

## Research on Innovation of Local Governments in Vietnam

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Received 26-04-2025

Revised 18-05-2025

Accepted 23-05-2025

Published 31-05-2025



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### Abstract:

Local governments in countries around the world are organized into many levels; the organization method also has its own characteristics based on the political, cultural and social characteristics of each country. In terms of management, the organization of a streamlined local government that operates effectively and efficiently is always of interest to leaders of each country in order to both save the state budget and best meet the legitimate rights and interests of the people. In terms of research, the organization of local governments is also a topic of interest to many researchers as a key content in the organization of the state apparatus. In this article, the author focuses on analyzing the practice of organizing local governments in Vietnam in combination with a number of local government organization models in the world. Using qualitative research methods through synthesizing and analyzing secondary documents, the author points out a number of principles and models of local government organization that are popular in the world; Point out the advantages and limitations in the way of organizing local government in Vietnam. From that reality, the author discusses scientifically some contents to research innovation, aiming to increase the effectiveness and efficiency of the local government apparatus in Vietnam.

**Keywords:** Local government; Decentralization model; Dual supervision model, dual subordination model.

### 1. Introduction:

The local government of Vietnam is organized into three levels according to the provisions of the Constitution (VNA, 2013) and the Law on Organization of Local Government (VNA, 2015), including provincial, district and communal levels. The model of government organization at each level is implemented in a unified manner, with the established agencies being: People's Council, People's Committee, Specialized agencies (or specialized civil servants) of the People's Committee (except for a few pilot localities that do not organize People's Councils). The organization and operation of local governments are also implemented according to

general and unified principles: Voters elect People's Councils for terms; People's Councils establish People's Committees and Specialized agencies of People's Committees; lower-level local governments are subject to supervision and obey the orders of higher-level governments...

According to official statistics on administrative units, Vietnam currently has 63 provincial-level local government agencies; 705 district-level local government agencies; 10,599 commune-level local government agencies (GSO, 2024). Provincial and district-level government agencies establish specialized agencies under the People's Committee. These are agencies that directly perform state management tasks according to

sectors and specialized fields in the locality. Commune-level government agencies do not organize specialized agencies, but organize their apparatus into specialized civil servants who directly perform state management tasks according to sectors and specialized fields in the commune: 06 commune-level civil servant positions (VG, 2023).

The organizational model, organizational principles and operations of the Vietnamese local government were built in 1945 and have been inherited and developed to the present. At each stage of the country's history, the organization of the government has certain adjustments to suit the practical situation in the country and the trend of world administration. Therefore, research on the organization of local government is always necessary; further explaining the meaning of choosing this research. At the same time, the author determines the content to focus on analyzing and evaluating the organization of the Vietnamese local government, combined with analyzing and comparing with the model of local government organization of some countries in the contemporary world.

## 2. Overview of local government organization:

In the general trend of modern administration, local governments are entities organized independently in terms of functions, tasks, and powers, elected by local people in a democratic form. Because only with independence and democracy in the way of organization can there be initiative, autonomy, and promotion of the people's mastery in implementing local tasks on the basis of decentralization according to law and only comply with the law, not subject to the control and intervention of higher-level government agencies. Researching on the organization of local governments in countries around the world, many researchers have generalized into some common models below:

### *a) Decentralized model*

In this model, local governments are organized independently, deciding on local issues in a decentralized manner. The United Kingdom, the

United States, and Japan have all built local government systems operating under a decentralized model, according to which local governments at all levels have high independence and self-responsibility in their organization and operations, which is a necessary condition to carry out local governance tasks (Tocqueville, A., 2002; Duc, N.H., 2004; Tuan, N.M., 2011; Trung, N.S., 2019).

Although the United Kingdom is a country with a constitutional monarchy, it is considered a democratic country. The three-level local government (province, district, commune) is organized in the form of universal elections and operates on the principles of self-management, independence and self-responsibility: The central government is not a superior management agency for the locality, does not control the locality; local governments are independent, not subordinate to each other, and can decide on their own local issues on the basis of compliance with the law and are supervised by the court system. The head of the local government is the leader of the majority party and the members of the local council are the ones who run the local state management agencies.

