Protecting Constitution in Vietnam

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ABSTRACT

In the history of the development of the state, the constitution is considered the fundamental law, expressing the will, power and common values of the people; protecting the constitution is protecting the political and legal foundation of the nation, protecting people's sovereignty, legal order and basic human rights. The protection of the constitution is carried out by many subjects, including state agencies, social organizations and people through the form of law enforcement and law enforcement supervision. This study addresses the issue of protecting the constitution; analyzes the content of law enforcement and law enforcement supervision as both a form of protecting the constitution and two factors directly affecting the protection of the constitution in Vietnam. Based on the theoretical framework established, the author surveyed the opinions of 360 people from 3 localities in 3 regions of Vietnam, including Lang Son province (North), Nghe An province (Central), An Giang province (South). The survey results show that the organization of law enforcement by local authorities is well implemented, but the people's supervision in the government's law enforcement is rated at a lower level. From the conclusion of this study, the author discusses policy issues to increase people's supervision in law enforcement, contributing to protecting the constitution of Vietnam in the new era.

Keywords: Constitution; Constitutional protection; Law enforcement; Law enforcement supervision; Vietnam.

INTRODUCTION

Vietnam, along with Indonesia, were the first two countries in Southeast Asia to declare independence after World War II: Indonesia declared independence on August 17, 1945; Vietnam declared independence on September 2, 1945. Also from September 2, 1945, Vietnam's democratic regime was established; the Democratic Republic of Vietnam was formed, now the Socialist Republic of Vietnam, under the leadership of the Communist Party of Vietnam, with power belonging to the people through elected representatives.

The current Constitution of Vietnam (VNA, 2013) stipulates that Vietnam is a socialist democratic state; the Vietnamese state is organized and operates based on the principle of democratic centralism; state power belongs to the people, expressed through the people electing the National Assembly - the body representing the will and mastery of the people; the state commits to ensuring human rights and civil rights such as freedom of the press, assembly, religion... as stipulated in the Constitution and laws.

In the socialist rule of law state of Vietnam, protecting the constitution is not only the duty of state agencies, but also the responsibility of social organizations and the people. The mechanism of protecting the constitution is implemented through the form of law enforcement and law enforcement supervision. Organizing law enforcement is the main responsibility of state agencies; supervising law enforcement is the responsibility of subjects, including state agencies, social organizations and the people.

In fact, the organization of law enforcement is more stable in the order and content prescribed by law for the government system at all levels. However, the supervision of law enforcement is carried out at different levels for each subject, which is an issue that attracts the attention of many researchers and managers. This is also the reason

that attracts the author's attention when referring to the topic of protecting the constitution through the form of law enforcement supervision from the social subject, which is the people.

LITERATURE REVIEW

The term "constitution" comes from the Latin word "constutio", which originally referred to the promulgation of important laws by the Roman emperor, and was later widely used in religious law to refer to major decisions from the Pope. Today, the term "constitution" is commonly used in countries around the world to mean the fundamental law of the country, with the highest legal effect, built, promulgated, supplemented, and amended with a special procedure (POHR, 2015).

In legal science, there are many different views on the aspects that express the nature of the constitution. Among them, the popular view is that the nature of the constitution is expressed in three aspects: (1) The constitution is a commitment to the common values that a community pursues, a document that records social values accepted and shared by the whole society and people, expressing the compatible interests of social classes, the common interests of the people, and the nation; (2) The constitution does not regulate all types of existing social relations but only regulates the most basic relations, serving as a legal basis for the main political line to develop the country and society; (3) The constitution is a law with the highest legal effect expressing the will of the people in limiting state power, controlling the government towards the goal of protecting human rights.

