

THE CURRENT SITUATION OF LEGAL REGULATIONS ON LAND USE RIGHTS AND LAND MANAGEMENT IN VIETNAM

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ABSTRACT

Land is a particularly important national resource because it simultaneously performs economic, social, environmental and territorial functions. This paper examines the current legal framework governing land use rights and land management in Vietnam under the 2024 Land Law and its implementing regulations, with particular attention to developments through 2026. The paper focuses on the legal status of land users; land-use principles; access to land information; land allocation, leasing and changes of land-use purpose; land prices and financial obligations; land recovery, compensation, support and resettlement; and registration and land-information systems. The analysis shows that the current framework provides a more coherent structure for recognizing and exercising lawful land-use rights, while also placing greater emphasis on transparency, sustainable land use, public access to information and a more responsive land-pricing regime. The framework has continued to be refined through Resolution No. 254/2025/QH15 and Decrees No. 49/2026/NĐ-CP and 50/2026/NĐ-CP, which address implementation difficulties and certain questions of administrative competence and land-related financial obligations. The paper argues that the effectiveness of the new legal regime will depend not only on the quality of statutory provisions but also on reliable land databases, consistent administrative procedures, professional land valuation and meaningful protection of affected persons when land is recovered.

Keyword: land law, land use rights, land management, land recovery, land prices, Vietnam

1. INTRODUCTION

Land is a particularly important national resource because it simultaneously performs economic, social, environmental and territorial functions. In Vietnam, the legal regime on land is therefore not limited to regulating private transactions. It establishes the constitutional and statutory framework for ownership, State management, allocation and leasing of land, recognition and exercise of land use rights, land-use planning, financial obligations, land recovery, compensation and resettlement, registration, and the provision of land information. The complexity of these relationships explains why land law is closely connected with investment, housing, construction, environmental protection, taxation and administrative law.

The 2024 Land Law represents a major stage in the modernization of Vietnam's land legislation. Although Law No. 31/2024/QH15 was originally promulgated with an effective date of 1 January 2025, Law No. 43/2024/QH15 brought the effective date of the core land-law regime forward

to 1 August 2024. The new framework is supplemented by a set of implementing instruments dealing with land registration, detailed implementation, land prices, land-use charges and land rent. The legal system has continued to evolve in 2025 and 2026, including through Resolution No. 254/2025/QH15 and Decrees No. 49/2026/NĐ-CP and 50/2026/NĐ-CP, which address practical difficulties and certain questions of authority and financial obligations.

The significance of the current legal framework lies not only in the number of new provisions but also in the policy direction underlying them. The law emphasizes lawful, sustainable and efficient land use; greater transparency of land information; clearer protection of legitimate land-use rights; more structured rules on land recovery and compensation; and a land-pricing regime intended to respond more closely to local conditions and market factors. At the same time, implementation requires coordination among many institutions and the resolution of transitional situations arising from the interaction

of new rules with previous land-use decisions, land records and financial obligations.

This paper uses a doctrinal legal research approach, focusing on statutory interpretation, systematic comparison of the main legal instruments and analysis of implementation-oriented provisions. The paper examines the current legal framework in Vietnam through several central issues: rights of land users, land allocation and leasing, land-use planning, land prices and financial obligations, land recovery and compensation, and land registration and information management. On that basis, it highlights both the progressive elements of the present framework and the areas in which continued institutional refinement is necessary.

2. LEGAL REGULATIONS ON LAND USE RIGHTS AND LAND MANAGEMENT ACCORDING TO VIETNAMESE LAW

Firstly, regulations on land ownership, land users and the exercise of land-use rights form the foundation of the current land-law system. The 2024 Land Law defines its scope broadly, covering the regime of land ownership, the powers and responsibilities of the State as representative of the entire-people ownership of land, the regime of land management and use, and the rights and obligations of citizens and land users. The law identifies a wide range of land users, including domestic organizations, individuals, religious organizations, communities, persons of Vietnamese origin residing abroad, and foreign-invested economic organizations. This structure is important because the scope of rights is not identical for every land user; rights are linked to the legal form of the user, the source of land, the form of land allocation or lease, and the financial obligations attached to the land.

The principles governing land use are expressly stated. Land must be used for the correct purpose, sustainably, economically and efficiently; users must protect land and the environment and adapt to climate change; and the exercise of land rights must not infringe the lawful rights and interests of neighboring users. These principles move the legal framework beyond a purely transactional conception of land rights. They emphasize stewardship and public interests while maintaining the legal capacity of users to exploit the value of lawful land-use rights.

