



THE MINISTRY OF JUSTICE OF THE SOCIALIST REPUBLIC OF VIET NAM



HANOI, 2020



THE MINISTRY OF JUSTICE

OF THE SOCIALIST REPUBLIC OF VIET NAM

Hanoi, 2020



INTRODUCTION

The Ministry of Justice was one of the first 12 ministries established by the Democratic Republic of Viet Nam on 28 August 1945, immediately following the victory of the August Revolution. The Ministry of Justice was regarded by President Ho Chi Minh as “a principal agency of the Government.”

With our history of development spanning over 75 years, the Ministry of Justice and the justice sector as a whole have their increasing important roles and functions recognized and upheld in the state structure and society. Guided by the Party’s leadership, under the direction of the Government, with the close coordination with agencies and organizations from the central to local levels, and the support and trust of the people, the Ministry of Justice and justice sector have made tremendous progress in developing the legal framework, expanding the duties and functions, strengthening and reforming the organizational structures, and building up qualified officials and staff. The work of the Ministry and the justice sector has made a significant contribution to the national development and defense, building the rule-of-law Socialist State of Viet Nam, and meeting the increasing legal needs of the people.

Ha Noi, August 2020



“Thinking deeply, the pressing issues of justice are those that concern being and living as human”

Ho Chi Minh

President Ho Chi Minh, at the training conference
of judicial officials in 1950

THE MINISTERS OF JUSTICE THROUGH THE PERIODS



MR. VU TRONG KHANH

Minister of Justice
(From 1945 to 1946)



MR. VU DINH HOE

Minister of Justice
(From 1946 to 1960)



MR. TRAN CONG TUONG

Chairman of the Government's Legal
Affairs Committee (From 1972 to 1978)



MR. NGUYEN NGOC MINH

Acting Chairman of the
Government's Legal Affairs
Committee (From 1978 to 1979)



MR. TRAN QUANG HUY

Chairman of the Government's
Legal Affairs Committee
(From 1980 to 1981)



MR. PHAN HIEN

Minister of Justice
(From 1981 to 1992)



MR. NGUYEN DINH LOC

Minister of Justice
(From 1992 to 2002)



MR. UONG CHU LUU

Minister of Justice
(From 2002 to 2007)



MR. HA HUNG CUONG

Minister of Justice
(From 2007 to 2016)

CURRENT LEADERS OF THE MINISTRY OF JUSTICE



Minister LE THANH LONG
(from 2016)



**Deputy Minister
NGUYEN KHANH NGOC**
(from 2014)



**Deputy Minister
PHAN CHI HIEU**
(from 2014)



**Deputy Minister
DANG HOANG OANH**
(from 2018)



**Deputy Minister
NGUYEN THANH TINH**
(from 2020)



**Deputy Minister
MAI LUONG KHOI**
(from 2020)

OUR RESPONSIBILITIES

The Ministry of Justice is the government agency responsible for the state management of the law development and implementation, the review of primary and delegated legislation, the law dissemination and public legal education, the civil and administrative judgment enforcement, the judicial support, the judicial administration, and the state compensation; monitoring the implementation of laws and regulations of handling of administrative violations; the state management of public services in matters that fall within its competence.

- According to Decree No. 96/2017/ND-CP of the Government of Vietnam, issued on 16 August 2017 -