The idea of protecting the constitution has appeared very early in the history of world politics and law, aiming to fight against the arbitrariness, authoritarianism, and dictatorship of the government and the state apparatus, while reflecting the development of the rule of law state and the mechanism of power control; it is an important foundation of the rule of law state, ensuring human rights, limiting abuse of power and maintaining social order. According to MOJ (2009), constitutional protection is implemented depending on the specific conditions of each country, such as the centralized or decentralized constitutional protection model... Depending on each historical period and political regime, the mechanism of protecting the constitution may be different, but all aim at the common goal of maintaining the supremacy of the constitution and protecting democratic values and the rule of law. According to Lam's explanation, N.D. (2003), the violation of the constitution is dangerous in that it breaks the foundation of the state and destroys people's trust in the immutability of the constitutional order, which can lead to violations of human rights; therefore, a rule of law and democratic state is forced to ensure compliance with the constitution and protect the constitution. Similarly, Quyen, T.T. (2018) affirmed that protecting the constitution has special political and legal significance for the political regime of each country, which is to ensure the stability and sustainable development of the country's political regime.

In general, the above studies all affirm that the sustainability of the constitutional regime depends largely on the protection of the constitution, because in any society there are subjects that are potentially at risk of violating the constitution; that risk also comes from the excess of authority and abuse of power by state agencies, from trends of social change... The research perspective on constitutional protection is summarized to imply the main contents, including: Maintaining the supremacy of the constitution; Protecting democratic values and the rule of law; Ensuring the stability and sustainable development of the political regime.

Constitutional protection is carried out by many subjects, and according to Vinh, V.K. (2020), these subjects include state agencies, social organizations, and people; carried out through the form of law enforcement and law enforcement supervision.

- Firstly, law enforcement is the main responsibility of state authorities. These authorities are responsible for organizing the implementation, compliance and ensuring the supremacy of the constitution and laws. Chien, D.V. et al. (2006) interprets the protection of the constitution as implying measures to enforce the law (propaganda, legal education; implementation of appropriate administrative measures; receiving opinions, explaining the responsibility for law enforcement), ensuring the supremacy of the constitution, and fighting against violations of constitutional principles and norms. Anh, H.D. (2006) and Quyen, T.T. (2018) explain in terms of making a judgment on the legality or illegality to compel relevant agencies and individuals to perform or not to perform a certain act to restore constitutional order, ensure and protect the constitutional rights and freedoms of citizens. The common problem of the above studies is related to the content of law enforcement, which is the synthesis of measures, methods of organization, implementation and decision making to ensure that norms are applied consistently, ensuring the supremacy of the constitution.

- Second, law enforcement supervision needs to be widely implemented by the people. Because the people are the subjects of state power, through the constitution to supervise and ensure that state agencies properly perform their functions and tasks, protect their legitimate rights and interests. The Constitution of Vietnam (VNA, 2013) stipulates that people have the right to supervise law enforcement: They have the right to participate in state and social management, participate in discussions and make recommendations to state agencies on issues of the

grassroots, locality and the whole country; The State creates conditions for citizens to participate in state and social management; The State is open and transparent in receiving and responding to citizens' opinions and recommendations. Explaining in depth about this issue, Ha, N.T. (2020) affirmed that the law enforcement process must be done so that the law can be put into practice in social life, requiring extensive participation and supervision from the people so that the feasibility of policies and laws can be expressed, aiming to ensure the consistency and seriousness of the constitution and laws. Hang, N.T (2018) argues that for the law to be effectively implemented and meaningfully integrated into social life, the State should adopt a multi-faceted approach to the organization and oversight of law enforcement, strengthen public trust, and ensure perceived fairness among citizens, thereby enhancing the effectiveness of law enforcement and promoting democratic and effective social governance.

The general spirit in the legal field studies all mention and analyze the fundamental and consistent goal of law enforcement and law enforcement supervision, which is to improve the quality of policies and laws on the basis of protecting the rights and legitimate interests of the people and enhancing democracy in social governance. From there, it contributes to ensuring the unity and seriousness of the constitution and building a legal system that accurately reflects practical needs, ensuring continuous legal feedback and limiting the risk of forming unfounded regulations, causing instability to the rights and legitimate interests of the people. With that meaning, this study puts forward the hypothesis: Law enforcement (H1), Law enforcement supervision (H2) have a direct impact on Constitutional protection, contributing to ensuring the unity and seriousness of the constitution and building a smooth legal system.

