CONTROLLING THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS FROM THE PERSPECTIVE OF IMPROVING DISCIPLINARY RESPONSIBILITY FOR CURRENT CIVIL SERVANTS

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ABSTRACT

Purpose: This study aims to clarify theoretical and practical issues about exercising power and controlling power and, from there, propose solutions to strengthen control over state power by local governments in Vietnam today.

Methods: Qualitative research and quantitative research through research and evaluation of legal documents. Survey of 300 people in 3 provinces including Quang Ninh Province, Da Nang City, and Soc Trang province. Questionnaire design related to controlling the exercise of state power by local governments.

Results and discussion: Controlling the exercise of state power by local governments has achieved certain results, but there still exist many inadequacies and limitations that need to be clarified such as The subject of controlling power; the reality of the subject of power control; content of power control; method of controlling power. The proposed solutions will contribute to strengthening control over local State power.

Implications of the research: Clarifying theoretical and practical issues about exercising power and controlling State power. Provide solutions to strengthen control over the exercise of state power by local governments in Vietnam today.

Originality/value: The exercise of state power by local governments in Vietnam today is essential. If State power is improperly exercised, it will reduce people's trust in the leadership of the Communist Party and the management of the State of Vietnam. From there, the proposed solutions will enhance people's confidence in implementing State power locally.

Keywords: Control, State Power, Local Government, Improving Disciplinary Responsibility, Civil Servants, Vietnam.

CONTROLO DO EXERCÍCIO DO PODER DO ESTADO PELOS GOVERNOS LOCAIS NA PERSPECTIVA DE MELHORAR A RESPONSABILIDADE DISCIPLINAR DOS ATUAIS FUNCIONÁRIOS PÚBLICOS

RESUMO

Propósito: Este estudo visa esclarecer questões teóricas e práticas sobre o exercício do poder e controle do poder e, a partir daí, propor soluções para fortalecer o controle sobre o poder do Estado por governos locais no Vietnã hoje.

Métodos: Pesquisa qualitativa e pesquisa quantitativa por meio de pesquisa e avaliação de documentos legais. Levantamento de 300 pessoas em 3 províncias, incluindo Quang Ninh, Da Nang City e Soc Trang. Design de questionários relacionados ao controle do exercício do poder do Estado por governos locais.

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Resultados e discussão: O controle do exercício do poder estatal pelos governos locais tem alcançado certos resultados, mas ainda existem muitas inadequações e limitações que precisam ser esclarecidas, como o tema do controle do poder; a realidade do assunto do controle do poder; conteúdo do controle do poder; método de controle do poder. As soluções propostas contribuirão para reforçar o controlo do poder estatal local.

Implicações da pesquisa: Esclarecer questões teóricas e práticas sobre o exercício do poder e controle do Estado. Fornecer soluções para fortalecer o controle sobre o exercício do poder do Estado por governos locais no Vietnã hoje.

Originalidade/valor: O exercício do poder estatal pelos governos locais no Vietnã hoje é essencial. Se o poder do Estado for exercido indevidamente, reduzirá a confiança das pessoas na liderança do Partido Comunista e na gestão do Estado do Vietnam. A partir daí, as soluções propostas aumentarão a confiança das pessoas na implementação do poder do Estado localmente.

1 INTRODUCTION

In the state of organization and development of the contemporary state, in countries with a unitary form of state structure, there is an increasingly clear trend of decentralization. Decentralization is a higher requirement of decentralization and decentralization between the central state and local states. Accordingly, more authority will be assigned - increasing the independence of local governments to create specific development mechanisms for each locality. However, the state of decentralization, in addition to its positive values, also brings a major concern about the ability of local governments to control the exercise of power (control over the exercise of power) and maintain the centralization of central government power. This concern comes from the corrupting tendency of state power, as Acton (1834-1902) once said: “Power leads to corruption, absolute power leads to absolute corruption.” That’s why the granting of state power must always be accompanied by a mechanism to control the implementation of that granted power.

In Vietnam today, besides the principle that “state power is unified, there is division, coordination, and control among state agencies in the implementation of legislative, executive, and judicial powers”. To organize and implement state power at the central level, the trend of increasing decentralization and decentralization of power to local governments also becomes an inevitable requirement. The Communist Party of Vietnam’s (CPV) viewpoint and legal regulations related to the organization of the state apparatus between the central and local levels also clearly show this trend of increasing hierarchy, and decentralization to create flexible mechanisms, specificity as well as self-determination ability of local governments, thereby creating the fastest and most convenient conditions for the development of all aspects of the local economy and society.

