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**TRAN SON HA**

**State management of road traffic order and safety  
in Vietnam today**

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**ABSTRACT OF DOCTORAL THESIS ON PUBLIC ADMINISTRATION**

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# INTRODUCTION

## 1. Urgent need of the thesis research

Traffic order and safety is arranged social status formed and adjusted by in the field of public transport to ensure smooth, orderly, safe traffic and limitation to the lowest level of traffic accidents. Ensuring traffic order and safety is a basic requirement and task of all countries and a necessary condition for economic development, security and defense strengthening and social order stability.

Traffic order and safety in general and road traffic order and safety in particular in any country is always a joint product of many various activities across all fields of politics, economy, culture, society, order and security. Road traffic order and safety is considered the face of society, one of basic criteria reflecting economic potential, management capability and level of civilization of each country. By recognition, analysis and evaluation in the economic perspective, the traffic is considered as a lifeblood of national economy. The formation, existence and development of every country in general and urban areas or economic zones in particular depend on the size of the organization and operation of traffic and require to ensure traffic order and safety.

Because of awareness of the important role and road traffic order and safety, in recently years, the Party and the State have issued many guiding documents and legal documents such as: Directive No. 22-CT/TW dated 224/04/2003, Directive No. 18-CT/TW dated 04/9/2012 of the Secretariat; Law on road traffic 2001, 2008; Resolution No. 14/2002/NQ-QH11 dated 12/16/2002 of the National Assembly; Resolution No. 13/2002/NQ-CP dated 19/11/2002, Resolution No. 32/2007/NQ-CP dated 29/6/2007 and Resolution No. 88/2011/NQ-CP dated 24/06/2011 of the Government on a number of urgent solutions to curb traffic accidents and traffic jams, etc. Especially, road transport development planning of Vietnam to 2030; national strategy to ensure road traffic order and safety to 2020 with a vision to 2030 are designed to establish disciplines and gradually stabilize the situation of road traffic order and safety all over our country.

However, in the current setting, transport infrastructure in general, road transport infrastructure in particular does not meet requirements of economic – social development; State management of traffic order and safety exists many

shortcomings such as the system of legal documents on road traffic order and safety does not clearly define main responsibilities of ministries, sections, responsibilities of coordinating agencies and responsibilities of People's Committees at all levels of staff and officials, civil servants implement State management of road traffic order and safety does not meet the requirements of both knowledge and professional competence, financial resources for investment management activities of the state of road traffic order and safety are not highly effective.

Meanwhile, the increase in economic development and infrastructure of road traffic has boosted the number of road motor vehicles, especially motorcycles to increase rapidly. Road traffic volume and quantity rapidly rise, accompanied by an increase in related problems such as traffic conflicts, traffic accidents, traffic jams in urban areas and traffic accidents in rural areas. On the other hand, awareness and sense to follow requirements of road traffic safety of traffic participants and the whole community is still low. Therefore, the situation of road traffic accidents in Vietnam develops complicatedly. From 2007 to now, although road traffic accidents tend to decrease (reduction in number of cases, the death toll and number of the injured), but the number of deaths remained high (average nearly 10,000 deaths a year of total population of 95 million), the increase in road traffic accidents is not stable and sustainable.

According to statistics of the Department of Traffic Police, from 2010 through 2015, nationwide police force of road traffic handle 34,514,138 administrative violations of road, submitting over 14 thousand billion dong to the State Treasury, deprive the right to use driving licenses for a definite term in 2,087,267 cases, temporarily seize 168,655 cars, 3,704,806 motorbikes and over 61 thousand other vehicles.

Analysis of the violations shows that exceeding the speed limit accounted for 16.85%; going on the wrong way, lanes accounts for 10.87%, avoiding and overtaking improperly accounts for 0.35%, Loading more people than prescribed accounts for 1.58%; violating regulations on alcohol content when driving vehicles accounts for 1.64%; Loading more than normal carrying capacity of vehicle accounts for 1.39%; driving a car without insufficient safety equipment accounts for 1%; redirecting in the wrong places accounts for 0.46%; driving a vehicle without a driving license as prescribed accounts for 3.5 %; failing to follow traffic

signs accounts for 0.4%; passengers on motor bicycles do not wear a helmet or wear a helmet without properly fastening their chin straps accounts for 37,23%. Although, the Government, the Ministry of Public Security, the Ministry of Transport has mobilized the Mobile Police Force, Criminal Police, Order Police, Rapid Response Police, Police for administrative management of social order, communal police force and traffic inspectors participated in the task of ensuring order and safety of road traffic, patrol, control, inspection, testing, handling of violations as prescribed by law; however, the management of the State on road traffic order and safety still exposes many loopholes and shortcomings.

To create basic innovation, sustainability and gradually improve the State manage of road traffic order and safety, many theoretical, legal and practical issues need answered carefully on a scientific basis. Therefore, the study of the topic "*State management of road traffic order and safety in Vietnam today*" is the indispensable need which is urgent in theoretical, legal, and practical aspects.

## **2. Research purpose and task of the thesis**

### ***2.1. Research purpose of the thesis***

The thesis aims to clarify theoretical and legal basis and management assess the status of the state of road traffic order and safety to give directions and measures for improvement of State management of road traffic order and safety in Vietnam today.