Through the research overview, the basic theoretical issues related to constitutional protection are explained. On that basis, the author designed a theoretical model including 3 scales, 9 observation variables in the direction of assessing the impact of law enforcement and law enforcement supervision on constitutional protection, as a theoretical basis for empirical research in Vietnam. These observation variables were designed into a survey form with 9 corresponding questions and measured by a 5-level Likert scale: 1 - Strongly disagree; 2 - Disagree; 3 - No opinion; 4 - Agree; 5 - Strongly agree (Table 1, Figure 1).

Table 1. Theoretical framework

Research content	Related research	Developing a new research scale
1. Law enforcement (LE)		
Measures, methods of organization, implementation and decision making to ensure that norms are applied consistently, ensuring the supremacy of the Constitution.	Anh, H.D. (2006); Chien, D.V. et al. (2006); Quyen, T.T. (2018); Vinh, V.K. (2020)	LE1. The government promptly disseminates and educates on the law so that people can grasp information and proactively implement legal policies. LE2. The government implements appropriate administrative measures so that people voluntarily and strictly implement policies and laws. LE3. The government accepts opinions and explains its responsibility for implementing policies and laws in a complete and responsible manner, creating trust and satisfaction among the people.
2. Law enforcement supervision (LS)		
Supervise state agencies to properly perform their functions and duties, and protect their legitimate rights and interests.	VNA (2013); Ha, N.T. (2020); Vinh, V.K. (2020)	LS1. People have the right to participate in the process of formulating and implementing local policies and laws. LS2. People are mobilized by the government to participate in the process of building and implementing policies and laws at the local level. LS3. People are allowed to participate in discussions and make recommendations to the government on local issues to enact policies and laws appropriate to reality.
3. Constitutional protection (CP)		
Maintain the supremacy of the Constitution; Protect democratic values and the rule of law; Ensure stability and sustainable development of the political regime.	Lam, N.D. (2003); MOJ (2009); Quyen, T.T. (2018)	CP1. The government builds and implements appropriate policies and laws, ensuring consistency, contributing to maintaining the supremacy of the constitution and laws. CP2. The government builds and implements appropriate policies and laws, contributing to protecting the constitution, protecting democratic values and the rule of law at the local level.

Research content	Related research	Developing a new research scale
		CP3. The government builds and implements appropriate policies and laws, contributing to protecting the constitution and ensuring stability and sustainable development of the political regime.

Source: Compiled by the author through the review

Research Model
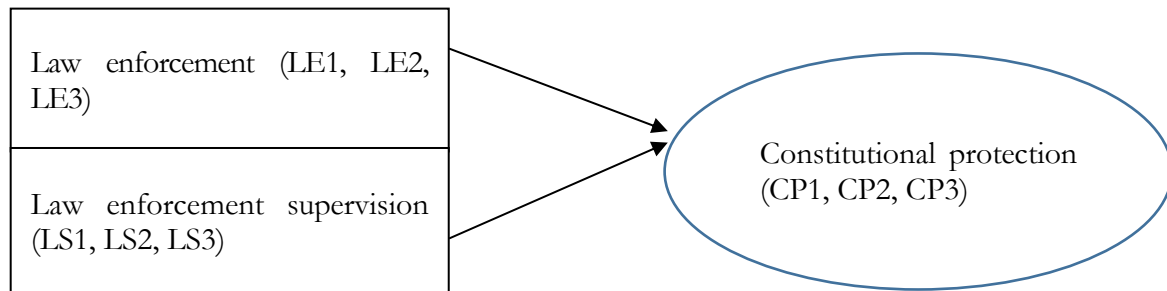
Figure 1. Research model

RESEARCH METHODS

To conduct this study, the author used a combination of qualitative and quantitative research. Qualitative research was deployed to collect and analyze secondary documents and build a theoretical model. Quantitative research was deployed through surveys to collect and analyze primary data to test the theoretical model.

