

Disciplinary Responsibility of Civil Servants in Vietnam: An Administrative Law Perspective

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ABSTRACT: Disciplinary responsibility is a fundamental institution of administrative law, ensuring accountability, integrity, and legality within the civil service. In Vietnam, the disciplinary regime governing civil servants has undergone a significant transformation in response to administrative reform and intensified anti-corruption efforts. This article analyzes disciplinary responsibility from an administrative law perspective, focusing on its historical evolution, current legal framework, procedural safeguards, and enforcement practices. The study further situates Vietnam's approach within a comparative context by examining selected foreign administrative law systems. The article identifies key challenges related to legal consistency, due process, and institutional capacity, and proposes recommendations to strengthen legality, transparency, and public trust in Vietnam's civil service.

KEYWORDS: disciplinary responsibility; civil servants; administrative law; Vietnam; public integrity; accountability; anti-corruption

1. INTRODUCTION

Disciplinary responsibility constitutes a foundational institution of administrative law, serving as a primary mechanism through which the state ensures accountability, integrity, and ethical conduct within the civil service. By articulating standards of professional behavior and prescribing legal consequences for misconduct, disciplinary systems contribute not only to the internal effectiveness of public administration but also to its external legitimacy in the eyes of citizens (Rose-Ackerman, 2016; OECD, 2020). In modern administrative states, disciplinary responsibility performs a dual function: it deters abuses of power while simultaneously reinforcing norms of lawful, impartial, and service-oriented governance.

In Vietnam, disciplinary responsibility assumes particular significance given the country's distinctive governance structure, in which administrative law operates alongside the Communist Party of Vietnam's leadership and oversight. This dual structure shapes both the normative foundations and the practical operation of disciplinary mechanisms. While administrative law provides the formal legal basis for regulating civil servants' conduct, Party disciplinary institutions play a parallel and often decisive role in supervising Party members. As a result, disciplinary responsibility in Vietnam cannot be understood solely as a technical legal instrument; it must also be examined as a governance mechanism embedded within a broader political-administrative system (Pham Diem, 2012; Gillespie, 2017).

Over the past decade, Vietnam has witnessed a marked intensification of disciplinary enforcement, particularly in connection with large-scale anti-corruption campaigns and efforts to modernize public administration. This period has been characterized by unprecedented disciplinary measures against high-ranking officials, including ministers, provincial leaders, and senior managers of state-owned enterprises. Such developments signal a shift away from earlier patterns of selective or symbolic enforcement toward a more assertive approach to accountability, encapsulated in the official principle of "no forbidden zones" in disciplinary and anti-corruption work (Nguyen & Vu, 2021; Vietnam News Agency, 2024). From an administrative law perspective, this trend raises important questions regarding the legal basis, procedural guarantees, and proportionality of disciplinary sanctions.

At the same time, the expansion of disciplinary enforcement has exposed structural and legal challenges within Vietnam's administrative system. These include overlaps between Party discipline and administrative sanctions, inconsistencies in applicable limitation periods, uneven application of procedures across levels of government, and limited opportunities for independent judicial review. Scholars have noted that while stricter discipline may enhance deterrence, it also risks undermining legal certainty and due process if not accompanied by robust procedural safeguards (Ginsburg & Moustafa, 2018; Ho Duc Hiep et al., 2022).

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Consequently, disciplinary responsibility has become a focal point for debates on the development of the rule of law and administrative justice in Vietnam.

Against this background, this article provides a comprehensive analysis of disciplinary responsibility for civil servants in Vietnam from an administrative law perspective. It examines the historical evolution of the disciplinary regime, the current legal framework and institutional arrangements, and the procedures governing disciplinary action. Particular attention is paid to ethical violations and corruption-related misconduct, as well as to the procedural safeguards available to accused officials. The article also situates Vietnam's experience within a comparative context, drawing lessons from selected foreign administrative law systems. Through this analysis, the study seeks to contribute to broader discussions on administrative accountability, rule-of-law development, and public sector integrity in transitional governance systems.

2. HISTORICAL EVOLUTION OF DISCIPLINARY RESPONSIBILITY IN VIETNAM

The disciplinary regime governing civil servants in Vietnam has developed in close parallel with broader transformations in the state apparatus, the legal system, and the philosophy of governance. In the early period of the Democratic Republic of Vietnam, public administration was shaped primarily by revolutionary imperatives and political mobilization. During this phase, disciplinary measures functioned largely as instruments of political and organizational control rather than as components of a formal legal system. Discipline was administered internally within state and Party structures, emphasizing ideological conformity, loyalty, and collective responsibility over individualized legal accountability.