### ***2.2. Research task of the thesis***

To achieve the above purpose, the thesis has the following tasks:

*First*, analyze, evaluate some domestic and foreign research works related to the thesis topic to confirm that problems has been concerned and addressed according to different approaches and present gaps having not been clarified. From the perspective of science of State administration and management, the thesis points out problems which need solving.

*Second*, build theoretical basis of State management of road traffic order and safety in Vietnam by interpretation and clarification of: contents, characteristics, roles and conditions ensuring the State management of order and road traffic safety; research experience of state management of road traffic order, safety of some countries with similarities in natural conditions, socioeconomic and legal culture to draw the reference values for Vietnam.

*Third*, analyze the situation and the level of influence of the State management of road traffic order and safety in Vietnam for assessment of

achievements, limitations and causes of limitations in the State management of road traffic order and safety in Vietnam.

*Fourth*, on the basis of forecasting, overall results of the study to determine directions and propose solutions for the State management of road traffic order and safety, which is basic, long-term, comprehensive and systematic, ensures scientific basis for improvement of the State management of road traffic order, safety in Vietnam in the future.

### **3. Research subject, scope of the thesis**

#### ***3.1. Research subject of the thesis***

Research subject of the thesis are defined as activities of the State administrative management of road traffic order and safety in Vietnam.

#### ***3.2. Research scope of the thesis***

*In terms of space*, the study of the State management of road traffic order and safety is conducted throughout the country.

*In terms of time*, the study of theoretical basis and operational situation of the State management of road traffic order and safety in Vietnam is conducted from the Resolution No. 32/2007 / NQ-CP dated 29/6 / 2007 of the Government on a number of urgent measures to curb traffic accidents and traffic jams to now.

State management of road traffic order and safety in Vietnam is a topic with extensive and complex content. From the perspective of public management, the thesis only focuses on the State management of road traffic order and safety in Vietnam by management entities such as the Government, the Ministry of Public Security, Ministry of Transport, ministries and People's Committees at all levels.

### **4. Research methodology and methods of the thesis**

#### ***4.1. Research methodology of the thesis***

The thesis research is based on the methodology of Marxism - Leninism on dialectical materialism and historical materialism; Ho Chi Minh ideology and the Party's views, law of the State in the field of the State management of road traffic order and safety.

#### ***4.2. Research method of the thesis***

The thesis uses the approach of science and modern public management and theories on management to develop scientific basis of the State in the field of the State management of road traffic order and safety and the following specific research measures:

*Research method on secondary documents*: Finding and studying available researches in the field of the State management of road traffic order and safety is necessary and important. These researches will be the basis for history

identification and results of research issues.

Based on the reference of similarity values of these results, the thesis systematically analyzes theoretical basis, provide scientific foundations for the assessment of the current status of the state management of road traffic order and safety. The method used in the study of documents for development process of Chapter of overview of research situation; the study of theoretical issues in Chapter 2; the study of documents on assessing status of the State management of road traffic order and safety in Chapter 3.

*Research method of Sociology:*

Follow the method of random sampling, focus on provinces and cities directly under the central government, residential areas and regions, namely cities: Can Tho, Hanoi, Ho Chi Minh City and provinces: Lao Cai, Nghe An.

Method of collecting information: Collecting information by questionnaire according to sampling list. A questionnaire with 15 questions is designed only for this study. The questionnaire consists of 2 parts, Part 1. General Information; Part 2. Questions arranged under 8 contents of state management on road traffic order and safety (refer the Annex for details).

Method of information collection:

Total issued questionnaires: 500;

Time of survey: from August to October 2015;

Subjects under survey: the people at central cities (Can Tho city, Hanoi city, Ho Chi Minh city and Lao Cai province, Nghe An province)

Gender: 332 males (66.4%); females: 168 persons (33.6%);

Ages: under 35: 321 persons (64.2%); 35-50 age: 135 persons (27.0%); above 50: 44 persons (8.8%);

Education: junior secondary school: 51 persons (10.2%); senior secondary school: 200 persons (40.0%); intermediate: 74 persons (14.8%); associate's degree and bachelor's degree: 151 persons (30.2%); post graduate: 17 persons (3.4%); others: 07 persons (1.4%);

Place of working, studying: state agencies: 124 persons (24.8%); business sector: 46 persons (9.2%); individual business: 246 persons (49.2%); student: 84 persons (16.8%);

Place of residence: urban area 299 persons (59.8%); rural area: 201 persons (40.2%).

*Method of reality assessment, summarization:* Study the reality on state management of road traffic order and safety in order to give a comprehensive and objective assessment on the reality of state management of road traffic order

and safety. From the summarization of the reality on state management of road traffic order and safety (through data statistics, data on violation cases and treatment of violation cases etc.), the thesis draws conclusions on the reality of road traffic order and safety. This method is used mainly in Chapter 3 of the thesis.

*Method of comparison and forecast:* This method is used to analyze and assess the characteristics of state management of road traffic order and safety in Vietnam in each specific history period; from which to identify strong points and weak points in both theory and the reality in state management of road traffic order and safety, which is the basis for proposing orientations and solutions for perfection of state management of road traffic order and safety. This method is used in Chapter 2, Chapter 3 and Chapter 4 of the thesis.

