

THE CURRENT SITUATION OF ADMINISTRATIVE PROCEDURE LAW AND THE PROTECTION OF CITIZENS' RIGHTS IN VIETNAM

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ABSTRACT

Administrative procedures are a central mechanism through which public authorities exercise administrative power and through which citizens and organizations interact with the State. A transparent, lawful and accessible administrative procedure therefore has direct significance for the protection of citizens' rights and for the quality of public administration. This paper examines the current legal framework governing administrative procedures in Vietnam, focusing on the principles of administrative procedure, the one-stop and inter-agency one-stop mechanisms, digital public services, citizens' access to information and the relationship between administrative procedures and mechanisms for complaints and judicial review. The paper also considers the institutional changes introduced during 2025-2026, including the reorganization of local government, the implementation of new rules on one-stop administrative service delivery and the amended legal framework for complaints and administrative litigation. The analysis indicates that Vietnamese law has increasingly moved toward simplification, digitalization, transparency and stronger accountability. However, effective protection of citizens' rights still depends on consistent implementation, clear assignment of authority, timely handling of administrative requests and complaints, and effective judicial control over administrative decisions and acts.

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1. INTRODUCTION

Administrative law determines how public power is organized, exercised and controlled in order to serve public interests while respecting lawful rights and interests of individuals and organizations. In everyday life, the quality of administrative law is often experienced through administrative procedures: applications for identification documents, land-related records, business registration, construction permits, social benefits and other public services. A procedure that is unnecessarily complicated, uncertain or opaque may create costs for citizens and businesses and may also increase the risk of arbitrary administrative action. Conversely, a procedure that is clear, predictable and digitally accessible can improve trust in public institutions and strengthen the legitimacy of administrative governance.

Vietnam has pursued administrative reform for many years, with increasing emphasis on simplification of procedures, digital government,

the one-stop mechanism and stronger accountability of administrative bodies. During 2025-2026, this reform agenda was accompanied by important changes in the organization of the State apparatus and the legal framework governing administrative service delivery. The Law on Organization of Local Government 2025 restructured the institutional framework of local administration, while Decree No. 118/2025/ND-CP established a new framework for administrative procedures through the one-stop and inter-agency one-stop mechanisms at the One-Stop Service Units and the National Public Service Portal. This framework was subsequently amended by Decree No. 367/2025/ND-CP and Decree No. 309/2026/ND-CP.

At the same time, the protection of citizens' rights in administrative relations cannot depend only on the design of administrative procedures. It also requires effective mechanisms for complaint, supervision and judicial review when citizens consider that an administrative decision or act is unlawful. The amended Law No. 136/2025/QH15

on citizen reception, complaints and denunciations took effect on 1 July 2026, while Law No. 85/2025/QH15 amended the Law on Administrative Procedures. These changes demonstrate that administrative procedure law should be viewed as part of a broader system of lawful public administration and rights protection.

2. LEGAL REGULATIONS ON ADMINISTRATIVE PROCEDURES ACCORDING TO VIETNAMESE LAW

Firstly, regulations on the principles and legal character of administrative procedures: Administrative procedures establish the sequence, conditions, documents, authority and time limits through which competent State agencies resolve requests and perform public services. Their essential function is to translate substantive legal rights and obligations into an operational process. Therefore, administrative procedures must be based on legal authority and must not create arbitrary conditions that are not supported by law. The rule-of-law character of public administration requires agencies and officials to act within the scope of their assigned competence, to provide information necessary for applicants, and to give results in accordance with prescribed procedures and time limits.

The legal framework on administrative procedures also reflects a shift from a purely agency-centered approach toward a service-oriented approach. Under the one-stop mechanism, individuals and organizations should have a clear point of contact for receiving dossiers, checking their completeness, transferring dossiers to competent bodies, monitoring processing and returning results. This design reduces the need for applicants to move between multiple agencies and makes the administrative process more transparent. Decree No. 118/2025/ND-CP, effective from 1 July 2025, provides the principal framework for these mechanisms and expressly places the National Public Service Portal within the system of administrative procedure delivery.

Secondly, regulations on the one-stop and inter-agency one-stop mechanisms: The one-stop mechanism is significant because it changes the practical relationship between administrative agencies and service users. Instead of requiring citizens to understand the internal distribution of tasks among State bodies, the administrative system is expected to coordinate internally and

present a simpler external process. Where a procedure involves several competent authorities, the inter-agency one-stop mechanism enables coordination without transferring the administrative burden to citizens. This is particularly important for procedures involving identity, residence, business, investment, land, construction, social security and other matters in which several databases or administrative authorities may be involved.

The framework has also been adjusted to respond to changes in the organization of public administration. Decree No. 367/2025/ND-CP amended the 2025 framework, and Decree No. 309/2026/ND-CP further amended it with effect from 5 August 2026. These amendments illustrate that administrative procedure law is not static. It must be revised when the allocation of administrative functions, the territorial organization of government, digital platforms or practical implementation requirements change. At the same time, frequent amendments create a need for consolidated guidance and public communication so that citizens can easily identify the competent authority and the current procedure.

Thirdly, regulations on digital administrative procedures and public service delivery: Digitalization has become an important component of administrative reform. Online administrative procedures may reduce travel, waiting time and paper-based transactions, while electronic data sharing can reduce repeated submission of information that the State already possesses. The legal model therefore increasingly combines traditional administrative service points with electronic channels. The objective is not simply to transfer paper forms onto a website, but to redesign the process around electronic identification, digital records, data interconnection and electronic results where legally and technically appropriate.

