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**SETTLEMENT OF COMPLAINTS AND
DENOUNCEMENT - A METHOD TO ENSURE
LEGISLATION AND DISCIPLINE IN VIETNAMESE
STATE ADMINISTRATIVE MANAGEMENT AT RESENT**

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**SUMMARY OF PHD DISSERTATION ON
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PREAMBLE

1. The necessity of the study

Legislation and discipline are the basic and essential elements with organic cohesion which directly affect the validity and efficiency of the state administration. Strict legislation and disciplines are the tools to ensure the practical and positive effect of the State administration. There are many ways to ensure legislation and discipline in state administration, in which complaint and denunciation settlement with positive results is a fundamental way. Positive results of complaint and denunciation settlement provide dual effects. On one hand, it ensures freedom, legal benefits of the public and organizations, and strictly handles violations, maintains social order and stabilization, and gains the community's trust in the government. On the other hand, it provides the positive effect on awareness of officers and public servants of competent state authorities to make the administrative decisions, administrative actions, or disciplines in order to help them improve their capacity, qualification, responsibility, compliance with regulations of the law on state administration. Accordingly, legislation and discipline in state administration will be ensured. Study on literature review and current situation to find out the efficient solutions for complaints and denunciation is very necessary to ensure legislation and discipline in state administration. Therefore, the author decides to choose the study of "*Settlement of complaints and denunciation – Way to ensure legislation and discipline in state administration in Vietnam at present*" as the postgraduate research for studying the public administrative management.

2. Aims and tasks of the dissertation

2.1. Aims of the dissertation: to study and clarify the literature review and propose a number of solutions to increase efficiency of dealing with complaints and denunciation and ensure legislation and discipline in state administration at present.

2.2. Tasks of the dissertation

- To clarify definitions on complaints, denunciation and settlement of complaints, denunciation to ensure legislation and discipline in state administration.
- To analyze the current status of resolving complaints and denunciation from 1990 to date with comparison to previous periods for clarification of relationship and role of settling complaints and denunciation in ensuring legislation and discipline in state administration.
- To clearly indicate necessity of improving efficiency of complaint and denunciation settlement to strengthen legislation and discipline in state administration.
- To provide viewpoints and some solutions to further quality and efficiency of settling complaints and denunciation in our country to date.

3. Object and research scope of the dissertation

3.1. Object of the dissertation: Settlement of complaints and denunciation is the effective way to ensure legislation and discipline in state administration in Vietnam.

3.2. Scope of the dissertation:

- Contents: The dissertation mainly focuses on resolving the complaints and denunciation in the perspective of one of ways to ensure legislation and discipline in state administration.
- Time: The dissertation focuses on researching complaints, denunciation and its resolution from 1999 to date.

- Space: The dissertation studies the complaints and denunciation, and its resolution, nationwide.

4. Methodology and research methodology

The literature review of the study study are scientific arguments of Marxist-Leninism and Ho Chi Minh's ideology on state and law, viewpoints of Vietnam's Communist Party, and Ho Chi Minh's ideology on reform, leadership reform of the Party, state apparatus and administrative reform, etc., on ensuring legal rights and interests of individual and organizations in construction of law-governed Vietnam socialist and development of socialist-oriented market economy, as well as author's references and selective inheritances of scientists' researches.

Methods used by the author in this dissertation include analysis, summary, interpretation, induction, historical, systematic and comparison methods, etc.

5. New contributions of the dissertation

- To clarify that settlement of complaints and denunciation is one of methods to ensure legislation and discipline in state administration.

- To clarify the role of settling complaints and denunciation in relation to ensuring legislation and discipline in state administration;

- To comprehensively evaluate mechanism and procedures of complaint and denunciation settlement in our country from 1999 to date, especially evaluate limitations and outstanding issues of the existing mechanism and procedures of complaint and denunciation settlement, and indicate the trend of complaint and denunciation settlement in the next time;

- To provide views and solutions so as to perfect the mechanism and procedures of complaint and denunciation settlement in order to improve the settlement quality and ensure legislation and discipline in state administration at present.

6. Theoretical and practical significance of the dissertation

- To unify some basic awareness of complaint, denunciation, and settlement of complaint and denunciation, and figure out role of complaint and denunciation settlement against ensuring legislation and discipline in state administration;

- To provide overview of current status of settling complaint and denunciation in our country over time, and indicate reasons, obstacles causing complaint and denunciation, and limitations in complaint and denunciation settlement;

- To provide scientific basis for perfection of the mechanism and procedures of settling complaint and denunciation in order to ensure legislation and discipline in our state administration in the current time;

- To be used as references for researchers, teachers, and those who carry out field work, students and trainees in training facilities on bachelor of administration and law and schools fostering officers and cadres of the Party and the State.

7. Conclusion of the dissertation:

Apart from the preamble, conclusion and references, the dissertation consisted of four chapters namely Chapter 1: Overview of the research, Chapter 2: Literature review of complaint and denunciation settlement and ensuring of legislation and discipline in the State administration, Chapter 3: Situation of complaint and denunciation settlement and ensuring of legislation and discipline in state administration in Vietnam from 1999 to date, and Chapter 4: Viewpoints and solutions to increase efficiency of complaint and denunciation settlement to strengthen

legislation and discipline in state administration at present.

Chapter 1: OVERVIEW OF THE RESEARCH

1.1. INTERNATIONAL RESEARCHES RELATING TO THE STUDY

1.1.1. Researches regarding law-governed state

Research of World Bank (1998), (The State in a changing world); Research of Asia Development Bank (2003) (To serve and preserve: Improving public administration in a competitive world); Research of Konrad - Adenaur - Stiftung authors (2002): From different perspectives on law-governed country to find the approach to featured and common values of the law-governed State.

1.1.2. Researches on right of complaint and denunciation

Research of World Bank (1999), (Entering the 21st century), etc. The state administration will be better based on experience of countries over the world in complaint, denunciation, complaint and denunciation settlement, studies and recommendations, and active sharing of leaders' and government's actions; Research of Jen - Michel De - Forger (1995), (Law on Administration) on complaint and denunciation settlement in administrative proceedings.

1.1.3. Researches on administrative rules and disciplines

Research of Francis Lamy with title of Administrative Rule in France presented in the Vietnam – France seminar on Administrative court – Hanoi, 1994; Research of Karl-Peter Sommermann on basis of administrative rules in Republic of Germany presented in Vietnam – Germany seminar on Administrative court – Hanoi, 1994; Research on Law-governed State of Otto Beahr published in Germany in 1964: laws and codes can only get significance and real power where it easily finds its award on enforcement, etc.

1.2. LOCAL RESEARCHES REGARDING THE STUDY

1.2.1. Researches relating to legislation and building of law-governed State in Vietnam

These researches are presented in the articles of professional journals, law curriculums and monograph. Most of the researches are on experiment study in both theoretical and practical aspects during the construction of law-governed state in Vietnam in which majority of the researches share the same comment that in order to successfully build a law-governed state, it is requested to improve the quality of legal system as well as capability of organization and implementation of state administrative authorities on the basis of serving public, promoting public's sovereignty including right to complain and denounce of the public, and responsibility of state agencies in receiving and resolving legal petitions of citizens.

1.2.2. Researches regarding laws on complaints, denunciation and implementation of laws on complaints and denunciation

These researches generally focus on laws on complaints and denunciation or construction of law-governed state of Vietnam in capacity of separate studys. During the analysis of researches, we find that these researches mainly focus on laws.

1.2.3. Researches on settlement of administrative complaints

These researches include studys of doctoral dissertation, law and public administration master's degree thesis on settlement of citizens' complaints, works and scientific studys relating to complaint settlement and other works approaching to complaint and complaint settlement but only mentioning specific contents on

complaints and complaint settlement.

