MINISTRY OF EDUCATION AND TRAINING **MINISTRY OF JUSTICE**

HANOI LAW UNIVERSITY

INFORMATION ON NEW RESEARCH FINDINGS OF THE DOCTORAL THESIS

Thesis title: ***"The principle of good faith under the contract law of Vietnam and some selected countries in comparative perspective"***
Specialty: **Civil and Civil Procedural Law**
Code: **9.38.01.03**
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SUMMARY OF NEW RESEARCH FINDINGS

First, the thesis analyzes notions of good faith as well as characteristics and meaning of the principle of good faith. On the basis of the above analysis, the thesis introduces a suggestive concept of good faith principle under Vietnamese contract law.

Second, the thesis clarifies the relationship between good faith principle and other basic principles of contract law based on the correlation between the two main principles of contract law, which are the principle of good faith and the principle of freedom of contract.

Third, the thesis points to the differences in scope of adjustment of the principle of good faith under German, English and Vietnamese contract law.

Fourth, the thesis analyzes the manifestations, similarities and differences of good faith principle in pre-contractual stage under German, English and Vietnamese contract law to conclude that although there are several similarities in adjusting bad faith behaviours which lead to void contracts, the differences in adjusting bad faith behaviours which prevent the conclusion of contracts as well as the types of liability applicable to bad faith conducts in pre-contractual stage still exist.

Fifth, the thesis analyzes the manifestations of good faith principle in performance stage and indicates similarities and differences of the three legal systems in applying the principle of good faith to balance parties' contractual rights and interests in case where the contract contains unclear terms or lacks some non-essential terms, as well as in case of unfair contract terms and hardship.

Sixth, the thesis analyzes the manifestation of good faith principle in termination stage and points to the similarities and differences in applying this principle to prevent innocent parties from abusing the right to terminate contracts under German, English and Vietnamese contract law.

Seventh, based on the above analysis and comparison of applying good faith principle in terms of both theory and practice in pre-contractual stage under the listed legal systems, the thesis offers recommendations for improving the 2015 Civil Code to balance the rights and interests of parties in pre-contract negotiation, such as supplementing a provision on the duty to negotiate in good faith or amending the provision on duty to disclose in pre-contractual stage.

Eighth, based on the above analysis and comparison of applying good faith principle in terms of both theory and practice in performance stage under the three legal systems, the thesis proposes to improve the Civil Code 2015, such as amending Article 404 on contract interpretation, Article 405 on standard terms contract or Article 420 on hardship.

Ninth, based on the above analysis and comparison of applying good faith principle in terms of both theory and practice in the stage of contractual termination under the three legal systems, the thesis proposes to amend provisions of the Civil Code 2015 in regard to preventing injured parties from abusing the right to terminate contracts.