Minister of Justice Le Thanh Long reports draft law at the XIV National Assembly

WHAT WE DO

The Ministry of Justice

IN THE FIELD OF LAW DEVELOPMENT

- Submits to the Government draft strategies on legal system development and improvement.
- Submits to higher competent agencies, or promulgates within its power, draft pieces of primary and delegated legislation on subject matters that fall within the management competence of the Ministry of Justice.
- Scrutinizes, participates in the making of, and contribute comments to, legislative proposals submitted by the Government and decree proposals; and makes the Government's legislative proposal programs on matters that fall within the Government's competence, responsibility and mandate.
- Submits to the Prime Minister for decision, the list of pieces of delegated legislation on laws and resolutions of the National Assembly, ordinances and resolutions of the Standing Committee of the National Assembly, and orders and decisions of the State President.
- Scrutinizes draft laws, ordinances, and resolutions submitted by the Government to the National Assembly or the Standing Committee of the National Assembly; draft decrees of the Government; and draft decisions of the Prime Minister.
- Provides guidance on, and conduct impact assessments on administrative procedures in the making of primary and delegated legislative proposals, and in the scrutiny and drafting of primary and delegated pieces of legislation.
- Provides guidance on, monitors, supports, and reviews the lawmaking of ministries, ministerial-level agencies and local government agencies, in accordance with law;
- Is accountable to the Government for conducting the state management of the review of already-promulgated primary and delegated pieces of legislation; assists the Government in reviewing pieces of delegated legislation already promulgated by ministries, ministerial-level agencies,

province-level people's councils, province-level people's committees and local government bodies in special administrative-economic units.

- Administers and organizes the review, systematization, consolidation and codification of pieces of primary and delegated legislation.
- Monitors and synthesizes the implementation of legal reform mandates; and chairs the reform and improvement of the drafting and promulgation of pieces of primary and delegated legislation.

IN THE FIELD OF LAW IMPLEMENTATION

- Provides guidance on, reviews, and organizes the law dissemination and public legal education, and the conciliation at the grassroots; acts as the Permanent Body of the Law Dissemination and Public Legal Education Coordinating Council at the central level; provides guidance on the formulation and recognition of communes and wards that meet the required standards on access to justice.
- Monitors the law implementation throughout the country; and provides guidance to, examines and supports ministries, ministerial-level agencies, government affiliated agencies and province-level people's committees in the monitoring of the law implementation.
- Provides advisory opinion on the application of pieces of primary and delegated legislation within the competence assigned by the Government or the Prime Minister.
- Acts as the Government's official legal representative in the settlement of international investment disputes; and provides guidance and legal support to businesses, as required by law.
- Monitors, and reports on, the implementation of laws and regulations of handling administrative violations, in accordance with law; and provides guidance on, and monitors the implementation of laws and regulations of handling administrative violations, as required by law.

IN THE FIELD OF ENFORCEMENT OF CIVIL AND ADMINISTRATIVE COURT JUDGMENTS

- Manages the organizational structure and operations of civil

judgment enforcement agencies; and decides on the establishment or dissolution of civil judgment enforcement agencies.

- Appoints or releases from duty judgment enforcement officials and verifiers;
- Provides professional guidance on the administrative judgment enforcement management, and on the civil judgment enforcement.
- Ensures the funding and provision of facilities and staff for the operation of civil judgment enforcement agencies and the administrative judgment enforcement, in accordance with law.

IN THE FIELD OF JUDICIAL ADMINISTRATION

- Is accountable to the Government for conducting the state management of the civil status, the nationality, and the authentication; of the criminal records; of the registration of secured transactions; of the child adoption; and of the state compensation in administrative management and judgment enforcement activities.
- Processes applications for the registration, re-application or renunciation of Vietnamese citizenship; makes and issues criminal records, and provides information relating to criminal records; registers secured transactions; and processes inter-country adoptions, in accordance with law.
- Is accountable to the Government for conducting the state management of adoption; processes inter-country adoptions; and acts as the Vietnamese Central Authority for Inter-Country Adoption.
- Coordinates with relevant competent agencies in performing the state compensation in legal proceedings.
- Provides professional guidance on, and monitors the implementation of laws and regulations of civil status, nationality, and authentication; of the registration of secured transactions; of the child adoption; and of the state compensation in administrative management or judgment enforcement activities.