1.2.4. Researches on the state, administrative reform, and citizens' right regarding the dissertation study

Researches on the nature of the state, citizens' right including the right to complain and researches on state administration reform.

1.3. SOME COMMENTS ON THE RESEARCH AND EMERGING ISSUES

1.3.1. Findings inherited by the dissertation

Firstly, researches regarding legislation and construction of law-governed state in Vietnam: These researches only contribute to clarifying the legal connotation but not indicating the relationship and role of complaint and denunciation settlement in ensuring the legislation. In addition, no researches have thoroughly addressed the importance of legislation and discipline in state administration – an activity which is regularly and continuously held and has great effects on complaints, denunciation and settlement of complaints and denunciation in practice in our country.

Secondly, researches regarding the laws on complaints, denunciation and implementation of laws on complaints and denunciation: Basically, the researchers have just mentioned each aspect of complaint, complaint settlement, denunciation and settlement of denunciation, etc. No researches have focused on complaint and denunciation settlement in the perspective of ensuring legislation and discipline in state administration.

Thirdly, researches regarding settlement of administrative complaints and claims Majority of the researches only focus on addressing small contents and aspects of complaint and denunciation settlement or some specific contents on competence and procedure of settling administrative complaints and claims without addressing the relationship between settling administrative complaints and ensuring legislation and discipline in state administration.

Fourthly, researches on the state, administration reform and citizens' right relating to the dissertation study: These researches concentrate on the State's role in social management, importance and necessity to reform the state administration, contents, objectives, and orientations of the state administration reform toward effective and efficient administration system to meet demands of new situations.

1.3.2. Emerging issues to be addressed by the dissertation

Via overview on researches, it can be found that although such researches have already addressed some basic issues in both theoretical and practical aspects, they have just solved specific contents of complaints and denunciations, legislation or some contents of state administration. There are no researches focusing on addressing systematically the followings:

- *Firstly*, systemizing, analyzing, and supplementing theoretical issues on complaints, administrative complaints, settlement of administrative complaints, denunciation, settlement of denunciation, and method to ensure legislation and discipline in state administration; clarifying definitions of complaint, complaint settlement, administrative complaint settlement, denunciation, denunciation settlement, and method to ensure legislation and discipline in state administration in the condition of building law-governed Vietnam socialist, especially in the condition that the Congress 2013 has just been issued.

- *Secondly*, identifying particular criteria of impacts of complaint and denunciation settlement on ensuring legislation and discipline in state administration in our country's current context;

- *Thirdly*, comprehensively evaluating the mechanism and procedures of settling complaints and denunciations in our country from 1999 to date, especially evaluating limitations and outstanding issues of the existing mechanism and procedures of complaint and denunciation settlement, and indicate the trend of complaint and denunciation settlement in the next time;

- *Fourthly*, providing scientific basis, identifying requirements, views and solution so as to perfect the mechanism and procedures of complaint and denunciation settlement in order to improve the settlement quality and ensure legislation and discipline in state administration at present.

Therefore, it is necessary to raise the research questions systematically and comprehensively on relating issues, impacts on efficiency and progress of complaint and denunciation settlement as well as on ensuring legislation and discipline in state administration in Vietnam in present time.

Chapter 2: LITERATURE REVIEW ON SETTLEMENT OF COMPLAINTS, DENUNCIATIONS AND ENSURING LEGISLATION AND DISCIPLINE IN THE STATE'S ADMINISTRATION MANAGEMENT

2.1. OVERVIEW OF COMPLAINTS AND DENUNCIATIONS AND ITS SETTLEMENT

2.1.1. Complaints and its settlement

2.1.1.1. Concept of complaints and administrative complaints

a) *Complaints*: refer to the fact that citizens, agencies, organizations or officials, civil servants according to the procedures stipulated by this law, recommended agencies, organizations and individuals have jurisdiction to review administrative decisions and acts of state administrative agencies, the competent person in the state administrative agency or disciplinary decisions of officials and civil servants when there are grounds for that decision or behavior that is contrary to laws, infringes the rights and lawful interests.

The practical social life unveiled that in order to protect the rights and interests of their own, social organizations and individuals can complain, to denounce not only the decisions, unlawful acts, but also complaints about the behavior and decision in contrary with rules and regulations of the society, the organization is not a public institution with the community rules. Thus, we can understand that: In the broad sense, complaint refers to a review of a decision or act when there is evidence for that decision, behavior harming the rights and interests conducted by the individual, agency, or organization requesting agencies, organizations and individuals with jurisdiction. With this concept, the object of the complaint is decided, or unlawful act contrary to the provisions of organizations and communities. Thus, broadly defined complaints are not addressed in the scope of activities of state agencies, but also in the organization and the community; In the narrow sense, it is the individual, agency, or organization requesting state agency of jurisdiction to review decisions or unlawful acts when the evidence proved that the decision was infringing the acts, rights and

legitimate interests. State agencies may be bodies of state power, state administrative agencies, judicial bodies and other independent agencies as the Chairman, Agricultural Audit, and National Election Council.

b) Administrative complaints: refer to the fact that individuals or organizations complaining about the behavior or decisions of state administrative agencies, who have done their positions in the field of public administration in order to protect the rights, the legitimate interests of themselves or their organizations.

2.1.1.2. Addressing administrative complaint

Law on complaints and denunciations in 1998 states: Resolving the complaint is verified, the findings and decisions of resolving complaints. Pursuant to Complaint Law 2011, Clause 11, Article 2 states: Resolving the complaint is processed and verified, conclusions and decision resolving complaints.

Practices to address complaints and state agencies, organizations and persons authorized to receive complaints and resolve complaints (receipt or record of the complaint from the complainant), to verify the authenticity of complaints, analyzing and evaluating complaints content, collating decisions or acts complained to the provisions of law, on the basis of which to make conclusions about the right, after the administrative decision, administrative acts complained of complaints and correct errors. So it can be understood: Addressing complaints of administrative agencies is checking operations, verification, assessment and conclusion on the legality and rationality of administrative decisions, administrative acts complained resolved under the authority of the state administrative agency for remedies prescribed by law to protect the rights and legitimate interests of citizens, agencies, organizations and the general interests of the State and society.

2.1.1.3. Subject of complaint

According to the 2011 Law on Complaints and grievance of objects including the administrative decisions, administrative actions, disciplinary decisions of officials and civil servants: The decision subject to administrative appeal shall be understood as decision administrative documents issued by state agencies or competent person in the state administrative agency to promulgate a decision on a particular issue in the operation of the State's administration management once applied for a or some particular objects; Administrative action subject to appeal shall be understood as acts of state administrative agencies, the competent person in the state administrative agency or not performing their tasks as prescribed by law; Disciplinary decision subject of the complaint, shall be understood as the written decision of the heads of agencies and organizations to adopt a form of discipline against officers and employees under the management his reasons prescribed by law for officers and employees.

Authority to resolve complaints is one of the important legal bases for resolving the complaint. Authority to resolve complaints is a combination of tasks and powers of state agencies in resolving complaints. Authority to resolve complaints of the state agencies specified in Articles (from Article 16 - Article 27) of Law on Complaint in 2011.

2.1.2. Denunciations and denunciation settlement jurisdiction

2.1.2.1. Concept of denunciations and denunciations settlement

Law on denunciations 2011 stipulates that citizens accused of following the

procedures prescribed by this law to agencies, organizations and individuals authorized to know about the violation of any law agency individuals any damage or threatened damage to the interests of the State and the rights and legitimate interests of citizens, agencies and organizations.

Thus we can understand: Denunciation the individuals (citizens, foreigners and stateless persons) reported to the agency, organization or person competent to act on any of the agencies individuals that they believe that this act violated the law or violated the regulations of the organization, the community has caused damage or threaten to cause harm to the interests of the State, organization, or community rights, the legitimate interests of citizens and individuals.