However, this push for decentralization and decentralization is also leading to a huge risk when localities exercise this discretionary power subjectively, without research and lack of consensus on the issue of systematic nature, etc. so there has been a situation where “each locality will have a different way of doing things”, a situation of “local area” appearing. As a result, there is a lack of close connection between localities and localities even ignore instructions and decisions from the central government. In addition, corruption from activities exercising state power that are not under the strict control of local authorities has also become common, sophisticated, and increased in both quantity and scale.
Recognizing this problem, right in the Party’s Platform for building the country during the transition period to socialism (supplemented and developed in 2011), it affirmed: “State power is unified; there is assignment, coordination, and control among agencies in the exercise of legislative, executive and judicial powers”. In the spirit of that orientation, the Constitution (2013) and other legal documents of the State have institutionalized the control of state power in general and the control of the exercise of state power in general. This point of view is still being improved day by day. The political report of the 12th Party Central Committee at the 13th National Congress (2021) of the CPV commented: “The mechanism for assignment, coordination, and control of power between State agencies in the exercise of legislative, executive and judicial powers are increasingly clearer and there are many positive changes”. However, in the practice of controlling the exercise of state power by local governments, there are limitations such as the control method from the central government is sometimes rigid and interferes harshly with local authorities. Local government activities lead to obstruction of management activities of this level of government; control tools are not regular, continuous, and strong enough, so many acts of abuse and corruption of power by local officials are not promptly detected and handled; the local government’s internal control mechanism is not effective, and respectability is still high; People’s participation is limited, the right to request information and accountability from society is not respected by local authorities; Control activities are not comprehensive and there is overlap in the exercise of authority of the subjects, etc.

Because of that practical problem, it is necessary to have a methodical, invested, and objective scientific research to systematize concepts, analyze and evaluate practice to propose solutions to increase productivity. Strengthen control over the exercise of state power by local governments in Vietnam in the coming time. However, considering the scope of gender studies in the country, research projects on controlling the exercise of state power by local governments in Vietnam for the new period have not had much research and evaluation. To clarify the issues raised, this study will focus on analyzing the following specific issues:

Firstly, why is it necessary to clarify the role of controlling the exercise of state power by local governments in Vietnam?

Secondly, why is it necessary to analyze the practice of controlling the exercise of state power by local governments in Vietnam and evaluate the results of controlling the exercise of state power by local governments?
Thirdly, what solutions can be used to improve the effectiveness of controlling the exercise of state power by local governments in Vietnam in the coming time?

2 LITERATURE REVIEW

In the modern period, research on the control of state power in general and of local governments in particular has been inherited and continued. Among them, many case studies directly analyze the control of the exercise of state power by local governments. Typical examples include:

Peter John (Ed.) (2001) with the study “Local Government in Western Europe”. The study reflects the organizational and operational practices of local governments in Western Europe. The issue of controlling the power of local governments runs through and is common in most institutions in this region. Accordingly, the research shows that, although the structural forms are different, the mechanisms to control state power of local governments are an important basis to help maintain the stability of state power in these countries. The study concludes that the role of local government in controlling the power is inevitable, but controlling without violent intervention, and controlling without reducing the creativity of local government is the problem requirements of modern state governance.

Author group Tomila V. Lankina, Anneke Hudalla, Hellmut Wollmann (2008) with the study “Local Governance in Central and Eastern Europe Comparing Performance in the Czech Republic, Hungary, Poland, and Russia”. The study is the result of comparing local governance practices in Central and Eastern European countries such as the Czech Republic; Hungary and Russia. The results conclude: that the issue of local governance depends closely on the relationship mechanism between the central state and the local state. In a country where this relationship is flexible enough but also has enough strength and reasonable limits, it will inevitably lead to effective governance results and vice versa.

Janice Morphet (2008) with the study “Modern Local Government”. The study points out the characteristics of a modern local government. Accordingly, the author believes that modern local government is a transition from a state of management to governance. In particular, the autonomy of local governments must be guaranteed to allow local governments to carry out governance activities appropriate to their local realities. This poses a situation where the control of local government power from the central side will be narrowed and determined only on a macro level through laws and policies. On the contrary, increasing control
from civil society, because at this time, this is the customer of the local government. This control is mainly aimed at providing infrastructure and public services in an efficient and transparent manner.

Eileen May V. Abellera (2011) with the research “Explaining legislative oversight in Philippine sub-national governments, Limits of Good Governance in Developing Countries”. The study approaches a very interesting angle in the study of modern local governance, which is the issue of self-control of local governments. Accordingly, local government agencies also play a role in controlling the exercise of power by local executive agencies. The reference in this case is the Philippines with its unique internal monitoring mechanisms.

Nguyen Minh Doan (2018) in the study “Legal Mechanism to Control State Power, in the Context of Building a Socialist rule-of-law State in Vietnam” analyzed and clarified the overarching theoretical aspects issues of controlling state power such as concept; necessity; and mechanisms to control state power. The research provides important scientific arguments for building a theoretical system of state power control in the political and legal world in Vietnam today.