In quantitative research, according to Hair, J.F. et al. (2009), the minimum sample size required is N = m*5 (in which, m is the number of observed variables). Applied in this study, the model includes 3 scales, 9 observed variables, so the minimum sample size required to conduct the survey is N = 9*5 = 45. In fact, the author conducted an official survey with a sample size of N = 360 people (N > 45) of 3 localities in 3 regions of Vietnam, including Lang Son province (North), Nghe An province (Central), An Giang province (South).

The survey was conducted selectively to collect information from respondents with appropriate educational qualifications (high school or higher) and who had at least 3 interactions with local authorities in the last 3 years. The survey results collected 360/360 valid responses, achieving a valid response rate of 100%.

RESEARCH RESULTS AND DISCUSSION

From the survey data collected with a sample size of N = 360 people, the author tested the reliability of the scales and observed variables in the theoretical model. In quantitative research, the scales are reliable when meeting the standard condition of Cronbach's alpha > 0.6; the observed variables are reliable when meeting the standard condition of Corrected Item-Total Correlation > 0.3 (Hair, J.F. et al., 2009). The test results show that all 3 scales and 9 observed variables in the theoretical model are reliable (Table 2).

Table 2. Statistical results and testing results of the scale

Scales	Observed variables	N	Min	Max	Mean	Std. Deviation	Cronbach' Alpha	Corrected Item-Total Correlation
1. Law enforcement (LE)	LE1 LE2 LE3	360 360 360	1 1 1	5 5 5	4.14 4.09 3.99	.656 .709 .713	.721	LE1 = .519 LE2 = .535 LE3 = .483
2. Law enforcement supervision (LS)	LS1 LS2 LS3	360 360 360	1 1 1	5 5 5	4.02 3.96 3.94	.710 .682 .690	.689	LS1 = .514 LS2 = .533 LS3 = .418
3. Constitutional protection (CP)	CP1 CP2 CP3	360 360 360	1 1 1	5 5 5	4.03 4.00 4.01	.684 .710 .674	.794	CP1 = .518 CP2 = .486 CP3 = .507
Valid N (listwise)		360						

The statistical data in Table 2 shows that the observations of the scales "Law enforcement" (LE), "Law enforcement supervision" (LS), "Constitutional protection" (CP) are rated at an average level of Mean ≥ 3.94, all of which are statistically significant according to the Likert scale (1-5). This shows that people's opinions contribute to proving that the government builds and implements appropriate policies and laws, ensuring consistency, contributing to maintaining the supremacy of the constitution and laws, protecting democratic values, the rule of law at the local level, ensuring stability and sustainable development of the political regime.

In particular, the "Law enforcement" (LE) scale has high observed values of LE1 and LE2, but low observed value of LE3, contributing to demonstrating that the organization of law enforcement is implemented by local authorities with appropriate measures (propaganda, education, administration) so that people can grasp information and proactively and voluntarily implement legal policies. However, there are limitations in the aspect of receiving opinions and explaining responsibility for implementing policies and laws, that in many local bases, receiving opinions and explaining responsibility for implementing policies and laws is not complete and responsible, not creating trust and satisfaction of the people.

The "Law enforcement supervision" (LS) scale has the lowest observed values: Mean (LS1) = 4.02, Mean (LS2) = 3.96, Mean (LS3) = 3.94, showing that people have the right to participate in the process of formulating and implementing policies and laws at the local level, but at a limited level. Accordingly, many people have not been mobilized to participate in the process of formulating and implementing policies and laws at the local level; have not been able to participate in discussing and making recommendations to the government on local issues to promulgate policies and laws that are suitable to reality.