*Method of analysis, synthesis:* this method is used during the study of the thesis. Implementing purpose and task of the study, this method systematizes and clarifies scientific bases of the state management of road traffic order and safety; analyzes to clarify the reality of state management of road traffic order and safety to present achievements, weak points and backwards and the reasons for such reality. On that basis, the thesis analyzes orientations and solutions for perfection of the state management of road traffic order and safety.

Furthermore, the thesis also uses flexibly a number of other auxiliary methods such as modelization to simulate the reality of each content of study, mapping of the structure, quantity, quality of officials, public employees and the result of the state management of road traffic order and safety through each periods.

## **5. New contributions of the thesis**

The thesis is a profound, comprehensive and systematical scientific research work on state management of road traffic order in Vietnam. Therefore, theory and practical research result of the thesis presents new contributions in the following:

*First*, on the basis of analyzing different opinions, the thesis gives arguments and explanations to draw the definition on state management of road traffic order; from which to identify characteristics, roles and principles of state management of road traffic order in Vietnam.

*Second*, approaching from public management science on matters set out by the research assumptions, the thesis identifies contents, subjects and conditions to ensure the state management of road traffic order in Vietnam.

*Third*, abstracting experience of state management of road traffic order in



some countries such as: China, Japan, Korea, Singapore etc. which have certain similarities to Vietnam in legal culture, natural and socio-economic conditions to draw some values possibly used as references for proposing solutions for perfecting state management of road traffic order in line with renovation process and international integration trend of Vietnam.

*Fourth*, on the basis of theoretical system on state management of road traffic order, the thesis analyses the reality of state management of road traffic order in Vietnam; gives objective and comprehensive assessments on achievements, backwards and reasons for such backwards in the operations of state management of road traffic order to draw out scientific conclusions on this reality.

*Fifth*, giving scientific forecasts on the development trends of road traffic in the overall development of modes of traffic to propose comprehensive, feasible and sustainable orientations and solutions in order to perfect the state management of road traffic order and safety in Vietnam.

## **6. Theoretical and practical meanings of the thesis**

*Theoretical meanings*, research result of the thesis contributes to supplement, complete the theory on state management of road traffic in general, and state management of road traffic order and safety in particular. This theory system is the direct base for referring the reality of state management of road traffic order and safety. From which not only to affirm the important role of state management of road traffic order and safety but also clarify opinions, orientations of the Party and the State in state management of road traffic order and safety in recent time.

*Practical meanings*, research results of the thesis, especially scientific conclusions on the reality of state management of road traffic order and safety in Vietnam, have directly supplied important arguments for competent authorities in planning, implementing and perfecting policies and laws on road traffic order and safety. At the same time, the research result of the thesis can be used as reference documents to server study, teaching at specialty and multi-sectoral training institutions, v.v...

## **7. Structure of the thesis**

Besides opening, conclusion, list of reference documents and annexes, the thesis consists of 4 chapters:

Chapter 1. Review on the researches related to the thesis topic.

Chapter 2. Theoretical and legal foundation of the state management of road traffic order and safety in Vietnam

Chapter 3. Reality of the state management of road traffic order and safety in Vietnam

Chapter 4. Orientation and solutions of perfecting the state management of road traffic order and safety in Vietnam

## **Chapter 1**

### **REVIEW OF RESEARCHES RELATED TO THE THESIS TOPIC**

#### **1.1. International researches related to state management of road traffic order and safety**

Research by the scientist “Mikheyev Tatiana”, member of Russian Academy of Sciences (Natural Science) assessed in 2007, with temporarily translated title “*Synthesis of parameter structure of control system of road traffic infrastructure*”.

Research by the scientist “Golovko Vladimir Vladimirovich” member of Russian Academy of Sciences (Natural Science) assessed in 2009, with temporarily translated title: “*Legal administrative operations of road management authorities*”,

Research by scientist “Adil Aybek Nasirovich” member of Russian Academy of Sciences (Natural Science) assessed in 2011, with temporarily translated title: “*In theoretical aspect, legal framework and improved institutions of public order police in Kyrgystan Republic*”.

#### **1.2. Domestic researches related to state management of road traffic order and safety**

Set of books “*Vietnam Public’s Security Science*”, volume 2 on “*state management of national security, social order and safety*”, Public’s Security Publishing House, Hanoi 2015 in which the General, Prof. PhD. Tran Dai Quang, President of Vietnam SR. and the Lieutenant-General, Prof. PhD. Nguyen Xuan Yem, Director of the People Police Academy are chief-editors.

Book on “*Road traffic order and safety – Reality and solutions*”, National Political Publishing House, Hanoi 2003 of authors: PhD. Tran Van Luyen, Engineer Tran Son, Bachelor Nguyen Van Chinh.

