

MINISTRY OF EDUCATION AND
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INFORMATION SHEET ON THE NEW CONTRIBUTIONS
OF THE DISSERTATION

Dissertation title: Improving the Law on the Right of Association in Vietnam Today

Major: Constitutional and Administrative Law

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NEW CONTRIBUTIONS OF THE DISSERTATION

First, the dissertation clarifies and further develops the concept of the right of association through a rights-based approach. It conceptualizes this right as a constitutional right with a complex structure, encompassing the rights to establish, join, decline to join, and withdraw from an association; to participate in its organization, activities, and governance; to enjoy autonomy and access lawful resources; and to be protected against unlawful interference. It also identifies the different levels of relevant rights-holders and distinguishes the law on the right of association from the law on associations, thereby shifting the focus from managing associations as organizations to recognizing, concretizing, guaranteeing, lawfully limiting, and protecting the right.

Second, the dissertation develops a theoretical framework and a set of criteria for assessing the law on the right of association by integrating the theory of Vietnam's socialist rule-of-law state, the rights-based approach, and theories of social governance and civil society. The resulting eight criteria provide a coherent tool linking theoretical inquiry, assessment of the current legal framework and practice, and proposals for legal reform.

Third, the dissertation systematically assesses Vietnam's law and practice concerning the right of association according to the constituent elements of the right, updated through 10 August 2026, particularly Decree No. 126/2024/ND-CP and the context of the two-tier local government model. Based on legal analysis, surveys, interviews, and practical research, it identifies structural limitations: the absence of a specialized statute, fragmented legal sources, an ex ante control mechanism,

constraints on autonomy, insufficiently differentiated obligations, uncoordinated post-registration supervision and data systems, and inadequate rights-protection and judicial-review mechanisms.

Fourth, the dissertation proposes an integrated model of legal reform centered on the effective guarantee of the right of association: enact a Law on Associations to concretize the Constitution; shift from permission to registration and from ex ante control to data- and risk-based ex post supervision; ensure autonomy alongside transparency and accountability; differentiate obligations according to scale, resources, and risk level; strengthen complaint, litigation, and judicial mechanisms; and appropriately regulate unregistered associations and online forms of association.

Fifth, the dissertation provides scientific grounds and recommendations of reference value for drafting a Law on Associations, reviewing related legislation, reforming state management, and strengthening the governance capacity of associations. Its overarching contribution is a proposed transition from a model primarily focused on managing associations to one that both guarantees citizens' constitutional rights and improves state-management effectiveness, control of administrative power, and protection of the public interest in a manner suited to Vietnam's conditions.

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