Early normative instruments reflected this approach. Decree No. 76/SL of 1950 provided one of the first formal definitions of state officials but did not establish a comprehensive legal framework governing their rights, obligations, or disciplinary liability. Instead, disciplinary matters were regulated through fragmented administrative directives and Party regulations, with limited procedural formalization or legal safeguards (Pham Diem, 2012). As a result, disciplinary responsibility during this period lacked the defining features of modern administrative law, such as legality, proportionality, and procedural due process.

The launch of the *Đổi Mới* reforms in the late 1980s marked a gradual shift toward institutionalization and legal rationalization of public administration. As Vietnam transitioned from a centrally planned economy toward a socialist-oriented market economy, the need for a more professional, rule-based civil service became increasingly apparent. In this context, the Ordinance on Cadres and Civil Servants, promulgated in 1998 and amended in 2000 and 2003, represented an important step forward. The Ordinance introduced clearer classifications of public officials, distinguished between cadres and civil servants, and formalized certain disciplinary sanctions and procedures. Nevertheless, as an ordinance-level instrument, it remained limited in normative authority and institutional coherence, and disciplinary responsibility continued to be influenced heavily by political and organizational considerations (Gillespie, 2017).

A decisive milestone in the evolution of disciplinary responsibility was the adoption of the Law on Cadres and Civil Servants in 2008, which came into effect in 2010. For the first time, disciplinary responsibility was embedded within a comprehensive statutory framework enacted by the National Assembly. The law articulated fundamental principles governing civil servant conduct, established a standardized system of disciplinary sanctions, and clarified the relationship between disciplinary responsibility and other forms of legal liability. Together with the Law on Public Employees (2010), this legislative framework marked a transition from an ordinance-based, fragmented regime to a more unified, legally grounded system of administrative discipline.

Subsequent legal developments further consolidated this trajectory toward legalization and standardization. Amendments adopted in 2019 addressed persistent accountability gaps, most notably by permitting disciplinary measures against officials who had retired or resigned but were later found to have committed violations during their tenure. This reform responded to public concern that officials could evade responsibility by leaving office and reflected a broader policy commitment to strengthening accountability and integrity in the public sector. As scholars have observed, these amendments signify a qualitative shift in Vietnam's administrative law, moving disciplinary responsibility closer to a rule-based, predictable, and comprehensive legal institution (Ho Duc Hiep et al., 2022; Nguyen & Vu, 2021).

Taken together, the historical evolution of disciplinary responsibility in Vietnam reveals a gradual transformation from a politically driven, internally administered discipline toward a more legalized, standardized administrative law regime. While political oversight—particularly through Party disciplinary mechanisms—continues to play a significant role, the increasing codification of disciplinary responsibility reflects Vietnam's broader efforts to build a socialist rule-of-law state and modernize its public administration.

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3. CURRENT LEGAL FRAMEWORK GOVERNING DISCIPLINARY RESPONSIBILITY

3.1 Legal Basis

The disciplinary responsibility of civil servants in Vietnam is grounded in a multilayered legal framework that reflects the country's evolving approach to administrative accountability and public sector integrity. At its core, this framework is established by the Law on Cadres and Civil Servants (2008, as amended in 2019), which serves as the principal statute governing the status, obligations, and disciplinary liability of civil servants. This law is complemented by the Law on Public Employees (2010, as amended in 2019), which regulates disciplinary responsibility for public employees working in public service units and clarifies the boundaries between civil servants and other categories of public personnel. Together, these two laws constitute the foundational legal basis for disciplinary responsibility in Vietnam's public administration system (Vietnam, 2008/2019; Vietnam, 2010/2019).

In addition to these core statutes, the Anti-Corruption Law (2018) plays a crucial role in shaping the disciplinary regime by integrating integrity obligations with disciplinary enforcement. The Anti-Corruption Law establishes mandatory standards relating to asset declaration, conflict-of-interest management, and transparency in the performance of official duties. It further requires that corrupt acts and related misconduct be handled through disciplinary measures and, where appropriate, criminal proceedings, thereby reinforcing the linkage between administrative discipline and broader anti-corruption governance (Rose-Ackerman, 2016; OECD, 2020). In this sense, disciplinary responsibility operates not merely as an internal personnel matter but as a key component of Vietnam's integrity and accountability architecture.