IN THE FIELD OF JUDICIAL SUPPORT

- Is accountable to the Government for conducting the state management of the practice of law, the notarization, the forensic expert examination, the asset auction, the commercial arbitration, the legal consultancy, the commercial mediation, the legal aid, the practice of private bailiffs, and the asset administrators and the asset administration and liquidation businesses.
- Appoints or releases from duty notaries and private bailiffs; grants or revokes the licenses of Vietnamese lawyers, auctioneers, asset administrators, and foreign lawyers practicing in Viet Nam; licenses branches of foreign law firms, arbitration centers, and branches and representative offices of foreign arbitration institutions in Viet Nam.
- Licenses lawyer-training institutions and notary-training institutions; provides for framework training programs for lawyers, notaries, auctioneers and private bailiffs.
- Provides guidance on, and monitors the implementation of laws and regulations of lawyers, legal consultants, notaries, forensic experts, private bailiffs, asset auctioneers, commercial arbitrators, and legal aid providers.

IN THE FIELD OF INTERNATIONAL LAW

- Scrutinizes and provides advisory opinions on draft treaties; presides over or participates in the negotiation of treaties and international contracts; and provides advisory opinions on draft international agreements or international contracts, in accordance with law.
- Provides legal opinions on treaties, international agreements, government guarantees and investment projects, in accordance with law or as assigned by the Government or by the Prime Minister.
- Assists the Government in conducting the uniform state management of the mutual legal assistance, and is the focal point in performing mutual legal assistance mandates in civil matters, in accordance with law.

- Acts as the national focal point in Vietnam's relations with the Contracting States and the Permanent Bureau of the Hague Conference on Private International Law.

IN THE FIELD OF INTERNATIONAL LEGAL AND JUDICIAL COOPERATION

- Conducts the uniform state management of the international legal cooperation nationwide; and implements international cooperation activities and shares information of the Ministry's external relations within its competence.
- Submits to the Government for conclusion, ratification, approval or accession to treaties in the name of the State or the Government in the fields or sectors within the Ministry's competence, or measures to ensure the implementation of such treaties.
- Proposes Vietnam's accession to, and participation in, international organizations; and acts as the national focal point in Vietnam's relations with international judicial and/or legal organizations, of which Viet Nam is a member, as assigned by the Government.

IN FIELDS OF TERTIARY AND HIGHER LEGAL EDUCATION, LEGAL TRAINING FOR JUDICIAL OFFICIALS, AND LEGAL SCIENCE RESEARCH

- Organizes tertiary and higher legal education.
- Provides training for judicial officials in accordance with law (i.e., judges, prosecutors, lawyers, judgment executors, private bailiffs, notaries, auctioneers, and other judicial officials).
- Provides professional training or refresher courses on subject matters within the competence of the Ministry of Justice.
- Formulates and implements scientific research plans; identifies and applies the findings of jurisprudential research to legal, administrative or judicial reforms in order to further the building of a socialist rule of law state; and organizes the disclosure of jurisprudential information of subject matters within its competence.

