

Law and Practice of Citizens' Participation in Local Governance in Vietnam

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Abstract. Local governance is fundamentally characterized by the interaction between government agencies and people in the process of local social management; in which, people are mobilized to participate, actively participate in government management activities within the scope of the law. In this article, the author focuses on analyzing the aspect of people's participation in local governance activities in Vietnam according to current law: Direct participation; indirect participation. Research results show that people participate directly and indirectly in local government management activities, but are limited to the level of direct participation; have the right to self-decide on local issues in a narrow scope: Mainly the content of self-decision on infrastructure construction, public welfare works contributed by themselves; self-construction of programs, projects and proposals for government research and implementation has not been clearly demonstrated. From that practice, the author discusses the issue of continuing to research innovation in local governance in Vietnam to promote the positivity and proactiveness of the people and the effectiveness of the government in mobilizing resources for local development.

1. INTRODUCTION

Vietnam's local government consists of three levels: provincial, district, and commune. As of 2023, local government includes 63 provincial governments, 705 district governments, and 10599 commune governments (GSO, 2024). At each level, local government consists of two agencies: the People's Council (a state power agency) and the People's Committee (a state administrative agency), organized and operating according to democratic principles and forms with the authority, functions, and tasks prescribed by law (VNA, 2015).

The practice of local governance in Vietnam demonstrates the democratic nature in the organization and operation of government at all levels. Accordingly, people are mobilized to participate in the management activities of local governments in both direct and indirect forms according to the law (VNA, 2015; VNA, 2022), in accordance with the political, cultural and ethnic characteristics of the country and localities: Discussing and deciding on a number of self-management tasks of the community; participating in giving opinions and expressing aspirations to the government through People's Council delegates at voter contact conferences.

However, the context of civil society tends to expand, the democratic nature in the organization and operation of the government needs to be promoted to adapt and be suitable to the development trend of civil society and digital society. People want to participate more directly and more substantially in state governance activities at the local level (local governance) to both increase supervision of government agencies and exercise democratic rights and ensure their interests. Therefore, research on citizens' rights to participate in local governance is meaningful and always necessary.

2. THEORY AND PRACTICE OF CITIZENS' PARTICIPATION IN LOCAL GOVERNANCE IN VIETNAM

The term "local governance" is still a new issue in research and management in Vietnam; it has only been officially used in the State's legal documents for about a decade now. In the field of research, there have been many scientific perspectives and approaches to local governance in the direction of clarifying people's participation in the social development governance activities of government agencies. Some researchers believe that local governance is the self-governing activities of local governments and the participation of many subjects in community affairs (Ann O'M.B. et al., 2011). Or, local governance includes the adoption and implementation of regulations, procedures of organizations and institutions that allow people to express their concerns and exercise their right to participate in local development (Milohin Dédègnon, 2013).

Ngoc, D.B. (2013), emphasized the participation of many subjects in local social governance activities, that local governance implies the content of affirming the rights of local self-governing bodies in determining the content and making decisions on local affairs - the government and the people participate in discussing, giving opinions and deciding; this is based on the actual capacity of local self-governing bodies and within the legal framework; local self-governing bodies are responsible for the content and results of performing that task before the law and before local voters. Cuong, N.V. (2015) mentioned the principle of local self-governance, that communities are allowed to decide on common affairs of the local community for the common benefit of both the government and the community on the basis of procedures and content prescribed by law, that is local governance. Sharing the same approach, some other researchers believe that the democratization of the decision-making processes of government agencies with the broad participation of the people clearly demonstrates the nature and content of local governance (Duc, L.A., 2016); or as, according to Phuong, N.T. (2018), local governance is implemented based on the principle of self-management; people are free to decide on common affairs of the local community according to the law, based on the principle of the common interests of the state and the people.