The statutory framework is operationalized through detailed implementing regulations issued by the Government, most notably Decree No. 112/2020/ND-CP on disciplining cadres, civil servants, and public employees. This decree specifies the forms of disciplinary sanctions, delineates the competence of disciplinary authorities at different administrative levels, and prescribes procedural requirements for initiating, conducting, and concluding disciplinary proceedings. By providing uniform guidance across sectors and levels of government, Decree No. 112/2020/ND-CP seeks to enhance consistency, legality, and predictability in disciplinary practice (Ho Duc Hiep et al., 2022).

Substantively, Vietnamese law imposes clear obligations on civil servants to comply with the Constitution and laws, exercise their powers lawfully, and perform their duties with integrity, professionalism, and impartiality. Civil servants are also required to protect the lawful rights and interests of the State, organizations, and citizens. Violations of these obligations give rise to disciplinary responsibility, which is legally distinct from criminal, civil, or material liability. Nevertheless, in cases involving serious misconduct—particularly corruption-related offenses—disciplinary responsibility may be applied concurrently with criminal or civil sanctions, reflecting the principle that administrative discipline does not preclude other forms of legal accountability (Ginsburg & Moustafa, 2018).

Overall, the legal basis of disciplinary responsibility in Vietnam demonstrates a clear trend toward codification and formalization. While political oversight and Party discipline remain influential in practice, the statutory and regulatory framework increasingly anchors disciplinary responsibility within administrative law, emphasizing legality, defined competence, and procedural order. This development provides an essential foundation for strengthening accountability while safeguarding the lawful rights of civil servants within the public administration system.

3.2 Forms of Disciplinary Sanctions

Vietnamese administrative law establishes a graduated system of disciplinary sanctions designed to ensure proportionality between the nature and severity of misconduct and the legal consequences imposed on civil servants. This system reflects a core principle of modern administrative law: disciplinary measures should be corrective and deterrent, while avoiding arbitrariness or excessive punishment. The primary statutory basis for these sanctions is found in the Law on Cadres and Civil Servants (2008, as amended in 2019), supplemented by detailed guidance in Decree No. 112/2020/ND-CP (Vietnam, 2008/2019; Vietnam, 2020).

For civil servants who do not hold leadership positions, the law provides six principal forms of disciplinary sanctions, arranged in ascending order of severity: reprimand, warning, salary grade reduction, demotion, removal from position, and dismissal from service. Reprimand and warning are considered minor sanctions, typically applied to first-time or less-serious violations that do not result in significant harm. Salary grade reduction and demotion constitute intermediate sanctions, aimed at addressing more serious or repeated misconduct while allowing the individual to remain within the civil service under stricter supervision. Removal from position and dismissal from service represent the most severe forms of discipline, reserved for grave violations that undermine public trust or the lawful functioning of the administration (Ho Duc Hiep et al., 2022).

A distinct sanctioning regime applies to cadres holding leadership or managerial positions. Because cadres are appointed to positions of authority rather than occupying career-based civil service grades, disciplinary measures focus on their leadership status. Accordingly, sanctions applicable to cadres include reprimand, warning, removal from office, and discharge. The sanction

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of removal from office is particularly significant, as it reflects a loss of political and administrative confidence while not necessarily terminating the individual's employment in the public sector. This differentiation underscores the functional distinction between cadres and career civil servants within Vietnam's administrative system (Pham Diem, 2012).

An important development in the evolution of Vietnam's disciplinary regime was introduced through the 2019 amendments to the Law on Cadres and Civil Servants. These amendments permit the imposition of retrospective disciplinary measures against officials who have retired or resigned, provided that violations committed during their tenure are later discovered. Such measures may include reprimands, warnings, or the formal removal of titles and honors associated with previously held positions. This reform addressed a long-standing accountability gap, whereby officials could evade disciplinary responsibility by leaving office, and aligns disciplinary practice with broader anti-corruption objectives (Nguyen & Vu, 2021; Vietnam News Agency, 2024).

The graduated nature of disciplinary sanctions in Vietnam thus serves multiple purposes: it allows for individualized assessment of misconduct, reinforces proportionality and fairness, and enhances the deterrent effect of discipline. At the same time, the existence of distinct sanctioning regimes for civil servants and cadres reflects the hybrid political-administrative character of Vietnam's governance system. As administrative law continues to develop, the consistent and transparent application of these sanctions remains a critical factor in strengthening accountability and public confidence in the civil service.

