

A study on Vietnam local government organization

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Abstract

Local governments in countries around the world are organized into several levels, and the way organization also has its characteristics based on the political, cultural and social characteristics of each country. In terms of management, the organization of local government is lean, effective and efficient is always concerned by the leaders of each country to save the state budget and best meet the rights and interests of the local government legitimate interests of the people. In terms of research, it shows the organization of local government is also a topic of interest to many researchers and is a leading content in the organization of the state apparatus. In this article, the author focuses on analyzing the reality of Vietnam's local government organization and comparing it with some models of local government in the world. By method of qualitative research through the synthesis and analysis of secondary documents, the author points out some principles and models of local government organizations popular in the world; points out the advantages and limitations of local government organizations in Vietnam. From that practice, the author proposes some innovative research content towards increasing the effectiveness and efficiency of the local government apparatus in Vietnam.

Keywords: Organization, Local government, Vietnam.

1. Introduction

Local government in Vietnam is organized into three levels according to the provisions of the Constitution (Vietnam National Assembly 2013) and the Law on Organization of Local Government (Vietnam National Assembly 2015), including provincial, district and commune levels. The model of government organization at each level is implemented uniformly, with established agencies: the People's Council, the People's Committee, the specialized agency (or professional civil servant) of the People's Committee. The organization and operation of the local government are also carried out according to the general and unifying principle: Voters elect the People's Council according to the term of office; The People's Council shall establish the People's Committee and the specialized agency of the People's Committee; Lower-level local governments are subject to the supervision and submission of orders from higher-level governments.

According to official statistics on administrative units (General Statistics Office 2021), Vietnam currently has 63 local administrative units, including 63 provincial-level local government agencies, 705 district-level local government agencies, 10.604 commune-level local government agencies. Each

provincial and district government agency usually has 16-20 specialized agencies under the People's Committee. Those are the agencies that directly perform the state management tasks according to the branches and specialized fields in the locality. Mainly, 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 specialized branches and fields in the commune-level area (public agencies). Commune-level professional organizations usually have 7-10 people).

The organizational model, organizational principles and operation of the local government in Vietnam were built in 1945 and inherited and developed until now. At each stage of the country's history, the government organization has made certain adjustments to suit the actual situation in the country and the trend of world administration. That means that the study of local government organizations is always necessary. In that trend, the author conducts this study based on analyzing and evaluating the organization of local government in Vietnam, combined with analysis and comparison with local government organizational models 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 there is independence and democracy in terms of organization, it is possible to have the initiative, autonomy and promote the people's mastery in the implementation of local tasks based on decentralization according to the law and only obeys the law, not subject to the influence and interference of superior authorities (Ngo Sy Trung 2019). Researching on local government organization of countries around the world, many researchers have generalized into some standard models below:

a) Decentralization model

In this model, local government is organized independently, deciding on local issues in decentralization. The United Kingdom, the United States, and Japan have built a system of local government operating under a decentralized model, whereby local governments at all levels have independence and high self-responsibility in the organization and activities, which is a necessary condition for performing local governance tasks.

Although the UK is a constitutional monarchy, it is considered a democratic country (Nguyen Minh Tuan 2011). Three-level local government (province, district, commune) is organized in the form of universal suffrage and operates on the principles of self-governance, independence and self-responsibility: The central government is not the governing body at all levels on for local, not local control; local government levels are independent, without interdependence, can decide on their local issues based on compliance with the law and supervised by the court system. The head of the local government is the leader of the majority party, and the local councillors are the managers of the local state management functions (Ngo Huy Duc 2004).

In the United States, local government bodies (counties, cities and towns, villages) are elected assemblies, organized and operated in a democratic form, and the ultimate power belongs to the people. The head of government is an eminent person directly elected. Government levels have high independence, are free to choose organizational models (Mayor-Council model, Committee model, City manager model) and operate on the principle of self-governance with apparent decentralization:

Having the full authority to handle their affairs without the need for central patronage; Central compliance, as well as central supervision over the locality, is mainly through the law and judicial activities (Ngo Huy Duc 2004). The organization of the local state apparatus of the United States adheres to the principle of separation of powers: The legislative, executive and judicial branches are independent, there is a balance to avoid abuse of power (Tocqueville, A. 2002).