The above research and survey results contribute to reflecting the reality in Vietnam, that people's supervision of law enforcement is limited in the form of participation in the process of formulating and implementing policies and laws at the local level. At the same time, local accountability for receiving people's criticism of policies and laws has not been promoted. This is a factor that directly affects the promotion of people's active participation in the process of formulating and implementing policies and laws at the local level. The above research and survey results are similar to the comments and assessments of a number of recent studies. According to the assessment of Tu, T.T.C. (2024), law enforcement supervision activities still lack clear and specific regulations on the mechanism for receiving and responding to opinions and sanctions for not accepting social criticism. Or as MOJ (2025) assessed, law enforcement supervision activities still lack initiative and flexibility in supervision forms.

The scales and observed variables have standard reliability test values, which are the basis for further analysis. The author conducts exploratory factor analysis with Varimax rotation to preliminarily assess the unidimensionality, convergent value, and discriminant value of the scales to have more basis for drawing research conclusions about the suitability of the proposed theoretical research model (Table 3 and Table 4).

Table 3. Total Variance Explained

KMO and Bartlett's Test		
Kaiser-Meyer-Olkin Measure of Sampling Adequacy.		.756
Bartlett's Test of Sphericity	Approx. Chi-Square	2258.980
	df	36
	Sig.	.000

Total Variance Explained									
	Initial Eigenvalues			Extraction Sums of Squared Loadings			Rotation Sums of Squared Loadings		
Component	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %
1	3.584	39.817	39.817	3.584	39.817	39.817	2.840	31.557	31.557
2	2.862	31.796	71.613	2.862	31.796	71.613	2.737	30.411	61.969
3	1.079	11.990	83.604	1.079	11.990	83.604	1.947	21.635	83.604
4	.492	5.472	89.075						
5	.448	4.974	94.050						
6	.194	2.157	96.207						
7	.167	1.854	98.061						
8	.123	1.369	99.430						
9	.051	.570	100.000						
Extraction Method: Principal Component Analysis.									

Table 4. Rotated Component Matrix

Rotated Component Matrix[a]		
Scales		Component

	Observed variables	1	2	3
1. Law enforcement (LE)	LE1	.860		
	LE2	.865		
	LE3	.852		
2. Law enforcement supervision (LS)	LS1		.825	
	LS2		.850	
	LS3		.787	
3. Constitutional protection (CP)	CP1			.852
	CP2			.847
	CP3			.811
Extraction Method: Principal Component Analysis. Rotation Method: Varimax with Kaiser Normalization. a. Rotation converged in 5 iterations.				

Source: Author's survey results

In terms of theory, exploratory factor analysis was performed in accordance with the data set shown through the values: $0.5 \leq KMO \leq 1$; Bartlett test with observation significance level Sig. < 0.05; Eigenvalue ≥ 1; Total Variance Explained $\geq 50\%$; Factor Loading ≥ 0.5 (Hair, J.F. et al., 2009). Data in Table 3 and Table 4 show that:

- KMO = 0.756 > 0.5, confirming that exploratory factor analysis is appropriate for the data set; Bartlett's test has an observed significance level of Sig. = 0.000 < 0.05, showing that the observed variables have a linear correlation with the representative factor. Total variance extracted with Cumulative % = 83.604% > 50% (Table 3), showing that 83.604% of the variation of the representative factors is explained by the observed variables; all observed variables have Factor Loading > 0.5 (Table 4), showing that the observed variables have good statistical significance. The theoretical research model initially proposed is consistent with the survey research practice.

- The observed variables were extracted into 03 factors corresponding to 03 initial factors with Eigenvalues > 1 (Table 3), continuing to confirm the suitability of the theoretical model. And the original research model was kept intact, including: 02 independent variables "Law enforcement" (LE), "Law enforcement supervision" (LS) and 01 dependent variable "Constitutional protection" (CP) with a total of 9 observed variables with good statistical significance, which can perform multivariate linear regression analysis to examine the relationship of the scales in the model. The results of the regression analysis are shown in Table 5, which is the basis for the author to draw research conclusions.

