

  
**CITIZENS' RIGHTS TO PARTICIPATE IN STATE MANAGEMENT IN LOCALITIES IN VIETNAM**

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**Abstract** - *In modern society, public engagement in state administration operations carried out by local authorities is among the fundamental features of the structure and operation of a democratic state. Nonetheless, their degree of populace participation reflects each nation's democracy and civilization. In this study, the author focuses on examining the content and practices of public engagement in management operations carried out by local authorities in Vietnam within the applicable legal frameworks. The author points out constraints, such as the people can take part in and decide on some of the local development management tasks, namely infrastructure construction and undertaking public welfare works funded by themselves; whether they are taken part in the development of programs and projects and request local authorities to examine and carry out them is not clearly stated. The author argues that the issue involving extending people's rights to participate in management activities carried out by local authorities has to be investigated and developed from that practice.*

**Keywords:** *Local government, Human rights, Administration, Vietnam.*

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#### 1. How locals participate in state management and their roles

Involving people's engagement is a task that each governmental agency needs to perform to promote resources for regional development. It will make it easier to create a government that is accessible to the populace and decentralize state management at the local level. Numerous administrative researchers stress encouraging citizens' involvement in local affairs. Ann, O'M.B., et al. (2011) and Cuong, N.V. (2015) contend that encouraging citizen involvement will strengthen the government's responsibilities for formulating, promulgating, and implementing management decisions [1], [2]. As stated by Phuong, N.T. (2018) and Trung, N.S. (2019), it is crucial to create a government that is accessible to the populace, give them greater power, and encourage them to get involved in local development initiatives, or otherwise decentralize state management [5], [10].

In modern nations, it is common practice to encourage people to participate in many ways, direct and indirect, depending on the characteristics of politics, economy, and

resident culture. According to Giao, V.C. (2017), the people's right to participate in discussions and recommendations with the authorities on local concerns, as well as the right to directly remark on the formulation and promulgation of local policies and legislation, are all examples of direct participation. Yet, before enacting such policies or regulations, government agencies must have a referendum; this referendum must also be explicitly institutionalized and carefully adhered to [3]. In other aspects, the people's right to express their opinions, aspirations, and recommendations to the elected deputies who represent their voices is reflected in the indirect form of participation, according to Thuong, N.M. (2018) and Phuong, N.M. (2021); this issue must be clearly defined and uniformly implemented [6], [8].

Whether citizens choose to participate directly or indirectly in state management activities depends on the political regime of each country. In the unitary country, this institutionalization is regulated in the central legislation and uniformly applied to the localities. Its institutionalization is regulated by national law and applied consistently locally. Decentralization in the federal state regulates this institutionalization through local legislation. It demonstrates what it means to respect people's democratic freedoms and human rights within a democratic institution, enabling government agencies to more conveniently mobilize public support for local development initiatives and fostering citizen-government interaction to resolve local issues in a way that benefits both groups.

## 2. Locals' participation in state administration in Vietnam


Vietnamese law regulates locals' involvement in state management in both direct and indirect ways. Participation is only allowed in specific tasks related to community self-governance issues.

### Direct public participation in state management

- Initially, participants directly debate and decide on the residential community's self-governing tasks. It is the direct deliberation and decision-making about the policy, the degree of funding for the construction of infrastructure, and public welfare projects within the commune and village, all of which are financed by the people. Meetings and decisions are made with the local government's supervision. If more than 50% of the total number of voters or those representing households in the village or commune concur, the matters discussed will be selected and deemed valid [7, Article 10].

- Secondly, participants directly discuss and decide on village conventions; elect, relieve from duty, and remove from office the village head; elect and remove members of the People's Inspection Committee and the Investment Supervision Board of the community. Meetings and decisions are taken under the supervision of the government; If more than 50% of the voters or those representing households in the village or commune agree, the matters addressed will be selected and regarded as valid for implementation [7, Article 13, Article 15].

- Thirdly, people make direct contributions to programs and plans for the community's socioeconomic development. The local government makes an announcement and puts this into effect [15, Article 13]. Programs and projects include the commune's socioeconomic development plan, plans for putting programs and projects into action, projects for the creation of new administrative units, mergers, divisions, and adjustments to administrative boundaries, and the commune's land use planning and plan.