In Japan, the government of this country is similar to that of England (constitutional monarchy). However, the local government is organized more simply, in the form of direct democracy, the separation of powers is like in the United States. It consists of only two levels (province level, county level), independent entities and does not have a hierarchical relationship in the administrative system. Besides, it has the right to make its regulations and policies to perform its functions and tasks following the actual situation of the locality, and the government does not interfere in local affairs. The problem of local governance in Japan consists of self-governance of the government combined with self-governance of residents. This self-governance is carried out by law and under the independent supervision of the courts (Nguyen Minh Phuong 2015).

b) Model of surveillance duplication, affiliated parallels

This organizational model, the local government organization, does not promote the independence and self-determination of each level but is supervised and directed by the superior authorities. The French Republic and China are representative countries of this organizational model.

In the French Republic, the three-level local government implements the self-governance regime according to a combination of decentralization and centralization: Independently performing local administration tasks according to the decentralization prescribed by law, without subject to the intervention of the superior authorities, and under the supervision of the central authority located in the locality - double supervision (Dao Bao Ngoc 2013). The activities of local governments with self-governance are protected by the Constitutional Council (the State's highest judicial body). However, the fact that the local head is elected by the local council, rather than directly by the people, has a particular influence on selecting the outstanding head of government to implement suitable local development management tasks (Ngo Sy Trung 2019).

In China, the 4-level local government is organized in a combination of autonomous and non-autonomous, whereby autonomous localities (autonomous regions, autonomous regions, autonomous counties) and more decentralized remaining localities. The local executive body (local people's government) is elected by the state power agency (local people's congress) at the same level and is subject to the supervision and direction of this agency. The lower-level People's Governments are directly under and under the supervision and direction of the superior People's Governments, and the leadership of the Party Committees of the same level (dual subordinates), so it is challenging to create a political system. local self-governance (Nguyen Thi Phuong 2011). Although there is parallelism, the head of the local government is not directly elected by the people. The regulation of the local people's government to operate under the headship regime has made the role of The leadership of the government is clearly shown, contributing to the breakthrough development of many localities when there are talented people at the head of the government (Pham Vinh Ha 2016).

3. The practice of organizing local government in Vietnam

The local government of Vietnam is organized at the level of administrative units (province, district and commune levels), including the People's Council, the People's Committee and the specialized agency (or professional civil servant) of the People's Committee. People's Committee; operates with decentralization, authorization and decentralization following the provisions of law. People organize local government by exercising their democratic suffrage to establish the People's Council, representing their will and aspirations in the locality. This right is demonstrated by voters having the right to stand for election, directly express confidence in the candidate at the constituency conference before the election, conduct public elections. This way of organizing shows the democratic nature in the organization of the government apparatus. However, the organization of local government is dominated and dependent by the superior government; In addition, the people are not allowed to directly participate in the establishment of executive authority to manage and administer local socio-economic activities and ensure their legitimate rights and interests.

a) The organization of local government is dominated and subordinated by superior authorities

The Law on Organization of Local Government 2015 stipulates the organization of the local government apparatus through the form of elections: The People's Council is elected by local voters for a term by universal suffrage, is the local state power agencies, 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 (Articles 6 and 8). However, the organization of local government at each level is not entirely independent but is controlled and dependent by superior authorities, namely:

- The President of the superior People's Committee shall approve the results of an election, relief from duty and dismissal of the President and Vice President of the lower People's Committee to mobilize, suspend or dismiss the Presidents and Vice-Chairs of the People's Committees at lower levels. Delegate the right to the Chairman of the People's Committee at a lower level if the Chairman is vacated between two sessions of the People's Council at the lower level. Even the provincial government can intervene to the commune level: the Chairman of the Provincial People's Committee has the right to request the Chairman of the District People's Committee to suspend or dismiss the Chairman and Vice-Chairman of the Committee. Commune-level People's Committees fail to fulfill their assigned tasks or violate the law (Article 22).

- The superior People's Council has the right to dissolve the lower-level People's Council if it causes severe damage to the people's interests: The district-level People's Council dissolves the lower-level People's Council Commune and submits it to the Provincial People's Council for approval. And then, The provincial People's Council dissolves the district People's Council and submits it to the National Assembly Standing Committee for approval.

With the above provisions, it can be seen that the organization of the local government apparatus in Vietnam is different from that of 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-governance, only complying with the law without the direct approval of the superior government in organizing the organization bureaucracy of lower-level government. It is the factor that creates the independent nature in the organization of the government apparatus, thereby forming a self-governing system of government to perform the local governance

tasks of the United Kingdom, the United States, Japan and the Republic of China. French peace. In Vietnam, the superior government participates in the organization of the lower-level government apparatus. It can even intervene from the provincial level to the commune level, creating dependence on the superior in organizing the apparatus level of government, and as a result, it is challenging to build a complete self-governing system to perform local governance tasks best.

b) People are not allowed to directly participate in establishing agencies to exercise executive power to manage and administer local socio-economic activities and ensure their legitimate rights and interests.