Dao Bao Ngoc (2019) with the research “Local governance in European countries - Case studies of England, France, Germany and the acquisition of experience for Vietnam”. The study also makes important contributions in citing empirical evidence on local governance from the UK, France, and Germany. It analyzed the relationship between the central government and local governments in the issue of controlling the power of local governments. Besides, the research also summarizes values that can be applied to Vietnam related to this issue.

Ha Ngoc Anh (2021) with the doctoral thesis “Accountability of local governments under Vietnamese law”. The study approaches the issue of accountability of local governments on the basis of the inevitable requirement of controlling the power of local governments. Accordingly, the research results show that the right to demand accountability of subjects with rights and obligations to perform accountability of local governments is one of the important means to control the power of institutions. This.

Through statistics and analysis of the research situation related to the thesis topic, it can be seen that the academic world has conducted many studies to clarify the theoretical, and practical aspects and solutions of controlling state power in general and of local authorities in particular domestically and internationally. However, from the research perspective of the topic, the research situation shows that some of the following research gaps have not been resolved and need to be further clarified by the topic.
3 RESEARCH METHODS

3.1. Secondary document research method: used to collect, classify, and study documents such as books; reports; scientific articles; and legal documents on the issue of controlling state power of local governments to build systematic thinking on the research issue.

3.2. Scientific observation method: used to observe actual state power control activities of current local governments.

3.3. Sociological survey method: The sociological survey method is carried out using questionnaires. To survey and investigate the current situation, we used opinion polls from provincial-level officials and commune-level officials in 03 localities, including Quang Ninh Province, Da Nang City, and Soc Trang Province. The evaluation form has 5 levels (table 1).

Table 1

<table>
<thead>
<tr>
<th>Levels</th>
<th>Conventional scoring scale</th>
<th>Medium score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weak/Unnecessary</td>
<td>1 point</td>
<td>1 - 1.80 points</td>
</tr>
<tr>
<td>Moderate/Less necessary</td>
<td>2 points</td>
<td>1.81 – 2.60 points</td>
</tr>
<tr>
<td>Rather/Rather necessary</td>
<td>3 points</td>
<td>2.61 – 3.40 points</td>
</tr>
<tr>
<td>Good/Necessary</td>
<td>4 points</td>
<td>3.41 - 4.20 points</td>
</tr>
<tr>
<td>Very good/Very necessary</td>
<td>5 points</td>
<td>4.21 – 5 points</td>
</tr>
</tbody>
</table>

3.4 SURVEY SAMPLE

Subjects examining the current status of the project include 02 groups of provincial-level civil servants and commune-level civil servants in 03 provinces and cities: Quang Ninh Province, Da Nang City, Soc Trang Province with a total number of people being surveyed of 300, specifically as follows: Quang Ninh Province: the group of provincial-level civil servants with the number of survey ballots is 75, the group of commune-level civil servants with the number of survey ballots is 25. Total the number of votes in Quang Ninh province is 100 votes. The number of valid issued and collected ballots is 100, reaching 100%; Da Nang city: the group of provincial-level civil servants has 75 questionnaires, and the group of commune-level civil servants has 25 questionnaires. The total number of ballots in Da Nang city is 100. The number of valid issued and collected ballots is 100, reaching 100%; Soc Trang province: the group of provincial-level civil servants has 75 questionnaires, and the group of commune-level
Controlling the Exercise of State Power by Local Governments from The Perspective of Improving Disciplinary Responsibility for Current Civil Servants

civil servants has 25 questionnaires. The total number of ballots in Soc Trang province is 100. The number of valid issued and collected ballots is 100, reaching a rate of 100%.

4 RESULTS AND DISCUSSION

4.1 THE ROLE OF CONTROLLING THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS IN VIETNAM

4.1.1 Controlling the exercise of state power by local governments

Controlling the exercise of state power by local governments is an activity carried out by entities inside and outside the state. The subjects controlling the exercise of state power by local governments can be the system of state agencies of the following branches of power: Legislative; executive and judicial bodies at the central level or local elected bodies. These entities control the exercise of state power by local governments as superior agencies, the agencies that establish local executive agencies. At the same time, control over the exercise of state power by local governments is also carried out by institutions outside the state such as civil society organizations and the people. Subjects belonging to this group outside the state control the exercise of state power by local governments as institutions holding state power. Accordingly, in theory, people and society are the subjects of power and temporarily empower the state. Local governments are therefore also the recipients of temporary empowerment from the people and society and are inevitably subject to control from these institutions.