Book “*Road traffic order and safety in area of 5 central cities – Reality and solutions*”, Public’s Security Publishing House, Hanoi 2014 of authors: Colonel, Assoc. Prof. PhD. Pham Dinh Xinh; Senior lieutenant-colonel, Master Phung Xuan Hao; Major, PhD. Le Huy Tri; Captain, PhD. Nguyen Thanh Trung; Captain, Master Dang Duc Minh; Lieutenant, Master Nguyen Duc Khiem;

Lieutenant, Master Nguyen The Anh and staff of the Center for Traffic Safety Research, People Police Academy.

Doctoral thesis of Nguyen Thi Thanh Thuy titled: “*Renovation on state management on urban traffic in Hanoi city in integration and development age*”, specialty: Public Administration Management, implemented in 2014 at the National Academy of Public Administration.

Ministerial level science thesis by the author, Colonel Vu Si Doanh on “*Solutions for improving the work of ensuring road traffic order and safety of the traffic police force in 2001-2010 period*” accepted in 2005.

Doctoral thesis of Nguyen Ngoc Thanh titled “*Study synchronous solutions in order to improve road traffic safety in Vietnam*”, specialty in traffic organization and management, conducted in 2015 at the University of Communication and Transport.

Furthermore, there are some articles posted on the State Management Magazine such as: By Ly Huy Tuan “*State management in urban traffic sector*”, State Management Magazine, No. 3-2003; by Nguyen Thuy Anh: “*Renovation of state management on public transport in large urban areas in Vietnam*”, State Management Magazine, No. 5-2003, etc.

### **1.3. Comments and assessments on study fact**

Above study fact shows that researches (specialized books, theses, scientific thesis and articles) to a certain extent, have contributed to clarify a number of important theoretical, legal and practical matters of the state management of road traffic order and safety in Vietnam.

*In summary*, it can be affirmed that, there has not any comprehensive, specialized study on state management of road traffic order and safety in Vietnam up to present and at the same time, no study has pointed out the main subject and collaboratory authority in state management of road traffic order and safety. From this fact, an urgent problem set out to competent management authorities, especially scientists tha to give concern to study and propose applicable solutions on state management of road traffic order and safety in Vietnam in coming time.

### **1.4. Matters set out in the thesis that need to further study for settlement**

Under the view of public administration management, this is the first scientific research giving a comprehensive and specialized study on state management of road traffic order and safety in Vietnam.

*First*, building theoretical base on state management of road traffic order and safety.

*Second*, analyze, assess the reality on state management of road traffic order and safety in Vietnam

*Third*, give orientations and propose solutions to contribute to improve the state management of road traffic order and safety in Vietnam

## **Chapter 2**

### **THEORETICAL AND LEGAL FOUNDATION OF THE STATE MANAGEMENT OF ROAD TRAFFIC ORDER AND SAFETY IN VIETNAM**

#### **2.1. General arguments on state management of road traffic order and safety**

##### ***2.1.1. Some related definitions***

###### *Traffic and road traffic*

Mentioning to traffic means mentioning to “the movement from one place to another place by means of transport”<sup>1</sup>.

Road traffic is meant traveling from one place to another place by person or means of transport on roads, road bridges, tunnels, ferries, across rivers and streams connecting roads.

Road traffic order and safety is the social status regulated by the legal systems that require all traffic participants must strictly adhere and act with cultural manner in order to ensure the safety for people and property while participating in traffic; limit to the lowest level of traffic accidents and traffic jams, traffic is convenient, smooth, safe, effective, meeting the aesthetic requirements of traffic, preventing environmental pollution.

State management of road traffic order and safety covers all organized, oriented activities, with nature of state power in the management, administration and implementation of regulations on road traffic order and safety, setup, maintaining road traffic order and safety, building traffic culture, ensuring a smooth and safety road traffic in order to promote economic development, cultural - social, defense, security and international integration.

##### ***2.1.2. Characteristics on state management of road traffic order and safety***

*First*, state management of road traffic order and safety is the management

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<sup>1</sup>. Vietnamese language dictionary (2014), Encyclopedic dictionary publishing house, p.308

behaviour of state authorities, officials and public employees as stipulated by law.

*Second*, the implementation of state management of road traffic order and safety is mainly the law application by state public administration authorities, officials and public employees.

*Third*, state management of road traffic order and safety has the nature of state power with the purpose to serve the social and economic activities, meeting demand for socio-economic development.

*Forth*, state management of road traffic order and safety presents very strict regulations, they are series of conditions to ensure the road traffic order and safety

*Fifth*, state management of road traffic order and safety handles with violations against the law on road traffic order and safety on the legal basis, statutory basis.

*Sixth*, state management of road traffic order and safety relates to name aspects of the social life, the emotion, sentiment and basic rights of citizen.

*Seventh*, state management of road traffic order and safety regularly has the exploitation, heritage and use of knowleged of great deal of different sciences and technologies.

### ***2.1.3. Roles of the state management of road traffic order and safety***

*2.1.4.1. State management of road traffic order and safety to the socioeconomic development.*

*2.1.4.2. State management of road traffic order and safety to the ensure of social order and safety*

*2.1.4.3. State management of road traffic order and safety to the national security, defence*

*2.1.4.4. State management of road traffic order and safety to the promotion of regional and international exchange and integration*

### ***2.1.4. Principles of the State management of road traffic order and safety***

*First*, the State management of road traffic order and safety must be under direct and comprehensive leadership of the Party and centralized and uniform management of the State.