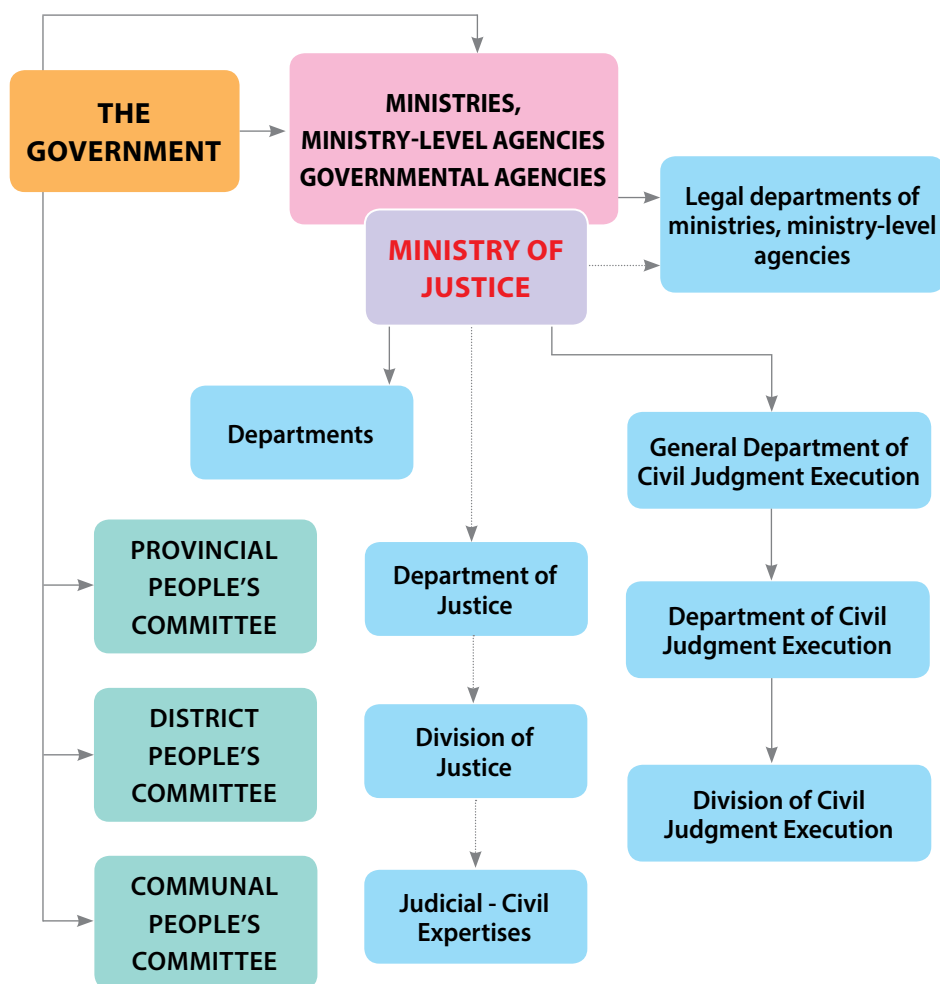
IN THE FIELD OF THE JUSTICE SECTOR DEVELOPMENT

- Assists the Government in conducting the uniform state management of legal affairs nationwide; guides and monitors the legal affairs of ministries, ministerial-level agencies, government-affiliated agencies, local government bodies and state enterprises.
- Manages the organizational structure, permanent public servants, job descriptions, and civil service structure according to professional and other staff positions in public service units; and implements the salary regime, incentive policies and human resources policies, such as appointment, relief of duty, retirement, job discontinuation, commendation or discipline, and capacity building for the Ministry's staff, in accordance with law.
- Provides guidance on the implementation of the functions, tasks, powers and organizational structures of the departments of justice of province-level people's committees, the divisions of justice of district-level people's committees and the justice-sector work of commune-level people's committees.
- Acts as a Member of the National Council of Selection and Supervision of Judges.

OTHER WORK

- Manages associations and non-governmental organizations operating in fields within its competence, in accordance with law; assumes the primary responsibility for, and coordinates with the Ministry of Home Affairs in, approving the Charter of the Viet Nam Bar Federation and the Charter of the Viet Nam Notary Association.
- Manages public services in fields within its competence.
- Instructs the use of information technology in fields within its competence; and establishes, develops, uses and manages the national databases in fields within its competence, such as the national laws database, the national database on criminal records, the national database on handling administrative violations, the national database on registration of secured transactions and the web portal of codification.

MINISTRY OF JUSTICE AND STATE AGENCIES OF JUSTICE SECTOR IN THE APPARATUS OF THE SOCIALIST REPUBLIC OF VIETNAM



Justice sector authorities

→ Directive relationship

→ Guide, urge and examine professional skills by the Ministry of Justice

OUR ORGANIZATIONAL STRUCTURE

THE MINISTER

DEPUTY MINISTERS

1. Departments assisting the Minister in conducting the state management

Department of General Affairs on Legislative Development

Department of Criminal and Administrative Legislation

Department of Civil-Economic Legislation

Department of International Law

Department of Law Dissemination and Public Legal Education

Department of Organization and Personnel

International Cooperation Department

Emulation-Commendation Department

The Ministry's Inspectorate

The Ministry's Office

General Department of Civil Judgment Enforcement

Department of Review of Primary and Delegated Legislation

Department of Management of Handling of Administrative Violations, and Monitoring of Law Implementation