In the United States, local government agencies (counties, cities and towns, villages) are elected councils, organized and operated in a democratic form, with ultimate power belonging to the people. The head of government is an outstanding person, directly elected. Government levels are highly independent, free to choose the organizational model (Mayor-Council model, Committee model, City Manager model) and operate according to the principle of self-management with clear decentralization: Full authority to resolve their own affairs without the need for central patronage; central obedience, as well as central supervision of the locality mainly by law and through court proceedings. The organization of the local state apparatus in the United States adheres to the principle of separation of powers: the legislative, executive and judicial branches are independent, with counterbalances to avoid abuse of power.

In Japan, the country's political system is similar to that of the UK (constitutional monarchy), but the local government is organized more simply, in the form of direct democracy, separation of powers like in the United States and consists of only two levels (provincial level, county level), which are independent entities and have no hierarchical relationship in the administrative system; have the right to make their own regulations and policies to carry out their functions and tasks in accordance with the practical situation of the locality and the Government does not interfere in local affairs. The issue of local governance in Japan includes self-governance of the government combined with self-governance of residents. This self-governance is carried out according to the law and under the independent supervision of the court.

#### *b) Dual supervision and dual subordination model*

With this organizational model, the organization of local government does not promote the independence and autonomy of each level, but is supervised and directed by the higher-level government. The French Republic and China are countries representing this organizational model (Phuong, N.T., 2011; Ngoc, D.B., 2013; Ha, P.V., 2016; Trung, N.S., 2019).

In the French Republic, the three-level local government implements a self-governing regime according to a model combining decentralization and centralization: both independently performing local governance tasks according to the decentralization prescribed by law without interference from the higher-level government, and being supervised by the central agency located in the locality - dual supervision. The activities of the local government with the self-governing mechanism are protected by the Constitutional Council (the highest judicial body of the State). However, the fact that the local head is elected by the local council, not directly by the people, has a certain impact on the selection of the head of government who is truly outstanding to perform well the task of local development governance.

In China, the four-level local government is organized as a combination of autonomous and non-autonomous, according to which, autonomous localities (autonomous regions, autonomous prefectures, autonomous counties) are more decentralized than the remaining localities. The local executive body (local people's government) is elected by the state power organ (local people's congress) at the same level and is subject to the supervision and direction of this organ; the lower-level people's government is directly under the supervision and direction of the higher-level people's government and the leadership of the party committee at the same level (dual subordination), so it is difficult to create a system of local self-government. Although there is a duality of direct subordination and the head of the local government is not directly elected by the people, the regulation that the local People's Government operates under the chief regime has clearly demonstrated the role of the head of the government, contributing to the breakthrough development of many localities when the heads of government are talented people.

### **3. Practices of local government organization in Vietnam:**

The local government of Vietnam is organized according to administrative unit levels (provincial, district, and communal levels), including the People's Council, the People's Committee, and specialized agencies (or specialized civil servants) of the People's Committee; operating with decentralization, authorization, and delegation of power according to the provisions of law. People participate in the organization of local government by exercising their democratic right to vote to establish the People's Council - an agency representing their will and aspirations in the locality. This right is expressed through the right of voters to self-nominate; the right to directly express their confidence in candidates at the voters' conference before the election; and the implementation of public elections. This way of organization demonstrates the democratic nature of the organization of the government apparatus. However, the organization of local government is

dominated and dependent on the higher-level government; In addition, people are not allowed to directly participate in establishing executive agencies to manage and operate local socio-economic activities, ensuring their legitimate rights and interests.

