through this, the law becomes more accessible and better serves the needs of citizens and businesses.

Ensuring that Vietnamese law is compatible with international commitments and treaties to which Vietnam is a party is crucial for deep integration with the world. This helps enhance Vietnam's prestige and position internationally, while facilitating economic and trade cooperation and sustainable development. Domestic law needs to be adjusted appropriately to both protect national interests and fully fulfill international obligations, contributing to the development of a modern and comprehensive legal system.

These perspectives form the foundation for building a modern, effective, and efficient legal system that plays a key role in enhancing national governance capacity, building a socialist rule-of-law State, and serving sustainable development and international integration.

2.2. Orientation for improving the legal system to meet the requirements of national governance reform towards a modern, effective, and efficient system in Vietnam

Firstly, perfecting the legal system to ensure its uniformity, consistency, modernity, feasibility, flexibility, and rapid adaptation to changing realities and international integration in the new era

Continuing to improve the legal system to ensure its uniformity, consistency, and lack of contradictions and overlaps is an urgent requirement to enhance the effectiveness of national governance. When laws are clearly and consistently developed, their application and enforcement will be smooth, avoiding difficulties for citizens and public authorities. At the same time, a synchronized legal system helps strengthen stability and transparency in society, contributing to consolidating people's trust in justice and the rule of law. This is a crucial foundation for building a modern and sustainably developing socialist rule-of-law State.

Modern law is not only a regulatory tool but also a foundation for fostering creativity and renovation in the digital age. The rapid development of technology creates many new forms of transactions and management, requiring laws to be flexible and adaptable to reality. Laws need to ensure modernity and feasibility to promptly regulate new relationships arising in the digital economy, digital society, and digital government. Developing clear, understandable, and highly applicable regulations helps protect the rights of all stakeholders while promoting the development of the digital economy and modern society.

Building a legal system that is open, flexible, and adaptable to changing realities and international integration is essential for a modern and effective legal system. In the context of a rapidly changing economy and society, the law needs to be able to adjust promptly, avoiding rigidity, and meeting the needs of development while protecting the rights of citizens and businesses. Along with flexibility, the law must also integrate deeply with international standards, enhancing its position and competitiveness on the global stage. This is the foundation for building a modern and sustainably developing socialist rule-of-law State.

Secondly, the 2013 Constitution is the foundation for legal reform

The 2013 Constitution is the fundamental law, possessing supreme legal value, laying the foundation for the entire national legal system. Therefore, legal reforms in the new phase must stem from the provisions and principles of the Constitution, especially those related to:

human rights and civil rights; the labour division, coordination, power distribution, and decentralization among state agencies; the control of power; and the assurance of transparency and accountability. Concretizing these contents through a synchronized, unified, and feasible legal system is a crucial step in perfecting the institutional framework and serving sustainable development. Specifically:

Regarding human rights and civil rights. The Constitution is not only the fundamental law but also the highest standard for ensuring that all enacted legal norms are consistent with the spirit of democracy, humanism, and the rule of law. Legislation must aim to protect the legitimate rights and interests of individuals and must not contradict or diminish constitutionally guaranteed rights. Only when the law correctly and fully concretizes constitutional values can a fair, sustainable, and trustworthy legal system be created.

Regarding the assignment, coordination, delegation of authority, and decentralization among state agencies. This forms the basis for ensuring that state power is organized rationally, without overlapping or abuse, and with effective control mechanisms. The law needs to clearly define the authority, responsibilities, and operational limits of each agency, thereby enhancing the effectiveness and efficiency of state management. Strict adherence to the principle of separation of powers also contributes to building a democratic, transparent, and equitable socialist rule-of-law State.

Regarding the control of power and ensuring transparency and accountability. The law needs to specify mechanisms for checking and supervising power to prevent abuse of power and arbitrariness in the performance of official duties. At the same time, requiring transparency and accountability helps increase the responsibility of state agencies to the people, creating trust in the law and national governance. These are core principles for building a democratic, modern, and fair rule-of-law State.