Digital administrative procedures nevertheless create new legal requirements. Accessibility cannot be limited to persons who are technologically proficient or have reliable Internet access. The State must maintain appropriate support for persons who cannot complete an online procedure independently, while ensuring security, authentication, personal data protection and the accuracy of electronic records. In this respect, digital transformation should strengthen

rather than weaken the principle of equal access to public services. Administrative reform should be assessed not only by the number of online procedures but also by whether citizens can actually use them conveniently and obtain legally valid results within the prescribed period.

Fourthly, regulations on transparency, access to information and citizens' participation: Transparency is an essential condition for the lawful operation of administrative procedures. Citizens should be able to know which agency is competent, which documents are required, what fees and charges apply, how long the procedure should take, how results will be delivered and what legal remedies are available if the procedure is not properly performed. The development of public service portals, electronic databases and published administrative procedure information can reduce information asymmetry between the administration and service users.

The right to obtain information from public authorities also has relevance to administrative procedure. The more transparent the applicable rules and administrative records are, the easier it becomes for citizens to monitor the legality of administrative action. Transparency is therefore not merely an administrative convenience; it is an instrument of accountability. At the same time, public access must be reconciled with legitimate restrictions concerning personal data, State secrets and other information protected by law. A sound administrative system should therefore distinguish between information that must be disclosed proactively, information that may be provided upon request and information that is legally restricted.

Fifthly, regulations on complaints and the protection of citizens' rights against unlawful administrative decisions and acts: An effective administrative legal system must provide remedies when citizens believe that an administrative decision or act violates their lawful rights or interests. The Law on Complaints establishes the legal framework for complaints regarding administrative decisions and administrative acts, together with mechanisms for receiving, examining and resolving such complaints. Law No. 136/2025/QH15, effective from 1 July 2026, amended the legal framework on citizen reception, complaints and denunciations and therefore forms part of the

current administrative rights-protection framework.

Complaint mechanisms perform two related functions. First, they provide citizens with an opportunity to seek reconsideration within the administrative system without immediately commencing judicial proceedings. Secondly, they create an internal accountability mechanism through which higher-ranking or otherwise competent authorities can examine the legality and appropriateness of subordinate administrative action. For this mechanism to be effective, the complaint must be received properly, competent authorities must be clearly identified, relevant evidence must be evaluated objectively, and the final resolution must be issued within the statutory framework.

Sixthly, judicial review of administrative decisions and acts: Administrative litigation is an important external safeguard for citizens' rights. Where a person or organization has standing under the applicable law, the administrative court may review the legality of an administrative decision or administrative act. Law No. 85/2025/QH15, effective from 1 July 2025, amended provisions of the Law on Administrative Procedures as part of a wider reform of judicial procedure. Judicial review is particularly important because administrative agencies cannot be regarded as the only institutions capable of determining whether their own exercise of public power is lawful.

The relationship between administrative complaint and administrative litigation should therefore be understood as complementary. Administrative complaint provides an avenue for administrative self-correction, while judicial review provides an independent legal control mechanism. Together, these mechanisms contribute to the principle that public authorities must be accountable for the legality of their decisions and actions. Effective rights protection also requires that judicial remedies remain understandable and practically accessible to citizens, including through clear information about jurisdiction, deadlines and evidentiary requirements.

3. PRACTICAL ISSUES AND DIRECTIONS FOR IMPROVEMENT

Despite substantial legal development, several practical issues remain. First, the complexity of administrative procedures may persist when

substantive regulations are amended at different times or implemented through multiple sectoral instruments. Even where a one-stop mechanism exists, internal coordination can remain difficult if databases are not interoperable or if responsibilities are not clearly allocated. Secondly, the rapid digitalization of administrative procedures may create a gap between formal online availability and actual accessibility. Citizens in rural areas, older persons, persons with disabilities and people with limited digital skills may require additional assistance.

Thirdly, the effectiveness of complaints and judicial review depends on the quality of legal reasoning in administrative decisions. A decision that merely states a conclusion without explaining the factual basis, applicable legal provisions and reasons for accepting or rejecting the citizen's arguments makes meaningful review more difficult. Fourthly, reforms in local government organization require continuous clarification of competence so that citizens do not suffer delays because an application is sent between authorities that are adjusting to new institutional arrangements.

To improve the effectiveness of administrative procedure law, several measures are important. Administrative procedures should be designed according to the principle of necessity: each required document, verification step and condition should have a clear legal and administrative justification. Digital procedures should be accompanied by effective assistance channels and alternative access arrangements. Administrative databases should be interconnected on the basis of clear legal rules governing data quality, responsibility and protection. Finally, complaints and administrative litigation should be supported by transparent information on jurisdiction, deadlines and remedies, so that citizens can exercise their rights without unnecessary procedural barriers.

4. CONCLUSION

Administrative procedure law is one of the most visible areas of public administration because it directly shapes the daily interaction between citizens and State agencies. Vietnam's legal framework has progressively developed toward greater simplification, one-stop service delivery, digitalization, transparency and accountability. The legal changes introduced during 2025-2026

further demonstrate the State's effort to adapt administrative procedures to institutional restructuring and digital government.

However, the effectiveness of administrative reform cannot be measured only by the adoption of new legislation or the number of online procedures. The decisive factor is whether citizens can identify the competent authority, submit information conveniently, receive a lawful and timely decision, understand the reasons for that decision, and obtain effective remedies when their rights are infringed. A modern administrative law system therefore requires not only efficient procedures but also accountability, complaint mechanisms and judicial review. Strengthening these elements will contribute to a more transparent, predictable and citizen-oriented public administration in Vietnam.

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