



Organizational And Operational Characteristics Of Vietnamese Commune-Level Authorities

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ABSTRACT

Local authorities in different countries have their characteristics and are organized with principles consistent with their political institutions, historical development, and national culture. Accordingly, there have been different organizational and operational models of local authorities around the world such as the self-governing model, combination model of deconcentration (French term) and decentralization, dual supervision model, etc. Given the organizational and operational characteristics of Vietnamese local authorities, recommendations are suggested as innovations for improvement of the local authority models, by the political institution, history, and national culture as well as the social development. Secondary data analysis and case study methods were employed in this study for the research on the commune-level authority in the 3-3-level government system (provincial level, district level, commune level) to generalize the organizational and operational characteristics of Vietnamese local authorities.

Keywords: Local authorities; Commune-level authority; Vietnam.

1. Introduction

The term “locality” is legally attached to a system of 3-level administrative units in Vietnam: 63 provincial-level administrative units (provinces and municipal cities); 705 district-level administrative units (districts in provinces and cities, towns, provincial cities, cities of municipal cities); 10,599 commune-level administrative units (communes, wards, commune - level towns) [GSO, 2023].

Local authorities are organized into 3-level local administrative units. Each administrative unit has government agencies including the People's Council and the People's Committee. Local authorities implement state management with the principle of sectoral management combined with territorial management as prescribed by law [VNA, 2015]. This means that local authorities manage all areas of the society within the local territory, but are the subjects to supervision and compliance with the regulations of the central sector management agency (ministries, ministerial-level agencies) for each specific field.

Vietnam's three-level local authorities are organized and operated according to the same principles: The People's Council is the state power agency, established by electors; The People's Committee is a state administrative agency, established by the People's Council at the same level; The People's Council make resolutions to regulate issues within the scope of local management and supervises the People's Committee in implementing the resolutions; The People's Committee implements the resolutions of the People's Council and legal documents of superior state agencies for social management in the locality.

In the 3-level local authority system, the commune-level authorities account for a large number of administrative units, are responsible for regularly resolving citizens' requests, and are known as the grassroots agencies. Therefore, regarding the organizational and operational characteristics of Vietnamese local authorities, commune-level authorities are chosen as specific and typical research subjects in this study.

2. Vietnamese commune-level authorities

Communes, wards, and commune - level towns, called commune-level authorities, are 3 types of commune-level administrative units defined by law with equal legal status. There are differences between communes, wards, and commune

- level towns in Vietnam, which are interesting to be discussed in this study.

A commune is a rural administrative unit, located on the territory out of the inner cities of municipal cities, provincial cities, and towns and managed by the local authorities, which are: The Commune People's Council and the Commune People's Committee. The residents in the commune have a sense of community, and reside in households, with close relationships in labor, production, daily – life activities, and other social activities. The living area of commune residents is limited to a certain area, formed by geographical, economic, and social conditions, culture, customs, traditions, and other factors. The economy of a commune is mainly related to agricultural activities with natural working tools (houses, gardens, ponds, fields, etc.) and is often associated with available geographical conditions (50% or more of agricultural labor).

A ward is also an administrative unit at the same level as a commune, managed by the grassroots authorities, which are the People's Council and the People's Committee. A ward is an urban administrative unit, located on the territory belonging to the inner cities of municipal cities, provincial cities, districts, and towns. The population, and the economic, and socio-cultural characteristics of a ward are completely different from those of a commune: A ward is densely populated and diverse in population; the citizens are highly educated; the economic activities are mainly trade, services, and handicrafts; A ward is considered as the administrative center (planned as the center of local administrative agencies) as well as the center of service, culture, industry, handicraft, technology and science transfer of a district, a town or a provincial city; there are no or a very small percentage of agricultural labors in a ward.

A commune–level town is another administrative unit at the same level as a commune. This residential area is mainly for trade, services, and handicrafts and ranked as a class-5 - 5 urban area. A commune–level town is a general or specialized center of politics, economics, culture, and services and plays a role in promoting the economic and social development of a district or a sub-region of the district. The rate of non-agricultural workers in a commune–level town

reaches 65% or more compared to the total number of workers. In terms of location and function, commune–level towns are divided into three types: (1) a district town - the district's central urban, which functions as the center of administration, service, culture, industry, handicraft, technology, and science transfer of a district; (2) a center town of service, economic activities, culture - an urban center town of a cluster of communes or a sub-region of the district; (3) a satellite town – an urban is formed in an area of influence, directly associated with the development of central urban at the national level, inter-provincial regional level or provincial economic-administrative regions.