2.1.2.2. Subject of denunciation

First, administrative denunciation. Denunciations of violations of the laws of the jurisdiction of the state agency. The denunciation and denunciation settlement follow the legal administration.

Second, accusations of violations of the provisions of organizations, associations, communities under the scope of internal organizations, unions, communities there.

Third, criminal accusations (accusations of violations of criminal laws).

2.1.2.3. Authority on denunciation settlement

Principles and competent to settle accusations are defined in the Law on Complaints and Denunciations 1998 and Decree No. 136/2006/ND-CP of the Government. Law on Complaints and Denunciations 1998 mentions only jurisdiction to settle accusations in the state administrative bodies that regulations are not competent to settle accusations in the agency conducting the proceedings, other state agencies, political organizations, political - social organizations, social organizations, economic organizations. Law has not specified the jurisdiction of the state administrative agencies in addressing accusations of responsibility as well as the level of testing, the heads of the industry in helping to solve the same level accusations.

Law on Denunciation of 2011 provides for jurisdiction to settle accusations (Article 31) for violations of state management in the field, to help people denounce violations of the right to legal authorities, who have authority to settle accusations, limited cases denunciations around, low efficiency in settlement.

2.2. LEGISLATION AND ENSURING LEGISLATION, DISCIPLINE IN THE STATE'S ADMINISTRATION MANAGEMENT

2.2.1. Concept of legislation in the State's administration management

Legislation is the political - legislative regimes, including the presence of a complete legal system, synchronization of content and form, all legal entities (agencies, organizations and individuals personnel) must respect and implement the law on a regular basis, constantly, seriously, thoroughly and accurately, the violations of law are dealt with strictly, publicly and transparently. To understand legislation in the State's administration management should be unified view of the State's administration management.

The State's administration management is an active state to perform law enforcement functions, or functions of the State's administration management by the state agencies perform, but mainly state administrative agencies. In order to perform activities of the State's administration management, the state administrative agencies perform different activities: issuing administrative decisions, perform administrative

actions, the operational nature activities physical, technical and organizational activities across all sectors of the national economy to perform the duties and powers of the state administrative apparatus.

Based on the concept of legislation, the State's administration management can be understood: Legislation in the State's administration management as part of the legal institutions of the country, the legal regime, which requires all state agencies (mainly state administrative agencies) to perform activities of the State's administration management must respect and implement the law (the law, the legal documents, the documents the applicable law) on a regular basis, constantly, seriously, thoroughly and accurately.

2.2.2. Concept of discipline in the State's administration management

Discipline in the State's administration management is all regulations to ensure orderly, routine activities of administrative agencies and state compliance regulations such officers, servants and public administration others while on duty, to perform the tasks and the adverse consequences - which measures disciplined cadres, civil servant suffered due to breach of discipline, or the law.

2.2.3. Ensuring legislation and discipline in the State's administration management

Legislation and ensuring discipline in the State's administration management is done in many ways, activities, methods, measures, methods are called legal guarantee and discipline in the State's administration management. So it can be understood: The legal method to ensure discipline in the management and administration of state activities peculiarity - the particular functions of government agencies, civil society organizations in order to legislation and ensure discipline, including all media - legal institutions are the state agencies and social organizations use to ensure discipline in the legal and administrative state.

2.2.4. Methods on ensuring legislation and discipline in state administrative management

2.2.4.1. Monitoring: The term surveillance in our country often used to refer to functions or activities of state power bodies, courts and the social organizations in order to ensure the strict implementation of the Constitution and law of the state in general management, administration in the state in particular. In other words, monitoring activities of the state bodies, social organizations look towards ensuring the legality and discipline in the State's administration management.

Monitoring activities of agencies of state power is aimed at ensuring the enforcement of the Constitution, laws and resolutions of the National Assembly and the text of state agencies and higher resolutions of People's Councils enforced a strict way. Through active monitoring bodies of state power has contributed to strengthening and consolidating legislation and discipline in the State's administration management.

Besides monitoring activities of the agencies of state power, the court, in conditions in Vietnam also monitoring activities of social organizations and citizens. Monitoring the activities of civil society organizations is an integral part to strengthen discipline, improve the efficiency of state management.

2.2.4.2. Testing: Testing is one of the functions of management, where they managed in that test, as a test of management stages. Through all test functions that

can capture and manage timely adjustments to operations performed well defined objectives. There are many different concepts in the management of testing: (i) According to Harold Koontz: Testing is measurement and correction activities subordinate parts in order to verify that the objectives and implementation plan objectives has been completed; (ii) According to Robert J. Mockler: Testing is a systematic effort management to establish the criteria, the feedback system, compare to implementation results with the proposed regulations, and to ensure that the resources have been used most effectively to achieve organizational goals; (iii) According to Kenneth A. Merchant: Testing includes all activities that are undertaken by the manager to ensure that the actual results will be exactly as expected results in the plan.

From the conception of the test can be inherited and synthesized to provide a definition of the following checks: Testing is the measurement process of activities and results of operations of the organization on the basis of criteria is set to detect the strengths and limitations in order to provide appropriate solutions to help organizations develop the right objectives.

2.2.4.3. *Inspection* derived from the Latino (in-spectare) means "looking inside" only an external review into the activities of a certain object "is the control the object under testing" on the basis of competence (powers and duties) assigned to achieve certain goals. The nature of nature regularly inspected, power calculation, therefore testing is often a consequence of the "discovery, prevent inconsistencies with regulations." Inspection refers to a review and inspection conducted by the State superior agency or under the authority of the State agencies to grant the State agency subordinate (dependent nature) and is part of the work administrative state. In 2011 Inspection Law stipulates:

- State inspection are considered active, evaluating, processing sequence and procedures prescribed by the law of the state agency competent for the implementation of policies, laws, duties, rights term, agencies, organizations and individuals. State inspections include administrative testing and specialized testing. State inspections includes: administrative testing and specialized testing, led by state inspections, under the leadership of the State inspection General.

Administrative inspection includes activities of state agencies have jurisdiction over the agencies, organizations and individuals affiliated in implementing policies, laws, duties and powers assigned.

Inspectorate is established in specialized ministries, ministerial-level agencies, specialized agencies of the People's Committees at provincial, district, to perform inspection sectors to agencies, organizations and individuals attached in the implementation of policies, laws, duties and powers assigned.

2.2.4.4. *Audit*: To clarify the concept of audit it must first understand the concept of financial control: Check the operation of financial management and financial control and financial sectors - financial activities are checked diverse and abundant: the financial test, check the state budget, check corporate finance, banking financial check and audit, etc.

Auditing is a financial activity test, the operation and management of financial control by a state agency created, an organization, and an individual that allows implementing legislation. Through test and confirm the truthfulness of legal

documents, books and financial statements of an agency, an organization, an audit units are specified by law. Thus, the state audit is considered a tool to test the highest financial, ensure economy, efficiency and effectiveness in the management and use of state budget funds and national public; maintain order in the century as the economic and financial management, contributing to the fight against fraud and corruption.. Enhanced audit activities and general operations of the State Audit in particular contribute to healthy chemical activities of financial, legal and institutional strengthening financial discipline in the State's administration management.

2.2.4.5. *Procuracy* is "to monitor and check the implementation of the right to decide whether or not" or "look after, consider whether the work is good or not". Procuracy also be understood as one of the basic functions of the People's Procuracy issued. The organization and activities of the People's Procuracy follow the principle of independence and the principle of centralization and uniformity. About the People Procuracy function or changes through the stages, before the amendment of the 1992 Constitution, the People's Procuracy the basic function is the function of the right to prosecution and function of supervision according to law state agencies, economic organizations, social organizations, people's armed forces units and all citizens; supervise the plain of law in the judicial activities; Such concepts could say "procuracy" here in association with the second function of the People's Procuracy.