*Secondly*, the State management of road traffic order and safety must be associated with the national strategy ensuring road TTATGT 2020 and vision to 2030 and must be implemented on the basis of mobilization of all resources of the State and society.

*Thirdly, the State management of road traffic order and safety must ensure smooth, orderly, safety, effective traffic; contribute to the development of economy, society, ensure national defense and security and protect environment.*

## **2.2. Content of the State management of road traffic order and safety**

*2.2.1. Formulating plannings, plans of road traffic order and safety*

*2.2.2. Formulating and completing road traffic law and other fields of relevant law; Assigning State management responsibilities for road traffic order and safety*

*2.2.3. Organizing the implementation of law on road traffic order and safety*

*2.2.4. Organizing the administration, maintenance and protection of road infrastructure facilities.*

*2.2.5. Managing the quality of road traffic vehicle safety*

*2.2.6. Managing the quality of training for drivers of road motor vehicles.*

*2.2.7. Examining, inspecting, patrolling, monitoring and handling violations of the road traffic law*

*2.2.8. Undertaking international cooperation in road traffic.*

## **2.3. State management entities for road traffic order and safety**

Pursuant to Article 85 of Road Traffic Law 2008: The Government, Ministry of Transport, Ministry of Public Security, Ministry of National Defense, Ministries, ministerial-level agencies, People's Committees at all levels.

Besides, pursuant to Decision No. 57/QĐ-TTg dated 18/10/2011 of the Prime Minister on strengthening the National Traffic Safety Committee and the Provincial Traffic Safety Board, the National Traffic Safety Committee and the Provincial Traffic Safety Board also performs the function of the State management of road traffic order and safety.

## **2.4. Conditions ensuring the State management of road traffic order and safety**

### **2.4.1. State administration institutions of road traffic order and safety**

State administration institutions of road traffic order and safety is all the State's regulations on the organization, functions, duties, powers and authority of the state management agencies on road traffic order and safety, the relationship between state management agencies on road traffic order and safety together and

with citizens, is the system of legal documents to implement state management of road traffic order and safety. State administration institutions of road traffic order and safety in recent years in Vietnam is still many problems and shortcomings.

#### ***2.4.2. Organizational structure of the State management of road traffic order and safety***

Organizational structure of the State management of road traffic order and safety is an important condition for effective implementation of the State management of road traffic order and safety. If the organizational structure of the State management of road traffic order and safety is simple with little intermediary steps, arrange complete, scientific, reasonable and clearly define the functions, duties and powers of each clue, it will ensure that activities of the State management of traffic order and safety is implemented systematically, flexibly, fairly, effectively, avoids duplication, task omissions and the State management of road traffic order and safety.

#### ***2.4.3. Staffs and public servants for the State management of road traffic order and safety***

Staffs and public servants play an important role in implementing the task of ensuring the effectiveness and efficient operation of the State management of road traffic order and safety. Through specific activities of the staffs and public servants, the legal system of the State is put into the State management of road traffic order and safety.

#### ***2.4.4. Resources of materials and technology for the State management of road traffic order and safety***

To implement the State management of road traffic order and safety, conditions ensuring expenditure for the operation of the organizational structure, technical equipments, facilities, and application of science - technology are important conditions with direct impact on the efficiency of the State management of road traffic order and safety.

### **2.5. Reference to experiences on the State management of road traffic order and safety of some countries, and reference values for Vietnam**

#### ***2.5.1. Experiences on the State management of road traffic order and safety of some countries: Japan, China, Singapore, South Korea***

#### ***2.5.2. Reference values for Vietnam***

### Chapter 3

## REALITY OF STATE MANAGEMENT OF ROAD TRAFFIC ORDER AND SAFETY IN VIETNAM

### **3.1. Characteristics and status of road traffic**

#### ***3.1.1. Characteristics***

Road traffic operation has 3 factors including road traffic infrastructure, participants in road traffic, and road traffic means. In addition, environment also can affect road traffic operation.

#### ***3.1.2. Status of traffic jam, accidents, and violation of road traffic order and safety***

*For traffic jam, according to* Traffic Police Department's survey, from 2007 to 2015, there were 1,548 traffic jams in the whole country. In detail, there were 141, 252, 210, 222, 193, 197, 200, 133 cases in 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, respectively.

*For road accidents, according to* Traffic Police Department's survey, from 2007 to 2015, there were 105,229 cases, killing 93,573 people and injuring 74,227 others. In addition, there were also more than 300,000 traffic collisions, of which 977 cases were very serious, killing 2,987 people and injuring 3,096 others.

*For violations by traffic participants,* the status of traffic violation by traffic participants remains very popular. Their self-awareness is still poor. Many people arbitrarily control traffic means and violate traffic rules when not being supervised by traffic police forces.

*For reality of traffic safety corridor violation,* it still happens in many areas. The main violations include pavement and illegal road encroachment and occupation for trading or parking, violation of road protection corridor, gathering building materials, drying rice straws on road surface; stopping or parking vehicles on roads.

*For racing illegally, zigzagging and swinging vehicles,* for the past years it happens regularly in some big cities such as Hanoi, Ho Chi Minh city, Ba Ria – Vung Tau, Long An, ect.