Department of Civil Status, Nationality and Notarization

Department of Adoption

Department of Legal Aid

Department of National Registration of Secured Transactions

Department of State Compensation Department of Judicial Support

Department of Planning and Finance

The Planning and Finance Department

Department of Information Technology

Department of Southern Affairs

2. Non-commercial units under the Ministry

National Center for Criminal Records

Institute of Legal Science

Judicial Academy

Democracy and Law Journal

Viet Nam Law Newspaper

Hanoi Law University

Northern College of Law

Middle-Region College of Law

Southern Junior College of Law

3. Socio-political organizations

The Workplace Union of the Ministry

The Youth Union of the Ministry

The Veterans Association of the Ministry

The Office of the Party and Union Affairs of the Ministry

OUR AFFILIATED DEPARTMENTS AND UNITS

Our affiliated Departments and Units assist and give advisory opinions to the Minister of Justice in conducting the following:

DEPARTMENT OF GENERAL AFFAIRS ON LEGISLATIVE DEVELOPMENT

- Conducts the state management of the law-making and legal affairs, in accordance with law; and
- Proposes major orientations to improve the legal system and the law implementation.

DEPARTMENT OF CRIMINAL AND ADMINISTRATIVE LEGISLATION

- Prepares, scrutinizes, participates in the making of, and contribute comments to, legislative proposals and draft primary and delegated legislation in criminal, administrative and state organizational structure matters.

DEPARTMENT OF CIVIL AND ECONOMIC LEGISLATION

- Prepares, scrutinizes, participates in the making of, and contribute comments to, legislative proposals and draft primary and delegated legislation in civil and economic matters.
- Conducts the state management of the state legal support for business.

DEPARTMENT OF INTERNATIONAL LAW

- Prepares, scrutinizes, participates in the making of, and contribute comments to, treaties and international agreements, legislative proposals, and draft primary and delegated legislation relating to international law.
- Participates in the settlement of international disputes; and
- Conducts the state management of the mutual legal assistance.

DEPARTMENT OF LAW DISSEMINATION AND PUBLIC LEGAL EDUCATION

- Conducts the state management of the law dissemination and public legal education, and conciliation at the grassroots; and provides

guidance on the formulation and recognition of communes and wards that meet the required standards on access to justice.

DEPARTMENT OF ORGANIZATIONAL AND PERSONNEL

- Manages the organizational structure and human resources of the Ministry and the justice sector with the Ministry's competence; and
- Provides training and capacity building for officials and staff of the Ministry and the justice sector.

INTERNATIONAL COOPERATION DEPARTMENT

- Conducts the uniform state management of international legal cooperation; and
- Organizes and manages the foreign relations of the Ministry.

EMULATION-COMMENDATION DEPARTMENT

- Manages commendation and emulation in the justice sector; and
- Acts as the Permanent Boards for the Council of Emulation-Reward and for the Initiatives Council of the Justice Sector.

THE MINISTRY'S INSPECTORATE

- Conducts the state management of the inspection, the handling of complaints and denunciations, and anti-corruption, within the Ministry's competence;
- Conducts administrative inspections and specialized inspections; and
- Handles complaints and denunciations, as well as prevents and combats corruption, in accordance with law and within the power delegated by the Minister.

THE MINISTRY'S OFFICE

- Formulates, synthesizes, supports and monitors the implementation of the work programs and plans of the Ministry and the justice sector;
- Communicates the activities of the Ministry and the justice sector,

including the management of press conferences and publishing;

- Organizes the implementation of administrative reform mandates, controls the administrative procedures, and implements the one-door and one-stop mechanisms on administrative procedures, in accordance with law; and
- Performs administrative, clerical and archival work; manages material-technical issues, assets, operating funds, work facilities and service conditions for the Ministry's activities; and carries out internal management tasks.

