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Original article

Direct Democracy under the Conditions of One Party Ruling in Modern Vietnam

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Abstract. The issue of direct democracy is a concern of many countries around the world, including Vietnam. The implementation of direct democracy is the basis for ensuring the power of the people. Therefore, together with representative democracy, the implementation of direct forms of democracy is of indispensable importance in modern states. Currently, most countries tend to expand the form of direct democracy along with strengthening and promoting the effectiveness of representative democracy, in order to ensure the strong promotion of civil rights in the exercise of state power. As a country with a political regime with only one ruling Party, Vietnam is in the process of promoting the democratization of political, economic and socio-cultural life, identify democracy as both a goal and a driving force for national reform and renewal. Direct democracy is specified in the Constitution and law of Vietnam with many forms of implementation such as: referendums, elections, dismissals of voters, contributions to draft policies and laws of the State, inspection and supervision of the operation of the State apparatus, complaints, denunciations, protests... etc. As the only ruling party in Vietnam, the Communist Party of Vietnam has always focused on expanding the form of direct democracy to ensure the true mastery of the people, however, the effectiveness of this form of democracy in Vietnam now faces many challenges such as: issues of people's level, inadequacies of the legal system, the culture of public service performance of civil servants, the psychology of relying on the party and state of the people ... The article focuses on clarifying the role of direct democracy, analyzing the Communist Party of Vietnam's position system on direct democracy and recognizing the limitations in the implementation of this form of democracy in modern Vietnam.

Key words: democracy, direct democracy, political party, ruling party, ensuring democracy, form of democracy, politics of Vietnam

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Прямая демократия в условиях однопартийного правления в современном Вьетнаме

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Аннотация. Проблема прямой демократии волнует многие страны мира, в том числе Вьетнам. Осуществление прямой демократии является основой для обеспечения власти народа. Поэтому,



наряду с представительной демократией, внедрение прямых форм демократии имеет незаменимое значение в современных государствах. В настоящее время большинство стран стремятся расширять формы прямой демократии наряду с укреплением и повышением эффективности представительной демократии, чтобы обеспечить активное поощрение гражданских прав при осуществлении государственной власти. Как страна с политическим режимом только с одной правящей партией, Вьетнам находится в процессе содействия демократизации политической, экономической и социально-культурной жизни, определяя демократию как цель и движущую силу национальных реформ и обновления. Прямая демократия указана в Конституции и законодательстве Вьетнама со многими формами реализации, такими как: референдумы, выборы, увольнения избирателей, участие в разработке политики и законов государства, проверка и надзор за работой государственного аппарата, жалобы, доносы, протесты. Будучи единственной правящей партией во Вьетнаме, Коммунистическая партия Вьетнама всегда была сосредоточена на расширении формы прямой демократии для обеспечения подлинного господства народа, однако эффективность этой формы демократии во Вьетнаме в настоящее время сталкивается со многими проблемами, такими как: проблемы уровня людей, недостатки правовой системы, культура государственной службы государственных служащих, психология опоры на партию и государство народа. Статья посвящена разъяснению роли прямой демократии, анализу системы позиций Коммунистической партии Вьетнама в отношении прямой демократии и признанию ограничений в реализации этой формы демократии в современном Вьетнаме.

Ключевые слова: демократия, прямая демократия, политическая партия, правящая партия, обеспечение демократии, форма демократии, политика Вьетнама.

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Introduction

Nowadays, direct democracy is becoming the dominant trend of modern politics that no country can ignore. However, depending on the political regime, each country will have a different way of recording and implementing. Practice has shown that there is no common pattern for applying the form of democracy directly to every country as well as in the different stages of a country's development. Therefore, in order for this form of democracy to truly work in practice, in addition to building a strict legal basis system, political parties, states and citizens must have a basic understanding of the nature and mode of implementation of democracy and have a flexible application in the conditions, specific circumstances. In Vietnam, in the only condition that a ruling party is today, the emphasis on the implementation of direct democracy is important in building a truly democratic society.

Research subjects and methods

The object of the research is direct democracy associated with the practice of only one ruling party in modern Viet Nam. The author studies direct democracy in the relationship with the political party's ruling power. Secondary document analysis method is used to systematize the basic theories about the role of direct democracy and the problems posed to this form of democracy in modern society. To promote the effectiveness of this method, the author determines the importance of the source material to analyze and establish search keywords after consulting with experts. In addition, other scientific research methods such as historical research method, comparative method, and synthesis method are also used by the author to clarify the system of views of the Communist Party of Viet Nam on democracy in general, direct democracy in particular and the problems posed to the implementation of direct democracy in Viet Nam.