Controlling the exercise of state power by local governments is an activity associated with the mechanism of delegation or authorization; decentralization and local self-governance. In every past and present state, there is a relationship with the locality through the activities of central state agencies and local state agencies. Depending on the complexity of territory and population, states can organize local governments into 2 or 3 levels. The relationship between local government levels and the central government is also very different. In a centralized economy as well as the management style of an authoritarian state, local governments at all levels are just agencies that depend on the control of higher levels. In a democratic state and especially a market economy, the dependence on the superior government of lower-level local government agencies is decreasing, and the self-responsibility of local government agencies is increasingly increasing authorities. The relationship between the central state and local government levels has changed from many levels to two simple levels: Between the central
government and each level of government. Each level of government must take responsibility for its own activities. The superior-subordinate relationship of guidance, direction, and command will be gradually replaced by law, and even by contracts clearly defining the rights and responsibilities of the parties.

There are also differences in local government control between them. If in an authoritarian regime, there is a heavy focus on supervision by superiors over subordinates, then in a democratic regime and a market economy, on the contrary, lower-level governments have the ability to supervise superior authorities, promoting the independence and self-responsibility of lower-level local authorities.

The content of controlling the exercise of state power by local governments is the authority of that local government. This means that where authority is, there is control and cannot control what does not belong to authority.

This authority is established through many methods such as (1) the right to self-governance and autonomy - the right of local governments at each level alone, other levels cannot perform on their behalf; (2) the right to decentralization - the right to be divided on the basis of law, basically has the same properties as (1) but to a lower degree; (3) decentralized powers – local government powers assigned by the central government in certain circumstances or periods of time, are of a lesser nature than forms (2) and (4) delegated powers – powers that belong to the central government but authorize local governments to exercise them in a certain specific case, the lowest level of authority. For each of the above methods of establishing power, there are different power control mechanisms, thus diversifying the content of control over the exercise of state power by local governments.

Methods of controlling the exercise of state power by local governments are very diverse, this method depends on the subject and content of each control activity. Each method will therefore express the authority and characteristics of each subject and each method will also bring different results. In fact, the methods of controlling the exercise of state power by local governments in countries around the world are not completely different. On the contrary, there are methods commonly used in most countries that stem from the convergence in the state apparatus organization model or the role of society and the people in the political environment.
4.1.2 The role of controlling the exercise of state power by local governments

First, control to ensure unity in the organization and exercise of state power. Even if state power is divided according to the Legislature; The Executive and Judiciary (horizontal) and the central government and local government horizontally are all unified. The unity of state power is expressed not only through the concentration of power in a certain institution but also through the consistency in the use of that state power. To put it simply, unity in the organization and implementation of state power is the common goal in the use of state power.

No matter how it is organized, local governments always have more or less self-management and autonomy. These characteristics are both a positive basis for flexibility in local government management, but can also be a source of local stability. To ensure that unity, there must be control over the exercise of state power by local governments. In other words, controlling the exercise of power by local governments first serves as a basis to ensure the unity of the organization and the exercise of state power.

Second, control to ensure democracy in the organization and exercise of state power. Most contemporary democratic countries use democratic doctrine as the basis to determine the legitimacy of their state. Accordingly, state power is not a natural right of the state and that is also true of local governments. That power belongs to the majority – the people. However, the people cannot manage society themselves, so they have temporarily entrusted that power to the state to manage society on behalf of the people and manage the people themselves. Therefore, the nature of state power is temporary and does not belong to the state. That power has and always belongs to the people. For that reason, state power in general and existing local governments must be placed under the control of the people to ensure democracy.

The most basic thing that explains why local state power must be controlled - a responsible state, a democratic state, not an irresponsible state, a dictatorial state, a state that is not controlled because the power of a democratic local state does not belong to the individual but to the people. The people exercise that power by entrusting it to a group of people through elections and controlling it through different methods.

Third, control to prevent and limit abuse of power and exploitation by local governments. Local government is always associated with a certain territory. This territory can be formed by natural or artificial means and no matter the route, that territory establishes private matters for that local government.
The territorial nature of a local government allows it to carry out management activities within its territory. This is absolutely isolated from the territories of other local governments and relatively isolated from the central government. That state of isolation easily creates local governments with the ideology of local independence and favoritism.