*a) The organization of local government is dominated and dependent on the higher-level government*

The Law on Organization of Local Government in 2015 (VNA, 2015) clearly stipulates the organization of the local government apparatus through the form of election: The People's Council is elected by local voters for a term by universal suffrage, is the local state power agency, representing the will, aspirations and mastery of the people; The People's Committee is elected by the People's Council at the same level, is the executive body of the People's Council, the local state administrative agency (Article 6 and Article 8). However, the organization of local government at each level is not completely independent, but is dominated and dependent on the higher-level government, specifically:

- The Chairman of the People's Committee at a higher level approves the results of the election, dismissal, and removal of the Chairman and Vice Chairman of the People's Committee at a lower level; transfers, suspends work, and removes the Chairman and Vice Chairman of the People's Committee at a lower level; and delegates the authority of the Chairman of the People's Committee at a lower level in case of a vacancy of the Chairman between two sessions of the People's Council at a lower level. The provincial government can even intervene up to the commune-level government: the Chairman of the People's Committee at the provincial level has the right to request the Chairman of the People's Committee at the district level to suspend or remove the Chairman and Vice Chairman of the People's Committee at the commune level when they fail to fulfill their assigned tasks or violate the law (Article 22).

- The People's Council at a higher level has the right to dissolve the People's Council at a lower

level in case that People's Council causes serious damage to the people's interests: The People's Council at the district level dissolves the People's Council at the commune level and submits it to the People's Council at the provincial level for approval; The People's Council at the provincial level dissolves the People's Council at the district level and submits it to the National Assembly Standing Committee for approval.

With the above provisions, it can be seen that the way of organizing the local government apparatus in Vietnam is different from many developed countries such as the United Kingdom, the United States, Japan, and the French Republic. Accordingly, local governments at each level in these countries are organized independently in the spirit of self-management, only complying with the law without direct approval from the higher-level government on the organization of the apparatus of the lower-level government. This is the factor that creates independence in the organization of the government apparatus, thereby forming a system of self-management to carry out local governance tasks in the United Kingdom, the United States, Japan, and the French Republic. In Vietnam, the higher-level government participates in the organization of the lower-level government apparatus, and can even intervene from the provincial level down to the commune level, creating dependence on the higher level in the organization of the apparatus of each level of government and as a result, it is difficult to build a complete system of self-management to best carry out local governance tasks.

*b) People are not allowed to directly participate in establishing agencies to exercise executive power to manage and operate local socio-economic activities, ensuring their legitimate rights and interests*

The People's Committee is the agency that exercises executive power to regularly manage and operate local socio-economic activities, ensuring the legitimate rights and interests of the people. The establishment of the People's Committee is carried out by the People's Council at the same level through the voting opinions of

elected representatives: The People's Council elects, dismisses, and removes the Chairman, Vice Chairman of the People's Committee and members of the People's Committee.

Thus, the people indirectly elect the establishment of the People's Committee. In addition, the People's Committee operates under a collective regime (Chairman and members of the People's Committee) combined with the responsibility of the head (Chairman of the People's Committee), so important issues in local state management must be decided by the collective. That also means that in many cases where problems arise in local state management, it will be difficult to assign responsibility to the head of the apparatus performing executive functions - the People's Committee. And if the head of the People's Committee is not a talented, outstanding person, it will be difficult to perform well the tasks of local governance; not only will the role and responsibility of the head not be promoted, but it will also be easy to push responsibility to the collective.

In terms of state organization science, the way the local state administrative apparatus in Vietnam is organized is mainly implemented in the form of representative democracy. This organization has limited the direct choice of the people to build a strong executive apparatus, limited the direct choice of the people to have the heads of agencies performing executive functions who are truly outstanding talents. The causes of the above problems come from the characteristics of the political regime, the way the state apparatus is organized and operated as stipulated by the Constitution and laws, specifically:

- Firstly, Vietnam is a unitary state, the legislative power belongs to the National Assembly, so only the National Assembly can enact laws and all agencies and localities must comply with the laws promulgated by the National Assembly. This also shows that in Vietnam there is no concept of "local state" to distinguish it from "central state" as in many federal countries - states have their own laws and organize their government apparatus in their own way, suitable to the

economic and social characteristics of the state. The construction of a unitary state form together with a democratic political regime has created unity in the way the local government apparatus is organized in Vietnam. However, in the world, there are many unitary states that have been and are carrying out local governance tasks quite successfully due to the flexibility in organizing local government models. Therefore, the issue of organization can still be adjusted according to each content while still ensuring consistency according to each specific criteria that have been determined, for example: Classifying localities into natural administrative units, artificial administrative units and regulating unified organization methods for these two types of administrative units to have a local government apparatus suitable to the characteristics of the local population.