Results and discussion

1. Generalization of the role of direct democracy

Democracy is a concept that appeared quite early in the history of world political thought. It is a form of organization of the political institution of society based on recognizing the people as the source of power, recognizing the principles of equality, freedom and human rights. In other words, democracy is a way of expressing citizenship, the rights of civil institutions in the political system. Democracy is done primarily in two forms: direct democracy and representative democracy, in which direct democracy is characterized by citizens having direct control over the functioning of the state. If the form of democracy represents the exercise of the control of citizens over the democratic regime, then for the form of direct democracy, the people directly exercise state power, expressing their will as a subject of power [Thomas E. Cronin, 1989]. Direct democracy is seen as a way for citizens to exercise power by making public decisions [Rudenko, 2003].

Direct democracy has a close relationship with political effectiveness. As citizens implement direct democracy, they will have more knowledge of politics and be more proactive in engaging in political activities [Bowler, Donovan, 2004]. This means that the effectiveness of citizens' political participation will increase through a better understanding of their rights, the political system, of political decisions issued and thereby a positive attitude towards political processes [Lijphart, 2012]. The implementation of direct democracy also contributes to ensuring equality in society when all citizens have the right to directly contribute to the major laws and policies of a country. This is also the basis for citizens to grasp political information, increase their confidence and political capacity, they will trust the political system more and be more satisfied with democracy [Dyck, Seabrook, 2010]. Some empirical studies by researchers suggest that citizens' participation in direct democracy will contribute to improving political effectiveness both internally and externally [Bowler, Donovan, 2004]. In an article by Professor Amartya Sen – Professor Emeritus at Harvard University said: if democracy is to be viewed as a global value, it must first ensure the exercise of civil and political rights of citizens. In particular, citizens have the right to participate in legal development and social management regardless of political institutions [Sen, 1999]. Thus, when the people exercise their direct democratic rights, it is the expression of political and civil rights. And when these rights are exercised well, the effectiveness of political activity will be increased.

The relationship between the position of the political party and the form of direct democracy has also been an issue of interest to many researchers in recent years. In these studies, two groups of views stand out. The first group of views argues that the implementation of direct democracy is the basis for the political party to consolidate its power and influence. Those who view it argue that, when the political party places great emphasis on expanding direct democracy, it will make efforts to meet the legitimate needs and interests of the people, create trust with citizens, and at the same time, citizens will be willing to participate more in political activities [Bauer, Fatke, 2014]. Direct democracy is the way for political parties to realize their goals and ideals [Ladner, Braendle, 1999]: It's an opportunity for political parties to promote their image more often [Fatke, 2014]. In contrast to the first group of views, the second group of views states that democracy directly undermines the role of political parties, because when people have the right to participate directly in the planning and implementation of policy, they will have no need to become members of any party. From there, the political party will gradually lose its role as a bridge between the state and its citizens [Peters, 2016]. In other words, the provision of direct democracy has the potential to reduce the significance of political parties because citizens can openly make policy decisions without the representation of political parties in the political process [Chang, 2021]. It can be seen that, regardless of the point of view, direct democracy is always seen as the progress of humanity, for human rights, civil rights.

In multi-party rule, political parties that want to win power must build trust and call for the support of the people through the promotion of democracy. In the regime of a single ruling party,



the implementation of direct democracy is the basis for the ruling party to consolidate and maintain its position, create political stability and create a close relationship between the party, state and people. The ruling single-party regime puts democracy in the face of many challenges, especially the challenge of building a mechanism for implementing direct democracy and implementing it in practice. Therefore, it is very important to regularly recognize and clarify the limitations in the implementation of democracy, especially the implementation of direct democracy in the regime of a single ruling party, it is a basis for maintaining democracy and the true nature of democracy in general.

2. The Communist Party of Vietnam as the only ruling party in Vietnam and views on direct democracy

In Vietnam, after nearly a century of leading the people to gain independence and reunification, the Communist Party of Vietnam received the trust and support of the majority of the Vietnamese people and became the only party in power as a necessity. The Communist Party of Vietnam implements comprehensive leadership in all socio-economic- political and socio-cultural fields, based on the principle: The Party leads, the state manages and the people master [Nguyen Dang Dung, 2018], [Nguyen Van Son, 2014]. The outstanding advantage of a single ruling party is political stability, but it also raises many issues of concern, including how to both ensure political stability and ensure democracy in people's lives.

