

IDE Asian Law Series No. 7

Judicial System and Reforms in Asian Countries (Vietnam)

Legal and Judicial Reforms in Vietnam

INSTITUTE OF STATE AND LAW
Hanoi, Vietnam

INSTITUTE OF DEVELOPING ECONOMIES (IDE-JETRO)

March 2001

JAPAN

LIST OF THE RESEARCH TEAM MEMBERS

| | |
|------------------------|--|
| Dao Tri Uc | Prof. Dr. of Law, Director of the Institute of State and Law (ISL), Leader of the Research Team |
| Le Minh Thong | Dr. of Law, Deputy Director, Institute of State and Law |
| Vo Khanh Vinh | Dr. of Law, Deputy Director, Institute of State and Law |
| Tran Dinh Hao | Dr. of Law, Head of the Department of Economic Law, Institute of State and Law |
| Pham Huu Nghi | Dr. of Law, Head of the Department of Law on Social Affairs, Institute of State and Law |
| Nguyen Nhu Phat | Dr. of Law, Head of the Department of Comparative Law, Institute of State and Law |
| Dinh Ngoc Vuong | Dr. of Law, Head of the Department of International Law, Institute of State and Law |
| Tran Thi Tuyet | Historian, Head of the Department of History of State and Law, Institute of State and Law |
| Pham Hong Hai | Dr. of Law, Advocate, Head of the Department of Criminal Law and Criminal Procedural Law, Institute of State and Law |
| Hoang Ngoc Nhat | Deputy Minister of Police |
| Duong Thanh Mai | Judge, Deputy Chief Justice of the People's Supreme Court |
| Khuat Van Nga | Procurator, Deputy Director of the People's Supreme Procuracy |
| Nguyen Van Hien | Judge, Chief Justice of Hanoi People's Court |
| Phan Huu Thu | Advocate, Director of the School for Training and Retraining of Judicial Personnel, Ministry of Justice |
| Tran Huu Huynh | Arbitrator of the International Arbitration Center of Vietnam under the Vietnam Chamber of Commerce and Industry |
| Nguyen Kim Vinh | Judge of Ho Chi Minh City People's Court |

Table of Contents

| | |
|--|-----------|
| CHAPTER 1: HISTORY OF JUDICIARY SYSTEM UNDER VIETNAM'S CONSTITUTIONS | 1 |
| I JUDICIARY SYSTEM UNDER THE 1946 CONSTITUTION | 1 |
| II JUDICIARY SYSTEM UNDER THE 1959 CONSTITUTION | 3 |
| III JUDICIARY SYSTEM UNDER THE 1980 CONSTITUTION | 6 |
| IV JUDICIARY SYSTEM UNDER THE 1992 CONSTITUTION | 8 |
| CHAPTER 2: COURTS AND JUDGES | 11 |
| I COURTS | 11 |
| II JUDGES AND OTHER JUDICIAL PROFESSIONALS OF THE COURTS | 16 |
| CHAPTER 3: VIETNAM'S PROCURACY | 24 |
| I STATUS AND FUNCTIONS OF THE PROCURACIES IN THE STATE APPARATUS | 24 |
| II OVERVIEW OF THE PRACTICAL PERFORMANCE OF THE PROCURACIES | 28 |
| CHAPTER 4: LAWYERS | 32 |
| I BRIEF INTRODUCTION OF THE DEVELOPMENT OF LAWYERS IN VIETNAM | 32 |
| II OVERVIEW OF THE EXISTING PROVISIONS CONCERNING LAWYERS AND BAR ASSOCIATIONS | 34 |
| III SOME ISSUES RELATING TO THE RENOVATION OF LAWYERS' ORGANISATIONS | 37 |

| | |
|---|-----------|
| CHAPTER 5: LEGAL TRAINING | 39 |
| I JURISTS AND LAW EDUCATION INSTITUTIONS | 39 |
| II TRAINING OF JUDICIAL PROFESSIONALS | 41 |
| CHAPTER 6: JUDICIARY PROCEDURES IN VIETNAM | 44 |
| I PROCEDURES FOR EXAMINATION OF HEARING ACTIVITIES | 44 |
| II CRIMINAL PROCEDURES | 53 |
| III ADMINISTRATIVE PROCEEDINGS | 57 |
| IV CIVIL PROCEDURES | 67 |
| V PROCEDURES FOR SETTLEMENT OF MARRIAGE AND FAMILY DISPUTES | 72 |
| VI PROCEDURES FOR SETTLEMENT OF LABOUR DISPUTES | 78 |
| VII ECONOMIC COURT PROCEEDINGS | 88 |
| VIII ECONOMIC ARBITRATION PROCEDURES | 98 |
| A DOMESTIC ARBITRATION | 98 |
| B INTERNATIONAL ARBITRATION | 107 |
| IX PROCEDURES FOR SETTLEMENT OF BUSINESS BANKRUPTCY | 118 |
| X PROCEDURES FOR PROTECTION OF INDUSTRIAL PROPERTY | 124 |
| XI CONCILIATORY PROCEDURES | 131 |

Published by Institute of Developing Economies (IDE), JETRO
3-2-2 Wakaba, Mihama-ku, Chiba-shi
Chiba 261-8545, JAPAN
FAX +81-(0)43-2999731
Web Site: <http://www.ide.go.jp>
e-mail: laws@ide.go.jp

© 2001 Institute of Developing Economies