3.3 Competent Authorities and Procedures

Vietnamese administrative law adopts a hierarchical model of disciplinary authority that reflects the organizational structure of the civil service. In principle, disciplinary power is vested in the head of the agency or organization responsible for managing the civil servant, subject to clearly defined limits of competence based on rank and position. This model aims to ensure administrative efficiency while maintaining accountability within the chain of command. The allocation of disciplinary authority and procedural requirements is primarily governed by the Law on Cadres and Civil Servants (2008, as amended in 2019) and detailed in Decree No. 112/2020/ND-CP (Vietnam, 2008/2019; Vietnam, 2020).

For minor disciplinary sanctions, such as reprimands or warnings, the immediate managerial authority may issue decisions directly. However, more serious sanctions—particularly demotion, removal from position, or dismissal from service—require a more formalized review process. In such cases, Vietnamese law mandates that a disciplinary council be convened. The disciplinary council functions as an internal deliberative body tasked with examining the facts of the case, assessing the severity of the violation, and ensuring that procedural requirements are met. Its responsibilities include reviewing documentary evidence, hearing explanations and defenses from the accused civil servant, and proposing an appropriate disciplinary measure to the competent authority. While the final decision rests with the agency head, the involvement of the disciplinary council serves as an important procedural safeguard against arbitrary or unilateral decision-making (Ho Duc Hiep et al., 2022).

Procedurally, disciplinary decisions must be issued in written form and include a clear statement of factual findings, the legal provisions violated, and the rationale for the selected sanction. This requirement reflects the administrative law principles of legality, transparency, and reasoned decision-making. Written decisions also form the basis for subsequent review, whether through administrative complaints or judicial proceedings. In practice, failure to comply with procedural requirements—such as neglecting to convene a disciplinary council in serious cases—may render a disciplinary decision unlawful or subject to annulment (Gillespie, 2017).

The Law on Complaints (2011) provides a two-tier administrative complaint mechanism that allows civil servants to challenge disciplinary decisions they consider unlawful or unjust. Under this mechanism, a civil servant may first lodge a complaint with the authority that issued the disciplinary decision. If dissatisfied with the outcome, the complainant may submit a second complaint to the immediate superior authority. This internal review process is designed to balance administrative autonomy with the protection of individual rights, enabling errors to be corrected within the administrative hierarchy (Vietnam, 2011).

In addition to administrative complaints, limited judicial review is available under the Law on Administrative Procedures (2015). Notably, civil servants may initiate administrative lawsuits against dismissal decisions, which are considered to have a particularly serious impact on employment and legal status. Judicial review in such cases provides an external legal check on disciplinary power, reinforcing the principles of legality and proportionality. However, the scope of judicial review remains relatively narrow, as most disciplinary sanctions are resolved through internal administrative mechanisms rather than the courts (Ginsburg & Moustafa, 2018).

Overall, the system of competent authorities and disciplinary procedures in Vietnam reflects an effort to reconcile hierarchical administrative control with emerging rule-of-law principles. While internal administrative mechanisms remain dominant, the incorporation of procedural safeguards, complaint mechanisms, and limited judicial oversight represents a gradual strengthening of administrative justice within the disciplinary regime.

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4. ETHICAL VIOLATIONS, CORRUPTION, AND PROCEDURAL SAFEGUARDS

4.1 Ethical and Corruption-Related Misconduct

Disciplinary responsibility in Vietnam encompasses a broad spectrum of misconduct that undermines the legality, integrity, and effectiveness of public administration. From an administrative law perspective, such misconduct may be broadly categorized into ethical violations, administrative wrongdoing, and corruption-related offenses. These categories differ in terms of severity and legal consequences but are unified by their potential to erode public trust and impair the proper functioning of state institutions.

Ethical violations typically involve breaches of professional standards and codes of conduct applicable to civil servants. Common forms include conflicts of interest, abuse of authority, improper conduct toward citizens, lack of impartiality in decision-making, and failure to perform assigned duties diligently. Although such violations may not always meet the threshold of criminal liability, they constitute serious infringements of administrative obligations and are subject to disciplinary sanctions under the Law on Cadres and Civil Servants (Vietnam, 2008/2019). From an administrative law perspective, the regulation of ethical misconduct serves a preventive function, reinforcing norms of integrity and professionalism within the civil service (OECD, 2020).