In fact, Vietnam is not a country with a long history of democratic implementation in general and direct democracy in particular because the constitution – the basis for the implementation of modern democracy in Vietnam is quite young (starting in 1946) [Vu Cong Gia, 2014]. In 1986, Vietnam began to carry out renovations. Along with the progress in the economic field, the issue of democracy, the rule of law has been more focused. The System of views of the Communist Party of Vietnam on democracy in general and direct democracy in particular is growing, perfecting, being established, concretized and come to life as a necessity [Trinh Van Tuan, 2014]. The Communist Party of Vietnam emphasizes that democracy associated with social justice must be carried out in real life in all fields of politics, economy, culture and society through the activities of the people-elected state and by direct forms of democracy [Communist Party of Vietnam, 1993]. Vietnam does not implement the mechanism of «separation of powers» between three systems of agencies: legislative, executive and judicial but implements the state power mechanism as unified belonging to the people, but there is mutual division, coordination and control among agencies in the implementation of three rights: legislative, executive and judicial. Throughout its leadership, the Communist Party of Vietnam has always emphasized the policy of implementing democracy belonging to the vast majority of the people; The people exercise their mastery in all aspects and are protected by law under the leadership of the Party [Pham Ngoc Tram, 2011]. At the same time, the Party also emphasized that democracy is both the essence of the political regime in Vietnam and a goal and a driving force for the country's development [Nguyen Viet Thong, 2013]. Therefore, the Communist Party of Vietnam has demanded that the state respect and protect the legitimate rights of the people such as personal freedom, press freedom, assembly, travel, freedom of belief, religion, inviolability of body and property... etc. At the same time, the implementation of democracy in general and direct democracy in particular in Vietnam needs discipline, that is, it must be associated with the rights and obligations of citizens and the implementation of democracy to the extent permitted by law.

From the point of view of the Communist Party of Vietnam, the mechanism for direct democratic implementation in Vietnam includes some of the following basic contents:

Firstly, the people participate in the state apparatus through election activities and candidates for delegates to represent themselves. It can be said that this is the most important form of political democracy. Through election activities, the Vietnamese people select people who have sufficient qualities, capacity and deserve on behalf of the people to manage and solve problems of the state and society. In Vietnam, since 1946, through various historical periods, the right to vote has always been affirmed in the Constitution and laws on the election of National Assembly



deputies and People's Council deputies and has become the most basic political right. The Constitution of Vietnam states: «Citizens who are eighteen years of age or older have the right to vote and are twenty-one years of age or older have the right to run for the National Assembly or People's Council»⁷⁸. The people elect national assembly deputies at the central level and local People's Council deputies. These are the two most powerful agencies in the State apparatus of Vietnam, which have the power to promulgate the Constitution and promulgate the Law; decide important issues of the country and exercise the right to supervision over the activities of the remaining agencies in the state apparatus.

Secondly, the people have the right to dismiss elected deputies: From the point of view of the Communist Party of Vietnam, abolition is an important right in the implementation of democracy in Vietnam. In fact, democracy will not be guaranteed if the people only have the right to elect those who represent themselves without the right to dismiss them when they no longer deserve it [Tao Thi Quyen, 2014]. This is also noted specifically in the current Constitution of Vietnam: «National Assembly deputies and People's Councils who no longer deserve the people's trust are dismissed by the National Assembly or voters».

Thirdly, the people exercise their right to vote when the state has a referendum. Referendum is an important form of direct democracy, one of the high forms of people's participation in state management and social management [Dinh Ngoc Vuong, 2005]. In Vietnam, issues considered for referendum include: (1) The full text of the Constitution or some important contents of the Constitution; (2) Particularly important issues of national sovereignty, territory, national defense, security and foreign affairs that have a direct impact on the interests of the State; (3) Particularly important socio-economic issues have a great impact on the development of the country.

Fourthly, the people participate in state management, and at the same time supervise the operation of the state apparatus. In Vietnam today, with the characteristics of a developing country, the participation of people in the management of the state is very necessary because it ensures the process of national renewal in accordance with the aspirations and desires of the people, contributing to building a just society, democracy, political stability and socio-economic development in the absence of many shortages of economic potential. The Communist Party of Vietnam emphasized that there are many ways for people to participate in state management, in which, it is very important for people to participate in discussions and comments on the development of state policies and laws [Truong Minh Tuan, 2012]. Through this, the people directly express their will on issues governed by law. At the same time, the people are entitled to supervise the activities of the state apparatus and the staff of civil servants. This comes from the nature of the state power that belongs to the people. State agencies and public officials shall exercise their competence to exercise their powers entrusted by the people [Nguyen Thanh Trung, 2011]. Therefore, to ensure that state agencies and state civil servants properly exercise their powers entrusted by the people, without abusing their power, without power, it is required that the people supervise the exercise of that power. It is natural in the relationship between the authorized person and the authorized person.

3. Recognize the problems posed in the implementation of direct democracy in Vietnam today

In Vietnam, with the characteristics of a developing country with more than 80% of the population working in agriculture as it is now, the implementation of democracy in general and direct democracy in particular is the key to promoting the potential of human resources, social capacity and internal strength of the nation, This will contribute to creating positive changes in many economic, political, cultural and social aspects. Over the years, under the sole leadership of a ruling party, the Communist Party of Vietnam, people's lives have changed positively. The majority of Vietnamese people believe in the Party's leadership and the country renewal that the Party is carrying out. At the same time, with efforts in promoting the people's mastery, the pro-

⁷⁸ Article 27 of the 2013 Constitution of Vietnam



cess of democratic implementation in Vietnam has made positive changes. However, there are still many issues that need to be addressed to ensure a truly democratic Vietnamese society. Within the scope of this article, the authors only objectively assessed the current situation of democratic implementation in Vietnam and offered some discussion.