### **3.2. Reality of state management of road traffic order and safety in Vietnam from 2007 till today**

#### ***3.2.1. Developing plan of road traffic order and safety***

The Government, ministries, departments, and localities pay attention to developing plan of road traffic order and safety, overcoming spontaneous, dispersed, and scattered points. Traffic planning was associated with the



planning of economic and social development of the country, of each region with factor of connecting different types of traffic.

***3.2.2. Developing and completing road traffic law and other fields of the relevant law; assigning state management responsibility for road traffic order and safety***

The operation of developing and promulgating law documents of traffic order and safety is still slow, affecting state management effect and showing confusion before traffic order and safety fact.

***3.2.3. Propagating, educating, and instructing the law on road traffic order and safety***

Propagating the law on traffic order and safety is one of the most important tasks. Propaganda and education of road traffic law and law documents has been implemented regularly, forming the sense of complying with the law of traffic participants.

***3.2.4. Organizing implementation of the law on road traffic order and safety***

The Party and the State have promulgated many decisions, policies and laws on traffic order and safety. In particular, the National Assembly promulgated the important codes of road traffic in 2001 and 2008. These codes and other legal documents of traffic order and safety are very effective now.

***3.2.5. Organizing management, maintenance, and protection of road traffic infrastructure***

The government has invested in building and improving traffic infrastructure, so there are many visible improvements. Thousands of road kilometers nationwide has been used, upgraded, and renovated. 7 highway routes, Ho Chi Minh road, ring road system, beam and overbridge systems, bridges for walkers have been put in use. People's Committees of provinces and cities have development plans of local transport, urban planning, and regulations on urban traffic order and safety management and traffic violation management.

***3.2.6. Registration and management of road traffic vehicles***

According to the law on road traffic 2008, Minister of Public Security regulates and organizes issue and withdrawal of registration certificate and number plates of different kinds of vehicles; motorbikes used for security purpose. Ministry of National Defence regulates and organizes issue and withdrawal of registration certificate and number plate of different kinds of

vehicles; motorbikes used for national defence purpose. The ministry also manages directly such vehicles. The Minister of Transport regulates issue and withdrawal of registration certificate and number plate of motorbikes.

### ***3.2.7. Managing the safety quality of road vehicles***

In the past, the public security was in charge of managing the safety quality of road vehicle. In 1995, the Government promulgate Decree no. 36/CP, under which the verification of technical safety and environmental protection is transferred to Ministry of Transport for management.

### ***3.2.8. Managing the quality of training road vehicle controllers***

In September, 2015, the whole country has 322 units of training car drivers; 463 units of training motorbike drivers, of ministries, departments, associations, and localities, 487 motorbike driver examination centers, 103 car driver examination centers. The ability and quality of training, examination, driving license issue has been improved to meet social needs.

### ***3.2.9. Checking, inspecting, controlling and treating road traffic order and safety violation***

The work of inspecting, controlling, and treating traffic order and safety violations of traffic police forces

The work of inspecting, checking, and treating violations of traffic inspection forces.

### ***3.2.10. International cooperation on road traffic order and safety***

For the past yeats, to implement the foreign policy of the Party and the State, Ministry of Public Security and Ministry of Transport have advised the Government to implement many international cooperation activities of road traffic order and safety.

## **3.3. Evaluation of actual status of state management of road traffic order and safety in Vietnam**

### ***3.3.1. Advantages***

First, the state management of traffic order and safety has had improvements. The law system of traffic order and safety is developed quite completely, overcoming shortcomings in state management and violation treatment of traffic order and safety.

Second, the Party and the State has made timely guidance to mobilize both the political system and society;

Third, the management and maintenance of road traffic system is timely

and efficient, ensuring traffic operate smoothly and safely, maintaining the ability of normal exploitation of road traffic system.

Fourth, the traffic management, administration, and organization have made positive moves, basically meeting the transport and travelling needs of people.

Fifth, the propaganda, popularization, and education of traffic order and safety continue to be strengthened.

Sixth, the inspection, check, and treatment of violation have been enhanced and are more innovative.

Seventh, re-structuring market, enhancing connection, raising ability, effect, and quality of transport methods helped decrease pressure for road.

### ***3.3.2. Disadvantages***

First, traffic infrastructure still has many shortcomings, especially in big cities. The traffic infrastructure has not satisfied transport needs and rapid increase of vehicles. Construction progress of many projects is slow.

Second, there are still many shortcomings of traffic organization, renovation, and removal of accident black spots.

Third, traffic safety verification still has many problems. Relevant agencies have not been aware fully of joint responsibility of traffic safety verification.

Fourth, there are many shortcomings of management and verification of vehicles.

Fifth, there are still many problems of training, examination, driving license issue, management of traffic vehicle drivers.

Sixth, the propaganda and education of traffic order and safety is not really specific. People only focus on form. Such work has not been constant and suitable for each type of subject and area. It has not been done regularly, just subject to campaign or period such as traffic safety year, traffic safety month, etc.

Seventh, the promulgation of legal documents of instructing execution of traffic codes is still slow.