4.2 THE CURRENT SITUATION OF ORGANIZING AND CONTROLLING THE EXERCISE OF STATE POWER BY LOCAL GOVERNMENTS IN VIETNAM

4.2.1 Current status of control subjects

To evaluate the performance of the subject controlling the exercise of state power by local governments in Vietnam today, we conducted a survey of 300 provincial-level civil servants and commune-level civil servants in Vietnam of 03 localities: Quang Ninh province, Da Nang city, and Soc Trang province give specific results in table 1 as follows:

Table 2
Survey results assessing the subjects controlling the exercise of state power by local governments

<table>
<thead>
<tr>
<th>Oder</th>
<th>The subject controls the implementation of state management by local governments</th>
<th>Object</th>
<th>Result (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Weak</td>
</tr>
<tr>
<td>1</td>
<td>CPV</td>
<td>Provincial civil servants</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commune-level civil servants</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>Central government</td>
<td>Provincial civil servants</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commune-level civil servants</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Provincial civil servants</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commune-level civil servants</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>People’s Assembly</td>
<td>Provincial civil servants</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commune-level civil servants</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>Socio-political organizations</td>
<td>Provincial civil servants</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commune-level civil servants</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>Citizens and social institutions</td>
<td>Provincial civil servants</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commune-level civil servants</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: prepared by authors (2024)
Data in Table 2 show that the assessment of performance results of subjects controlling the exercise of state power by local governments in Vietnam today is different among survey subjects, specifically:

For survey subjects are provincial civil servants: (i) The controlling subject is the CPV, whose performance is rated best with XTB=3.66. (ii) The controlling entity is the Central government whose implementation results are rated the 2nd best with XTB=3.48. (iii) The controlling subject is the People’s Court with the lowest performance result with XTB=2.76.

For survey subjects are commune-level civil servants: (i) The controlling subject, the CPV, also has the best-rated performance with XTB=3.57. (ii) Subjects of socio-political organizations with performance results are rated the 2nd best with XTB=3.38. (iii) The controlling subject is the People’s Court with the lowest performance result with XTB=2.76.

4.2.2 The reality of the object of control

To evaluate the performance of objects controlling the exercise of state power by local governments in Vietnam today, we conducted a survey of 300 provincial-level civil servants and commune-level civil servants in Vietnam of 03 localities: Quang Ninh Province, Da Nang City, and Soc Trang provinces give specific results in Table 3.

<table>
<thead>
<tr>
<th>Oder</th>
<th>The object controls the implementation of state management by local governments</th>
<th>Object</th>
<th>Result (%)</th>
<th>XTB</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Weak</td>
<td>Medium</td>
</tr>
<tr>
<td>1</td>
<td>Exercising state power of local governments through decentralization and decentralization</td>
<td>Provincial civil servants</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commune-level civil servants</td>
<td>0</td>
<td>4,0</td>
</tr>
<tr>
<td>2</td>
<td>Exercise delegated rights</td>
<td>Provincial civil servants</td>
<td>0</td>
<td>2,0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commune-level civil servants</td>
<td>0</td>
<td>4,1</td>
</tr>
</tbody>
</table>

Source: prepared by authors (2024)

The data in Table 3 shows that: Assessing the performance of objects controlling the exercise of state power by local governments in Vietnam today, there are similarities in the
survey results between both survey subjects. Supervisors are provincial-level civil servants and commune-level civil servants, specifically:

The object that controls the implementation of state power of local governments through decentralization and decentralization has the best-rated performance results with $XTB=3.87$ (provincial civil servants) and $XTB=3.55$ (commune-level civil servants).

Subjects exercising authorized rights have lower performance results with $XTB=3.55$ (provincial-level civil servants) and $XTB=3.51$ (commune-level civil servants).

### 4.2.3 Current status of controlled content

To evaluate the results of implementing the content of controlling the exercise of state power by local governments in Vietnam today, we conducted a survey of 300 provincial-level civil servants and commune-level civil servants in 03 localities: Quang Ninh Province, Da Nang City, and Soc Trang Province give specific results in table 4 as follows:

#### Table 3

*Survey results on the implementation of content controlling the exercise of state power by local governments*

<table>
<thead>
<tr>
<th>Order</th>
<th>The content controls the implementation of state management by local governments</th>
<th>Object</th>
<th>Result (%)</th>
<th>XTB</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Weak</td>
<td>Medium</td>
</tr>
<tr>
<td>1</td>
<td>Control organizational and staffing issues</td>
<td>Provincial civil servants</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commune-level civil servants</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>Control public investment issues</td>
<td>Provincial civil servants</td>
<td>0</td>
<td>6.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commune-level civil servants</td>
<td>0</td>
<td>28.0</td>
</tr>
<tr>
<td>3</td>
<td>Control and management of the state budget</td>
<td>Provincial civil servants</td>
<td>0</td>
<td>4.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commune-level civil servants</td>
<td>0</td>
<td>8.0</td>
</tr>
<tr>
<td>4</td>
<td>Control over land management and use</td>
<td>Provincial civil servants</td>
<td>0</td>
<td>13.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commune-level civil servants</td>
<td>0</td>
<td>17.4</td>
</tr>
</tbody>
</table>

Source: prepared by authors (2024)

The data in Table 3 shows that: Assessing the results of implementing the content of controlling the exercise of state power by local governments in Vietnam today, there are
similarities in the survey results between both subjects. The survey included provincial-level civil servants and commune-level civil servants, specifically:

The content of controlling organizational and staffing issues has the best performance assessment with XTB=3.57 (provincial-level civil servants) and XTB=3.66 (commune-level civil servants).