Secondly, the current framework strengthens the legal position of land users by recognizing both substantive rights and procedural protections. Article 26 of the Land Law establishes common rights, including the right to receive a certificate when legal conditions are satisfied, to enjoy the fruits of labor and investment on lawfully used land, to receive State protection against unlawful interference, and, in cases prescribed by law, to receive compensation, support and resettlement when land is recovered. Article 27 further recognizes the capacity of land users to transfer, lease, sublease, inherit, donate, mortgage and contribute capital with land-use rights, subject to statutory conditions. These provisions are important because land-use rights constitute the legal basis for a broad range of economic and civil transactions.

The Law also attaches importance to legal certainty in transactions. Certain contracts concerning transfer, donation, mortgage and capital contribution by land-use rights are subject to notarization or certification, while other transactions may be notarized or certified at the request of the parties in accordance with the law. The existence of these formal requirements reduces transactional risks, provides evidence of the parties' intentions, and supports the registration and public-recognition function of the land administration system. In practice, the effectiveness of these provisions depends on consistent land records and on clear coordination between civil-law transactions and land registration procedures.

Thirdly, land-use planning is a central instrument through which the State balances private land-use interests with public development objectives. Planning determines the distribution of land according to socio-economic development, national defense and security, environmental protection and climate adaptation needs. The legal framework requires planning and planning information to be made publicly accessible, thereby linking planning decisions with citizens' right to access land information. This is particularly significant because planning information affects the feasibility of construction, investment, conversion of land-use purposes, land recovery and the economic value of land-use rights.

A practical strength of the current system is the recognition that users need timely and reliable

planning information. The Land Law gives citizens access to information concerning land-use plans, land allocation and leasing, published land price tables, compensation and resettlement plans, results of inspections and dispute settlement, administrative procedures and other land-related information. Transparency can reduce information asymmetry and help users assess legal risks before entering into land transactions. Nevertheless, access to information is meaningful only when databases are updated, information is internally consistent and administrative bodies publish information in a form that ordinary users can understand.

Fourthly, rules on land allocation, land leasing and changes of land-use purpose are closely connected with financial obligations and the realization of investment projects. The current legislation seeks to make the legal pathway from land demand to lawful land use more structured. Depending on the case, a project or land user may obtain land through State allocation, lease, recognition of existing use rights, or lawful receipt of land-use rights from another user. The law also distinguishes different financial consequences according to the form and duration of land use, particularly between payment of land-use levy and payment of land rent.

An important development in 2026 is that the implementation system has continued to clarify difficult cases involving land-use charges and rent. Resolution No. 254/2025/QH15 and Decree No. 50/2026/NĐ-CP address several issues concerning the calculation and payment of land-use charges and land rent, including cases involving changes in land-use purpose. Decree No. 49/2026/NĐ-CP also develops implementation rules on decentralization, administrative competence and related procedures. These instruments illustrate that the 2024 Land Law should be understood as the core of a continuing regulatory system rather than as a self-contained text that resolves every implementation question by itself.

Fifthly, land-price regulation is one of the most consequential parts of the current framework. The 2024 Land Law establishes principles and methods for land valuation and changes the role of the land price table. The new framework provides for the first land price tables under the 2024 Law to be announced and applied from 1 January 2026, with annual adjustment,

amendment and supplementation for subsequent years. The law also identifies specific situations in which the land price table is used and provides for separate determination of specific land prices in cases prescribed by law. The system is designed to make land valuation more responsive to geographic location, land characteristics and actual market-related factors.

The shift toward annual land price tables has important legal and economic consequences. First, it may improve the correspondence between public land prices and changing local conditions. Second, it affects financial obligations, taxation and compensation-related calculations in various situations. Third, it increases the importance of high-quality land databases and valuation methodologies because the credibility of the price table depends on reliable information. The Government's regulations on land prices have consequently been updated, including the 2025 amendments and the consolidated 2026 framework on methods of land valuation, preparation of land price tables and determination of specific land prices. The new model creates opportunities for greater transparency, but it also requires strong technical capacity and consistent valuation practice at the local level.

Sixthly, land recovery and compensation, support and resettlement remain among the most sensitive areas of Vietnamese land law because they directly affect property interests, livelihoods and community stability. The 2024 Land Law specifies categories of land recovery for national defense and security and for socio-economic development in the public interest. More importantly from the perspective of rights protection, Article 91 establishes principles requiring compensation, support and resettlement to be democratic, objective, fair, public, transparent, timely and lawful. Compensation in land is generally designed around land of the same use purpose, while monetary compensation may apply in accordance with the statutory mechanism for determining specific land prices. The law also links support policies to employment, income and stabilization of life and production.