### ***3.3.3. Causes of shortcomings***

First, management and institution issues.

Second, traffic infrastructure and management.

Third, road traffic issues.

Fourth, law enforcement issues.

Fifth, propaganda and education issues.

Sixth, the promulgation and organization of executing legal documents on traffic order and safety still have shortcomings.

Seventh, the strategy and traffic planning development is not synchronous and scientific.

Eighth, the regulations of state management assignment and classification of traffic order and safety between functional agencies, and between functional agencies and local authorities are not clearly.

Ninth, there has not been a specific and separate legal document of state management of road traffic order and safety. It is regulated in the law on road traffic. Therefore, it is impossible to distinguish clearly transport management and traffic order and safety management. Traffic order and safety is part of social order and safety under the public security's responsibility.

Tenth, the quality of cadres and public servants with power to implement tasks of traffic order and safety is not equal to assigned tasks.

## **Chapter 4**

### **ORIENTATION AND SOLUTIONS OF PERFECTING STATE MANAGEMENT OF ROAD TRAFFIC ORDER AND SAFETY IN VIETNAM**

#### **4.1. Orientation of state management of road traffic order and safety in Vietnam**

##### ***4.1.1. Prediction of road traffic order and safety status in the near future***

Based on analyzing factors affecting traffic order and safety work in the near future, traffic participants will increase strongly in number and components. The awareness of complying with the regulations of traffic safety of traffic participants in general, and vehicle controllers in particular will be raised. Party committee levels, authorities, unions, and functional agencies will implement more actively Order no. 18-CT/TW of the Secretariat of the Central Committee Communist Party of Vietnam, Resolution no. 32/2007/NQ-CP, Resolution no. 88/2011/NQ-CP, and decrees of the Government on treating administration violations in traffic order and safety.

##### ***4.1.2. State management of road traffic order and safety must ensure the unified leadership of the Party***

Road traffic order and safety must be considered as a main, key, and constant task. It must be under direct and full direction of Party committee

levels from central to local to take the strength of politic system and people's active participation.

***4.1.3. State management of road traffic order and safety must be combined with national road traffic order and safety strategy***

The modification and supplementation of road traffic infrastructure development planning to 2020 must be based on strategic principles of national road traffic order and safety.

***4.1.4. State management of road traffic order and safety must meet requirements of developing market economy according to socialism orientation and international integration***

Road traffic is an important part of economic – social infrastructure. Therefore, it is necessary to develop it with high and stable speed to create a prerequisite for economic – social development, ensuring national defence and security, serving country industrialization and modernization.

***4.1.5. State management of road traffic order and safety must meet requirements of complying with socialism legislation and protecting rights and interests of individuals and organizations***

State management with law is a vital requirement for building a law state proposed by the Party.

A law state has a complete, synchronous, appropriate law system with high quality, and all social subjects must live and work subject to law.

***4.1.6. State management of road traffic order and safety must be based on actual experience synthesis and meet management requirements***

It is required to overcome shortcomings of state management of road traffic order and safety on the basis of synthesis of the law on road traffic execution and actual evaluation to find out effective solutions to state management of road traffic order and safety.

**4.2. Solution to completing state management of road traffic order and safety in Vietnam**

***4.2.1. Making planning, plan of road traffic order and safety***

Making planning and plan of road traffic order and safety helps state management subject define targets and orientation to complete such targets; save sources. When making planning and plan, it is possible to select optimal methods, overcoming shortcomings and problems; as a basis for state management subjects to carry out supervision, inspection, control of implementing targets.

***4.2.2. Developing and completing the law on road traffic, other fields of relevant laws and assigning responsibilities of state management of road traffic order and safety.***

First, completing law, on the basis of function, task, new organization structure of ministries and departments, assigning tasks, being responsible before the Party, the State, and the Government for state management of road traffic order and safety.

Second, completing law, establishing a mechanism of coordinating responsibilities between relevant ministries and departments in state management in road traffic order and safety.

Third, supplementing, modifying, completing the law regulations of treatment for behavior againsts people in charge of public tasks.

*Proposing frame of the law on road traffic order and safety.*

***4.2.3. Organizing implementation of the law on road traffic order and safety***

First, enhancing coordination between state management agencies of road traffic order and safety.

Second, strengthening movement of implementing the law on road traffic.

Third, propagating, educating, and instructing the law on road traffic order and safety.

***4.2.4. Ensuring safety of road traffic infrastructure***

Developing and upgrading road traffic infrastructure is an important need. The Party and the State really pay attention to and focus on it. Besides renovating, upgrading, newly building road infrastructure, the functional departments need to focus on the following contents:

Verification of design and road traffic order and safety must be carried out fully, carefully and synchronously between transport departments.

***4.2.5. Enhancing the safety quality of road traffic vehicles***

Organizing serious implementation of governmental decrees of use term of trucks and cars; it is required to focus on vehicle verification, manage more carefully vehicle technique, transport means, and ban vehicles not ensuring safety technique standards from join in road traffic.

***4.2.6. Enhancing management of training, examination, driving license issue to road traffic vehicle controllers.***

Road traffic vehicle controllers have a vital role in complying with the law on traffic and decreasing road traffic accidents.