Thirdly, linking the improvement of legislation with the requirements of reforming the development model, digital transformation, and integration.

The improvement of the legal framework needs to meet the requirements of reforming the economic development model towards sustainability, promoting digital transformation, developing the digital economy, and deeply integrating into the global economy. Resolution 27-NQ/TW dated November 9, 2022, clearly states that the goal is for the legal system to be comprehensively and uniformly improved, with citizens and businesses at its center, serving the goals of rapid, sustainable development, modernization of the country, and adapting to the new context of the times⁽⁷⁾.

Law plays a crucial role in creating a safe, transparent, and stable legal framework for the development of Vietnam's socialist-oriented market economy. The legal system needs to protect property rights, freedom of business, and fair competition, while also regulating to ensure fairness, social welfare, and sustainable development. Lawmaking must strike a balance between promoting growth and protecting public interests, contributing to the goal of a "prosperous people, a strong nation, democracy, fairness, and civilization".

Priority should be given to completing a clear and transparent legal framework to protect the rights of citizens and businesses regarding digital transformation, data,

cybersecurity, electronic transactions, and personal data protection, meeting the requirements of digital economic and social development. Improving these areas will contribute to increased trust and promote sustainable development in the current digital age.

Law is a crucial legal foundation for international integration and national development in the new era. Ensuring legal compliance with international treaties is key to facilitating investment attraction and the development of cross-border trade and services. This compliance helps Vietnam fulfill its international commitments, create a transparent and stable legal environment, and enhance its reputation and competitiveness in the international arena. Simultaneously, it promotes global economic cooperation, contributing to sustainable economic development and deeper integration with the world economy.

Fourthly, promote legislative reform towards professionalism, democracy, openness, transparency, science, and efficiency.

Renovating the process of drafting and promulgating legal documents, combined with the application of digital technology and the broad participation of scientists, businesses, and citizens, is a key factor in improving the quality of legislation. Digital technology helps shorten processing time, facilitates the participation of many stakeholders in providing feedback, and enhances people's access to and understanding of the law. This multi-faceted contribution helps create legal documents that are relevant to reality, meeting the needs of society and economic development. Leveraging collective intelligence contributes to building an effective, modern, and sustainable national governance system. Simultaneously, this process fosters transparency, openness, and strengthens public trust in the legal system.

Enhancing the legislative capacity of the National Assembly and specialization in lawmaking are key factors in ensuring the quality and feasibility of legal documents. Specialization helps representatives and relevant organizations gain in-depth and up-to-date knowledge in specific fields, thereby developing appropriate and effective regulations. At the same time, improved legislative capacity also helps the National Assembly respond promptly to rapid societal changes, contributing to the development of a modern, comprehensive legal system that meets the country's development needs.

Fifthly, strengthen the organization and enforcement of laws, ensuring that laws are implemented strictly, uniformly, and effectively in practice, and improve the mechanism for controlling state power.

First and foremost, it is necessary to improve the mechanisms for organizing and implementing laws to ensure strictness and effectiveness, meeting the requirements of rapid and sustainable national development⁽⁸⁾.

Enhancing the legislative capacity of the National Assembly and specialization in lawmaking are key factors in ensuring the quality and feasibility of legal documents. Specialization helps representatives and relevant organizations gain in-depth and up-to-date knowledge in specific fields, thereby developing appropriate and effective regulations.

Laws should not merely exist, but must be effectively enforced, with mechanisms for regular monitoring and impact assessment. Regular monitoring and assessment help to promptly identify shortcomings and errors in application, thereby allowing for adjustments and additions to better suit practical realities. This ensures that laws do not become merely formalities but truly deliver results, building trust among citizens and businesses in the rule of law. Effective law enforcement is a key factor in building a modern and sustainably developing socialist rule-of-law State.