On 25.12.2001, the National Assembly passed Resolution No. 51/2001/NQ-QH c amendment and supplement Article 137 of the 1992 Constitution with the contents: People's Procuracy supreme exercise the right of prosecution and control judicial activities, thus contributing to ensuring the observance of the law are strictly and uniformly. The local the People's Procuracy exercises the right to prosecution and control activities within the judicial responsibilities by law. Thus, the only remaining the People's Procuracy of two functions: to practice right to prosecute and supervise judicial activities. Procuracy judicial activities is checking operations, external supervision over the activities of the judicial bodies as investigation agencies, courts, enforcement agencies and even of those who - agency staff and legal support as a lawyer, appraiser.

Constitution of 2013 further confirmed the procuracy functions including: exercising the right to prosecution and controlling judicial activities. People's Procuracy is responsible for law enforcement, protection of human rights, civil rights protecting the socialist regime, to protect the interests of the State, the legitimate right and interests of organizations, individuals contribute to ensuring the observance of the law strictly and uniformly. Thus, from 2001 to the present People's Procuracy, though no prosecution function to the operation of state administrative agencies, but in practical activities through prosecution and control of work activities the judiciary, procuracy still has the right to supervise public administration, similar monitoring activities of the People's Court.

2.2.4.6. *Resolving complaints and denunciations:*

- *Resolving complaints:* is the acceptance, verification, conclusions and decision resolving complaints.
- *Resolving denunciations:* that the receipt, verification, conclusions about the content and the handling of accusations and denunciations of denunciation settlement
- *Solving complaints and denunciations* of state administrative agencies are

checking operations, verification and conclusion on the legality and validity of administrative decisions, administrative acts or acts complained of accused resolved under the authority of administrative agencies to take measures to resolve in accordance with law. Activity of complaints and denunciations settlement a legal assurance activities in the State's administration management, protecting the rights and legitimate interests of citizens, agencies, organizations and protect the interests of the State and society protection order and discipline, law and order and handle violations of the law.

- The relationship between complaints and denunciations solved with ensuring legislation and discipline in the State's administration management: Resolving complaints and denunciations with legislation and ensure discipline in the State's administration management have close ties with together. If complaints and denunciations solving the legal and discipline in the State's administration management are guaranteed to be shown: Through settle complaints, state testing, supervision and operation of the complete machine control activities their management; Solving complaints and denunciations essentially solve the relationship between the state and the people, this is also a characteristic of the rule of law the Socialist Republic of Vietnam. Therefore, to build legitimate state socialist inevitability of state administrative agencies have done good work in complaints and denunciations resolved. Good resolution, is effective complaints and denunciations positive factors repercussions for executive operations and executive bodies of the State's administration management, etc.

2.3. ROLE OF COMPLAINTS AND DENUNCIATIONS SETTLEMENT TO ENSURING LEGISLATION AND DISCIPLINE IN THE STATE'S ADMINISTRATION MANAGEMENT

2.3.1. Settlement of complaints and denunciations in order to improve effectiveness and efficiency of management of state:

Through the implementation of the settlement of complaints and denunciations of citizens, legal system gradually improved; activities of state agencies is complete, ensure the legality of the reasonable administrative decisions, administrative actions, contribute to improving the effectiveness of management; the violation is treated, the consequences of the breach be remedied; level of understanding of the laws of the people's awareness enhanced; socialist legislation be strengthened and consolidation.

2.3.2. Settlement of complaints and denunciations in order to detect and prevent violations of administrative law in state

From solving practical complaints and denunciations we see that except for a few cases negative complaints and denunciations expression, while the vast majority of complaints and denunciations of citizens reflected correctly, complete the breach of physical bodies, economic organizations, social organizations, helping agencies, the authority to settle complaints positive measures to prevent, restrict to the minimum most consequences of such violations perpetrated against citizens and society. In that connection, it can be said that the activities of complaints - from both sides - is always preventive positive. Main characteristics have made a complaint activity humanitarian content. Therefore, activities of citizens in complaints and denunciation play a very important role in the protection of the legitimate interests of citizens. Therefore, any violations of the rights of citizens, or any act contrary to the policy of

the Party and State law may lead to complaints and denunciations from citizens. Through complaints and denunciations citizens will contribute to detect and prevent violations of administrative law in the state. For state administrative bodies competent to settle complaints and denunciations through the settlement of complaints and denunciations grasp the reality of the operation of state administrative agencies, officials, officers, through measures including timely remedy the flaws in the management and timely handling of all violations of the law in the State's administration management.

2.3.3. Settlement of complaints and denunciations aimed at improving accountability of state administrative agencies

The competent authority shall consider and resolve complaints from the public first and foremost to protect the legitimate interests of citizens, thereby directly contributing significantly to building trust and strengthening masses of the Party, for the State, for the regime. It becomes more meaningful when socialism is experiencing turbulent times complicated, when they are trying to establish a social order in accordance with the renewal of the party. Therefore requires efforts from both sides to ensure the objective, timely and effective exercise of the right to appeal and resolve complaints.

Activities of the agency, the authority to settle complaints and denunciations mainly based on the legal relationship between citizens is born with the state agencies: between citizens and the economic organization, the social organization. In its activities, the agencies, the authority to settle complaints and denunciations made for violations of the law can be remedied and that activities are carried out based on these measures and coercive persuasion, depending on the specific situation.

Through the settlement of complaints and denunciations, state agencies, that are authorized to see the limitations, the violation of the law officers and employees in the performance of official duties, to which proposed measures overcome the limitation, violations of the law, their responsibilities are higher in active duty.

2.3.4. Settlement of complaints and denunciations in order to attract public participation on people management activities and activity on monitoring state management

Petitions, requests, complaints and denunciations of individuals and organizations as a sovereign body. In terms of building the rule of law in Vietnam, state of the people, by the people, for the people, democracy expanded all areas of social life, promoting positive politics of the masses, it is necessary to create all conditions for individuals, organizations implementing those rights. Through the use of lodge complaints and denunciations that individuals and organizations involved in public administration, social work management for operational management of the administrative state, the operational staff public a more completely; Thanks to lodge complaints and denunciations that individuals and organizations can protect the legitimate rights and interests of yourself from being violated by administrative decisions, administrative actions, in turn, through review, evaluate and resolve the situation, the State has to protect its citizens, just to see the state of operations management, fully visible shortcomings, limitations, see the status of legal agencies, officials and employees in the administrative management operations to find out which remedy, repaired promptly.

All the limitations, shortcomings, especially those violating the law in the State's administration management are directly influenced trait legislation and discipline in the State's administration management. To remedy that situation, the state agency competent to settle complaints applies measures to overcome these limitations, violations of the law by various measures: (i) Requesting the state agency, or perfecting law of the State's administration management. Institutional management laws of the perfection of the legal premise in management and discipline; (ii) Completing the management apparatus in accordance with the requirements of management, catering, meeting the rights and lawful interests of individuals and organizations quickly, more timely; (iii) Strengthening the implementation of law and discipline in management; (iv) Non-stop education and training to improve qualifications, responsibilities, service ethics, legal awareness of officers and employees, in performance of official duties to limit, exclude defects in the operation services; (v) Strengthening inspection and inspection services in order to timely detect the omission, or violation of law officers and employees in the civil service; (vi) Handling promptly and strictly law violations, deficiencies lead to complaints and denunciations of citizens.

Thus, through complaints and denunciations, through the settlement of complaint and denunciations, through the adoption of measures to overcome the limitations, in violation of the State's administration management has directly contributed strengthening legislation and discipline in the State's administration management.