Corruption-related misconduct represents the most serious category of disciplinary violations and includes acts such as bribery, embezzlement, abuse of position for personal gain, and manipulation of public procurement processes. These acts are addressed through a dual-track mechanism combining administrative discipline and criminal prosecution. Administrative disciplinary measures may be imposed independently of, or concurrently with, criminal proceedings, reflecting the principle that disciplinary responsibility is autonomous from criminal liability. This approach ensures that public officials are held accountable for violations of administrative ethics, even when a criminal conviction is not obtained or is pending (Rose-Ackerman, 2016).

The Anti-Corruption Law (2018) significantly strengthens the integration of integrity obligations with disciplinary enforcement in Vietnam. The law establishes comprehensive duties regarding asset and income declaration, transparency, and conflict-of-interest management, and mandates that all corrupt acts be handled through disciplinary or criminal measures without exception. Importantly, the law extends accountability beyond direct perpetrators to include officials who conceal corruption, fail to report wrongdoing, or inadequately supervise subordinates. This framework reflects a shift from a narrow focus on individual wrongdoing toward a broader conception of institutional and leadership responsibility (Vietnam, 2018).

Recent enforcement practice illustrates this expanded approach. In addition to disciplining officials directly involved in corrupt activities, authorities have increasingly imposed disciplinary sanctions on leaders and managers for negligence, oversight failures, or failure to prevent corruption within their units. Such cases underscore the application of the principle of “responsibility of the head,” whereby leadership positions entail heightened accountability for organizational integrity. Official reports indicate that a significant number of senior officials have been disciplined on this basis in recent years, signaling a move toward collective and systemic accountability rather than isolated punishment of individual offenders (Vietnam News Agency, 2025; Nguyen & Vu, 2021).

From an administrative law standpoint, the inclusion of ethical violations and corruption-related misconduct within a unified disciplinary framework reflects Vietnam’s efforts to strengthen public integrity and governance capacity. However, it also raises important challenges regarding evidentiary standards, the proportionality of sanctions, and procedural fairness—particularly in cases involving indirect responsibility or negligence. Addressing these challenges requires careful balancing between effective enforcement and the protection of lawful rights, a theme that remains central to the ongoing development of Vietnam’s disciplinary regime.

4.2 Procedural Safeguards

Despite intensified enforcement of disciplinary measures in recent years, Vietnamese administrative law has increasingly emphasized the importance of procedural safeguards for civil servants in disciplinary proceedings. These safeguards are essential to ensuring that disciplinary responsibility functions not merely as an instrument of control, but as a lawful and legitimate mechanism of administrative accountability consistent with rule-of-law principles. From an administrative law perspective, procedural safeguards serve to protect individual rights, enhance the accuracy of decision-making, and reinforce public confidence in the fairness of disciplinary enforcement (OECD, 2020).

At the core of Vietnam’s disciplinary procedure are several fundamental guarantees. Accused officials have the right to be informed of the allegations against them, including the factual basis and legal provisions allegedly violated. They are entitled to provide explanations, submit evidence, and present mitigating circumstances during the disciplinary process. In cases involving serious sanctions—such as demotion, removal from position, or dismissal—Vietnamese law requires review by a disciplinary council. The disciplinary council is tasked with examining evidence, hearing the defense of the accused official, and assessing the proportionality of proposed sanctions before making recommendations to the competent authority. This requirement reflects an

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effort to prevent arbitrary decision-making and to introduce a measure of collective deliberation into disciplinary proceedings (Ho Duc Hiep et al., 2022).

Another key safeguard is the obligation to issue disciplinary decisions in writing, clearly stating the factual findings, applicable legal grounds, and the rationale for the imposed sanction. Reasoned decisions are a cornerstone of administrative legality, as they allow affected officials to understand the basis of the decision and enable effective review through complaint or judicial mechanisms. Failure to comply with procedural requirements—such as neglecting to convene a disciplinary council in serious cases or issuing insufficiently reasoned decisions—may render disciplinary actions unlawful or subject to annulment upon review (Gillespie, 2017).

Beyond internal procedures, Vietnamese law provides avenues for post-decision review. The Law on Complaints (2011) establishes an internal administrative complaint mechanism that allows civil servants to challenge disciplinary decisions through a two-tier process within the administrative hierarchy. This mechanism is designed to correct errors, address procedural irregularities, and balance administrative autonomy with individual protection. While administrative complaints remain the primary means of redress, they are supplemented by limited forms of judicial review under the Law on Administrative Procedures (2015), particularly in cases involving dismissal from service. Judicial review in such cases introduces an external legal check on disciplinary power, reinforcing principles of legality and proportionality, albeit within a relatively narrow scope (Ginsburg & Moustafa, 2018).