The People's Committee is the body that exercises the executive power to regularly manage and administer local socio-economic activities, ensuring the people's legitimate rights and interests. The People's Council implements the establishment of the People's Committee at the same level through the votes of the elected deputies: the People's Council elects, relieves and dismisses the President and Vice President of the People's Committee and members of the People's Committee.

Thus, the people indirectly elect to establish the People's Committee. Besides, the People's Committee operates under the collective system (the Chairman and members of the People's Committee) combined with the responsibility of the head (the Chairman of the People's Committee), so the collective must decide the problems significant in local state management. It also means that the state management at the local level has many cases where problems arise, will be difficult to attribute responsibility to the head of the apparatus performing the executive function - the People's Committee. Moreover, if the head of the People's Committee is not a talented and outstanding person, it will be challenging to perform the local governance tasks well; not only cannot promote the role and responsibility of the leader but also can quickly push the responsibility the collective.

In terms of state organization science, the organization of the local state administrative apparatus in Vietnam is carried out in representative democracy. This way of organization has limited the direct choice of the people to build a solid executive apparatus and limited the people's natural choice to have the heads of the agencies performing the executive function Dharma are people who have outstanding talent. The causes of the above problems stem from the characteristics of the political regime, how the organization and operation of the state apparatus are constitutionally and legally established, specifically:

- *Firstly*, Vietnam is a unitary country; 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. It also shows that there is no concept of "local state" in Vietnam to distinguish it from "central state" as in many federal countries - states have their laws and organizational apparatus. In a particular way, following the socio-economic characteristics of the state. The construction of a unitary state form together with a democratic political regime has created unity in the organization of the Vietnamese local government apparatus. However, in the world, many single countries have been performing the task of local governance quite successfully due to the flexibility in organizing local government models. Therefore, the issue of organizing can still be adjusted according to each content while still ensuring consistency according to each defined specific criteria, for example, the Classification of localities into natural administrative units. However, the administrative unit is artificial and stipulates a unified organization method 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; there is assignment, coordination and control among state agencies; State management activities are carried out according to the principle of unity, transparency, a combination of management by sector and management by territory and placed under the leadership of the Communist Party of Vietnam, thus creating an incomplete decentralization. Local governments are authorized to perform tasks according to the law within the territory and placed under the inspection, examination and supervision of the superior authorities and management agencies. In addition, it is also under the leadership of the party committee at the same level, thereby making the self-governance activities of the local government not promote the issue of autonomy and self-responsibility within the territory by law.

4. Contents need to be innovated

From the practice of organizing local government in Vietnam and the local governance model of some countries mentioned above, the author suggests the need for innovative research towards promoting the people building a lean, efficient and effective local government apparatus in Vietnam, that is: Building a regime for the people's direct participation in the organization of the local executive apparatus.

a) The goal of building a regime of direct participation in the organization of the local executive apparatus.

Building a regime for the direct participation of the people in the organization of the local state administrative apparatus (the apparatus for exercising executive power, also known as the administrative apparatus) in the locality aims to promote the principle of democracy in the organization. Moreover, operation of the state apparatus, ensuring all state power belongs to the people and building a solid executive government to ensure the best implementation of legitimate rights and interests of the people according to the spirit of the 2013 Constitution.

b) Content and meaning of building a regime for direct participation of the people in the organization of the local executive apparatus.

- Establish a 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 according to law specialized fields (for commune level). The People's Council is the state power agency, deciding local policies; The specialized agencies established by the People's Council are the agencies that exercise executive power and implement local policies - the local executive apparatus.

- Establish a system of people to elect the head of the government directly, and the head of the government appoints the head of the administrative apparatus and the leader of the local executive apparatus.

The establishment of a regime for direct participation of the people in the organization of the local executive apparatus is of great significance, not only streamlining the apparatus but also ensuring the operational efficiency of the central apparatus the local authority, specifically:

- *Firstly*, the establishment of the local executive apparatus includes only specialized state management agencies according to branches and domains (for provincial and district levels) established by the

People's Council and professional civil servants. (for the commune level), being accountable to the Chairman of the People's Council, without the general authority of the state administrative agency - the People's Committee will make the local government apparatus more sophisticated. Compactly, reducing 10,604 commune-level People's Committees, 705 district-level People's Committees, 63 provincial-level People's Committees with more than 24,000 current titles of Chairman and Vice-Chairman of the People's Committee.