***Chapter 3: REAL SITUATION OF COMPLAINT AND DENUNCIATION
RESOLUTION, ASSURANCE OF LEGISLATION AND DISCIPLINE IN THE
STATE ADMINISTRATIVE MANAGEMENT IN VIETNAM SINCE 1999 UP TO
NOW***

***3.1. REAL SITUATION OF COMPLAINT AND DENUNCIATION
RESOLUTION IN STATE ADMINISTRATIVE MANAGEMENT***

3.1.1. Situation of complaints and denunciation

Over the past years, situation of complaints and denunciation of citizens has been still complicated, even beyond the proper control of the local authorities in many places, affecting the security, social order and safety, violating the legal regulation Situation of collective complaints and denunciation in many localities and central agencies, especially at the time of opening the National Assembly's meetings; many individuals in various localities associate with each other to put pressure on the citizen reception offices and private houses of the Party and state leaders.

Between 1999 and 2013, the State administrative agencies at all levels and branches received 4,333,153 turns of citizens directly going to complain and denunciate that is described in the following table:

SUMMARY TABLE OF CITIZEN RECEPTION RESULT FROM 1999 TO
2013

BY THE STATE ADMINISTRATIVE AGENCIES

Year	Turns of people	Over previous year
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		Increase (Turns of people)	Decrease (Turns of people)
1999	284,264		
2000	236,827		47,437
2001	282,362	45,535	
2002	284,638	2,276	
2003	242,087		42,551
2004	202,671		39,416
2005	332,392	129,721	
2006	247,518		84,847
2007	240,584		6,934
2008	215,749		24,835
2009	307,797	91,505	
2010	379,989	72,192	
2011	356,487		22,502
2012	349,139		7,348
2013	370,649	21,510	

Based on actual figures of complaints and denunciation, the following conclusion may be drawn out:

Firstly, sometimes complaints and denunciations happen in large scale with different provinces and regions. Summary of complaints and denunciations nationwide shows over 30 provinces and cities include collective complaints and denunciations affecting security, social order and safety and making local authorities troubled. Some localities with collective and complex complaints on large scale include: Thai Binh Province (264/285 communes), Giao Thuy District – Nam Dinh Province (21/22 communes); conflicts among more than 20 households in Ba Tri District, Giong Trom, Thanh Phu in Ben Tre Province, land dispute between 300 farm households and the farm 30/4 in Soc Trang Province; collective and urgent complaint in Quoc Oai District, Hanoi City; complaint of over 100 households in Sao Do Town, Chi Linh District, Hai Duong Province relating to compensation and site clearance under the project of National Highway No. 18.

Secondly, number of turns of citizen complaining at citizen reception offices increased, number of lawsuits which rises suddenly in rank or status is also increase pressure of complains and denunciation on some central agencies and provinces. This shows the violation level in state agencies, situation of legislation and discipline violation of officers and employees in the state administrative agencies that make people urgent prior issues relating to their rights and benefits. It unveiled that people do not trust in the local authority's performance, and the society's pressing for violations of law, abuse of the assigned authority in a number of localities.

Thirdly, there is complexity of participation in complaints and organization as well as association of complaint delegates. "Decoy-duck, abuse of democracy phenomenon happens in complaints and denunciation. Collective complaint delegates usually concentrate in Hanoi and Ho Chi Minh City at sensitive times such as time of

Meetings of People's Council, National Assembly, or on the occasion of political important events. Notably, there is association among complainants putting pressure on competent authorities. In many cases, content complained by people is not true even is illegal that disturbs public order and assault implementer of public tasks. Some complaint delegates use motto, slogan, and even extremist actions.

Fourthly, complaints and denunciations mainly focus on fields on management and use of land and house. In northern provinces, main events at local level include land allocation and land sale beyond their competence, financial income and expenditure for building public works in countryside; in southern provinces lawsuits mainly focus on reclaiming old land provided for group, land for borrowing, land connection with farms and plantation, land relating to army and police; whereas in the Highland provinces, the complaints and disputes focus on land management and use between ethnic people and emigrants, management and use of land relating to farm and plantation. Contents of complaints and denunciations mainly include: recover compensation of land, site clearance, resettlement in industrial zones, expansion of cities, and construction of traffic works. In particular, there are events relating to urbanization such as recovery of agricultural land, application of compensation price arrangement of gradual resettlement. In fact, local authorities, officers and employees violate legal violation.

Fifthly, denunciations are related to legal violation in operation of state apparatus especially negative phenomenon and corruption during performance of programs and projects, un-assurance of basic democracy, retrogression and degeneration of a part of state officers and civil servants and in private section. Many complaints of being arrested wrongly, of violation during investigation, prosecution, judgment and execution of sentence, specially, anonymous and imposturous letter of denunciation exist. In general up to now, although Law on complaints and law on denunciation have been promulgated, situation of complaints and denunciations is still complex. According to statistic figures from 1999 to now, number of petitions and letters of complaints and denunciations sent to administrative agencies and number of turns of people going to complaint is not decreased. In particular, contents included above petitions and letters are much related to mechanism, policy on land management and outstanding issues in history, some of them mention retrogression and degeneration of a part of state officers and civil servants.

The situation of complains and denunciation over past years reflects a reality of state administrative management at all levels and branches of shortcomings of mechanism, and shows that policy and situation of legislation and disciplines in state administrative management are slackened. This indicates strong impacts of democratization and market economy.

Content of complaints: The petitions are mainly related to land and house (accounting for about 60%). In northern provinces, contents of complaints are mainly related to land recovery, compensation for clearance; in southern provinces content of complaints are mainly related to reclaim of land for lending, for churches between old owner and new owner, previous land dispute given to production companies, etc in the central and high-land regions, contents of complaints are mainly related to purchase, transgression of agro-forestry land, dispute between ethnic peoples and emigrants. Complaint of reclaiming land managed by Government is also violent

some big cities including Hanoi, Hai Phong, Da Nang, Khanh Hoa, Ho Chi Minh City, Ba Ria – Vung Tau, Can Tho, etc. Complaints relating to social policies such as policy for deserved people, war invalids, revolutionary martyrs, poverty elimination are also popular. Apart from above contents, complaints under competence of administrative agencies are related to judicial activities such as arrestment, imprisonment, investigation, criminal proceedings, judgment and execution of sentence.

- Content of denunciation: Main contents include denunciation of local officers for losing democracy, abuse of powers to corrupt in land allocation and sale, purchase of houses in urban projects, construction of infrastructure works; violation of financial incomings and outgoings; victimization and cover up for violated officers (making up 60% of total petitions).

Sixthly, legislation and discipline in administrative management in our country violated at all branches and fields from central to local authorities, especially in field of land management and social security.

Seventhly, although the situation of legislation and discipline in administrative management in our country has been reinforced over past years, the reinforcement has not been stable that shows legal violation in state administrative management relative to promulgation of administrative decisions and implementation of administrative behaviors. Because whether complaints and denunciation is increased or decreased the most faithful reflection of legal violation and discipline in state administrative management.

3.1.2. Result of complaint and denunciation resolution

Over the past years, through performance of right to complain and denunciation citizens have discovered negative events and corruptions in state apparatus and warned of violation of democracy at grass root level, negative corruption in state capital and property management, especially in land management and use and implementation of programs and projects.