People are only permitted to a determination on matters about infrastructure construction, public benefit projects funded by themselves, village conventions, and the self-governance of the village, which limits the variety of issues they can independently determine. Although being able to contribute ideas to the government agencies' initiatives and programs designed to encourage local socio-economic development, they frequently cannot participate in formulating them or recommend that the local authorities take a look into and implement what they propose. In actuality, many other issues in the residential community need to be discussed and resolved by themselves, including production, business operations connected to a community association, and residents' indigenous cultures. These issues have a direct impact on the local community's economic, cultural, and social life.

### **Indirect public participation in state management**

The people can indirectly participate in state management is done by making recommendations and reflecting the local authorities via voter contact conferences, people-receiving sessions, and comment boxes.

The commune authorities arrange voter contact conferences where the elected officials listen to the public's feedback and then summarize, research, report, and explain it to the People's Council, the local elected body [7], [14]. The local authorities host citizen receptions annually. Comment boxes must be placed at authority headquarters and opened weekly by the person in charge of administrative work and an official in the People's Inspection Committee [14]. They analyze, investigate, and propose solutions to the proposals submitted before reporting them to local government authorities for consideration of suitable answers.

The local Vietnamese people's participation in state management has both benefits and drawbacks. That Vietnamese people can directly participate in the management activities of the local government has demonstrated direct democracy's characteristics. The interaction between the government and the people is significant for constructing a rule-of-law state. However, they can only participate in local development management tasks such as building infrastructure and undertaking self-funded social welfare projects. Furthermore, it has not been proven with certainty whether or not they involve developing initiatives and programs devised by the local authorities and recommend them for investigation and execution.

### **3. Discussions**

Local Vietnamese people's involvement in state management has revealed their rights restrictions. The author proposes a research and discussion issue. It is to enhance people's right to engage in state management operations carried out by local authorities to increase people's ownership. By doing this, the local authority may better mobilize resources for local development while fostering the people's mastery.

Increasing people's right to engage in state management operations entails the following: (1) establishing the citizens' right to propose local development initiatives, programs, and projects to the local authorities as well as the right to compel local authorities to explore and put those proposals into action to promote the community's common interests; (2) defining the role and responsibility of local authorities in accepting, examining, and implementing community-proposed initiatives, programs, and projects for local development.



When the people's right to engage in state management activities is increased, it makes sense for both the government and the people, especially: (1) There will be an increase in public interest in governmental management operations. They'll then actively support local government efforts to promote the community and work closely with it to carry out local government initiatives; (2) The authorities will prioritize promoting local resources more seriously. It will increase their responsibility to the community and encourage them to choose local resources more wisely when determining how to advance socioeconomic development and provide for the community's needs.

Explaining the expansion of people's rights to participate in state management operations, the author discusses three aspects, namely: theoretical basis, legal basis, and practical basis.

- Theoretical basis: As many researchers have noted, the interaction between the government and the people involved in the state administration is a precondition for creating a self-governing government. USAID (2000) and Tocqueville, A. (2002) contend that the governance of the state at the local level is not just the obligation of the government apparatus but also the responsibility of the community at large [9], [12]. In other words, it is the interaction between the community and local authorities. Ann. O'M.B. et al. (2011) also emphasize the self-governance of local government in which many actors participate in community affairs [1]. According to Cuong, N.V. (2015), the primary tenet of self-governance is that the local community may make significant decisions about how to address the local community's common challenges within the bounds of the law and for the benefit of all [2]. And therefore, the expansion of people's right to participate in state management operations is appropriate and supported by a theoretical basis.