GENERAL DEPARTMENT OF CIVIL JUDGMENT ENFORCEMENT

- Conducts the state management of the civil judgment enforcement and the administrative judgment enforcement nationwide; and
- Conducts the specialized management of the civil judgment enforcement and the administrative judgment enforcement.

DEPARTMENT OF REVIEW OF PRIMARY AND DELEGATED LEGISLATION

- Conducts the state management of the review, systematization and consolidation of pieces of primary and delegated legislation, and codification of legal norms;
- Reviews pieces of primary and delegated legislation within the Ministry's competence; and
- Organizes the review, systematization and consolidation of pieces of primary and delegated legislation; and codifies legal norms.

DEPARTMENT OF MANAGEMENT OF HANDLING OF ADMINISTRATIVE VIOLATIONS AND MONITORING OF LAW IMPLEMENTATION

- Conducts the state management of, and organizes, the implementation of laws and regulations of handling administrative violations; and
- Monitors the law implementation nationwide.

DEPARTMENT OF CIVIL STATUS, NATIONALITY AND AUTHENTICATION

- Conducts the state management of, and organizes, the implementation of laws and regulations of civil status, nationality and authentication, in accordance with law and within its power delegated by the Minister.

DEPARTMENT OF ADOPTION

- Conducts the state management of adoption;
- Processes inter-country adoptions; and
- Performs the duties of the Vietnamese Central Authority for Inter-Country Adoption.

DEPARTMENT OF LEGAL AID

- Conducts the state management of, and organizes, the implementation of laws and regulations of legal aid..

DEPARTMENT OF NATIONAL REGISTRATION OF SECURED TRANSACTIONS

- Conducts the state management of the implementation of laws and regulations of registration of secured transactions; and
- Organizes the registration of, and supply of information about, secured transactions and contracts, including the exchange of information about registration of secured transactions and other cases, in accordance with law.

DEPARTMENT OF STATE COMPENSATION

- Conducts the state management of, and organizes, the implementation of laws and regulations of state compensation, in accordance with law.

DEPARTMENT OF JUDICIAL SUPPORT

- Conducts the state management of, and organizes, the implementation of laws and regulations of judicial support including: lawyers, legal advisors, notaries, forensic expert examination, property auction, commercial arbitration, asset administrators, private bailiffs, and commercial mediators, in accordance with law and within the power delegated by the Minister.

PARTMENT OF PLANNING AND FINANCE

- Manages the planning, statistics, finance, accounting, public asset management, and development investment, of the Ministry of Justice; and
- Organizes the implementation of public services in fields in accordance with law and within its competence assigned by the Minister.

DEPARTMENT OF INFORMATION TECHNOLOGY

- Manages and organizes the use of information technology and telecommunications in fields that fall within the Ministry's competence; and
- Provides information technology services in accordance with law.

DEPARTMENT OF SOUTHERN AFFAIRS

- Manages and organizes the implementation of duties in fields that fall within the Ministry's competence, in centrally-run cities and provinces, from Phu Yen province to Ca Mau province; and
- Conducts internal management to support for the Ministry's instruction and direction in the Southern Region.

NATIONAL CENTER FOR CRIMINAL RECORDS

- Formulates and manages the national database on criminal records; and
- Performs a number of mandates in the field of criminal records, as assigned by the Minister.

INSTITUTE OF LEGAL SCIENCE

- Conducts researches and studies on law drafting and implementation, and on other subject matters that fall within the Ministry's competence, for the purposes of contributing to the implementation of legal, administrative, and judicial reforms, and to the building of the rule-of-law Socialist State of Viet Nam;

- Manages jurisprudential research and study; and
- Acts as the focal point for legal science information within the Ministry's areas of competence.