SUMMARY TABLE OF RESULT OF COMPLAINT AND DENUNCIATION RESOLUTION FROM 1999 TO 2013 OF STATE ADMINISTRATIVE AGENCIES

Year	Number of cases	Number of resolved cases	Percentage (%)
1999	129,884	105,459	81.2
2000	149,195	119,442	80.1
2001	142,281	114,181	80.3
2002	104,647	91,995	87.9
2003	96,351	77,491	80.4
2004	98,780	79,839	80.8
2005	71,756	58,788	81.9
2006	58,886	38,014	64.6
2007	61,929	49,330	79.7
2008	57,031	42,150	74.0
2009	79,067	66,483	84.1

2010	81,838	69,698	85.2
2011	77,666	66,173	85.2
2012	70,587	59,496	84.3
2013	47,060	40,206	85.4

Above table shows that from 1999 to 2013, state administrative agencies resolve 1,078,755/1,326,585 cases (including 954,163 cases of complaints và 124,592 cases of denunciation) that reaches 81.31 %. This resolution of complaints and denunciations recovered for the Government and paid to citizens with 1,757,703.8 million VND, 12,849.008 hectares of land in all kinds, 37,298.7 tons of food, administratively disciplined 12,159 people, moved to investigation agencies for consideration and settlement of 539 cases with 877 people, returned rights to 10,485 people, proved 1,650 people innocent, in which: (i) from 1999 to 2006 state administrative agencies at all levels resolved 685,209/851,480 cases (including 611,628 cases of complaints and 73,81 cases of denunciation) that reached 80.5%; This resolution of complaints and denunciations recovered for Government and paid to citizens 345.485,8 million VND, 11,054.35 hectares of land in all kinds, 37,298.7 tons of food, administratively disciplined 8,398 people, moved to investigation agencies for consideration and settlement of 153 và với 330 people; (ii) From 2007 to 2013 state administrative agencies at all levels resolved 393,546/475,105 cases (including 342,535/413,80 cases of complaints and 51,011/61,298 cases of denunciation) that reached 82,83%. This resolution of complaints and denunciations recovered for Government and paid to citizens 1,412,218 million VND, 1,794.658 hectares of land in all kinds, administratively disciplined 3,761 people, moved to investigation agencies for consideration and settlement of 386 cases with 547 people, returned rights to 10,485 people, proved 1,650 people innocent.

Therefore, through resolution of complaints and denunciations by state administrative agencies, some following conclusions may be given:

Firstly, through number of cases of complaints and denunciations, legal benefits to citizens, individuals, agencies and organizations, government and society have been recovered contributing to consolidate people's belief in authority.

Secondly, resolution of complaints and denunciations, legal and discipline violation of state agencies, officers and civil servants in state administrative management has remarkably contributed to reinforce legislation and discipline in state administrative management.

Thirdly, state administrative agencies have comprehensively and exactly understood level of legal violation and discipline violation of officers and civil servants in state agencies, accordingly proposed solution to reinforce legislation and discipline in state administrative management in conformity with the reality.

3.2. REAL SITUATION OF ASSURANCE OF LEGISLATION AND DISCIPLINE IN STATE ADMINISTRATIVE MANAGEMENT

3.2.1. Construction and promulgation of legal regulations on resolution of complaints and denunciations

Law on complaints and denunciations promulgated in 1998, amended and supplemented in 2004 and continued to be amended and supplemented in 2005 form an important legal basis that the agencies, organizations and individuals can perform

their rights to complain and denunciate; state competent agencies resolve complain and denunciations. The Standing Committee of the National Assembly promulgated the following legal documents: Resolution No. 228/1999/NQ-UBTVQH10, dated 15th November 1999 of Standing Committee of the National Assembly stipulating citizen reception, receipt, petition movement, supervision and speeding up as well as monitoring of resolution of complaints, denunciation and petition of citizen by members of the National Assembly; Resolution No. 370/2003/NQ-UBTVQH11, dated 17th March 2003 of Standing Committee of the National Assembly on establishing Board of people's aspirations of National Assembly; Resolution No. 715/2004/NQ-UBTVQH12, dated 18th June 2004 of Standing Committee of the National Assembly on receiving, classifying and handling letter of complaints, denunciation and petition of individuals, agencies and organizations to submit to the National Assembly members of Standing Committee of the National Assembly. Secretariat of the CP Central Committee of ninth National Assembly promulgated the following legal documents: Direction No. 09/CT/TW dated 06th March 2002 on some urgent issues which need performing in resolution of complaints and denunciations at present; Plenary No. 01-KH/TW and 02-KH/TW, dated 09th May 2002 inspecting management and direction of resolution of complaints and denunciations of citizens; Decision No. 3: QD/TW dated 10/5/2002 on establishing Direction and Inspection Board for management and direction of resolution of complaints and denunciations of citizens and implementing Politburo's regulation on what Party member is not allowed to do.

Prime Minister promulgated Direction No. 26/2001/CT-TTg dated 09th October 2001 on facilitating Farmer's Union at all levels to take part in resolving complaints and denunciations of farmers; Vietnam General Confederation of Labour promulgated Direction No. 736- QD/TLĐ dated 5th June 2000 on its resolution and participation to resolve complaints and denunciations. In order to institutionalize Party's policy and viewpoint of resolution of complaints and denunciations meeting actual requirements contributing to improve efficiency of state management in context of speeding up industrialization, modernization and international integration in present period, at the second session, 13th National Assembly approved Law on complaints and denunciations. Both laws are valid since 01st July 2012.

3.2.2. Implementation organization of legal regulation on resolution of complaints and denunciations

In awareness of meaning and importance of resolution of complaints and denunciations from 1999 up to now, Party and authority at all levels always consider resolution complaints and denunciations as one of main tasks in their organization and operation. Party Central Committee, Government, Ministers, branches and localities especially agencies including Government Inspectorate, People's Committee of provinces, cities promulgated many documents, deeply and widely popularize and propaganda contents of Law on complaints and denunciations in 1998; Law on complaints and denunciations with amendment and supplementation in 2004, Law on complaints and denunciations with amendment and supplementation in 2005; Law on complaints 2012; Law on denunciations 2012 and other documents relating to complaints and denunciations, resolution of complaints and denunciations in various means in accordance with each object.

3.2.3. Inspection, examination and settlement of legal violation in resolution of

complaints and denunciations

Inspection and supervision shall be regularly performed in order to inspect and assess regulations and operation of all levels, branches and agencies to find out feasible solutions, advantages and disadvantages, limitations of departments to gradually complete state apparatus, improve system of laws and operation methods for maximum efficiency in state operation.

Any legal violation negatively affects adjustment of laws and legislation. Therefore, Government needs quick and effective measures to strictly and timely settle legal violations, especially criminals. This is not only requirement but also condition to ensure a reinforced legislation.

3.2.4. Discovery and discipline via inspection and resolution of complaints and denunciations

3.2.4.1. Discovery and discipline via inspection and resolution of complaints and denunciations: From 1999 to 2013, rate of resolution of complaints and denunciation of state administrative agencies at all levels reached 81.31%. Accordingly, 12,159 people were disciplined, 539 cases with 877 people were moved to investigation agency for consideration, 10,485 people were ensured their rights, and 1,650 people were proved to be innocent.

3.2.4.2. Discovery and discipline via close coordination with agencies of internal affairs (Police, Procuracy, Court) in resolution of complaints and denunciation (Inspection) as for cases and officers with sign of corruption are reinforced and gained certain achievements, many cases with signs of corruption received from Inspection agency were proceeded, investigated and settled. In some localities, the People's Procuracy at all levels coordinates with Inspection agency in verifying and settling notice of denounce criminal, accordingly minimize number of criminals escaping the net, return documents for additional investigation between People Procuracy and Investigation agency.

3.2.4.3. General assessment: The situation of discipline of violated officers in state administrative agencies, especially officers with action of corruption not meet requirement of Party and Government, making doubts among officers, members of party and peoples; not positively contributing to reinforce belief of people in Party and Government's determination. To overcome above problems and limitations, the state administrative agencies shall:

Firstly, To promulgate, amend and supplement legal documents specifying and detailing mechanism of control, close supervision on discipline and administrative settlement of discipline violation, especially action of corruption so that no criminal can escape and reinforce responsibilities of competent authorities in settlement of administrative violation.