Recent policy initiatives further indicate growing attention to administrative justice in disciplinary matters. Draft regulations and official proposals have emphasized the need to address wrongful or unjustified disciplinary actions by restoring the reputation of affected officials and providing formal apologies where errors are acknowledged. These measures, though still evolving, signal a normative shift toward recognizing the reputational and professional harm caused by unlawful discipline and the state's responsibility to remedy such harm (Vietnam News Agency, 2025). From a comparative administrative law perspective, this development aligns Vietnam's disciplinary regime more closely with international standards emphasizing due process, accountability of decision-makers, and effective remedies.

In sum, procedural safeguards occupy an increasingly prominent place within Vietnam's disciplinary framework. While enforcement remains largely hierarchical and internal, the incorporation of notice requirements, defense rights, collective review mechanisms, complaint procedures, and limited judicial oversight reflects a gradual strengthening of administrative justice. Ensuring the consistent and effective application of these safeguards remains critical to balancing robust accountability with the protection of lawful rights in Vietnam's evolving administrative law system.

5. ENFORCEMENT PRACTICE AND EMERGING TRENDS

In recent years, Vietnam's disciplinary enforcement landscape has been profoundly reshaped by large-scale anti-corruption campaigns and intensified efforts to strengthen administrative accountability. These campaigns have resulted in the disciplining and prosecution of thousands of officials across multiple levels of government, including senior leaders occupying ministerial and provincial positions. Enforcement has been particularly prominent in sectors characterized by high discretion and significant public resources, such as public investment, healthcare procurement, land management, and crisis response. From an administrative law perspective, this development represents a decisive shift toward more assertive enforcement and signals a political and legal commitment to combating corruption and abuse of power (Nguyen & Vu, 2021; Vietnam News Agency, 2024).

The increased visibility and severity of disciplinary enforcement have contributed to a heightened deterrent effect and, in many cases, strengthened public confidence in state accountability mechanisms. The disciplining of high-ranking officials has challenged long-standing perceptions of impunity and reinforced the principle that no individual is exempt from disciplinary responsibility. This trend aligns with broader governance objectives to restore public trust in public institutions and enhance the credibility of the civil service. Empirical assessments and official reports suggest that disciplinary enforcement has become more systematic and coordinated, particularly through closer cooperation between Party inspection bodies, administrative inspectorates, and criminal justice authorities (OECD, 2020; Vietnam News Agency, 2024).

At the same time, enforcement practice has exposed several structural and institutional challenges. One recurring issue concerns the uneven application of disciplinary sanctions across different sectors and localities. Variations in administrative capacity, legal expertise, and leadership commitment have resulted in inconsistent outcomes in similar cases, raising concerns about equality before the law and the predictability of sanctions. Such inconsistencies risk undermining the legitimacy of disciplinary enforcement and may weaken its deterrent effect over time (Ho Duc Hiep et al., 2022).

Another significant challenge arises from the sheer volume and complexity of disciplinary cases generated by intensified enforcement. Disciplinary bodies at both central and local levels have faced considerable pressure in processing investigations, convening disciplinary councils, and issuing timely and well-reasoned decisions. In some instances, procedural shortcomings—

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such as delays, incomplete reasoning, or inadequate documentation—have been reported, highlighting capacity constraints within the disciplinary apparatus. These pressures underscore the need for enhanced professional training, clearer procedural guidance, and improved coordination among enforcement institutions (Gillespie, 2017).

Public and scholarly debates have also increasingly focused on issues of consistency and proportionality in disciplinary sanctions. While strict enforcement is widely supported, concerns have been raised about the balance between deterrence and fairness, particularly in cases involving indirect responsibility, negligence, or collective decision-making. Without clear criteria for assessing culpability and the severity of sanctions, there is a risk that disciplinary enforcement may be perceived as selective or overly punitive. Addressing these concerns requires continued refinement of legal standards, greater transparency in decision-making, and the systematic publication of guidance and anonymized case summaries (Ginsburg & Moustafa, 2018).

Overall, Vietnam's recent enforcement practice reflects both significant progress and ongoing challenges. The trend toward more robust disciplinary enforcement has strengthened accountability and deterrence, yet it has also highlighted the importance of legal clarity, institutional capacity, and procedural safeguards. Continued legal refinement and investment in administrative capacity will be essential to ensuring that disciplinary enforcement remains effective, fair, and consistent with the principles of administrative law.