Commune-level local authorities belong to the lowest level in the system of government apparatus from the central to the grassroots to carry out management activities according to administrative-territorial boundaries; are considered the most direct management responsible for receiving and solving problems arising from the production process of the local people. On the legal front, an authority of a commune, a ward, or a commune–level town, with responsibilities of a local authority, is an administrative unit with legal status recognized by the Constitution and Vietnamese laws to manage an administrative territory within the country [VNA, 2013; VNA, 2015]. The local authority of a commune, a ward, or a commune-level town is all made up of two agencies: The People's Council (state power agency) and the People's Committee (state administrative agency). This state institution is established to perform state management in localities and tends to be organized and operated by the different characteristics of different localities.

Thus, commune-level authorities, including local authorities in communes, wards, and commune–level towns, belong to a system of state agencies established to exercise the state power within the authorized state management scope and are all made up of the People's Council - the local state power agency and the People's Committee - the local state administrative agency. Due to the different characteristics among communes, wards, and commune–level towns, there are differences among the local authorities, which are: (1) The local authority of a commune is a rural government, implementing the state management within the commune's administrative territory and has typical features of a nature - related administrative unit; (2) The local authority in a ward is an urban government, implementing the state management within the ward's administrative territory and has typical features of an urban administrative unit which is nature - unrelated; (3) The local authority in a commune - level town has characteristics of an urban government because the town, which is ranked a class

- 5 Urban, mainly develops services, commerce, and handicrafts and plays the role of an administrative center of the district. However, the local authority in a commune-level town also possesses the characteristics of a rural government in case a district is an administrative unit in a rural area and the commune–level town is the district center or the center of a cluster of communes or sub-regions within the district.

3. Organizational and operational characteristics of Vietnamese commune-level authorities

The organizational structure and operation of commune-level authorities are based on the provisions of law [VNA, 2015], ensuring the following 4 principles:

(1) comply with the Constitution and laws, manage the society by law; implement the democratic centralism principle; (2) guarantee modernity and transparency, best serve the people and under the people's supervision; (3) The People's Council meets in sessions and makes decisions by the majority; (4) The People's Committee operates under the collective working regime combined with the responsibility regime of the Chairman of the People's Committee.

a) Organizational characteristics of commune-level authorities

A commune-level authority is organized with the People's Council and the People's Committee. The People's Council, the state power agency in a commune, ward, or a commune-level town, represents the people's will, aspirations, and rights to mastery. The People's Council is elected by the local people and is responsible to the local people and higher-level state agencies. The People's Committee is the executive body of the People's Council at the same level, and the state administrative agency in a commune, a ward, or a commune-level town.

The organizational structure of the People's Council at the commune level includes the Standing Committee of the People's Council, divisions of the People's Council, and delegates. The delegates are elected by voters in a commune, a ward, or a commune-level town with the number determined by law. The Standing Committee consists of a Chairman, a Vice Chairman who is a full-time delegate, and members who are Heads of the divisions belonging to the People's Council. The divisions of the People's Council at the commune level include the Legal division and the Socio-Economic division. In each division, there is a Head and a Deputy Head who hold concurrent positions, and the number of division members is decided by the People's Council.

The organizational structure of the People's Committee at the commune level includes the Chairman, Vice Chairman, Military Commissioner, Police Commissioner, and civil servants. The number of Vice Chairmen is determined according to the classification of commune-level administrative units. The Chairman of the Commune People's Committee is the leader who directs the implementation of activities of the People's Committee so that the set goals can be achieved. The Vice Chairman is assigned and individually responsible for a certain sector (such as the Economic - Financial sector, Cultural - Social sector, etc.) and other authorized tasks by the Chairman. The People's Committee at the commune level has from 3 to 5 members, including the Chairman, 2 Vice-Chairmen and other members. Each member of the People's Committee is individually responsible to the Chairman and together with other members is collectively responsible to the People's Council at the same level and superior state agencies for the assigned tasks. There are specialized positions for civil servants to implement tasks within the responsibilities of the People's Committee at the commune level such as Commander of the Commune Military Command; Clerical - statistics civil servants; Cadastre - construction - urban and environment civil servants (forwards and commune - level towns); Cadastre - agriculture - construction - urban and environment civil servants (for communes); Finance and accounting civil servants; Judicial - civil status public servants; Social and cultural civil servants [VG, 2023].

b) Operational characteristics of commune-level authorities

The operation of commune-level authorities refers to the operating process of the government apparatus in communes, wards, or commune-level towns to ensure the political targets for stable and sustainable development. This operation is regular and constant, associated with the social movement process and the principle of sectoral management combined with territorial management [Thu, V.T., 2013; Trung, N.S., 2019], at the same time, based on the functions and responsibilities of commune-level authorities prescribed by law [VNA, 2015], specifically: (1) implement and ensure the execution of the Constitution and laws on communes, wards and commune - level towns; (2) decide on issues of communes, wards and commune - level towns within the decentralization scope prescribed by law; (3) perform duties and powers authorized by superior state administrative agencies; (4) be responsible to the superior state agencies for the results of implementing the assigned tasks in communes, wards or commune