- Legal basis: Citizens' right to participate in state management is constitutional, and Vietnamese government agencies are responsible for ensuring that right. For the state government, "The State ensures and promotes the people's rights to mastery. It shall acknowledge, respect, preserve and uphold human and citizens' rights. It shall accomplish the aim of wealthy people and a powerful, democratic, fair, civilized society where everyone enjoys a prosperous, successful, free, and happy life and has the chance to fully grow" [13, Article 3]. Also, "State agencies, cadres, civil servants, and public employees must respect the people, commit themselves to serve them, establish regular contact with them, listen to their viewpoints, and be under their control" [13, Article 8]. For the people, 'human and citizens' rights can be limited only under the provisions of the law in necessary cases for reasons of national defense and security, social order and safety, social ethics, and community health" [3, Article 14] and "citizens have the responsibility to fulfill their obligations towards the state and society; the citizenship is inseparable from civic duty" [13, Article 15]. The Constitution only limits human and citizens' rights when necessary for the reasons of national defense and security, ... As a result, there is a legal basis for both the research and implementation of the expansion of people's rights to take part in state management operations. People have the right to propose local development initiatives, programs, and projects, and local authorities are responsible for listening, assimilating, researching, and putting those proposals into action to serve the public better.

- Practical basis: The American people have the right to directly propose their initiatives to local authorities in the form of projects and request them to conduct research and execute those proposals [2]. The Japanese people are granted the right to self-governance. They are entitled to decide on general local issues, including the right to consult and

propose policies and action plans, as well as the right to engage in religious and business activities [11]. Except for actions harmful to society, the French people also have the right to engage in local government operations. France encourages democracy, freedom, and innovation in the community, including immigrants who have helped the country's various ethnic groups live in harmony and close cooperation [4]. The practices of the above nations also need to be researched and applied under Vietnam's political and social context to expand people's rights to participate in state management operations.

## CONCLUSION

The author of this paper examined the application of people's rights to participate in state management in the locale of Vietnam using the theoretical approach to state management. The study concludes that people can only discuss and decide on some of the local development management tasks, namely infrastructure construction and undertaking public welfare works funded by themselves; Whether they are participated in the creation of initiatives and programs and ask local authorities to review and implement them, is not stated explicitly. According to the research findings, expanding people's rights to engage in state management operations by local authorities is a problem that needs to be explored and innovated. Theoretically, legally, and practically, this issue has been clarified, and leaders can use it as an outline to modify policies and regulations to keep reforming and promoting the people's mastery.

## REFERENCES

1. Ann, O'M.B.; Richard, C.K. *State and local government, 8th edition* (Boston, MA: Wadsworth, at 270, 2011).
2. Cuong, N.V. *International experience on local self-governance and its applicability in Vietnam* (Judicial Publishing House: Hanoi, 2015).
3. Giao, V.C. et al. *Good governance: Theory and Practice* (Politics and Administration Publishing House: Hanoi, 2017).
4. Ngoc, D.B. 'The Local Governance Model of Some European Countries' (2013). *Journal of European Studies*, issue 159.
5. Phuong, N.T. *Local governance: From theory to practice* (Social Science Publishing House: Hanoi, 2018).
6. Phuong, N.M. 'Renovating the organizational and operational models of local authorities in our country today' (2021). *Journal of Theoretical Activities*, Issue. 177.
7. SCVNA - Standing Committee of the National Assembly (2007). *Ordinance No. 34/2007/PL-UBTVQH11 on implementing democracy in communes, wards, and townships*.
8. Thuong, N.M. 'The rule of law - Basic concepts and characteristics' (2018). *Arts and Cultural Studies Review*, Issue 409.
9. Tocqueville, A. 'Democracy in America' (2002). *Henry Reeve, The Pennsylvania State University*, Vol.1&2.
10. Trung, N.S. *Local governance* (Vietnam National University Press: Hanoi, 2019).
11. Trung, N.S. and Huyen, D.T.T. 'Organization and operation of Japanese local government and lessons learned for Vietnam' (2022). *Journal of Home Affairs Sciences*, No.51.
12. USAID - United State Agence for International Development (2000). *Decentralization and democratic local governance programming handbook*.
13. VNA - Vietnam National Assembly. *The Constitution of the Socialist Republic of Vietnam* (National Political Publishing House: Hanoi, 2013).
14. VNA - Vietnam National Assembly. *Law on Organization of Local Government, No. 77/2015/QH13* (National Political Publishing House: Hanoi, 2015).
15. VG - Vietnam Government (2015). *Decree No. 04/2015/ND-CP dated January 9, 2015, on implementing democracy in state administrative agencies and public non-business units*.