# Socialist Republic of Vietnam

*(Việt Nam)*

## Background and Legal System

<table>
<thead>
<tr>
<th><strong>Legal System</strong></th>
<th>Socialist/Civil (French).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Political System</strong></td>
<td>Soviet Style Republic.</td>
</tr>
<tr>
<td><strong>Head of State</strong></td>
<td>President, elected by the National Assembly every five years.</td>
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<tr>
<td><strong>Head of Government</strong></td>
<td>Premier, elected by the National Assembly.</td>
</tr>
<tr>
<td><strong>Subnational Entities</strong></td>
<td>As of 2006, there are 59 provinces <em>(tinh)</em> and 5 municipalities <em>(thanh pho)</em>.</td>
</tr>
<tr>
<td><strong>Sublocal Entities</strong></td>
<td>Town, City, District, Ward and Commune.</td>
</tr>
<tr>
<td><strong>Transliteration System</strong></td>
<td>None.</td>
</tr>
<tr>
<td><strong>Languages</strong></td>
<td>Vietnamese.</td>
</tr>
</tbody>
</table>
### CONSTITUTION

**OFFICIAL NAME**  
Hiến pháp.

**ENACTMENT**  
First Constitution adopted by the National Assembly in November 1946. The second Constitution was adopted in 1959. The third Constitution was adopted in 1980. The present Constitution was adopted on April 15, 1992.

**CITATION FORMAT**  
HIÉN PHÁP [Constitution.] art. <article> (<Year>).

**Example**  

### STATUTES

**GOVERNMENT STRUCTURE**  
A unicameral legislature (The National Assembly or Quoc-Hoi) includes 498 members, is open to non-Party members, and is directly elected. It is the highest representative organ of the people and is elected every five years. The National Assembly meets twice a year, or more frequently if called for by the Council of State.

The National Assembly has the power to draw up, adopt and amend the constitution and to make and amend laws. It also has the power to define the functions of the People’s Councils and People’s Committees (the local government entities), the Supreme People’s Court, and the Supreme People’s Organs of Control.

**LEGISLATIVE PROCESS**  
Laws are passed by the National Assembly and hold priority over all other legal documents. Ordinances are issued by the Standing Committee of the National Assembly and have the effect of laws. Implementing guidelines and regulations are issued by the various ministries and hold a legal standing secondary to either laws or ordinances.

**REPORTER**  
Official Gazette.
Vietnam, Socialist Republic of

**CITATION FORMAT**

**(LAWS [LUAT] AND ORDINANCES [PHAP LENH])**

\[Vietnamese title\] [\<English translation\>], No. \<number\> (<\Date\>).

**Example**

*Luat To Chuc Toa An Nhan Dan* [Law on the Organization of the People's Courts], No. 02L/CTN (Oct. 10, 1992).

**CITATION FORMAT**

**(DECrees [NGHE DINh])**

\[Vietnamese title\] [\<English translation\>], \<decree number where applicable\>. (<\date\>).

**Example**


**ADMINISTRATIVE REGULATIONS**

**ADMINISTRATIVE SOURCES**

The Ministries and the Ministry-equivalent bodies are established by the decision of the National Assembly at the suggestion of the Prime Minister. Vietnamese ministries, acting pursuant to Laws, Ordinances or Decrees, may promulgate Administrative Regulations which are binding on those who are subject to the agency's jurisdiction.

**REPORTER**

Official Gazette.

**CITATION FORMAT**

\[Vietnamese title\] [\<English translation\>], No. \<regulation\> (<\date\>).

**Example**

*Phap Lenh Thu Tuc Giai Quyet Cac Vu An Hanh Chinh* [Ordinance on the Procedures for Resolving Administrative Disputes], No. 49 L/CTN, ch. 1, art. 2 (June 3, 1996).
## CODES

<table>
<thead>
<tr>
<th>Vietnamese title</th>
<th>English translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bộ luật dân sự Việt Nam (CIVIL CODE)</td>
<td>The Civil Code of the Socialist Republic of Vietnam, was adopted by the National Assembly (Legislature IX, 8th Session) Oct. 28, 1995, effective July 1, 1996. It sets forth the basic principles of law that govern all civil relations.</td>
</tr>
<tr>
<td>Bộ luật tố tụng dân sự Việt Nam (CIVIL PROCEDURE CODE)</td>
<td>Passed on 15 June 2004 by the National Assembly and came into effect on 1 January 2005. Governs procedures for settlement of civil disputes and details procedures for the People’s Courts to make certain declarations.</td>
</tr>
</tbody>
</table>

### CITATION FORMAT

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<Vietnamese title> [<English translation>] (<date>), Art. <article>. (Vietnam).
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### Examples

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**CASE LAW**

**JUDICIAL OVERVIEW**
The judicial system consists of the Supreme People’s Court; Local People’s Courts at the provincial, district, and city levels; Military Tribunals; and special tribunals established by the National Assembly. Judges are elected for a term that is equivalent to that of the government body that elects them.

The Supreme People’s Court is the highest court, and has a chief justice who is elected for a five-year term by the National Assembly on the recommendation of the President. The Supreme People’s Court supervises the subordinate courts. As a court of first instance it tries cases that involve high treason and crimes of serious nature. As the highest court of appeals, it reviews decisions of the lower courts. However, appeals are uncommon. In 2005, the Supreme People’s Court began publishing civil, trade, labor and administrative judgments for the years of 2003 and 2004.

Local People’s courts operate at each administrative level.

**REPORTER**
Official Gazette.

**CITATION FORMAT**

**SUPREME PEOPLE’S COURT**
Currently unavailable.

**Example**
Currently unavailable.

**LOCAL PEOPLE’S COURTS**
Currently unavailable.

**SOURCES**

The CIA Factbook:

The Embassy of the Socialist Republic of Vietnam in the United States
www.vietnamembassy-usa.org
Vietnam, Socialist Republic of

Socialist Republic of Vietnam (Parties & Organizations)
www.politicalresources.net/vietnam.htm

Vietnam Law Documents
coombs.anu.edu.au/~vern/luat/luat.html

Vietnam Economy
http://www.vneconomy.com.vn/vet/?param=print&id=5788

Asia Information Associates Limited
http://www.aial.com/civilcon.html

Maison Du Droit Vietnamo Francaise
http://www.maisondudroit.org/les_codes_vn.htm

Vietnamese Legislation
http://www.ecap-project.org/asean_ip_legislation_international_treaties/
vietnam.html


“Vietnam publishes courts’ decisions for first time,” Thai Press Reports, July 21, 2005


SPECIAL THANKS

Professor Nguyen Hoang Van (practitioner contact).

Selena Nelson – ICM Committee Member. Oct. 2006