The content of controlling public investment issues has the second highest implementation result with XTB=3.30 (provincial-level civil servants) and XTB=3.28 (commune-level civil servants).

Control content on land management and use have the lowest implementation results with XTB=3.11 (provincial level civil servants) and XTB=3.14 (commune level civil servants).

### 4.2.4 Current status of control methods

To evaluate the results of implementing the method of controlling the exercise of state power by local governments in Vietnam today, we conducted a survey of 300 provincial-level civil servants and commune-level civil servants in 3 localities: Quang Ninh Province, Da Nang City, and Soc Trang Province give specific results in Table 4 as follows:

**Table 4**

*Survey results on the use of methods to control the exercise of state power by local governments*

<table>
<thead>
<tr>
<th>Order</th>
<th>The method controls the implementation of state management by local governments</th>
<th>Object</th>
<th>Result (%)</th>
<th>XTB</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Weak</td>
<td>Medium</td>
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<td>Commune-level civil servants</td>
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<tr>
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<td>Control through supervision, inspection, questioning, hearing and litigation</td>
<td>Provincial civil servants</td>
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<td>Commune-level civil servants</td>
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<tr>
<td>3</td>
<td>Control through openness, information transparency and accountability</td>
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<td>16,0</td>
</tr>
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<td>4</td>
<td>Control the exercise of state power by local governments through the media</td>
<td>Provincial civil servants</td>
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</tr>
<tr>
<td>Order</td>
<td>The method controls the implementation of state management by local governments</td>
<td>Object</td>
<td>Result (%)</td>
<td>XTB</td>
</tr>
<tr>
<td>-------</td>
<td>--------------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>------------</td>
<td>-------</td>
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<td></td>
<td></td>
<td></td>
<td>Weak</td>
<td>Medium</td>
</tr>
<tr>
<td>5</td>
<td>Control by citizens’ rights</td>
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<td></td>
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<td>16.0</td>
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Source: prepared by authors (2024)

The data in Table 4 shows that: Evaluation of the results of implementing methods of controlling the exercise of state power by local governments in Vietnam today is different among survey subjects, specifically:

- For survey subjects are provincial civil servants: (i) The control method using the local government organization model has the best-rated implementation results with XTB=3.64. (ii) The method of control by publicity, information transparency, and accountability and the method with implementation results is rated the 2nd best with XTB=3.63. (iii) The method of controlling the exercise of state power by local governments using the media has the lowest implementation results with XTB=3.20.

- For survey subjects are commune-level civil servants: (i) The control method using the local government organization model has the best-rated implementation results with XTB=3.70. (ii) The control method through monitoring, checking, inspection, questioning, hearing, and litigation has the 2nd best-rated performance with XTB=3.38. (iii) The method of controlling the exercise of state power by local governments using the media has the lowest implementation results with XTB=3.08.

4.3 RECOMMEND SOLUTIONS

4.3.1 The solution group enhances the ability of subjects to control the exercise of state power by local governments

Firstly, continue to strengthen the leadership and direction capacity of Party Committees at all levels on the issue of controlling state power in general and controlling the exercise of state power by local governments in particular. To continue to strengthen the Party’s leadership and direction on the issue of controlling state power in general and controlling the exercise of state power by local governments in particular, the following solutions need to be implemented:
It is necessary to strengthen training, fostering, and improving leadership capacity and responsibility for officials in the Party Committee apparatus at all levels of the locality. This ensures that those in leadership and direction roles have sufficient knowledge, skills and qualities to supervise and direct the activities of state and local agencies. At the same time, it is necessary to promote the building of a proper leadership culture in which transparency, honesty, and responsibility are valued.

It is necessary to promote proactive inspection, supervision, and punishment by the Party for violations in the exercise of state power. The Party needs to build a more effective, close, and proactive power control system to carry out the function of controlling the exercise of local state power. Control Committees at all levels need to strengthen coordination with organizations with control authority of the National Assembly and the Government such as the State Audit and the Government Inspectorate in sharing information, building plans, and being proactive. Implement local government control.

It is necessary to develop and implement appropriate policies and regulations to ensure balance and control of state power. The Party needs to firmly grasp its role in building and operating mechanisms of decentralization and power control, from the central level to the local level. Accordingly, the Party must always be identified as the subject leading and controlling the exercise of state power by local governments at all levels, not acting for or helping local governments.