- level town; (5) decide and take measures to promote the people's rights to mastery, mobilize social resources to build and develop the economy and society, and ensure the national defense, the security in communes, wards, or commune-level towns.
- Duties and powers of the People's Council in communes, wards or commune - level towns: (1) make resolutions on issues within the scope of the assigned duties and powers; (2) elect, relieve from duty, and dismiss the Chairman, Vice Chairman, Head of Divisions of the People's Council; elect, relieve from duty, and dismiss the Chairman, Vice Chairman, and members of the People's Committees; (3) approve the annual economic and social development plan of communes, wards or commune - level towns before submitting to the People's Committee at district levels for approval; decide and adjust budget estimates of communes, wards or commune - level towns in case of necessity; approve the budget settlement of communes, wards or commune - level towns; decide on investment policies for programs and projects in

- the area according to the provisions of law; 4) supervise compliance with the Constitution and laws, and the implementation of resolutions; supervise the working activities performed by the Standing Committee of the People's Council, the People's Committee and divisions of the People's Council in communes, wards or commune - level towns; supervise legal documents issued by the People's Committees at the same level;
- (5) take or cast confidence votes for elected officials as regulated; (6) dismiss delegates of the People's Council and accept the request of delegates to resign from their duties; (7) annul part or all of illegal documents given by the People's Committee and Chairman of the People's Committee at the same level.
- Duties and powers of the People's Committee at the commune level: (1) Develop and submit to the People's Council at the same level to decide on the local issues according to the provisions of law; (2) organize the implementation of resolutions of the People's Council at the same level; (3) implement the local budget; (4) perform duties and powers decentralized and authorized by superior state agencies.

* The operation of the People's Council at the commune level

The People's Council at the commune level is the people's representative body and the state power agency in communes, wards, and commune-level towns, performing basic duties: (1) meet in sessions to make resolutions; (2) carry out supervision activities through reviewing reports, accountabilities of the People's Committees at the same level; (3) hold meetings with voters; (4) coordinate with the People's Committee, the Fatherland Front Committee and social-political organizations of communes, wards and commune - level towns to well perform the tasks of surveying, monitoring, and executing the resolutions and mass mobilization work for the economic and social development and the local security as well as consolidate the position of the local authorities.

The People's Council of communes, wards, and commune-level towns has a 5-year term, operating through the Council's meeting sessions and the working performance of the Standing Committee, divisions, and delegates, specifically:

- Meeting sessions are organized with a collective working regime and the Council's decisions are made by the majority (more than 50%) except for relieving or dismissing the Council's delegates from duties, which is necessary to be voted by the two-thirds of the delegates.
- The Standing Committee of the People's Council works daily with the principle of democratic centralism, organizes activities of the People's Council, takes responsibilities, and submits working reports to the People's Council. The Standing Committee of the People's Council issues special documents to carry out its duties and powers. Members of the Standing Committee are collectively responsible for implementing the Standing Committee's duties and powers to the People's Council and individually responsible for their assigned tasks and powers to the Standing Committee.
- The Chairman of the People's Council directs the activities of the Standing Committee of the People's Council at the same level, and on behalf of the Standing Committee keeps contact with the People's Committee, state agencies, and the Standing Board of Vietnam Fatherland Front Committee, member organizations of the Front at the same level, social organizations and citizens. The Vice Chairman of the People's Council is in charge of performing tasks assigned by the Chairman. In case the Chairman is absent, the Vice Chairman is authorized to perform the Chairman's duties and powers.
- Divisions of the People's Council operate with the principle of democratic centralism, take responsibility, and submit working reports to the People's Council. Members of the divisions are collectively responsible for implementing the divisions' tasks and powers to the People's Council and individually responsible for their assigned tasks and powers to their divisions.
- Delegates of the People's Council represent the local people to exercise the state power, express their will and aspirations, and are responsible for their duties to the people.

* The operation of the People's Committee at commune level

The People's Committee at the commune level carries out the duties and powers as follows: (1) develop and submit to the People's Council at the same level to decide on the local issues according to the provisions of law and organize the implementation of resolutions of the People's Council; (2) implement the local budget; (3) perform duties and powers decentralized and authorized by superior state agencies. The main and most important operation form of the People's Committee at the commune level is meeting in sessions. The meeting sessions are convened and chaired by the Chairman of the People's Committee to discuss issues such as working agendas, economic and social development plans, budget estimates, budget settlement approval, and local reserve funds to report to the People's Council for approval.