Second, the streamlining of the apparatus but still ensuring the operational efficiency of the local government because, at present, the direct handling of people's requests are assigned to the local government's specialized agencies. The People's Committee (district and provincial level) and professional civil servants (commune level), while the People's Committee is in general management. Moreover, suppose the People's Committee institution is abolished. In that case, the task performance of specialized agencies (district and provincial levels) and professional civil servants (commune level) will still be regularly according to the regulations report and be accountable to the head of the local government - the Chairman of the People's Council.

Third, establishing the people's system to directly elect the head of government and the head of government appointing the head of the administrative apparatus. The leader of the local executive apparatus will create opportunities to choose Select and optimal choices for the heads of the government apparatus, which are talented people to organize the implementation of local socio-economic development tasks, serve and best meet the needs of the local government legitimate demands of the people.

c) Basis for explaining the establishment of the regime for direct participation of the people in the organization of the local executive apparatus.

- Theoretical basis: Many researchers and scholars following the theory that state power belongs to the people and the doctrine of the rule of law have affirmed that democracy is the fundamental problem of the rule of law: "The nucleus of the theory of the rule of law is Rights are a democratic issue... and democracy is both a goal and a condition of the rule of law" (Ngo Minh Thuong 2018) or "The rule of law is understood in practical terms, that is, an organization of power." state, implement democracy" (Dao Tri Uc 2007), while it includes both direct democracy and indirect democracy. Therefore, the promotion of the people's mastery by building a regime of direct participation of the people in the organization of the local executive apparatus is content consistent with the scientific ideas and views on building a state governed by the rule of law.

- Legal basis: Although the 2013 Constitution was formulated with the spirit of "The State ensures the promotion of the people's mastery" (Article 3), the guarantee of the people's rights implementation is mainly carried out by the administrative system. However, the organization of the local executive apparatus is not directly elected by the people, but the right to vote directly is prescribed for the elected body (the People's Council).), while local government is regulated to include both of these types of bodies: "Local government consists of the People's Council and the People's Committee... The local people elect the People's Council... The Committee elected by the People's Council of the same level" (Article 111, Article 113, Article 114). The people do not have the right to elect the local executive apparatus directly, including the People's Committee (general state administrative agency) and specialized agencies under the People's Committee (the People's Committee of Vietnam) State

administrative agencies with professional competence) are stipulated in the Law on Organization of Local Government 2015.

This issue is posing challenges of innovation in terms of theoretical thinking and management and one of the orientations for timely adjustment in the current context to the new requirements of the administrative reform. It is a fact that the 12th Central Committee of the Communist Party of Vietnam continues to have leadership related to the renovation and reorganization of the political system's apparatus in the direction of leanness and operational efficiency effective and efficient (Central Committee of the Communist Party of Vietnam 2017). It is an essential basis for the state to continue to adjust the legal system related to the organization of the state apparatus, with the focus on the state administrative apparatus in a streamlined direction while promoting the ownership of the state people, both following the actual situation of administrative reform of the country as well as the movement trend of world politics. Moreover, one of the adjustments related to the promotion of the people's mastery rights that needs attention is the building of a regime for direct participation of the people in the organization of the local executive apparatus in a streamlined manner, including local elected bodies - People's Councils and specialized agencies for state administrative management by branches and domains, without the People's Committee.

- Practical basis:

+ In practice in Vietnam, for a long time since the birth of democracy, the local government apparatus has been formed through direct democracy to the agency representing the will, aspiration of the people - The People's Council¹, through an indirect form to the administrative apparatus (the People's Committee)²: "The people exercise state power by direct democracy, by representative democracy through the National Assembly, the People's Council and through other State agencies" (Article 6 of the 2013 Constitution). This way of organizing the government apparatus has also revealed certain limitations when the local executive apparatus, which directly implements policies and solves the people's requests, is not directly owned by the people elected, operates under a combination mechanism between collective responsibility and individual responsibility of the head and has not been evaluated as a robust executive apparatus³. In addition, the local government apparatus is considered cumbersome, including the People's Council, the People's Committee and specialized agencies of the People's Committee (for the provincial and district levels), civil servants professional (for commune level): The People's Council is an elected body that decides on local policies; The People's Committee is the executive body of the People's Council, and uniformly organizes and manages the implementation of local policies; Specialized agencies of the People's Committee (for the province and

¹ Direct democracy is determined by the right to elect to establish the National Assembly and People's Councils: The election of deputies to the National Assembly and People's Councils shall be conducted according to the principles of universal, equal, direct and direct democracy. secret ballot (Article 7 of the 2013 Constitution).