6. COMPARATIVE PERSPECTIVES

Comparative administrative law analysis offers a useful lens for evaluating Vietnam's disciplinary responsibility regime by situating it within broader international patterns of public-sector accountability. Such a comparison highlights both shared structural features and distinctive characteristics shaped by differing political, legal, and institutional contexts. Vietnam's approach exhibits notable similarities with other socialist or post-socialist systems, particularly China, while diverging in important respects from administrative law models found in democratic civil-law states such as South Korea and France.

In comparison with China, Vietnam shares a governance model in which administrative discipline operates alongside strong political oversight. In both systems, disciplinary responsibility is embedded within a centralized, hierarchical framework, and Party disciplinary institutions play a decisive role in supervising Party members who are public officials. Administrative sanctions are often closely coordinated with political discipline, and enforcement emphasizes organizational control, leadership responsibility, and deterrence. This model enables swift and comprehensive enforcement but also concentrates disciplinary power within internal mechanisms, leaving relatively limited space for independent judicial review (Ginsburg & Moustafa, 2018; Peerenboom, 2020).

By contrast, South Korea represents a model in which disciplinary responsibility is firmly situated within a democratic administrative law framework characterized by stronger procedural guarantees and independent oversight. Korean disciplinary procedures emphasize due process, transparency, and the right to appeal before independent bodies, including administrative courts. Notably, South Korea has undertaken significant reforms to strengthen integrity governance, such as enhanced whistleblower protections and statutory limits on unquestioning obedience to superiors. These reforms reflect a recognition that effective discipline must be accompanied by safeguards that protect officials who refuse unlawful orders or report misconduct (OECD, 2020; Kim, 2019).

France offers a further point of contrast through its long-established tradition of administrative law. The French disciplinary regime is distinguished by highly formalized procedures, including mandatory disciplinary councils for serious sanctions and extensive judicial oversight by administrative courts. French courts exercise robust review over both the legality and proportionality of disciplinary decisions, ensuring a balance between administrative authority and individual rights. This model illustrates how disciplinary responsibility can be integrated into a mature system of administrative justice without undermining administrative effectiveness (Bell, Boyron, & Whittaker, 2020).

Taken together, these comparative experiences suggest several lessons for Vietnam's ongoing reforms. While centralized and coordinated enforcement has strengthened deterrence, greater attention to procedural independence, transparency, and judicial oversight could enhance the legitimacy and sustainability of Vietnam's disciplinary regime. Comparative models demonstrate that strong integrity enforcement and robust legal safeguards are not mutually exclusive but can be mutually reinforcing. For Vietnam, selectively adapting elements such as clearer standards of proportionality, expanded judicial review, and stronger protection for whistleblowers may contribute to a more balanced and rights-respecting system of disciplinary responsibility consistent with administrative law principles.

7. CHALLENGES AND RECOMMENDATIONS

Despite notable progress in strengthening disciplinary responsibility for civil servants, Vietnam's disciplinary regime continues to confront a range of legal, institutional, and procedural challenges. One persistent issue concerns the coexistence of

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overlapping normative frameworks, particularly between administrative law and Party disciplinary regulations. While coordination between these mechanisms has enhanced enforcement effectiveness, inconsistencies in legal standards, procedures, and limitation periods have at times created uncertainty and undermined legal predictability. From an administrative law perspective, such overlap risks weakening the principle of legality and complicating the uniform application of disciplinary sanctions (Ho Duc Hiep et al., 2022; Gillespie, 2017).

A second major challenge lies in the limited scope of judicial review over disciplinary decisions. Although the Law on Administrative Procedures (2015) permits judicial review in cases involving dismissal, most disciplinary sanctions remain subject only to internal administrative complaint mechanisms. This constrained judicial oversight limits external scrutiny of disciplinary power and may reduce confidence in the fairness and impartiality of enforcement, particularly in sensitive or high-profile cases. Comparative experience suggests that broader access to independent judicial review can strengthen both accountability and procedural justice without undermining administrative effectiveness (Ginsburg & Moustafa, 2018; Bell et al., 2020).

