

MINISTRY OF EDUCATION AND TRAINING MINISTRY OF JUSTICE
HANOI LAW UNIVERSITY

INFORMATION ON NEW CONTRIBUTION OF THE THESIS

Dissertation title: “Force Majeure under Vietnamese Civil Law”

Major: Civil and Civil Procedure Law

Code: 9380103

PhD Candidate: Nguyen Viet Thu Huong

Class: 28C

Scientific Supervisors: 1. Dr. Nguyen Van Hoi
2. Dr. Hoang Thi Loan

Training Agency: Hanoi Law University

SUMMARY ON NEW CONTRIBUTION OF THE THESIS

First, the thesis constructs a rigorous conceptual framework for force majeure through a multidimensional historical and doctrinal inquiry, thereby clarifying its juridical nature and defining characteristics. It further demarcates force majeure from adjacent legal constructs, notably non-performance occasioned by a fundamental change of circumstances (hardship), objective impediments, and states of emergency. At the same time, the thesis formulates a dedicated methodology for the study of force majeure, establishing an analytical legal framework capable of resolving theoretical ambiguities while maintaining coherence with the extant regulatory regime.

Second, the thesis systematically elucidates and evaluates the provisions governing force majeure under the 2015 Civil Code of Vietnam and relevant sector-specific legislation across three core dimensions: its constituent elements, the conditions governing its invocation, and its legal consequences. Furthermore, the thesis provides an in-depth analysis of the judicial practice concerning force majeure regulations through the study and review of landmark judgments resolved by the Courts. The assessment of the merits and bottlenecks within the current legal framework and its practical application aims to emphasize the necessity of legal reform to ensure consistency and feasibility in law enforcement.

Third, the thesis formulates a structured framework of proposals for legal improvement and measures to elevate implementation efficacy, ensuring the practicability and coherence of provisions on force majeure in the contemporary context.

Supervisors

PhD Candidate

Dr. Nguyen Van Hoi

Dr. Hoang Thi Loan

Nguyen Viet Thu Huong