² Representative democracy is determined by the people's right to vote through the National Assembly and People's Council deputies to establish the executive apparatus: the National Assembly establishes the Government, elects, relieves and dismisses the Prime Minister. Prime Minister (Article 70 of the 2013 Constitution); The People's Council establishes the People's Committee at the same level, elects, relieves and dismisses the President, Vice President and members of the People's Committee at the same level (Law on Organization of Local Government 2015).

³ Vietnam ranked 32nd in the Best Countries Report 2019 in the content of world power. Global Finance magazine ranked Vietnam 128th out of 192 richest countries in 2019. In the Global Competitiveness Report of the World Economic Forum, Vietnam ranked low (78/140) in terms of economic competitiveness in 2018, including Caused by the executive authority - the government apparatus (Source: *Vietnam's position in the rankings*, address <https://www.bbc.com/vietnamese/vietnam-47792619>, accessed on 02/ April 2019).

district level), professional civil servants (for the commune level) directly implement the implementation of local policies by industry, professional field and place under the unified management of the People's Committee.

In essence, the People's Committee acts as an intermediary agent in the policy decision-making process and directly implements the policy. That means that the People's Council makes policy decisions, the specialized agencies (for district and provincial levels), professional civil servants (for the commune level) of the People's Committee directly implement the implementation policies of the People's Council. At the same time, the People's Committee acts as an intermediary to receive information and reports on policy implementation results from specialized agencies and professional civil servants⁴ and continues to report to the Council people of the same level. One problem is that the direct handling of people's requests is assigned to specialized agencies under the People's Committee (for district and provincial levels) and professional civil servants (for district and provincial levels). at the commune level), is it still necessary to establish a People's Committee, or is it only necessary to establish the People's Council and specialized agencies (for the provincial and district levels), professional civil servants and public servants? (for commune level) are directly responsible for state management activities by branch or field before the Chairman of the People's Council. It is an issue that needs further study to implement the spirit of Resolution No. 18-NQ/TW dated October 25, 2017, of the 12th Central Committee of the Communist Party of Vietnam on continuing to renovate and reorganize the organization. The apparatus of the political system is lean, effective and efficient.

This limitation needs to be adjusted and renewed to match the situation and general trends of many countries with developed administrative systems globally. Furthermore, in the spirit of Resolution No. 18-NQ/TW dated October 25, 2017, of the Central Committee, continuing to improve institutions - perfecting the legal system on local government organization in the direction of eliminating In the case of the People's Committee, the local government consists of only the People's Council and specialized agencies (for the province and district level), and professional civil servants (for the commune level). Local policy decision-making bodies (People's Councils) and agencies directly implementing local policies (professional agencies, professional civil servants). Thus, the local government apparatus will be streamlined, reducing more than 24,000 current titles of Chairman and Vice Presidents of People's Committees at all levels while ensuring the regular and effective operation of the government apparatus.

+ In practice in the world, in the UK, local governments include local councils (directly elected by the people), specialized agencies (boards) of local councils performing management functions the state according to the sectors and fields of decentralization (Ngo Huy Duc 2004). In the United States, local government is organized according to many models. However, all have an elected Council directly elected by the local people and specialized agencies of the Electoral Council perform managing housing country according to decentralized sectors and fields, similar to how local government is organized in the UK (Nguyen Minh Phuong 2015). In Japan, local governments also have a variety of organizational models, including elected councils and local executive heads, directly elected by local

⁴ In addition to receiving information and reports on policy implementation results from specialized agencies and professional civil servants, the People's Committees perform the direction, inspection and supervision according to law. However, if there is no People's Committee, the People's Council can also do this for specialized agencies and professional civil servants in the process of implementing local policies.

people; assisting the local government is a system of specialized agencies, proposed by the head of the local executive branch to establish and appoint a person in charge of administration (Ngo Sy Trung 2019).

The organization of local government in the United Kingdom, the United States, and Japan show that the local people exercise their right to vote directly to establish the local executive apparatus. Therefore, they have many opportunities to choose a talented head of government and a small and compact government system with a local solid executive apparatus. The above theoretical, legal and practical bases have explained the necessity and superiority of applying direct election to organize the local executive apparatus, contributing to building Vietnam's local government system are lean and efficient.

Conclusion

With a theoretical approach to the organization of local government, the author has pointed out the advantages and limitations of the practice of organizing local government in Vietnam and suggested the problem of continuing research on innovation. That is to build a regime of people's direct participation in the organization of the local executive apparatus. The author also explains the theoretical basis, legal basis and practical basis on the above issue. The research results are meaningful for the author himself in carrying out further studies related to the topic of local government organization and have reference value for leaders in the local government. The adjustment of policies and laws to continue reforming, building a lean government apparatus, operating effectively and efficiently, best meeting the requirements of serving the people.

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