Second, innovate the way the National Assembly organizes and operates in controlling state power in general and controlling the implementation of state power by local governments in particular. Solutions include:

For activities of the National Assembly, regulations must be made in the direction of increasing the number of meetings in a year increasing the amount of time of each meeting, and not limiting the time of each meeting (resolving all expected issues opinion is the limit of the session). This can be done easily when the proportion of full-time delegates is in the majority. Increasing the number and amount of meeting times will be of great significance when meeting time is currently limited and must be divided between legislative activities, discussion of important national issues, and supervision.

Regarding the method of electing National Assembly deputies, it is necessary to replace the structural mechanism in the election of National Assembly deputies with professional and ethical standards being the top priority. Besides, there are no regulations on the division of central and local delegates. Changing the election method will ensure voters choose the most
worthy representative in terms of talent and virtue, capable of performing the function of representing the people. If the structure is still maintained, it should be changed to an industry or field structure. This change ensures that the National Assembly is a gathering place for elites in many different fields, thereby having enough ability and dedication to control state power in general and control the implementation of state power of the State, local government in particular. Not only that, this standard structure is also the basis for a quality legislative National Assembly.

Third, strengthen the Court’s function in controlling state power in general and controlling the exercise of state power by local governments in particular. Strengthening the capacity of courts to control local government is an important step to ensure fairness, transparency, and accountability in the exercise of state power at the local level. The court plays an important role in supervising and ensuring compliance with the law by local governments, thereby ensuring the rights and interests of the people. Specific solutions include:

Ensure independence and independence from local government agencies. The court needs to be organized and operate independently, without interference or influence from any force. This ensures that the court can make decisions fairly and objectively, without being influenced by political pressure or personal animus. To achieve this independence, it is necessary to adjust the Party’s management of personnel in the local court system, which are only vertically managed by the Party Committee at the central level. In addition, it is also necessary to study the mechanism of continuously rotating judges, especially administrative judges, to different localities to ensure that there is no connection or familiarity between local authorities and the court. This means that judges and other court personnel must have nothing to do with the locality, including the government and local Party Committee.

It is necessary to give the court more mechanisms to control the exercise of power of local governments. These mechanisms include proactive mechanisms in adjudication when detecting actions and decisions of local governments that are contrary to the Constitution and law; mechanisms to adjudicate legal documents issued by local governments (Resolutions of the People’s Council and decisions of the People’s Committee); the court’s mechanism for requiring accountability from local authorities serves to resolve cases in particular and protect the law in general, etc.

It is necessary to strengthen communication and publicize information about court activities and cases related to local authorities. This helps create a transparent environment
while increasing the accountability of local government and facilitating public participation in local government control.

Fourth, strengthen the role of the People’s Council in the local government system and improve the effectiveness of control between the People’s Council and the People’s Committee. Specific solutions include:

It is necessary to study the regulation that People’s Council deputies are not allowed to hold administrative positions in the local administrative apparatus. Or to put it in the opposite direction, when elected to the local administrative apparatus, People’s Council delegates need to resign from their role as elected representatives. This is a common regulation in many countries around the world, including the Parliament with the Government at the central level and the Council with Committees at the local level. This mechanism will help the People’s Council and People’s Committee be independent of each other in terms of personnel. That way, the monitoring, questioning and, if possible, hearing activities of the People’s Council with the People’s Committee can be truly and effectively achieved. This solution also leads to a similar proposal to reduce part-time delegates and increase full-time delegates of the People’s Council.

There needs to be clearer and more independent regulations on the People’s Council’s right to create and dismiss the Chairman of the People’s Committee at the same level. Accordingly, the law should give the People’s Council at the same level the right to elect the People’s Committee at the same level (including the Chairman of the People’s Committee) without needing approval from the People’s Committee at the higher level (in the case of the Chairman of the Provincial People’s Committee being the Prime Minister). At the same time, the law also clearly stipulates that only the People’s Council has the right to dismiss the Chairman of the People’s Committee at the same level. The Chairman of the People’s Committee at a higher level only dismisses the Chairman of the People’s Committee at a lower level when that level does not organize a People’s Council.