#### ***4.2.7. Strengthening check, inspection, control, and treatment of road traffic order and safety violation***

Inspection, control, and treatment of road traffic order and safety violation is a very important measure, limiting directly traffic accidents and having strong propaganda effect.

#### ***4.2.8. Perfecting apparatus organization and enhancing the quality of cadres and public servant and assurance conditions***

First, re-arrange organizational structure of state management agencies of road traffic order and safety in a simple and effective way; eliminate overlapping steps to downsize structure.

Second, train regularly cadres and workers so that they will have enough ability and knowledge to plan, manage, and implement state management of road traffic order and safety.

Third, ensure expenditure source for apparatus operation. It is a very important factor.

#### ***4.2.9. Strengthening international cooperation in road traffic order and safety***

Therefore, research, exchange, and international cooperation in traffic safety and road traffic safety is very important and necessary. There must be steps and road map such as cooperation of experience exchange, training human resources, exchange of international experience in developing state management apparatus of traffic order and safety to research and apply it to actual situation in Vietnam.

## **CONCLUSION AND RECOMMENDATIONS**

### **1. Conclusion:**

Traffic order and safety in general and road traffic order and safety in particular are basic criteria to evaluate economic potential, management ability, and civilization of each country. Understanding the important role of road traffic order and safety, for the past years, the State and the Party promulgated many directing documents and legal documents to set up discipline and stabilize road traffic order and safety in the whole country. However, road traffic order and safety is still very complicated with many shortcomings and disadvantages. It is necessary to research theory and evaluate reality to propose solutions to completing state management of road traffic order and safety.

Under the public management view, the thesis focuses on state management of road traffic order and safety in Vietnam and reaches the following results:

1. Analyzing and evaluating domestic and foreign researches relating to the thesis theme to confirm solved issues and unclarified issues and point out contents need to be focused on.

2. Researching state management theory basis of road traffic order and safety to have the concept: *“State management of road traffic order and safety is an organization and directive operation with state power in management, direction, and organization of implementing the regulations of road traffic order and safety, building traffic culture, ensuring road traffic smooth and safe to boost economic – social development, national defence, security, and international integration”*. On that basis, the author analyzes deeply, recognizes characteristics, contents, role, principles, and conditions to ensure state management of road traffic order and safety.

3. Researching state management experiences in road traffic order and safety of some countries with similar natural, economic, social, legal, and cultural conditions to seek valuable lessons for Vietnam.

4. analyzing and evaluating actual status of each state management content of road traffic order and safety attached with state management conditions of road traffic order and safety in Vietnam, on that basis, giving conclusion of achievements; shortcomings, disadvantages, and causes of such disadvantages of state management of road traffic order and safety in Vietnam.

5. The author confirms orientation and proposes solutions to ensure comprehension, feasibility, and stability to complete state management in road traffic order and safety including making planning, plan of road traffic order and safety; making and completing road traffic law, other relevant field of law, assigning responsibilities of state management of road traffic order and safety; organizing implementation of law on road traffic order and safety; enhancing safety quality of road vehicles; strengthening management of training, examination, driving license issue quality; promoting check, inspection, control, and treatment of traffic order and safety violation; completing apparatus organization, improving the quality of human resources; strengthening international cooperation in state management of road traffic order and safety.

Basically, the thesis completes research targets and tasks. It also have some contribution to providing scientific arguments in planning and implementing



policies and completing law on state management of road traffic order and safety.

## **2. Recommendation:**

1. For Party committee levels: it is required to lead and direct implementation of Order no. 18-CT/TW dated 04/9/2012 of The Secretariat of the Central Committee Communist Party of Vietnam (XI) on enhancing the Party's leadership for ensuring road, railway, domestic water way traffic order and safety and overcoming traffic jam. The ministries, departments, and localities should implement Resolution no. 88/2011/NQ-CP dated 24/8/2011 of the Government of enhancing main solutions to ensure traffic order and safety; national strategy of road traffic order and safety to 2020 and vision to 2030 approved by the Prime Minister.

2. For the Government: report National Assembly Standing Committee to supplement program of making law and order of National Assembly XIV term: making project of law on road traffic order and safety and ask Ministry of Public Security to lead and coordinate with functional agencies to draft bill.

3. For Ministry of Public Security; Ministry of Transport and relevant ministries and departments: it is necessary to continue directing the authorities to review the system of legal documents under their state management function to complete legal corridor and administrative reform, while ensuring the discipline and law. The focus is the regulations on vehicle and human management; management, maintenance, organization of road traffic system, etc.; accelerating application of science and technology to state management of road traffic order and safety, building smart traffic management system, road order and safety supervision system for highway routes; vehicle and human management database system; traffic accident and violation treatment database system, etc.

4. For Ministry of Education and Training; Ministry of Health and relevant ministries and departments continue to enhance the quality of educating law on road traffic order and safety for students to boost awareness of complying with the law on road traffic order and safety.

5. For people's committees of provinces and cities directly under the central government, it is necessary to implement and coordinate closely with departments and ministries to implement strongly solutions to road traffic order and safety at locality; put responsibility pressure on unit and local leadership if road traffic order and safety status is complicated and traffic accidents increase.

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