

**APPLYING THE THOUGHTS OF HO CHI MINH ON
BUILDING A STATE OF LAW IN THE ERA OF
DIGITAL TRANSFORMATION**

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Abstract

Building and perfecting the socialist state of law of the people, by the people, for the people is the central task of political reform. According to the documents of the 13th National Congress of the Party, it emphasized: "Continuing to build and perfect the socialist state of law of Vietnam of the people, by the people and for the people led by the Party is the central task of political reform." Accordingly, President Ho Chi Minh always paid attention to the issue of managing society by law in order to ensure and enhance the people's mastery (Assoc. Prof. Dr. Bui Thi Ngoc Lan, 2021). This is the crystallization of the universal values of mankind with the theory of Marxism-Leninism (Prof. Dr. Mach Quang Thang, 2019) brings great lessons to the cause of building the socialist state of law of Vietnam of the Party and our people. Before that importance, the group of authors focused on studying the core values of Ho Chi Minh's thoughts on the state of law in the era of digital transformation. On that basis, compare, point out the issues that are not appropriate and propose solutions in the regulations, policies for implementing the construction of the state of law of our country in the current period.

1. To state the problem

Vietnam is one of the first countries in the world to issue a program or strategy on national digital transformation. Implementing the "National Digital Transformation Program to 2025, with orientations to 2030" approved by the Prime Minister on June 3, 2020, the national digital transformation campaign has achieved clear results, especially awareness of digital transformation is constantly being improved. The digital transformation period is both an opportunity and a major challenge for the country and the people, in which strengthening the position of the people in the guidelines, policies and state management is important issues that need to be focused on and promoted.

Prime Minister Pham Minh Chinh also emphasized: "To effectively implement the national digital transformation, we need to have a comprehensive strategy, implement with focus, create a change in the management, operation, and governance of society. The government's consistent perspective is to take people and businesses as the center, the subject, the target, the driving force, and the resource of digital transformation. Digital transformation must benefit people and businesses from public services and social utilities more conveniently, faster, more efficiently, and they will create resources for development" (Mạnh Hùng 2023). Therefore, the issue of proposing plans, determining priority targets, as well as strengthening the position of the people in the formulation of government management guidelines and policies to contribute to the construction and improvement of the state of law is an urgent issue worth considering in the current period.

2. Ho Chi Minh's thoughts on building a state of law

The construction of the socialist state of law has always been a focus of the Party, and has been promoted in all Party Congresses. In particular, since the development of the Fourth Industrial Revolution in Vietnam, the study of the values of Ho Chi Minh's thoughts plays an extremely important role in determining the success of building the socialist state of law. Ho Chi Minh's thoughts on building the state of law include the following basic contents:

First, Ho Chi Minh's thoughts elevate the role of law

To build a strong state, it is important to focus on raising the role of law in all aspects of social life. In 1919, in the "Petition of the Annamite People", Nguyen Ai Quoc (Ho Chi Minh) demanded that the French government promulgate a constitution, abolish the rule by decree, replace it with laws, "Reform the legal system in Indochina by giving the natives the same legal guarantees as Europeans; completely abolish the special courts used as tools to terrorize and oppress the most honest section of the Annamite people" (Ho Chi Minh, 2011).

Over many years of revolutionary activities in Western countries, Ho Chi Minh had access to many streams of thought about various models of the rule of law. From this, he recognized that the rule-of-law model has outstanding advantages over the authoritarian model that had reigned for thousands of years in many places, including Vietnam during the feudal and semi-feudal colonial period. From this, his thoughts on building the rule of law began to take shape. He wrote: "Seven requests for the promulgation of the constitution-A hundred things must have the divine law" (Ho Chi Minh, 2011).

To Ho Chi Minh, the divine law of the rule of law is not vague or far away. To build a state of law where everyone must obey and respect the law, then the law must have the supreme position like a god. This is considered as a constitutional charter leading the path of struggle for national independence, establishing a people's democratic state, protecting the rights and freedoms and the right to self-determination of the people (GS.TS. Vuong Đình Huệ, 2021); is the red thread for legislative activities, building and perfecting the legal system in the process of building the socialist state of law in our country.