- Second, the state power is unified, with division of labor, coordination, and control among state agencies; state management activities are carried out according to the principle of unity, transparency, combining sectoral management and territorial management and are under the leadership of the Communist Party of Vietnam, thus creating a decentralization mechanism that is not really thorough. That is, local authorities are decentralized to perform tasks according to the law within the territory and are under the inspection, examination, and supervision of the government and sectoral management agencies at higher levels; in addition, they are also under the leadership of the Party Committee at the same level, thereby making the self-management activities of local authorities not really promote the issue of autonomy and full self-responsibility within the territory according to the law.

#### **4. Scientific discussion:**

From the practice of organizing local government in Vietnam and the local governance model of some countries in the world mentioned above, the author discusses the issue of innovation research towards promoting democracy, building a streamlined local government apparatus, operating effectively and efficiently in Vietnam, that is:

Research on building a regime of direct participation of the people in organizing the local executive apparatus. This discussion issue is explained in terms of objectives and scientific basis, specifically:

*a) Research problem objectives and discussion*

The study on building a regime of direct participation of the people in the organization of the local state administrative apparatus aims to promote the democratic principle in the organization and operation of the state apparatus, ensuring that all state power belongs to the people, and to build a strong executive government to ensure the best implementation of the people's legitimate rights and interests in accordance with the spirit of the 2013 Constitution (VNA, 2013), the Law on Organization of Local Government 2015 (VNA, 2015) and current relevant legal documents.

*b) Content and significance of the research and discussion problem*

- Refer to the research content on establishing the local government apparatus, including: People's Council and specialized agencies established by the People's Council (for provincial and district levels) or civil servants directly performing executive functions in specialized fields (for commune levels). In which, the People's Council is the state power agency, deciding on local policies; specialized agencies established by the People's Council are agencies exercising executive power, implementing local policies - local executive apparatus.

- Refer to the research content to establish a system of voters directly electing the head of government (Chairman of the People's Council) and the head of government appointing the head of the executive apparatus [specialized agencies (for provincial and district levels), specialized civil servants (for commune levels)] and leaders of the local executive apparatus.

The research and successful implementation of the construction of a regime of direct participation of the people in the organization of the local executive apparatus can bring many meanings, not

only streamlining the apparatus but also ensuring the effective operation of the local government apparatus, specifically:

- Firstly, the establishment of a local executive apparatus consisting only of specialized state management agencies by sector and field (for provincial and district levels) established by the People's Council and specialized civil servants (for commune level), responsible to the Chairman of the People's Council, without a general authority state administrative management agency - the People's Committee, will contribute to streamlining the local government apparatus, reducing 10,599 commune-level People's Committees, 705 district-level People's Committees, 63 provincial-level People's Committees - the number of administrative units according to the General Statistics Office (GSO, 2024) with more than 20,000 positions of Chairman and Vice Chairman of the People's Committee as at present.

- Second, streamlining the apparatus while still ensuring the operational efficiency of local governments, because currently the direct handling of people's requests is assigned to specialized agencies under the People's Committee (district, provincial level) and specialized civil servants (commune level), while the People's Committee manages in general. And suppose, if the People's Committee institution is not established, the implementation of tasks of specialized agencies (district, provincial level) and specialized civil servants (commune level) is still carried out regularly according to the reporting regime and is responsible to the head of the local government - the Chairman of the People's Council.