JUDICIAL ACADEMY

- Provides professional training for holders of an LL.B or a suitable bachelor's degree (post graduate education) to become judges, procurators, civil judgment executors, lawyers, notaries, auctioneers, judicial officials and other judicial support staff, under the authority of the Ministry;
- Provide capacity building for judicial officials, judicial support staff, and public officials and servants within the Ministry's competence, and for others according to societal needs;
- Conducts scientific research and study to support the capacity building for judicial officials and other judicial support staff or meet other societal needs; and
- Provides legal counseling in accordance with law.

DEMOCRACY AND LAW JOURNAL

- Acts as an official communications agency for the Ministry of Justice; and
- Provides information and serves as a forum for research and exchange of legal science information (i.e., theoretical, professional, or practical information on the development and implementation of laws and justice-sector activities), thereby contributing to disseminating the Communist Party of Vietnam's guidelines and policies, and state legislation, and supporting the state management by addressing the needs of the people through research and understanding of the law.

VIET NAM LAW NEWSPAPER

- Acts as an official communications agency for the Ministry of Justice;
- Provides information of the activities of the Ministry and the justice sector, and of related domestic and international political, economic, cultural or social matters; and

- Disseminates the Communist Party of Vietnam's guidelines and policies, and state legislation, as well as the law-making and implementation activities and the work of the justice sector, for the purposes of meeting the management requirements of the Ministry of Justice and societal needs of information, research and understanding of law and other activities in the justice sector, improving the efficiency of the law-based state management, promoting democracy, and strengthening the rule-of-law Socialist State of Viet Nam.

JUDICIAL PUBLISHING HOUSE

- Publishes documents, so as to fulfill the state management mandate of the Ministry of Justice, to meet the needs of law research and study, capacity building for legal officials, and law dissemination and public legal education, thereby, contributing to the building of the rule-of-law Socialist State of Viet Nam.

HANOI LAW UNIVERSITY

Campus of Hanoi Law University in Dak Lak

- Provides tertiary education programs (i.e. bachelor's, master's, and doctoral degrees) in law and related fields, in accordance with the development objectives and directions of the University; carries out jurisprudential researches and studies; conducts law dissemination and public legal education; and provides legal counseling.

COLLEGES OF LAW IN THE REGIONS

Northern College of Law

Middle-Region College of Law

Southern College of Law

- Provides collegiate programs; participates in the professional training for justice-sector officials and staff in the regions; and carries out jurisprudential researches and studies.

PIECES OF PRIMARY AND DELEGATED LEGISLATION THAT STIPULATE THE FUNCTIONS, TASKS AND POWERS OF THE MINISTRY OF JUSTICE FROM 1945 TO PRESENT

1. Proclamation of the Provisional Government of the Democratic Republic of Viet Nam on 28 August 1945
2. Decree No. 37/CP, dated 1 December 1945, of the Minister of Justice, Vu Trong Khanh on the organizational structure of the Ministry of Justice
3. Decree No. 01/CP, dated 11 February 1960, of the Government on the organizational structure and responsibilities of the Ministry of Justice
4. Resolution No. 133-NQ/QH/K4, dated October 1972, of the Standing Committee of the National Assembly on the establishment of the Legal Affairs Committee under the Ministers Council
5. Decree 143-HĐBT, dated 22 November 1981, of the Ministers Council on the functions, tasks, powers and organizational structure of the Ministry of Justice
6. Decree 38-CP, dated 4 June 1993, of the Ministry of Justice on its functions, tasks, powers and organizational structure
7. Decree 62/2003/ND-CP, dated 6 June 2003, of the Government on the functions, tasks, powers and organizational structure of the Ministry of Justice
8. Decree 93/2008/ND-CP, dated 22 August 2008, of the Government on the functions, tasks, powers and organizational structure of the Ministry of Justice
9. Decree 22/2013/ND-CP, dated 13 March 2013, of the Government on the functions, tasks, powers and organizational structure of the Ministry of Justice
10. Decree 96/2017/ND-CP, dated 16 August 2017, of the Government on the functions, tasks, powers and organizational structure of the Ministry of Justice