From the above research approaches, it is clear to see the presence of government agencies and people in social development management decisions at the local level towards the common interests of both sides; local governance is emphasized as the democratization of decision-making processes for the management of a territory, including the implementation

of responsibilities by the state and territorial units when they exist and the participation of people, non-governmental organizations and grassroots organizations in the decision-making process. With that approach and content, researchers have contributed to clearly explaining the basic content of local governance. Accordingly, the content of local governance is interpreted as self-governing/self-governing activities at the local level; this self-governing work is carried out with the participation of both the government and the people, and the interactive relationship between the government and the people is promoted to achieve optimal results when carrying out common tasks of the community and locality. People's participation in local governance is a key factor in a democratic society, where people have the right to participate in the management and decision-making process of the government, and the government is responsible for creating conditions for people to exercise this right. The above content is reasonably explained, but it is necessary to affirm that such participation must comply with the law, for the common good and aim at the goal of ensuring order, stability and social development in the locality. And so, this study defines local governance as self-governing/self-governing activities at the local level, carried out with the participation of the government and the people through administrative governance mechanisms and interactions between the government and the people prescribed by law to aim at the common interests of the community and the locality.

With the above definition, the characteristics of the management object of local governance are affirmed to be the people; at the same time, the people are also the subjects participating in local governance. The participation of the people in local governance is of great significance in contributing to the implementation of the rights of each citizen and the development of individual capacity; maintaining social stability and development, limiting the phenomenon of complaints, denunciations, and social conflicts; enhancing the representativeness and responsiveness of the government. The contents of local governance activities are carried out according to the principle of self-governance and by self-governing governments; subject to the influence of the rule of law to ensure the rights and legitimate interests of the people and the community and maintain order and develop local society.

To govern well, the government needs to promote citizens' rights, attract people's participation to develop resources to achieve local development goals. Ann O'M.B. et al. (2011) and Cuong, N.V. (2015) explain the meaning and role of attracting people's participation towards building a government close to the people. Accordingly, the requirement is that the government implements a mechanism to attract participation, creating conditions for people to actively and proactively participate in local development management work. At the same time, attracting people's participation creates a democratic monitoring mechanism, thereby decentralizing state management activities and enhancing the government's responsibility when formulating and implementing policies. And so, good governance must have people's participation; and participation is considered a process through which people influence and control the process of issuing decisions that affect them; Citizen participation can be direct or indirect through representative bodies or legitimate intermediary institutions.

In practice in Vietnam, local governance is still a new issue; the decentralization of state management at the local level is stipulated in the Constitution (VNA, 2013) and the law (VNA, 2015) and has also demonstrated a certain level of self-management, attracting the participation of people in the process of implementing community and local development management tasks. Accordingly, people participate in local governance in direct and indirect forms, in accordance with the political and cultural characteristics of ethnic groups and localities.

- First, people directly and indirectly participate in establishing the local government apparatus. The Constitution (VNA, 2013) and the Law on Organization of Local Government (VNA, 2015) stipulate that local governments consist of People's Councils and People's Committees. People elect to establish People's Councils - agencies representing their will and aspirations in the locality; the election is conducted according to the principles of universal, equal, direct and secret ballot. After that, the People's Council establishes People's Committees and approves the personnel of the leadership apparatus of the People's Committee - the state administrative agency, exercising executive power to directly carry out the task of local development administration. From the executive perspective, the fact that people do not directly elect the People's Committee - the agency that exercises executive power and directly performs the task of managing local social development - has reduced the opportunity for people to optimally choose the position of head of the agency that directly governs the locality.
- Second, in terms of local governance, people directly participate in community governance work according to the law (VNA, 2022). Accordingly, people have the right to directly discuss and decide on the self-governance tasks of the community, the community works for which they contribute funds, including: Policies and levels of contribution to the construction of infrastructure, public welfare works within the commune and village levels. Meetings and decisions are carried out according to democratic principles, under the supervision of local authorities; the discussion content is decided and becomes effective when more than 50% of the total number of voters or voters representing households agree. In addition, people have the right to directly contribute opinions on projects, draft policies, laws; directly contribute opinions on programs and projects related to local development when requested by the authorities.
- Third, in terms of local governance, people indirectly participate in community governance work according to the law (VNA, 2022). Accordingly, people have the right to reflect and make recommendations to local authorities on issues of community development governance and local development governance through voter contact conferences and through People's Council delegates. According to the law (VNA, 2025; VNA, 2022), voter contact conferences are organized by commune authorities before and after the People's Council session. At the voter contact conference, people reflect and make recommendations to local authorities on related issues; People's Council delegates listen to people's opinions and synthesize, research, and report to the People's Council; subsequent implementation is the responsibility of the state administrative agency - the People's Committee.

