

IMPROVING LAND POLICIES AND LAWS IN VIETNAM TO PROMOTE SUSTAINABLE DEVELOPMENT

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ABSTRACT

Land policies and laws play a crucial role in the management and effective use of land resources, which are essential for socio-economic development and ecological security. In the context of Vietnam's accelerated industrialization, urbanization and international integration, the land law system needs to be further improved to address existing limitations such as overlapping and inconsistent regulations, weak enforcement and shortcomings in mechanisms for land allocation and use. Improving land policies and laws not only creates a transparent, fair and stable legal environment for stakeholders in land relations but also contributes to the rational use of resources, environmental protection and the promotion of sustainable development. This paper analyzes the current situation, identifies challenges in the implementation of land laws and proposes several directions and solutions to enhance management effectiveness, ensuring a balance between economic growth, social progress and environmental protection in the new development phase.

Keyword: Land policy, Land law, Resource management, Sustainable development, Vietnam

1. INTRODUCTION

Land is an invaluable resource, a special means of production as well as the living space for all socio-economic activities and the ecological environment (Vu Thi Duyen, 2024). Throughout Vietnam's development, land has not only been a material factor closely tied to people's lives but also an essential resource for economic growth, national defense and socio-political stability. Therefore, land policies and laws play a fundamental role in the management, exploitation and effective use of this finite resource. Over more than three decades of renovation, Vietnam's land law system has gradually been improved, from the Land Law of 1987 to subsequent amendments and new enactments in 1993, 2003, 2013 and most recently, the Land Law of 2024. These reforms have made significant contributions to expanding land use rights, promoting the development of the real estate market, facilitating investment attraction, fostering socio-economic growth and ensuring state budget revenues from land. However, despite these achievements, Vietnam's land policies and laws still face many shortcomings such as overlapping legal provisions, lack of consistency with related laws (Investment Law, Construction Law, Planning Law, etc.), weak enforcement, complicated land disputes and complaints and an allocation

mechanism that has yet to be fully fair and transparent. At present, Vietnam is facing new challenges. Rapid industrialization and urbanization exert great pressure on land use, particularly the conversion from agricultural land to non-agricultural land. Moreover, the demand for sustainable development requires a balance between economic growth, social welfare and environmental protection. In addition, deeper international integration and commitments to climate change, green growth and inclusive development impose urgent requirements for the renewal and improvement of land policies and laws. Therefore, studying, assessing the current situation and proposing solutions to improve Vietnam's land policies and laws is not only theoretically and practically important but also essential for creating a stable and transparent legal environment, enhancing state management effectiveness and promoting rational, economical and sustainable use of land resources in the new era. This serves as a critical foundation for land to truly become a driving force of national development and contribute to Vietnam's pursuit of sustainable development goals.

2. THEORETICAL FRAMEWORK

2.1. Concept and Role of Land in Socio-Economic Development

Land is a unique and finite resource that cannot be regenerated and is closely associated with all human activities. Karl Marx once wrote: “Land is the eternal property of mankind, the condition for existence, the indispensable condition for production and the basic means of production in agriculture and forestry” (Nguyen Van Tri, 2022). Beyond being a means of production in agriculture, land also serves as the spatial foundation for industries, services and transportation, while contributing to the formation of social wealth. During the development process, land has become an important financial resource through taxation, fees, land use rights auctions and the operation of the real estate market. From a social perspective, land is closely tied to community life, binding people to their place of residence, while also ensuring food security, national defense and socio-political stability. With its dual role as both a resource and an asset, land always occupies a special position in national development strategies.

2.2. Land Policy and Law as Instruments of State Management

Land policy and law function as essential tools of state management over land resources. Land policy refers to the system of viewpoints orientations and measures issued by the State to manage, allocate and utilize land efficiently, in response to socio-economic development requirements at different stages. Based on this, land law is formulated to institutionalize these policies into specific legal norms, stipulating the rights and obligations of the State as the representative of the entire people's ownership of land, as well as the rights and responsibilities of land users.

The land policy and legal framework perform three fundamental functions. First, it directs and allocates resources by determining land use purposes, formulating land use planning and plans, thereby regulating the distribution of land across sectors, industries and localities in line with national development strategies. Second, it regulates benefits, as land law provides the basis for the distribution of benefits among the State, investors and citizens through land-related financial mechanisms, ensuring fairness and efficiency in resource exploitation. Third, it ensures social equity and political stability by specifying land use rights, compensation and

resettlement mechanisms, thus protecting the legitimate rights of citizens, reducing disputes and strengthening social trust.

2.3. Principles of Sustainable Development in Land Management and Use

Sustainable development in land management and use is a consistent requirement to balance economic growth, environmental protection and social equity. This principle is concretized in land policies and laws with the goal of ensuring that land is used efficiently, economically and over the long term, while preserving ecological, cultural and landscape values.

First, land must be used rationally and economically, in accordance with socio-economic development plans and strategies and in line with the orientations of industrialization and modernization. This helps prevent arbitrary exploitation, waste of resources or land misuse. Second, land policies and laws must ensure a fair distribution of benefits among the State, investors and communities, thereby creating development incentives while minimizing conflicts and disputes in society. Third, land management must be associated with environmental protection and ecosystem conservation, ensuring ecological balance and the soil's regenerative capacity, thereby meeting current needs without undermining the rights of future generations.