The resettlement provisions demonstrate a stronger emphasis on substantive rather than purely financial protection. The law requires resettlement areas to have appropriate technical and social infrastructure and provides that approval of the compensation, support and

resettlement plan and arrangement of resettlement should be completed before the decision on land recovery. This approach reflects the principle that compensation cannot be reduced to a simple payment for the physical area of land. For affected households and individuals, the legal consequences of recovery may include relocation, interruption of economic activities and changes in community relationships. Effective implementation therefore depends on meaningful participation, accurate land and asset surveys, transparent determination of eligibility and timely payment.

Seventhly, land registration, certification and the development of land-information systems provide the administrative infrastructure for the exercise and protection of land rights. Registration is not merely a technical record-making activity. It is a mechanism through which the State officially recognizes land-use rights and records legally relevant changes. The 2024 framework, together with Decree No. 101/2024/NĐ-CP, addresses basic land investigation, registration, issuance of certificates and the national land information system. The legislation thereby connects legal rights with a modern information architecture capable of supporting transactions, planning, valuation and public administration.

The move toward digital land information is particularly important in reducing disputes caused by incomplete or inconsistent records. Accurate cadastral maps, updated registration data and interoperable information systems can improve administrative efficiency and allow citizens, businesses and public authorities to verify land information more effectively. However, digitization cannot by itself resolve substantive legal disputes. Historical land-use documents, boundary conflicts, informal transactions and discrepancies between actual use and registered use still require careful legal assessment. The value of digitalization therefore depends on the quality of the underlying data and the legal procedures used to authenticate and update it.

Eighthly, implementation of the current land-law framework still presents several challenges that deserve continuing legal and institutional attention. First, the legal system is highly interconnected. A single land-related project may involve land law, investment law, housing law, construction law, environmental law, public-asset law and tax law. Differences in terminology,

sequencing and administrative requirements can create practical delays even when each individual statute appears clear. Second, the pace of regulatory change requires local authorities, land users and professional advisers to continuously update their knowledge. Third, land valuation and compensation remain technically demanding and sensitive to local conditions, requiring transparent methodologies and reliable data.

There is also a need to strengthen procedural transparency and accountability. The right to access land information should be accompanied by understandable publication, timely updates and effective mechanisms for correction when data are inaccurate. Administrative procedures should be predictable so that similarly situated land users receive comparable treatment. In addition, the enforcement of obligations concerning proper land use, environmental protection and financial payments must be balanced with effective remedies for persons whose lawful rights are affected. The continued refinement of the legal framework in 2025 and 2026 shows that Vietnam is addressing these implementation problems through supplementary regulations rather than relying exclusively on the original text of the 2024 Law.

Ninthly, the protection of land-use rights must be accompanied by effective mechanisms for resolving disputes and responding to unlawful administrative action. The Land Law expressly recognizes the right of land users to complain, denounce and initiate proceedings concerning infringements of their lawful land rights. This is important because land disputes may concern not only ownership-related interests but also boundaries, origin of land use, registration, transactions, compensation, financial obligations and the legality of administrative decisions. A coherent dispute-resolution framework should therefore combine accessible administrative procedures with the possibility of judicial review, while ensuring that parties have reasonable access to land records and other evidence necessary to protect their rights.

In practice, the prevention of disputes is often more efficient than their resolution after conflict has escalated. This places importance on accurate cadastral records, written transaction documents, timely registration of changes and transparent publication of planning and land-price information. Professional legal advice also has a

preventive function by helping land users identify restrictions, financial obligations and procedural requirements before transactions are completed. From this perspective, land administration should be understood not simply as a system for issuing certificates but as an integrated legal-service environment in which accurate information and predictable procedures reduce the probability of litigation.

Tenthly, sustainable and efficient land use should increasingly be viewed as a legal objective connecting land law with environmental governance and long-term development. The 2024 Land Law requires users to protect land and the environment and to use land sustainably and efficiently. This principle has particular significance in relation to agricultural land, forest land, land affected by degradation or pollution, and areas exposed to climate-related risks. The legal framework therefore creates a basis for linking land-use planning with environmental protection, restoration of degraded land and more responsible use of natural resources. The challenge for implementation is to ensure that environmental requirements are translated into practical criteria for land allocation, land-use conversion and project implementation rather than remaining only at the level of general principles.

The contemporary land-law system also needs to accommodate legitimate economic flexibility without weakening the principle of lawful use. Changes in economic structure, urban development, technology and investment may create new demands for land and new forms of land-related transactions. The legal response should preserve the security of existing lawful rights while providing clear conditions for changes of purpose, transfer, leasing, capital contribution and other transactions. In this respect, a stable legal framework is not one that never changes; rather, it is one in which changes are transparent, sufficiently reasoned and accompanied by transitional provisions that allow citizens and businesses to adjust their conduct without unnecessary legal uncertainty.