3. ASSESSING THE PRACTICE OF PEOPLE'S PARTICIPATION IN LOCAL GOVERNANCE IN VIETNAM AND DISCUSSING THE ISSUE OF POLICY INNOVATION RESEARCH

In the trend of developing digital government, digital society and transforming from a traditional administrative system with a governing nature to a modern, service-oriented one as it is today, enhancing people's participation is very important and meaningful to the development and effectiveness of the administrative system. People, as partners and customers, need to be cared for and facilitated by the government to participate in local governance activities. Therefore, mobilizing people's participation must be effectively implemented right from the commune-level government - the lowest level of local government, also known as grassroots government in Vietnam. Practice in Vietnam has shown limitations in people's participation in local

governance, which are explained below.

- Firstly, the organization of the local government apparatus is carried out through democratic elections; people directly elect to establish the People's Council, but indirectly elect to establish the People's Committee. Meanwhile, the People's Committee is the agency that exercises executive power, directly manages and operates economic, cultural, social activities... of the locality. To a certain extent, this mechanism has reduced the opportunity for people to choose the best position for the head of the agency that directly governs the locality.
- Second, people directly participate in local governance by directly discussing and deciding on the self-governing tasks of the community, but this is limited to a narrow scope, mainly including the content of self-determining infrastructure and public welfare works funded by the people themselves; directly participating in giving opinions on projects, draft policies, laws and programs and projects related to local development when requested by the government. The practice of legal regulations in Vietnam also shows that people have not been given the right to proactively research and propose local socio-economic development programs and projects for the government to evaluate and accept for implementation. Or the fact that people themselves develop programs and projects related to local socio-economic development and propose the government to research and implement them has not been clearly demonstrated.

In general, people are allowed to participate in local governance according to the law; direct democracy and interaction between the government and the people are shown to a certain extent, which are meaningful contents for building a rule-of-law state. However, people are allowed to directly discuss and decide on local governance tasks on a limited scale. This issue needs attention and continued research and innovation. From that practice, the author discusses the research issue in the direction of expanding the rights of people to participate in local governance in Vietnam: Empowering people to proactively research and propose initiatives, programs, and projects for local development.

When empowered, people can proactively research and propose programs and plans for the government to consider and include in the development of local socio-economic development programs and plans. This issue arises from the needs and practices of community activities, such as proposing initiatives to develop new policies or adjusting the content of policies that have been developed but are not suitable. The raising of ideas and proposals by people is the basis for the commune-level government to detect problems arising in practice, thereby having directions for issuing appropriate policies.

The above research and discussion content aims to promote people's mastery, helping the government mobilize more resources to develop the community and locality. Expanding people's participation in local governance activities comes from the requirements of integration, digital government development, digital society and democratization of social life. Expanding people's participation in decision-making processes and local state management activities will make important contributions to building a fair and democratic society, political stability, and socio-economic development in current conditions; to ensure that the state maintains its nature as a state of the people, by the people and for the people, ensuring the effectiveness and efficiency of policies and laws promulgated. Along with this research and discussion content is the right of people to propose or pressure local governments to study the content of proposed initiatives, programs and projects from the people; At the same time, the government is responsible for receiving, researching, evaluating initiatives, programs, and projects proposed by the people and implementing them to serve the common interest.