Secondly, To reinforce leadership, closely direct, regularly deploy implementation of legal regulations on complaints and denunciation, prevention and fighting of corruption, especially propaganda and education of laws for all officers, civil servants consider responsibilities of leaders of agencies, organizations and units which fail to perform or poorly perform their duties in discovering and settling discipline violation of officers and civil servants, especially corruption.

3.3. COMMENTS AND ASSESSMENTS OF RESOLUTION PERFORMANCE OF COMPLAINTS AND DENUNCIATIONS

3.3.1. Advantages

Firstly, there is a positive change in awareness and increase in responsibility of levels and branches in directing to resolve complaints and denunciations.

Secondly, to focus on settling and solving outstanding and prolonged cases. To reinforce inspection of citizen reception and resolution of complaints and denunciations by all levels and branches

Thirdly, citizen reception is reinforced and implemented at localities, ministries and branches. On the basis of law on complaints and denunciations, ministries and branches and localities pay their attention and attach special importance to receive citizens, resolve complaints and denunciations, reflection and petition.

Fourthly, there are many innovation of resolution method and reinforce close coordination among agencies in resolution of complaints and denunciations.

Fifthly, resolution of complaints and denunciations gets certain results. Every year state administrative agencies receives up to 200 turns of citizens, settles and resolves hundreds, even thousands of cases of complaints and denunciations under competence. Rate of resolved cases is 75% in average. Citizen reception, resolution of complaints and denunciations have remarkably contributed to protect, recover right and legal benefits of citizens, agencies, organizations; to reinforce state discipline, to improve management efficiency. Result of resolution of complaints and denunciations from 1999 to 2013 of state administrative agencies at all levels is analyzed in section 3.1.2 – Chapter 3 of this thesis.

3.3.2. Limitations and causes

Firstly, many cases are not resolved or illegal resolved with violation of legal rights and benefits of citizens and organizations.

Secondly, the resolution is late as stipulated.

Thirdly, settlement and resolution are not implemented in accordance with procedure so that resolution is not performed with the high sense of justice, strictness and completion.

Fourthly, citizen reception in many localities are not appreciated, less effective and not associated with resolution process.

Fifthly, one of causes leading to increased complaints and denunciations is due to relation with land

Sixthly, the situation of collective complaints and denunciations is also one of causes making cases more complex and potential risks of unstable politics.

Seventhly, implementation of coordination mechanism in resolution of complaints and denunciations is limited

3.3.3. Difficulties and doubts

Firstly, policy mechanism remains points unsuitable with reality, lack of stability especially in field of land, compensation and site clearance; although being reviewed and amended, supplemented, there are still new problems during implementation.

Secondly, some legal regulations on complaints and denunciations are not agreed with other specialized legal documents, lately overcome. Mechanism for resolution of complaints and denunciations remains doubts of competence and order of resolution so that it needs amending and supplementing.

Thirdly, State management of some fields including management and use of land is weak.

Fourthly, responsibility of local authority in resolution of complaints and denunciations is not high, some executive committees and authorities have not paid enough attention to resolve people's problems, not mobilized, popularized and propagandize policies, laws as well.

Fifthly, team of officers in charge of receiving citizens, settling petitions at letters, resolving complaints and denunciations is insufficient in both quantity and quality and is not basically trained.

Sixthly, state management of complaints and denunciations of authorities at all levels and local inspectors is limited. Regular supervision of resolution of complaints and denunciations is not sufficient.

Seventhly, some localities try to resolve cases of outstanding and prolonged complaints and denunciations, but due to complexity, citizens do not agree with result of resolution.

Chapter 4: VIEWPOINTS AND SOLUTIONS TO IMPROVE THE ENFORCEMENT AND EFFECTIVENESS OF DEALING WITH COMPLAINT AND DENOUNCEMENT SO AS TO ENSURE THE LEGISLATION AND DISCIPLINE IN THE CURRENT STATE ADMINISTRATIVE MANAGEMENT IN VIETNAM

4.1. BASIC VIEWPOINTS

4.1.1. Improving the effectiveness of dealing with complaint and denouncement on socialist principles in organizing and implementing the State administrative management

Laws on complaint and denouncement should be completed; therefore, legal basis for protecting fundamental benefits of people in various living activities are defined through mechanism of making complaint and denouncement or dealing with complaint and denouncement; facilitating people to enable their right to make complaints and extend their right to make complaints and denouncement to civil authorities, binding competent authorities by their responsibilities and obligation protecting the complainants and denouncers free from any revenge and victimization.

4.1.2. Improving the effectiveness of dealing with complaint and denouncement on the principles of forming a socialist country with jurisdiction of, by and for people and international integration

Laws on complaints and denouncement on the principles of a Country with jurisdiction should be completed and meet criteria as follows:

Firstly, it is based on the point of view on forming a Country of, by and for people.

Secondly, laws on complaints and denouncement are completed based on respecting and protecting human rights, civil rights and ensuring social justice.

Thirdly, the systematic of laws on complaints and denouncement should be ensured.

Fourthly, viewpoints of the State managing the society through its laws are grasped thoroughly, and then laws play the role of ruling position in adjusting social relationships.

Fifthly, the decentralized management is grasped thoroughly, defining the responsibilities and obligations in dealing with complaints and denouncement.

4.1.3. Improving the effectiveness of dealing with complaint and denouncement

denouncement on the principles of ensuring the enforcement and effectiveness of the State administrative management.

In order to evaluate the enforcement and effectiveness of the State administrative management, specific evaluation criteria should be established. In fact, it is relative hard to clearly distinguish the enforcement and effectiveness; or the difference between the enforcement and effectiveness is relatively right. Therefore, the difference between evaluation criteria of enforcement and effectiveness is also relatively right. Generally, evaluation criteria of enforcement and effectiveness are signs, by which results and impacts of the state administrative management on the society are considered and evaluated.

The enforcement and effectiveness of the State administrative management might be evaluated under various criteria, including the inputs, outputs, the progress, and results of the outputs in both quantitative and qualitative manners.

4.2. SPECIFIC SOLUTIONS

4.2.1. Continuously establishing and completing the administrative legislation of dealing with complaints and denouncement

Firstly, procedures of dealing with complaints and denouncement are defined to consist of activities needed to be carried out by competent authorities.

Secondly, procedures of dealing with complaints and denouncement on the principles of administrative procedures should ensure the systematic and concreteness.

Thirdly, regulations on dealing with complaints and denouncement should be monitored, ensuring the consistency between regulations on procedures of dealing specified in law documents and laws on complaint and denouncement.

Fifthly, these procedures are performed in such a way to matching requirements concerning the accuracy, strictness and convenience.

Fifthly, in order to further improve the effectiveness of dealing with complaints and denouncement, the National Assembly is required to continuously establish and complete the legislation in general and Laws on Complaint and Denouncement in particular. In my opinion, in Law on Complaint and Denouncement, the regulation which specifies that the complainant or denouncer is obliged to pay a certain amount when making a complaint or denouncement, should be established. Therefore, the wrong complaint or denouncement shall be restricted. Because if a person having his/her true benefits, he/she shall pay this certain amount when making complaint or denouncement with no hesitation, so as to obtain his/her lawful benefits while the person without true benefits shall not decide to pay a certain amount when making complaint or denouncement because he/she has already known that his/her complaint or denouncement shall bring no benefit to him/her.

4.2.2. Improving the effectiveness of the management of the State and dealing with complaint and denouncement

- Issue law documents in order to concretize Laws, Resolutions and Ordinances of elective authorities and other law documents so as to the compliance and control of social relationships is implemented.

- Issue special and specific documents as administrative decisions in order to concretize law documents. Special and specific decisions refer to new law documents directly impacting benefits and entitlement of subjects related to benefits and entitlement of any individual and organization.