4.3.2 The solution group strengthens the content of controlling the exercise of state power by local governments in Vietnam today

Firstly, strengthen decentralization and decentralization of organizational structure and staffing of local governments in a clear, scientific, and appropriate direction to the characteristics of each locality. Scientific decentralization and decentralization of organizational structure and personnel to localities will be the premise for clearly defining the
demarcation between central government and local government and between levels of local government authorities on organizational structure and staffing, thereby creating conditions for controlling the exercise of state power by local governments in this management content. Solutions that need to be implemented include:

Continue to improve institutions on decentralization and decentralization in organizational structure and payroll management for all levels of local government. Contents that need to be completed include:

Continue to improve in detail the materialization of Clauses 1 and 2, Article 112 of the 2013 Constitution, which stipulates: “Local governments organize and ensure the implementation of the Constitution and laws in the locality; decide on local issues prescribed by law; subject to inspection and supervision by superior state agencies” and “The tasks and powers of local governments are determined on the basis of the division of authority between central and local state agencies and of each level of local government. Concretizing this contributes to fundamentally solving the problem of decentralization and decentralization of power for local governments in general and in the field of organization and staff management of local governments;

Research to amend and specify point dd, clause 2, Article 11 of the Law on Organization of Local Governments on the authority to resolve the issue of delineation of authority within the scope of two or more administrative units, accordingly: “Issues of Issues related to the scope of two or more commune-level administrative units fall under the jurisdiction of the district-level local government; Issues related to the scope of two or more district-level administrative units fall under the jurisdiction of the provincial-level local government; Issues related to the scope of two or more provincial administrative units fall under the jurisdiction of central state agencies.

Second, strengthen decentralization and decentralization of state budget management of local governments in the direction of clearly delineating revenues and spending rights of local governments to facilitate control and implementation of budget management local government policy. The general view of this solution is to ensure the leading role of the central budget while also ensuring respect for the independent position of local budgets in the state budget system. At the same time, decentralization of state budget management must be consistent with the characteristics of local government levels and each locality. State budget management decentralization must be clear, stable, and balanced in terms of revenue sources and expenditure
tasks to create favorable conditions for budget levels to operate proactively, flexibly, and independently.

Third, strengthen decentralization and decentralization of public investment to local governments in the direction of clearly defining the content and scale of investment. In the current context, decentralization and decentralization of public investment need to comply with the following conditions (i) there is synchronization between decentralized contents (approval authority, budget, etc.); (ii) ensure the capacity and resources of all levels corresponding to the decentralized functions, authority and tasks; and (iii) closely attach the responsibilities of specific individuals and organizations for public investment projects under their authority.

Fourth, strengthen scientific and reasonable decentralization and decentralization of land management and use by local governments. Strengthening decentralization and decentralization of land management and use by local governments plays an important role in building an effective, flexible, and suitable land management system suitable to local characteristics. Decentralization and decentralization enhance community participation, ensure flexibility in land use and management, and facilitate development that is sustainable and reflective of local needs.

4.3.3 Group of solutions to increase the effectiveness of methods of controlling the exercise of state power by local governments in Vietnam today

Firstly, continue to adjust, improve, and perfect the local government organization model. Through analysis of the current situation and causes, it can be seen that part of the reason for the actual control of the exercise of state power by local governments in Vietnam today comes from the lack of local government organizational models scientific, adaptable, and perfect. Meanwhile, implementing a scientific and balanced local government organization model is the most effective method of self-control and exercise of state power by local governments. On the basis of that thinking, it can be seen that to perfect the local government organization model in Vietnam today.

Secondly, increase the effectiveness of supervision, inspection, inspection, questioning, hearings, and proceedings by competent entities. Popular methods of controlling the exercise of local state power in Vietnam today still have many limitations, so it is necessary to increase operational efficiency in the following directions:
Thirdly, strengthen information disclosure, transparency, and accountability of local governments at all levels. Publicity, information transparency, and accountability are the basic principles of a democratic society. These are important values that create trust and respect between the government and the public. Publicity of information ensures that everyone has access and is aware of the decisions, actions, and policies of competent actors. Information transparency ensures that information is provided clearly, accurately and completely. Accountability ensures that competent actors are responsible and provide explanations, justifications, or remedies when actions are controversial, lose public trust, or violate rights and obligations community benefits.

5 CONCLUSION

Based on the research results, it can be seen that control over the exercise of state power is a system of mechanisms and activities carried out by the state and society to maintain the exercise of state power. Right on purpose and effective. Controlling the exercise of state power by local governments is composed of main components, including subjects; objects; content; methods, and factors ensuring control over the exercise of state power by local governments.

Strengthening control over the exercise of state power by local governments in Vietnam is an inevitable requirement, but it is necessary to ensure consistent principles such as: Strengthening control over the exercise of state power by local governments The local government must ensure the Party’s leadership and adjustment of the current legal system on related issues; strengthening control over the exercise of state power by local governments must be associated with strengthening decentralization and decentralization of power; strengthening control over the exercise of state power by local governments must ensure not to hinder the regular and continuous operations of local governments; Strengthening control over the exercise of state power by local governments must ensure balance; strengthening control over the exercise of state power by local governments must ensure that local governments’ discretion and creativity are not limited.

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