In addition, Ho Chi Minh identified the path to building the state of law as a state with a democratic legal system, reflecting the will and interests of the people. The democratic nature of the law is not only reflected in the content of the laws that recognize the rights and interests of the people but also in the fact that the people directly participate in the construction of the laws. The construction of the legal system must start from the

opinions of the people, with the participation of agencies, organizations and all strata of the people. To ensure that the law is truly of the people, in the process of drafting the Constitution, Ho Chi Minh required: "The Constitution we are going to draft must not only represent the aspirations of the people of the North, but also must be a goal for the people of the South to strive for" (Ho Chi Minh, 2011). To ensure that the Constitution and the law are put into practice, Ho Chi Minh required the establishment of a mechanism to monitor and supervise implementation; at the same time, he emphasized that it is necessary to pay great attention to the propaganda among the masses of the people on the issue of citizens living and working according to the Constitution and the law; required officials and civil servants to constantly study to improve their work capacity, understand the law and implement it strictly, both strengthening the law and promoting the education of public service ethics and civic ethics.

Second, it is necessary to build a constitutional state and ensure the role of the Constitution

Immediately after reading the Declaration of Independence, President Ho Chi Minh identified one of the six key tasks as having a democratic constitution. He affirmed: "Before we were ruled by autocratic monarchy, then by a colonial regime that was no less autocratic, so our country had no constitution. Our people did not enjoy democratic freedoms. We must have a democratic constitution. I propose that the government organize the general election as soon as possible with universal suffrage. All citizens, male and female, eighteen years of age, have the right to run for office and vote, regardless of wealth, religion, or race" (Ho Chi Minh, 2011), "The general election is an opportunity for the entire nation to freely choose those who are talented and have virtue to shoulder the work of the country. In the general election, anyone who wants to take care of the country has the right to run for office, and anyone who is a citizen has the right to vote... Through the general election, the entire people elect the National Assembly. The National Assembly will elect the Government. That government is truly the government of the entire people" (Ho Chi Minh, 2011). On January 6, 1946, the general election was a success. In March

1946, the first constitutional government was elected by the National Assembly, with Ho Chi Minh as President. This was a legal and constitutional basis for the allied forces to negotiate with the government headed by Ho Chi Minh.

Third, Ho Chi Minh's thoughts must ensure the requirements of law to be humane, humanistic, and for the people

With his boundless love for his country and people, Ho Chi Minh always wanted to build a humane and humanistic legal system for the working people and for all people after winning power. For him, law is created by and for people. Law must be harmonious, resolving the relationship between people and people, between people and work on the basis of reason and emotion.

The legal system that Ho Chi Minh wanted to build is a product of a regime with a "single purpose of seeking freedom and happiness for everyone... putting the people's interests above all" (Ho Chi Minh 2011). In the first meeting of the Provisional Government on September 3, 1945, he asked: "We must have a democratic constitution" (Ho Chi Minh, 2011) and he himself directed the drafting of the 1946 Constitution and the 1959 Constitution with contents that strongly reflect the democratic and humanistic nature. In his speech at the National Legal Conference in 1950, he pointed out: "Our current law protects the interests of millions of working people... Our law is truly democratic law, because it protects the broad rights of freedom and democracy for the working people" (Ministry of Justice, 2008). Thus, in Ho Chi Minh's thought, law is born for no other reason than for the people. This is the basic principle for the building and improvement of the legal system of our country since independence to the present day.

3. Application of Ho Chi Minh's thoughts on building a state of law in the digital transformation period

3.1. Promoting the values of Ho Chi Minh's thoughts on the state of law in the digital transformation period

The 13th National Congress of the Communist Party of Vietnam continued to

propose new orientations, perspectives, and breakthrough solutions for the process of building and perfecting the state of law, identifying this as a key task of political reform. At the same time, the Party clearly stated that building and perfecting the socialist state of law must be carried out in a comprehensive manner, linked to political reform and economic, cultural, and social reform; identifying 13 orientations for the development of the country in the 2021-2030 period, including the orientation of building and perfecting the socialist state of law.

Based on the requirements and demands of reality, the continued application of Ho Chi Minh's thoughts on building the state of law in the digital transformation period is essential to ensure the successful implementation of the political reform cause in our country in the era of the 4th industrial revolution.