Improving mechanisms for controlling power and preventing corruption and abuse of power through legislation is a key task to protect the integrity and effectiveness of the state apparatus. Laws need to clearly define the powers, responsibilities, and limits of agencies and individuals within the public administration, while establishing strict and transparent oversight mechanisms. Strictly punishing acts of corruption and abuse of power contribute to enhancing public trust in the law and government and building a clean and strong socialist rule-of-law State.

Enhancing accountability and transparency in the operation of the state apparatus is a key factor in improving governance efficiency and strengthening public trust. Through accountability and transparency, negative practices, corruption, and abuse of power can be curbed, making it easier for citizens to monitor and make contributions to the development of a modern, fair, and efficient administration. This is the foundation for building a democratic and sustainable socialist rule-of-law State.

Sixthly, perfect the institutional framework for decentralization and delegation of power between the central and local governments⁽⁹⁾

Reviewing and amending laws to clearly define responsibilities and powers between different levels of government, avoiding overlapping and shirking of responsibility, is a crucial step in building a modern, professional, and efficient administrative system. When the scope and limits of power of each level are clearly defined, management will be more effective, minimizing conflicts and disputes in the performance of official duties. This contributes to improving the quality of governance, promoting the smooth and transparent operation of the state apparatus, and better serving the interests of the people.

Creating conditions for local governments to exercise initiative and flexibility in local governance while still ensuring the control of power. This helps localities proactively and quickly address the needs and specific characteristics of each region, contributing to socio-economic development. However, there must be a strict mechanism for controlling power to prevent abuse of power, corruption, and protect the legitimate rights of the people. A balance between flexibility in governance and control of power will help build an efficient, transparent state apparatus that better serves the community.

Seventhly, ensure that the law serves the people and businesses, without causing inconvenience or hindering development

The orientation of lawmaking should be centered around citizens and businesses to improve accessibility and effective enforcement. When laws are clear, transparent, and easy to understand, citizens and businesses will find it easier to exercise their rights and

obligations. At the same time, ensuring the legitimate rights of all stakeholders contributes to creating a favourable business environment and promoting sustainable socio-economic development. This is a key element in building a modern, democratic, and equitable socialist rule-of-law State.

Improving the legal framework to create a favourable, transparent, and fair business environment is a crucial foundation for promoting innovation and entrepreneurship. The law needs to eliminate administrative barriers, protect the legitimate rights of businesses and individuals, and encourage healthy competition. A clear and fair legal environment will strongly motivate investors and entrepreneurs to develop initiatives, contributing to the sustainable and effective economic development of the country. This is a solid stepping stone for the development of the digital economy and a modern society.

Promoting legal education and dissemination is a key factor in raising people's legal awareness and capacity. When people understand their rights and obligations, they will voluntarily comply with the law and know how to protect their legitimate interests. This not only contributes to minimizing legal violations but also builds a civilized, fair, and sustainable society. At the same time, enhancing legal capacity helps people actively participate in the process of building and monitoring the implementation of laws, creating a transparent and effective legal environment.

3. Conclusion

The improvement of the legal system, grounded in the Party and State's guiding principles and orientations, meeting the requirements of national governance reform towards a modern, effective, and efficient direction, demonstrating clear, comprehensive, and practical imperatives. This is the foundation for building a modern, effective, and efficient legal system - playing a key role in enhancing national governance capacity, building a socialist rule-of-law State, serving sustainable development, and international integration ■

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● Endnotes:

(1) *The legal system and legislative processes and procedures in Vietnam.*, <https://httpdln.moj.gov.vn>, June 23, 2022.

(2), (3), (4), (5), (6) *Resolution No. 66-NQ/TW dated April 30, 2025, of the Politburo on reforming the work of drafting and implementing laws to meet the requirements of national development in the new era.*

(7), (8), (9) *Central Executive Committee: Resolution No. 27-NQ/TW dated November 9, 2022, of the 6th Plenum of the 13th Central Committee on continuing to build and perfect the socialist rule-of-law State of Vietnam in the new period.*