Table 5. Multivariate regression results

Coefficientsa							
		Unstandardized Coefficients		Standardized Coefficients			
Model		B	Std. Error	Beta	t	Sig.	VIF
1	(Constant)	1.102	.273		10.432	.000	
	Law enforcement (LE)	.532	.310	.471	9.938	.000	1.842
	Law enforcement supervision (LS)	.489	.294	.445	8.557	.000	1.839
a. Dependent Variable: Constitutional protection (CP) R²: 0.737; Durbin-Watson: 2.007							

Source: Author's survey results

The data in Table 5 shows that:

+ $R^2 = 0.737$, confirming that the scales "Law enforcement" (LE), "Law enforcement supervision" (LS) explain 73.7% of the variation in the scale "Constitutional protection" (CP); VIF = 1.842 and VIF = 1.839 (1 < VIF < 2), showing that the regression model does not have multicollinearity; Durbin-Watson = 2.007 (1 < d < 3), showing that the regression model does not have autocorrelation, confirming that the scales "Law enforcement" (LE), "Law enforcement supervision" (LS) are independent and have the same impact on the scale "Constitutional protection" (CP), confirming the suitability of the theoretical research model with the survey data set.

+ The regression coefficients of the two independent variables "Law enforcement" (LE), "Law enforcement supervision" (LS) are both statistically significant Sig. = 0.000 (Sig. < 0.05) and have positive values: B (TT) = 0.532 and B (GS) = 0.489, confirming the positive relationship between the two independent variables "Law enforcement" (LE), "Law enforcement supervision" (LS) and the dependent variable "Constitutional protection" (CP); hypotheses H1, H2 are accepted; the initial research model continues to be confirmed to be appropriate.

Based on the generalized regression model of Hair, J.F. et al. (2009): Y = Bo + B1*X1 + B2*X2 + … + Bi*Xi, the author determined the multivariate regression model of this study as follows: CP = 1.102 + 0.532*LE + 0.489*LS.

Based on the regression coefficient (B), it can be seen that the correlation level of independent variables and dependent variables in decreasing order is: "Law enforcement" (LE), "Law enforcement supervision" (LS). From the above results of testing, analysis and evaluation, the research conclusion that the author is interested in is:

- Firstly, in general, the government builds and implements appropriate policies and laws, ensuring consistency, contributing to maintaining the supremacy of the constitution and laws, protecting democratic values and the rule of law at the local level, ensuring stability and sustainable development of the political regime.

- Second, in a specific aspect, people's supervision of law enforcement is limited to the form of participation in the process of formulating and implementing policies and laws at the local level. At the same time, local accountability for receiving people's criticism of policies and laws has not been promoted.

The above reality is a factor that directly affects the promotion of people's active participation in the process of building and implementing policies and laws at the local level. From the research conclusion, the author discusses solutions to promote proactiveness and positivity in law enforcement and law enforcement supervision to contribute to ensuring the unity and seriousness of the constitution and building a legal system that accurately reflects practical needs, namely: (1) Building and transparently implementing a mechanism of local accountability for receiving comments on policies and laws from the people; (2) Ensuring the implementation of the government's obligations to respond to people's opinions in the process of building and implementing policies and laws.

In fact, the current legal system has general provisions on the responsibility to receive comments on policies and laws from the people; but there are no specific provisions on the time limit, criteria for receiving and the mechanism for explanation from the agency that develops policies and laws. When there is a clear and transparent mechanism for explanation, the people's supervision of the implementation of policies and laws is both principled and practical, and is respected in the process of developing and promulgating local policies and laws. Thereby, it contributes to ensuring the unity and seriousness of the constitution and building a legal system that accurately reflects practical needs, ensuring continuous feedback on policies and laws and limiting the risk of forming unfounded regulations that destabilize the legitimate rights and interests of the people.

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