Uneven institutional capacity also presents a significant obstacle to consistent enforcement. Disciplinary bodies at the local level often face constraints in legal expertise, investigative capacity, and procedural experience, especially when handling complex cases involving public procurement, land management, or collective decision-making. These disparities contribute to inconsistent sanctioning outcomes across regions and sectors, raising concerns about equality before the law and proportionality in disciplinary practice. Addressing these capacity gaps is essential to ensuring that intensified enforcement does not come at the expense of procedural quality (OECD, 2020).

Finally, Vietnam's disciplinary regime must navigate inherent tensions between strict enforcement and procedural fairness. While robust sanctions enhance deterrence and signal political commitment to integrity, overly punitive or procedurally deficient enforcement risks eroding trust among civil servants and the public. This tension is particularly evident in cases involving indirect responsibility, negligence, or shared decision-making, where determining individual culpability requires a nuanced legal assessment. Without clear standards and transparent reasoning, disciplinary measures may be perceived as arbitrary or disproportionate (Nguyen & Vu, 2021).

In light of these challenges, this article advances several recommendations. First, greater harmonization of legal instruments governing disciplinary responsibility is needed to ensure consistency between administrative law and related regulatory frameworks. Clarifying limitation periods—particularly for serious violations—and codifying rules on retrospective discipline would enhance legal certainty. Second, procedural safeguards should be further strengthened by clearer statutory requirements for the assessment of evidence, the reasoning in decisions, and the functioning of disciplinary councils. Third, the scope of judicial review could be gradually expanded beyond dismissal cases to allow courts to examine serious disciplinary sanctions, thereby reinforcing external oversight and administrative justice.

In parallel with punitive measures, preventive strategies should be emphasized. Ethics education, compliance systems, and transparent reporting mechanisms can reduce the incidence of misconduct and foster a culture of integrity within the civil service. Regular publication of anonymized disciplinary case summaries and guidance on sanctioning standards would further enhance transparency and predictability. Finally, selective learning from comparative models—such as France's emphasis on proportionality review or South Korea's integration of whistleblower protections—can inform Vietnam's efforts to build a more rule-based and rights-respecting disciplinary regime (OECD, 2020; Kim, 2019).

Overall, addressing these challenges requires a balanced approach that combines strong enforcement with legal refinement, institutional capacity building, and respect for procedural fairness. Such an approach is essential for consolidating disciplinary responsibility as a legitimate and effective institution of administrative law in Vietnam.

8. CONCLUSION

Disciplinary responsibility for civil servants in Vietnam has undergone a significant transformation over the past decades, evolving from a predominantly internal and politically administered mechanism into a more formalized institution grounded in administrative law. This evolution reflects broader changes in Vietnam's governance framework, particularly the pursuit of administrative reform, the construction of a socialist rule-of-law state, and the intensification of anti-corruption efforts. The current disciplinary regime demonstrates enhanced enforcement capacity, a wider scope of accountability, and increased public visibility, especially through the disciplining of senior officials and leaders across multiple sectors.

From an administrative law perspective, the progressive codification of disciplinary responsibility—through statutes such as the Law on Cadres and Civil Servants, the Anti-Corruption Law, and detailed implementing regulations—has contributed to greater legal clarity and institutional coherence. The introduction of graduated sanctions, clearer allocation of disciplinary authority, procedural safeguards, and limited judicial review mechanisms signals a move toward legality, proportionality, and procedural rationality. At the same time, the continued prominence of political oversight and internal enforcement mechanisms

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highlights the hybrid nature of Vietnam's disciplinary system, situated at the intersection of legal regulation and political governance.

Nevertheless, the consolidation of disciplinary responsibility as a legitimate and sustainable institution of administrative law requires continued reform. Persistent challenges—including overlapping normative frameworks, constrained judicial oversight, uneven institutional capacity, and tensions between strict enforcement and procedural fairness—underscore the need for further legal refinement and professionalization. Without addressing these issues, intensified enforcement risks undermining legal certainty and due process, thereby weakening the long-term credibility of disciplinary governance.

Strengthening disciplinary responsibility within an administrative law framework remains essential to building an accountable, effective, and trustworthy civil service in Vietnam. Achieving this objective requires a balanced approach that combines robust enforcement with respect for procedural justice, transparency, and the lawful rights of civil servants. By harmonizing legal instruments, enhancing institutional capacity, expanding meaningful oversight, and selectively learning from comparative administrative law models, Vietnam can further align its disciplinary regime with international standards of public integrity while preserving its distinctive governance context. In doing so, disciplinary responsibility can continue to function not only as a tool of control, but as a cornerstone of lawful and legitimate public administration.

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