In the coming time, to promote the core values of Ho Chi Minh's thoughts on the state of law of the people, by the people and for the people, it is necessary to continue to implement effectively and effectively a number of tasks as follows:

First, along with other ideological contents, it is necessary to continue to promote the dissemination, popularization and implementation of the core values of Ho Chi Minh's thoughts on the state and law, so that the values of his thoughts continue to penetrate into the awareness and actions of each cadre, civil servant, and all strata of the people; to disseminate, popularize, educate, and create a unified understanding of the 8 basic characteristics of the socialist state of law of Vietnam. In addition, it is necessary to continue to effectively implement Conclusion No. 01-KL/TW dated May 18, 2021 of the Politburo on "Continuing to implement Directive No. 05-CT/TW of the Politburo on promoting the study and emulation of Ho Chi Minh's thoughts, morality, and style".

Second, building and perfecting the socialist state of law of Vietnam is the central task of the political system. Strengthening the close relationship between the Party, the State, and the people. Further promoting the role of the people in practicing democracy and building a clean and efficient state apparatus.

Third, it is necessary to continue to institutionalize, promptly and fully the system of perspectives, orientations of the Party and the provisions of the Constitution on human rights, fundamental rights and obligations of citizens. In the process of building and perfecting the law, it is necessary to constantly deeply grasp the point of view "Whatever is beneficial to the people must be done with all one's strength, whatever is harmful to the people must be avoided with all one's strength".

Fourth, it is necessary to build a democratic, just, humane, complete, timely, synchronized, unified, transparent, transparent, stable, and feasible legal system to be accessible and capable of regulating social relations, taking the legitimate interests of the people and businesses as the center. Continue to promote administrative reform, with the focus on improving the quality of the workforce, civil servants, and public servants; organization, public service, civil service, electronic administration and digital transformation.

Fifth, it is necessary to strictly implement correctly and fully the major orientations of the Party on building and perfecting the socialist state of law as reflected in the Documents of the 13th National Congress of the Party. Continue to build the National Assembly to truly be the highest representative body of the people, representing the will and aspirations of the people, the highest state power; study, clarify more clearly the tasks and powers of the President; innovate the organization and operation of the Government and local governments in a direction of streamlining, effective operation.

3.2. The role of voters in legislative work in the digital transformation period

During his lifetime, President Ho Chi Minh defined democracy in a simple way: Democracy means the people are the masters and the people are in charge. He also emphasized: "Our country is a democratic country. All benefits are for the people. All powers belong to the people" (Ho Chi Minh, 2011). Based on the thought of Ho Chi Minh and the party's guidelines and viewpoints, Article 3 of the 2013 Constitution stipulates: "The state ensures and promotes the people's right to mastery; recognize, respect, protect

and ensure human rights, civil rights”; implement the goal of “a prosperous people, a strong country, democracy, equality, and civilization”, everyone has a comfortable life, freedom, happiness, and conditions for comprehensive development.

The view of President Ho Chi Minh has always been paid attention by the Party and the State through major policies and guidelines to clearly demonstrate the role and strength of the people in the protection and construction of the socialist state of law. The role of the people is a great strength and driving force for any state that wants to develop prosperously and sustainably. Therefore, in war or peace, the people are always the center that determines the victory of all policies and strategies of the country, always being the main force that creates strength to defeat all forces, is the key to success for any major transformation of the country in all fields (ThS. Dương Quốc Thành, 2021). In the new revolutionary period - the digital transformation period, the country has entered new circumstances, opening up new challenges that the people are facing. Therefore, in the digital transformation period, the State needs to further promote the role of the people in the construction and development of the country by taking the will and aspirations of each citizen as a prerequisite in legislative work through the quality and effective activities of Members of the National Assembly, Members of the People's Council hereinafter referred to as representatives, aimed at changing and raising the awareness of the people, seeing that as an important step in the transition period.