- Implement administrative activities.

4.2.3. Improving the responsibilities on associating between institutions of political system in dealing with complaint and denouncement

Local authorities play a key role in organizing social activities and ensuring the implementation and enforcement of decisions issued by the higher authorities. The activities of government and local political system directly impact the benefits and entitlement of people and organizations. Whereas, the organizational structure of staff and civil officers has not been defined, the policy system and training planning remain some disadvantages. The practical situation of the denouncement and complaint in dealing with denouncement and complaint shows that the local level is the origin of complicated complaints and denouncements. Therefore, the local political system plays the role of forecasting, detecting and preventing conflicts, and threats of complaint and denouncement. The local authorities should be good at reconciling disputes and conflicts.

4.2.4. Remediating shortcomings in the State administrative management so as to limit the occurrence of complaint and denouncement

In order to improve the enforcement and effectiveness of the State administrative management and minimize the occurrence of complaint and denouncement, what should be done:

- Control the Governmental expenditure
- Higher the public service quality
- Enhance the participation of people in the State administrative activities.
- Strengthen the decentralization
- Innovate the assignment mode
 - Apply principles and methods of corporate management into the State administrative management.
 - Modernize the administrative management.

4.2.5. Innovating and improving the effectiveness of the activities of meeting people, dealing with complaint and denouncement, inspecting and monitoring the obligations in dealing with complaint and denouncement

4.2.5.1. Innovating the policy of meeting people, dealing with complaint and denouncement: In order to higher the quality of the policy of meeting people, dealing with their complaint and denouncement, administrative authorities must establish a unified identical pattern (i.e. Bureau or Division, etc.) which is used for the activities of meeting people, and plays the key role in receiving, classifying and proposing the method of dealing with complaint and denouncement, listening to people's expectation and opinions, which is submitted to the leader (of the same level), and being responsible for monitoring, enhancing the dealing schedule of specific administrative authorities, reporting the dealing schedule to the leaders and other administrative authorities.

4.2.5.2. Innovating and improving the effectiveness of dealing with complaint and denouncement related to land, minimizing the occurrence of complaint and denouncement related to land.

Firstly, for the establishment and propagandization of laws: Regular monitoring and inspecting the law system related to land and other relevant legislative documents so that any dispute or conflict shall be discovered and modified timely.

completing the legislation system and laws related to land and other relevant policies, laws; Enhancing and innovating the propagandization of law education in a practical, effective and concentrated manner.

Secondly, for the organizational structure of staffs: Enhancing the leadership direction, strengthening the management and use of land from the Central level to local level, focusing on training on professional knowledge and skills, practicing the morality of staffs, civil officers working in land management and dealing with complaint and denouncement related to land.

Thirdly, inspecting, monitoring and dealing with any violation: Enhancing the work of inspecting, monitoring the management and use of land, timely detecting and remedying any disadvantages, shortcomings, strictly addressing any violation.

4.2.5.3 Terminating the situation of complaint and denouncement by a lot of people

All complaints and denouncements shall be addressed in accordance with applicable laws and in appropriate manner. Officers related to the situation of dealing with complaints and denouncement should flexibly apply appropriate method of addressing to specific subjects and contents of complaint. Complaint and denouncement by a lot of people refers to a complaint made by a lot of people. However, benefits and entitlement shall be different between them. Therefore, the situation should be fundamentally addressed, disseparated into single complaint of each person, then, it shall be quickly and effectively addressed.

4.2.5.4. Innovating and improving the effectiveness of the activities of monitoring, inspecting the obligations in dealing with complaints and denouncements.

At-all-level authorities should be fully and thoroughly aware of the importance of the dealing with complaints and denouncements in general and the activities of monitoring, inspecting the obligations in dealing with complaints and denouncements in particular, considering a key duty of the State administrative authority and a decisive factor for the effectiveness of the activities of dealing with complaint and denouncement.

State administrative authorities and inspection bodies should pay more attention to the organization and direction the activities of inspecting and monitoring the compliance with obligations, step-by-step transferring the activities of dealing with complaint and denouncement by case into regularly inspecting and monitoring the compliance with law on dealing with complaints and denouncements.

4.2.6. Improving professional quality and occupational morality for staffs and employees in charge of dealing with complaints and denouncements

4.2.6.1. Improving professional quality and occupational morality for staffs and employees in charge of dealing with complaints and denouncements

From the fact of resettlement of complaint and denouncement in past years, we can see that, in some cases, complaints are long lasting and critical because claimant does not understand, unintentionally or intentionally his problems, which causes complexity for administrative management. But in others, complaints are long lasting and complex due to staff's acts or behaviors. It is because of corruption, irresponsibility's and indifference of staff and employees. Furthermore, inspection and supervision do not work well. At the same time, handling of misconduct in

resettlement of complaints of some staff is an issue of concern. Even, decisions on resettlement of complaints which are approved by the upper agencies are not executed by lower agencies. This is a big problem not only in the field of complaints but also a common problem of the administrative sector and more broadly, of the State apparatus, which needs to be paid attention for resettlement.

4.2.6.2. Application of information technology into resettlement of complaint and denoucement

By experiences of implementation from some units, it can be said that roles of resettlement of administrative complaints of administrative agencies shall be improved upon application of information technology and effective application. To do that, it is necessary to learn experiences from the agencies implementing well this work and based on the actual situation of the agency, leaders and staff's abilities and capabilities, information technology equipment, organizational machine as well as operational regime of the agency to develop suitable and feasible software.

CONCLUSIONS

For the thesis "Settlement of complaints and denoucement – A method to ensure legislation and discipline in the Vietnamese state administration at present" we believe that the thesis has achieved basic purposes:

Firstly, the thesis has analyzed and provided additional matters relating to complaints, denoucement, handling administration complaints, accusation, handling accusation, legislation, ensuring legislation and discipline in state administration; clarify concept of complaints, dealing with administration complains, accusation, handling accusation; ensure legislation, ensuring legislation and discipline in state administration, methods to ensure legislation and discipline in state administration;

Secondly, the thesis has clearly defined the roles of handling complaints and accusation in line with ensuring legislation and discipline in state administration;

Thirdly, the thesis has a comprehensive evaluation on procedures to handle complaints and accusation in Vietnam from 1999 to present, especially evaluation of limitations and shortcomings of the current procedures and points out tendency to deal with complaints and accusation in the future;

Forthly, the thesis has provided scientific basis to define point of views and solutions to improve the procedures for dealing with complaints and accusation and enhance quality of complaint handling activities in order to ensure legislation and discipline in state administration./.

LIST OF AUTHOR’S ARTICLES RELATING TO THE DISSERTATION

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2. “*Settlement of claims, accusations should be well made from grassroots level*”, State Management Magazine of National Academy of Politics and Public Administration – No. 150 (7-2008), pages 27-29.

3. “*Enhancing role of settlement of claims, accusations in State administrative management*”, State Management Magazine of National Academy of Politics and Public Administration – No. 198 (7-2012), pages 27-29.

4. “*Some solutions for settlement of claims, accusations in Hanoi City*”, State Management Magazine of National Academy of Politics and Public Administration – No. 201 (10-2012), pages 53-56.

5. “*Solutions for enhancing efficiency of State administration management in settlement of claims, accusations*”, Electronic Communist Review magazine, No. 261, published on 15 November 2012.

6. “*Ensuring and enhancing legislation in State administrative management*”, Electronic Communist Review magazine, No. 280, published on 30 August 2013.

7. “*Enhancing efficiency of settlement of claims, accusations in order to ensure legislation and disciplines in State administrative management*”, State Management Magazine of National Academy of Politics and Public Administration – No. 212 (09-2013), pages 29-34.