3. CONCLUSION

The current Vietnamese land-law framework establishes a substantially more structured legal architecture for land management and land use. The 2024 Land Law consolidates principles

concerning lawful and sustainable use, clarifies the rights and obligations of different categories of land users, strengthens access to land information, restructures the land-price regime, and provides more detailed rules on recovery, compensation, support, resettlement, registration and land information. The implementing system has also continued to develop through regulations issued in 2025 and 2026, demonstrating an ongoing effort to translate statutory principles into workable administrative procedures.

At the same time, the quality of land law should ultimately be assessed not only by the completeness of legal texts but by the predictability, transparency and fairness of their implementation. The effective protection of land-use rights requires accurate records, accessible information, coherent administrative procedures, technically sound valuation and meaningful remedies. In the area of land recovery, protection of livelihoods and reasonable resettlement arrangements should remain central to implementation. In the area of land pricing, annual price tables and more market-oriented valuation methods need to be supported by reliable data and professional capacity. In the area of digital administration, modernization should be accompanied by legal safeguards for data quality, accountability and correction of erroneous records.

Overall, Vietnam's contemporary land-law system is moving toward greater transparency, clearer recognition of lawful land-use rights and closer integration between land administration, financial regulation and digital information. The main task for the next stage is to ensure that the principles established by the law are applied consistently in practice and that the regulatory system remains capable of responding to economic development, social needs and environmental sustainability.

4. ACKNOWLEDGEMENTS

The author would like to thank TNU – University of Sciences for providing an academic environment that supports research and publication in the field of law.

REFERENCES

- [1] National Assembly of the Socialist Republic of Vietnam (2024), Land Law No. 31/2024/QH15, dated 18 January 2024.

<https://vanban.chinhphu.vn/?classid=1&docid=211189&orggroupid=1&pageid=27160>

[2] National Assembly of the Socialist Republic of Vietnam (2024), Law No. 43/2024/QH15 amending and supplementing the Land Law No. 31/2024/QH15 and related laws, dated 29 June 2024.

<https://vanban.chinhphu.vn/?classid=1&docid=211201&orggroupid=1&pageid=27160>

[3] Government of Vietnam (2024), Decree No. 101/2024/NĐ-CP on basic land investigation; land registration; issuance of certificates; and the land information system, dated 29 July 2024.
<https://vanban.chinhphu.vn/?docid=210791&pageid=27160>

[4] Government of Vietnam (2024), Decree No. 102/2024/NĐ-CP providing detailed provisions for implementation of the Land Law, dated 30 July 2024.

<https://vanban.chinhphu.vn/?classid=1&docid=210795&pageid=27160&typegroupid=4>

[5] Government of Vietnam (2024), Decree No. 71/2024/NĐ-CP on land prices, dated 27 June 2024, as amended and supplemented by Decree No. 226/2025/NĐ-CP.

<https://vanban.chinhphu.vn/?classid=1&docid=210523&orggroupid=2&pageid=27160>

[6] Government of Vietnam (2024), Decree No. 103/2024/NĐ-CP on land-use levy and land rent, dated 30 July 2024, as amended by Decree No. 291/2025/NĐ-CP.

<https://vanban.chinhphu.vn/?classid=1&docid=210797&orggroupid=2&pageid=27160>

[7] National Assembly of the Socialist Republic of Vietnam (2025), Resolution No. 254/2025/QH15 on mechanisms and policies for addressing difficulties and obstacles in the organization and implementation of the Land Law, dated 11 December 2025.

<https://xaydungchinhhsach.chinhphu.vn/nghi-quyet-so-254-2025-qh15.html>

[8] Government of Vietnam (2026), Decree No. 49/2026/NĐ-CP detailing and guiding Resolution No. 254/2025/QH15 on difficulties and obstacles in implementation of the Land Law, effective 31 January 2026.

<https://vanban.chinhphu.vn/?classid=1&docid=216860&pageid=27160>

[9] Government of Vietnam (2026), Decree No. 50/2026/NĐ-CP detailing Resolution No. 254/2025/QH15 concerning land-use levy and land rent, effective 31 January 2026.

<https://vanban.chinhphu.vn/?classid=1&docid=216861&orggroupid=2&pageid=27160>

[10] Ministry of Agriculture and Environment (2026), Consolidated document No. 52/VBHN-BNNMT on land prices, dated 25 May 2026.

<https://xaydungchinhhsach.chinhphu.vn/toan-van-van-ban-hop-nhat-so-52-vbhn-bnnmt-quy-dinh-ve-gia-dat-11926051915200542.htm>

[11] Ministry of Agriculture and Environment (2025), Consolidated document No. 83/VBHN-BNNMT on basic land investigation, registration, issuance of certificates and the land information system, dated 9 December 2025.

<https://vanban.chinhphu.vn/?classid=0&docid=216160&pageid=27160>