To do this, each representative must fully play their role in representing the will, aspirations, and voices of the voters. In other words, representatives must understand who elected them. Voters and related agents, the role of voters in building and improving development policies of the country. The current legislative work is affected by many interrelated and constantly changing relationships arising from the different roles and objectives of the subjects, specifically: The state, for its own priorities, can promote economic development policies, market liberalization, and even boldly socialize public service sectors that the state should have provided (e.g., public health, education). On the part of businesses, maximizing profits and reducing compliance costs are always the

priorities. Businesses have resources, power, and also have policy advocacy skills, even lobbying, to promote policies that benefit them. Conversely, the people and social organizations are often fragmented, dispersed, and have much less organizational capacity. They do not have state power, nor do they have market power (PGS.TS. Phạm Duy Nghĩa, 2021).

Because there is a correlation between many subjects in establishing legal norms, there are always limitations in the policies issued. However, the interests of the people must always be considered and weighed by National Assembly deputies before they are passed. To fully reflect this issue, deputies must listen to and understand voters, and this is also the decisive factor for the quality and effectiveness of the National Assembly's legislative work.

In fact, the plenary session of the National Assembly is an important time for National Assembly deputies to participate in the legislative process. At this point, it is very important to present the views, aspirations, and wishes of the voters they represent. This must be a comprehensive and complete representation of the wishes of the voters who have entrusted them to best protect the interests of the people, with a view to consolidating democracy in the legislative process.

In conclusion, the digital transformation period is a major challenge, pushing for a correct understanding of the role of representatives in representing the voices, aspirations, and wills of the people. On the other hand, in the digital transformation period, the work of changing the awareness and thinking of the people is a prerequisite that has a decisive meaning for victory. Therefore, the decisiveness and understanding of the people's wishes in the issue of protecting the rights and interests of voters in legislative work is an issue worth considering and promoting in the digital age.

3.3. Administrative reform to serve people in conjunction with digital transformation

At each stage of the country's development, the Party and the State have taken specific measures to reform and innovate the state administrative system in accordance with the requirements of the development process and international integration. In the process, our Party has issued many important specialized resolutions on administrative reform following Resolution No. 17-NQ/TW on promoting administrative reform, improving the effectiveness and efficiency of state management of the Central Committee of the Party for the 10th term, creating a political and ideological foundation, and guiding the building of a state administrative system that meets the requirements of national development in the context of promoting international integration. In particular, the Resolution of the 13th National Congress of the Party sets out the direction for the development of the country to 2030, which is "Building and perfecting a clean, strong, socialist rule-of-law state, streamlined, operating effectively, serving the people and for the development of the country".

First, in the digital transformation period, the people play a very important role in administrative reform and the activity of administrative reform of the state. Through specific economic and social relations, people are the subjects who encounter difficulties and legal loopholes, contributing to filling the gaps between the subjectivity of the legislator and the actual application, creating pressure to change the legal regulations that do not have high practical application value, and at the same time change the wrong state management decisions.

On the other hand, people are the subjects who help the management agencies to accurately determine the necessary administrative procedures. In other words, these are the right solutions aimed at reducing cumbersome, inconvenient administrative procedures that do not have high value in the management process, and replacing them with modern, convenient procedures to create conditions to best protect the legitimate rights and interests

of the people. This does not come from the proposal to change according to rank, industry, or geographical scope, but it comes from the difficulties and frustrations in the process of participating in practical social relations, creating pressure for the competent authorities to eliminate unnecessary outdated procedures (State Organization Magazine, 2021).

Second, the issue of administrative reform is of central and breakthrough significance, creating a favorable environment, simplifying, and making way for socio-economic development, ensuring the interests and rights of the people. Accordingly, in the trend of digitalization, administrative procedures are regularly reviewed, and the one-stop mechanism is implemented, which initially receives positive feedback from the people. On the other hand, the Public Services Portal and information system is one of the means that has been strengthened and implemented in the handling of administrative procedures, specifically: Administrative procedures are publicly disclosed on information portals, which are a solid source of information, helping people to grasp and implement correctly in order to ensure their legitimate rights and interests. At the same time, it is necessary to promote the unification of the Public Services Portal and the Electronic One-Stop Information System at the provincial and city levels in order to eliminate the scattered, unconcentrated distribution, difficulty in accessing and grasping information accurately and fully, and to integrate many smart utilities, helping to make the receipt of documents and the handling of administrative procedures faster and more convenient (Phạm Thị Thanh Trà, 2023).