The duties of the People's Committee at the commune level are also associated with the separate powers of the Chairman of the People's Committee, which are: (1) leading and managing the work of the People's Committee and its members; (2) directing and ensuring the implementation of the Constitution, laws, and

documents of superior state agencies, the People's Council and the People's Committee; carrying out tasks related to national defense, security, ensuring the social order and safety, fighting and preventing crime and other violations of law, preventing and fighting against bureaucracy and corruption; taking measures to protect assets of agencies and organizations, protecting the people's life, freedom, honour, dignity, property, and other legitimate rights and interests; implementing population management measures in communes, wards and commune – level towns according to the provisions of law; (3) managing and effectively using working facilities at offices, assets and the assigned state budget according to the provisions of law; (4) resolving the people's complaints, denunciations, violations of the law, and directly communicating with citizens for their inquiries according to the provisions of law; (5) authorizing the Vice Chairman of the People's Committee to perform tasks and powers within the Chairman's the authority scope; (6) directing to take measures of protecting the environment, preventing and fighting fire and explosion; resolving unexpected and urgent tasks, related to preventing and fighting with natural disasters, epidemics, security, order and social safety in communes and commune – level towns according to the provisions of law; (7) perform duties and powers decentralized and authorized by superior state agencies.

The Vice Chairman of the People's Committee at the commune level is subject to assist the Chairman of the People's Committee; carry out management tasks associated with economic activities, culture, education, health, etc., and take individual responsibility in the working performance process. Members of the People's Committee are assigned by the Chairman to be in charge of certain specialized industries and fields such as military, police, etc., and are individually responsible for their duties carried out in communes, wards, and commune–level towns.

4. Evaluation of the organizational structure and operation of Vietnamese commune-level authorities and recommendations for innovation

With the nature of the state being of the people, by the people, and for the people, the organization and operation of state agencies all have the participation of the people by the motto, that is, the people know, the people discuss, the people implement, and the people supervise. Thus, the operation of commune-level authorities is determined by the people's increasing participation in organizing activities and operation of the state agencies, which directly promotes the spread of democracy at the grassroots [Doan, N.M., 2015; Mai, H., 2016]. Being the closest to the people, in addition to the form of representative democracy through the People's Council, the commune-level authorities are also operated with the people's participation in the form of direct democracy. Moreover, the operation of the commune-level authorities not only presents internal relationships within the authorities, relationships between the authorities and other agencies, organizations, and individuals, but also includes relationships between the authorities and the people's self-governing organizations such as villages, hamlets, and residential clusters [Phuong, N.T., 2018; Phuong, N.M., 2021]. This is a unique operational characteristic of state agencies at the grassroots level in which the people's self-governing organizations exist. To support these self-governing organizations to operate effectively, they must follow the guidance of the local authorities.

Theoretically, the functions and tasks of local authorities of communes, wards, and commune–level towns are not the same because of different problems to be solved and different objects of management. However, according to current law [VNA, 2015], the functions, tasks, and powers of local authorities of communes, wards, and commune–level towns are not much different. There are differences in authority between these state agencies at the commune level, which are:

- Firstly, the People's Council of a commune has the authority that the People's Council in a ward and a commune–level town don't, that is, the People's Council of a commune decides on measures to ensure the social order and safety, prevent and fight against crime and other violations of law, prevent and terminate bureaucracy and corruption within the decentralization scope; measures to protect assets of agencies and organizations, life, freedom, honor, dignity, property, and other legitimate rights and interests of citizens in the commune.
- Secondly, the Chairman of the People's Committee of a ward and a commune–level town has the authority that the Chairman of the Commune People's Committee in a commune does not, that is, the Chairman of the People's Committee in a ward and a commune – level town are subject to coordinate with authorized agencies and organizations to implement the planning for urban infrastructure development, construction, transportation, prevent and fight against fire and explosion, save the environment, space, architecture, and urban landscape in the ward or the commune – level town.

Thus, there is a certain difference between the urban government of wards and commune–level towns and the rural government of communes; however, it is not a big difference. That raises the necessity of further concerns about the development of the local authority model in communes, wards, and commune–level towns that best suit the economic and social characteristics of each locality. In communes, in addition to the system of commune-level authorities and affiliated institutions such as hamlets, villages, etc. managed by the

state based on law, there is also a system of representatives that are dignitaries in the clan, village elders, religions, etc. to regulate the behavior of members by customs or conventions. Therefore, the state management in communes should lean towards a self-governing style, promoting the aspirations and will of the community. Inwards and commune-level towns, the local authorities need to ensure urban management. Besides, it is necessary for the local authorities in commune-level towns to meet the management requirements of those in rural areas like communes.

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