Furthermore, the principle of sustainable development requires greater transparency, fairness and accountability in land management. The legal framework must be clear, consistent and accessible so that all stakeholders can fully exercise their rights and obligations. Only when these principles are implemented effectively and consistently can land truly become a critical resource contributing to the country's sustainable development goals.

3. CURRENT SITUATION OF LAND POLICIES AND LAWS IN VIETNAM

In the process of national renovation, land policies and laws have always been identified as one of the key areas, playing a strategic role in socio-economic development. Land is not only a special means of production but also an important resource for mobilizing investment, infrastructure development, national defense, security and improving people's livelihoods. Recognizing this role, over the years, the State has continuously

revised, supplemented and improved the system of land policies and laws to meet practical requirements. The system of land policies and laws has fundamentally addressed issues related to land management in the current development context of the country (Nguyen Dinh Tho, 2022).

3.1. Achievements

First, the current system of land policies and laws, especially the 2013 Land Law and most recently the 2024 Land Law, has created an important legal framework for land management and use. Legal documents are increasingly issued in a more synchronized and timely manner, reducing the situation of “laws waiting for decrees and circulars,” thereby enhancing the effectiveness and efficiency of state management.

A notable achievement is the institutionalization of the Party’s guidelines on land management, exploitation and use in a public and transparent manner, aligned with the socialist-oriented market economy. Land use planning and plans have received increasing attention and innovation, gradually aligning with sustainable development strategies, ensuring a balance between economic development, environmental protection and climate change adaptation.

In addition, the financial mechanisms related to land have undergone significant reforms. The determination of land prices based on market principles, together with the implementation of land auctions and bidding for land-use right projects, has helped increase state budget revenue and limit resource loss. Policies on land recovery, compensation, support and resettlement have made progress in protecting the legitimate rights of citizens, reducing complaints and facilitating infrastructure, industrial and urban development projects.

In particular, the 2024 Land Law marks an important shift by harmonizing the legal system with related laws, removing many overlapping and inconsistent provisions, enhancing decentralization and delegation in land management and emphasizing transparency and accountability of management agencies (Tran Dieu Thuy, 2024). This provides a crucial foundation for promoting the role of land as a national development resource while ensuring social equity.

3.2. Limitations and Shortcomings

Despite many achievements, the implementation of land policies and laws in Vietnam still reveals various shortcomings (Pham Van Linh, 2022). First, the consistency and synchronization between the Land Law and other related laws (Investment Law, Construction Law, Housing Law, Bidding Law, etc.) remain low with overlaps causing difficulties for management agencies, businesses and citizens in practice.

Second, land valuation remains a major bottleneck. Many localities have not determined land prices close to market values, leading to budget revenue losses, prolonged complaints and inequities between the State, investors and citizens.

Third, administrative procedures in the land sector remain complicated and have not been thoroughly reformed, creating inconvenience and increasing costs in terms of time and resources for businesses and citizens. Although the Government has promoted digital transformation and developed a national land database, progress remains slow and the level of data sharing and interconnection across sectors and levels is still limited.

Fourth, the management and use of public land, forest land and agricultural land still face inadequacies. Some localities have allowed waste, misuse or lax management, leading to land resource loss.

In addition, mechanisms for resolving land disputes, complaints and denunciations have not been truly effective. Land-related complaints still account for a high proportion of all administrative complaints, reflecting limitations in law enforcement and the protection of citizens’ legitimate rights.

Overall, Vietnam’s land policies and laws in recent years have achieved significant results, contributing to resource mobilization for development, social equity and political stability. However, the mentioned shortcomings indicate the need for further institutional improvement, strengthened law enforcement, accelerated administrative reform and greater application of digital technologies in land management. Only by addressing these bottlenecks can land truly become a strategic resource and an important

driver for sustainable socio-economic development in the coming period.

4. SOLUTIONS FOR IMPROVING LAND POLICIES AND LAWS IN VIETNAM IN THE CONTEXT OF SUSTAINABLE DEVELOPMENT

To overcome current limitations and maximize the potential and advantages of land resources, the improvement of land policies and laws must be implemented in a comprehensive and synchronized manner across multiple aspects. Some key groups of solutions can be proposed as follows:

4.1. Improving the Land Law System Towards Consistency and Transparency

First, it is necessary to continue reviewing, amending and supplementing the Land Law and related laws such as the Investment Law, Construction Law, Housing Law and Bidding Law to ensure consistency and coherence within the legal system. Such consistency will help reduce overlaps and conflicts among provisions, thereby creating a transparent legal environment favorable for both businesses and citizens. In addition, mechanisms for clear, public and accessible legal interpretation must be strengthened to avoid inconsistent application among localities, which causes inequality and difficulties in implementation.