Third, carry out inspection and review of the functions and powers of state management agencies from central to local levels, from agencies with general authority to agencies with specialized authority, with a view to delegating powers between agencies, avoiding overlapping functions and powers of the levels, innovating the organization and operation of agencies under the Government in accordance with the modern management model and implementing the mechanism of autonomy and responsibility. On the other hand, the organization of the Government in a streamlined and efficient manner in the direction of reducing specialized agencies at all levels, while forming a ministry of multi-industry and

multi-sector management.

4. Conclusion

Building and perfecting the socialist rule-of-law state is a breakthrough in the thinking about state building in the renovation period of our Party, based on the foundation of inheriting and creatively applying Ho Chi Minh's thought on state and law. The core values in Ho Chi Minh's thought on state and law have, are, and will continue to illuminate the process of building and perfecting the socialist rule-of-law state of the people, by the people, and for the people under the leadership of the Communist Party of Vietnam.

In the digitalization period, the participation of people in directing and deciding on development policies as well as in state management is extremely important because it determines the success in the period of digital transformation. This is an important milestone opening up a new era for the country, with a focus on changing the awareness and actions of the masses in order to protect their legitimate rights and interests. This issue must be deeply understood in the construction and perfection of the socialist rule-of-law state in the new period in order to always establish the right priorities in the process of transformation in the digital transformation period.

Conflicts of Interest

The author has disclosed no conflicts of interest.

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REFERENCES

1. Resolution No. 17-NQ/TW, dated August 1, 2007, of the Central Committee of the Communist Party of Vietnam, “On Promoting Administrative Reform, Improving the Effectiveness and Efficiency of State Management.”
2. Documents of the 12th National Congress of the Communist Party of Vietnam, published by the National Political Publishing House, Hanoi, 2016.
3. Documents of the 13th National Congress of the Communist Party of Vietnam, published by the National Political Publishing House, Hanoi, 2021.
4. Ho Chi Minh. 2011. Complete Works, published by the National Political Publishing House, Hanoi.
5. **Ministry of Justice. 2008. “President Ho Chi Minh and the Vietnamese Legal System”. Accessed January 30, 2024. <https://moj.gov.vn/qt/tintuc/Pages/nghien-cuu-trao-doi.aspx?ItemID=634>.**
6. **Prof. Dr. Vương Đình Huệ. 2021. “Applying the Thought of Ho Chi Minh in Legislative Activities to Contribute to Building and Perfecting the Socialist Rule-of-Law State of Vietnam”. Journal of Legislative Studies, No. 13 (437).**
7. **Mạnh Hùng. 2023. “Prime Minister Phạm Minh Chính: Digital transformation is an inevitable trend”. Accessed January 30, 2024. <https://dangcongsan.vn/thoi-su/thu-tuong-pham-minh-chinh-chuyen-doi-so-la-xu-the-tat-yeu-641691.html>: <https://dangcongsan.vn/thoi-su/thu-tuong-pham-minh-chinh-chuyen-doi-so-la-xu-the-tat-yeu-641691.html>.**
8. **2. PGS. TS. Bùi Thị Ngọc Lan. 2021. “The value of Ho Chi Minh’s thought in building the socialist rule-of-law state of Vietnam today”. Accessed December 21, 2023. <https://hochiminh.vn/tu-tuong-dao-duc-ho-chi-minh/nghien-cuu-tu-tuong-dao-duc-ho-chi-minh/gia-tri-tu-tuong-ho-chi-minh-trong-xay-dung-nha-nuoc-phap-quyen-xa-hoi-chu-nghia-viet-nam-hien-nay-5631>: <https://hochiminh.vn/tu-tuong-dao-duc-ho-chi-minh/nghien-cuu-tu-tuong-dao-duc-ho-chi-minh/gia-tri-tu-tuong>**

[ho-chi-minh-trong-xay-dung-nha-nuoc-phap-quyen-xa-hoi-chu-nghia-viet-nam-hien-nay-5631](#).

Associate Professor, Dr. Phạm Duy Nghĩa. 2021. “Legislation in the Era of Digital Transformation”. Accessed January 29, 2023. <http://www.lapphap.vn/Pages/tintuc/tinchitiet.aspx?tintucid=210834>.