This issue is consistent with the development context of Vietnam, that the level of education is gradually meeting the trend of digital technology development to build a digital society and digital government. With the development of digital technology, people's participation in local governance through the internet and social networks is becoming more and more popular, becoming channels that provide quick and accurate information for the government to promptly grasp and adjust policies for more effective governance. People have the need to participate in local development governance more widely and deeply; people have convenience when interacting with the government in the digital environment. And therefore, people will pay more attention to the content of local development governance, will proactively and actively contribute to the government for local development. At that time, the government will have the conditions to mobilize intellectual and material resources from the people; will pay more serious attention to promoting these resources. This issue can be explained from both theoretical and legal aspects, specifically.

- Firstly, in terms of theory, the interaction between the government and the people is a basic condition for building a self-governing government. According to Cuong, N.V. (2015), local governance emphasizes decentralization in state management; implemented by local self-governing governments, based on the principle of self-governance and local communities are free to decide on common tasks within the legal framework and for the common interests of the community and the locality. Hai, D.P. (2019) also explained in a similar way that local governance is characterized by the participation of many social actors; the interaction between people and local governments to solve common problems of the community and the locality; and attracting the extensive participation of people is a favorable condition for the government to promote resources for local development. Thus, in theory, expanding people's participation in local governance in Vietnam is appropriate and requires continued research to improve policies and laws to promote democracy and build self-governing governments in the trend of digital society development.
- Second, from a legal perspective, the interaction between the government and the people is a basic condition for building a self-governing government that serves the people and society. In fact, the Constitution of Vietnam (NVA, 2013) establishes citizens' rights and the government's responsibility to ensure and promote citizens' rights. Accordingly, citizens have the responsibility to fulfill their obligations to the state and society; citizens' rights are inseparable from citizens' obligations and can only be restricted according to the provisions of law when necessary for reasons of national defense, national security, social order and safety, social morality, and community health. Along with the constitutional content of citizens' rights, the government has the obligation to ensure and promote citizens' rights; to realize the goal of everyone having a prosperous, free, happy life, with conditions for comprehensive development. Thus, from a legal perspective, expanding people's participation in local governance in Vietnam is in accordance with the Constitution and requires continued research to improve policies and laws to promote democracy and build self-governing governments in the trend of digital society development.

It can be seen that the benefits for the government and the people when people are proactively involved in local governance are: People have improved knowledge and skills to participate in the public policy process, creating high consensus with the government in the process of building and implementing policies; The government has more ideas and initiatives which are important intellectual resources for the process of building and implementing policies, programs and plans for local development. From there, it contributes to improving the quality and effectiveness of policy issuance and implementation, serving the people better, creating satisfaction and strengthening people's trust in the government.

4. CONCLUSION

With a theoretical approach to local governance and a practical analysis of people's participation in local governance in Vietnam, this study discusses the need for continued research and innovation towards the goal of perfecting policies and laws to promote democracy and build self-governing governments in the trend of digital society development. Accordingly, it is necessary to expand the rights of people to participate in local governance in Vietnam: Empowering people to proactively research and propose initiatives, programs, and projects for local development. More specifically, it is the right of people to request or pressure local authorities to research the content of initiatives, programs, and projects proposed by the people; at the same time, the authorities are responsible for receiving, researching, evaluating initiatives, programs, and projects proposed by the people and implementing them to serve the common good. The content of the above research and discussion is explained in both theoretical and legal aspects; feasible to implement and aimed at promoting people's mastery, helping the government mobilize more resources to develop the community and locality. Practice in Vietnam shows that the innovation and international integration have achieved certain successes, contributing to improving people's lives, while also placing increasing demands on the quality of public services; in addition, people also increasingly need to participate in government work. This is an inevitable trend, consistent with the general development of public administration and state governance in the world, requiring the construction of a better governance model, ensuring transparency and promoting accountability; increasing people's participation in government activities.

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