4.2. Reforming the Land Valuation and Land Finance Mechanism

Land valuation is one of the biggest current bottlenecks. Therefore, the State needs to establish a land valuation mechanism based on market principles, applying flexible modern valuation methods, enhancing the participation of independent valuation organizations and increasing transparency in the valuation process. At the same time, land finance policies must be reformed to ensure fairness in benefits among the State, investors and citizens. Taxes, fees and charges related to land should be improved to encourage efficient land use while discouraging speculation, abandonment or misuse of land.

4.3. Promoting Administrative Reform and Digital Transformation in Land Management

One important solution is to further simplify administrative procedures, shorten the time required to process land-related dossiers and expand the application of high-level online public

services. Accelerating the development of a synchronized national land database, interconnected across sectors and levels, will enhance management efficiency and reduce harassment and corruption. Along with this, applying digital technologies such as digital maps, geographic information systems (GIS) and artificial intelligence (AI) in land management will help increase transparency, support land-use planning, issuance of land-use right certificates, monitor land-use status and prevent disputes.

4.4. Enhancing the Quality of Land-Use Planning and Plans

Land-use planning and plans are critical tools for guiding resource allocation. Therefore, planning needs to be reoriented towards multi-sectoral and multi-objective integration, closely linked with sustainable development strategies, environmental protection and climate change adaptation. Planning must be based on scientific data with high predictability to avoid “suspended planning” or arbitrary adjustments. The process of formulating and implementing plans must also ensure transparency and community participation, thereby increasing feasibility and social consensus.

4.5. Strengthening the Protection of Legitimate Rights of Land Users

One of the core principles of land policy is to protect the legitimate rights of citizens. Therefore, regulations on compensation, support and resettlement in cases of State land recovery must continue to be improved to ensure fairness, reasonableness and timeliness, enabling affected citizens to maintain or improve their living conditions compared to their previous residence.

At the same time, the State should strengthen mechanisms for consultation and dialogue between authorities, businesses and citizens to limit disputes and conflicts, contributing to social stability.

4.6. Enhancing Monitoring, Inspection and Law Enforcement in the Land Sector

For land laws to be effectively implemented, it is essential to improve the effectiveness of monitoring, inspection and supervision of land management and use and strictly handle violations, corruption and interest groups in the land sector. At the same time, the role of social

monitoring, including political and social organizations, the press and citizens should be encouraged to detect and report violations, thereby strengthening transparency and law enforcement effectiveness.

4.7. Strengthening the Capacity of the Land Management Apparatus and Officials

The effectiveness of implementing land policies and laws depends largely on the quality of human resources. Therefore, training and fostering professional expertise and public service ethics for land administration officials must be prioritized, especially in the context of digital transformation and modern management requirements. In parallel, transparent and fair mechanisms for recruitment, appointment and performance evaluation of officials must be established, linking accountability with work outcomes to enhance the efficiency of state management in the land sector.

4.8. Promoting International Cooperation and Learning from Experience

In the context of deep integration, Vietnam needs to actively learn from international experiences in the development and implementation of land policies, especially from countries with advanced legal systems and transparent real estate markets. Cooperation in research, expert exchange and the application of modern technologies in land management will help Vietnam more quickly approach international standards and enhance the competitiveness of its economy.

5. CONCLUSION

Land policies and laws in Vietnam play a particularly important role, serving both as the legal foundation and as a tool of state management over one of the nation's key resources. In practice, over the years, the land law system has been continuously improved, creating a fundamental legal framework for the rational and effective exploitation and use of land resources. This has contributed to promoting socio-economic development, ensuring political stability, safeguarding national defense and security and improving people's livelihoods. Progress in land management, from gradually increasing transparency in land use rights, improving compensation, support and resettlement mechanisms, to applying information technology in land records management, has affirmed the

outstanding strengths of the current policy and legal system. However, alongside these achievements, there remain limitations and shortcomings that must be addressed. These include overlapping and inconsistent legal documents, a land valuation mechanism not aligned with market prices, complex administrative procedures, corruption and vested interests in land management, as well as land-use planning that is not sufficiently scientific and not closely linked to sustainable development requirements. These inadequacies not only reduce the efficiency of land exploitation and use but also undermine public and investor confidence, hindering the country's socio-economic development. In the context of Vietnam accelerating reforms, international integration and aiming for sustainable development, improving land policies and laws has become an urgent and inevitable requirement. The proposed solutions, such as perfecting the legal system towards greater consistency and transparency, reforming land valuation and land finance mechanisms, accelerating digital transformation in management, enhancing the quality of land-use planning, ensuring legitimate rights of land users, strengthening inspection and supervision, improving the capacity of state management agencies and expanding international cooperation, if implemented comprehensively, will help create a transparent, fair and stable legal environment. This will promote the efficient, economical and sustainable use of land. It can be affirmed that improving land policies and laws is not simply about amending a law or issuing new regulations but is rather a comprehensive reform process linked to the nation's development strategy. Land is not only a special means of production and a common asset of the people under the ownership of the State but also a vital resource for realizing sustainable development goals while ensuring harmony among the interests of the State, businesses and citizens. Therefore, a transparent, fair and practical land law system will serve as a solid foundation for Vietnam's development in the coming period.

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