- Third, establishing a system in which the people directly elect the head of government and the head of government appoints the head of the executive apparatus and the leaders of the local executive apparatus will create opportunities for selection and optimal choices for heads of government apparatus who are truly talented to organize and implement local socio-economic development

tasks, best serving and meeting the legitimate demands of the people.

*c) Scientific basis of the research problem discussed*

- In terms of theoretical basis, many researchers who follow the theory that state power belongs to the people and the theory of the rule of law state all emphasize/affirm that democracy is the fundamental issue of the rule of law state: "The core of the theory of the rule of law state is the issue of democracy... and democracy is both the goal and the condition of the rule of law state" (Thuong, N.M., 2018) or "The rule of law state is understood in the practical aspect, that is, the organization of state power, the implementation of democracy" (Uc, D.T., 2007), while it includes both direct democracy and indirect democracy. Therefore, promoting the people's mastery by building a regime of direct participation of the people in the organization of the local executive apparatus is a content consistent with the scientific ideas and viewpoints on building a rule of law state.

- Regarding the legal basis, the 2013 Constitution was built with the spirit of "The State ensures the promotion of the people's right to mastery" (Article 3), and the guarantee of the implementation of people's rights is mainly carried out by the local executive system (People's Committee). However, the organization of the local executive apparatus is not directly elected by the people, but the right to direct election is stipulated for elected bodies (People's Councils), while the local government is stipulated to include both types of agencies: "Local government includes People's Councils and People's Committees... People's Councils are elected by local people... People's Committees are elected by People's Councils at the same level" (Articles 111, 113, 114). Obviously, there is no content here that the people directly elect the local executive apparatus, which is also an issue that needs to be studied.

However, on October 25, 2017, the Central Executive Committee of the Communist Party of

Vietnam issued Resolution No. 18-NQ/TW on continuing to innovate and reorganize the apparatus of the political system to be streamlined, effective and efficient (CPV, 2017). This is an important basis for the State to continue adjusting the legal system related to the organization of the state apparatus, focusing on the state administrative apparatus in a streamlined direction, both promoting the people's mastery and being consistent with the practical situation of administrative reform in the country as well as the movement trend of world politics. And one of the adjustments related to promoting people's mastery that can be studied is the construction of a regime of direct participation of the people in organizing the local executive apparatus in a streamlined manner, including only local elected bodies - People's Councils and specialized agencies for state administrative management by sector and field, without the People's Committee.

- In terms of practical basis, in the UK, local government consists of the Local Council (directly elected by the people), specialized agencies (committees) of the Local Council performing state management functions according to the decentralized sectors and fields. In the United States, local government is organized according to many models, but all have elected People's Councils directly elected by the local people and specialized agencies of the elected People's Council performing state management functions according to the decentralized sectors and fields, similar to the way local government is organized in the UK. In Japan, local government also has a variety of organizational models, including elected People's Councils and local executive heads, directly elected by the local people; The system of assisting local government is a system of specialized agencies, proposed by the head of the local executive and appointed by the person in charge of operation (Duc, N.H., 2004; Phuong, N.M., 2015; Trung, N.S., 2019). The way of organizing local government in the UK, the US, and Japan shows that local people exercise their right to direct election to establish the local executive apparatus. Therefore, they have many opportunities to choose a talented head of government and a small,

compact government system with a strong local executive apparatus. This is also a practical basis that can be studied and referred to in the innovation and reform of the local government apparatus in Vietnam.

The above theoretical, legal and practical bases have further explained the necessity of studying the form of direct election to organize the local executive apparatus, contributing to building a streamlined and effective Vietnamese local government system. With a theoretical approach to local government organization, the author analyzed the practice of organizing local government in Vietnam and discussed the research issue, which is to build a regime of direct participation of the people in organizing the local executive apparatus. The research results are not only meaningful to the author himself in conducting further research related to the topic of local government organization, but can also be of reference value to leaders in researching, building and perfecting policies and laws to continue reforming and building a streamlined, effective and efficient government apparatus, best meeting the requirements of serving the people.

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