First of all, it is the awareness of democracy in general and direct democracy in particular of a small number of civil servants and people is still not high. In fact, although the Party and state of Vietnam are very focused on building a democratic society, the subject of the exercise of democratic rights is not fully aware of his rights and obligations. The majority of people believe that state management is the inherent work of the State and not their own rights and responsibilities, as well as not fully aware of the meaning and importance of direct democratic implementation. Therefore, in many activities, they only participate formally and irresponsibly [Ho Ba Tham, 2012]. For example, the status of elections in the election work or the status when the state organizes to consult on the draft laws, decrees, circulars ... Only a very small portion of the population contributed, because they thought it was the work of lawmakers. Meanwhile, for the cadres of civil servants, there exists the situation that a part of state cadres and civil servants has not complied with the provisions of the Constitution, has the expression of heavy thinking about the authority – orders of the State, does not fully show the responsibility for management as well as the obligation to serve the people, serve the development of society. The Communist Party of Vietnam has also acknowledged that a significant number of cadres and party members, including party members who hold leadership and management positions, including some senior cadres, have a deterioration in political thought, ethics, and lifestyle with different manifestations of ideological fading, fall into selfish, opportunistic, pragmatic, self-interest, material, local, corrupt, wasteful, arbitrary, unscrupulous. These can be considered as major difficulties and obstacles in the implementation of democracy in general and direct democracy in Particular in Vietnam. The root cause of this problem is the influence of the old and outdated administrative culture because Vietnam has had a long time (before the renovation in 1986), the state apparatus operates on a centralized, bureaucratic, subsidized mechanism, state agencies operate rigidly and do everything, forming a mentality in the majority of the people and the authority of a small number of civil servants.

Secondly, on the legal basis system for direct democracy: It can be said that, under the leadership of the Communist Party of Vietnam, the renovation in Vietnam in the past years has achieved many remarkable achievements, however, it must be acknowledged that Vietnam is still in the process of building the rule of law and the legal system. Therefore, there are many legal provisions, including provisions on the form of direct democracy that have not been finalized [Vu Van Vien, 2015], [Pham Tan, 2013]. Although the Current Constitution of Vietnam has noted the importance of direct democracy, but the content, ways, processes and tools to implement this form have not been concretized. The current legal system of Vietnam does not have a document that specifically expresses this content, other than the new «Referendum Law» issued in 2015 and takes effect from July 1, 2016. In addition, the Communist Party of Vietnam emphasized: building the rule of law to ensure democracy, the state of the people, by the people, for the people, the unified power belongs to the people through the operation of 3 systems of agencies in the state apparatus (legislature, executive and judicial), but the assignment, coordination and control of power in Vietnam is currently not specified by law and there are still many unreasonable factors. The new power control mechanism was developed over the subject of the National Assembly control over the executive and judicial authorities, without the mechanism of control to the contrary as well as control between the executive and judicial agencies. In particular, currently, Vietnam's judiciary does not have the function of adjudicating the acts of the executive and legislative bodies [Nguyen Dang Dung, 2014].

Thirdly, as the only ruling party, the current Constitution of Vietnam has affirmed that the Communist Party of Vietnam is subject to the supervision of the people within the framework of the Constitution and law. However, so far, there has not been any document regulating the con-



tent and form of people's supervision over the Party's activities. The leading and ruling roles of the Party and the state's management functions have not been clearly defined. The political system is cumbersome, there is an overlapping phenomenon of functions and tasks between party and state agencies, the Party's leadership method for the political system is still slow to innovate, present is still awkward. The mechanism for controlling power in the Party and the State is incomplete and synchronous; effective, not highly effective [Communist Party of Vietnam, 2021].

Fourthly, there are many inadequacies in election activities: It can be said that the election activities in Vietnam in the past years have been constantly renewed and brought many positive results, creating many important changes in promoting democracy and expanding the people's mastery. However, in addition to the results achieved, the election work in Vietnam still has many limitations. There is a lack of information about candidates; The number of candidates introduced for election to the National Assembly and the People's Council is quite small compared to the number to be elected (for example, if 3 deputies are needed, the list of candidates is only 5, if 2 delegates are needed, the list of candidates is only 3 people), This has limited the electorate's right to choose in elections. With the mechanism of «Party election, people elect», the Vietnamese people currently do not have the right to introduce more delegates. In fact, the law also does not have a mechanism for people to introduce more candidates to the Conference for comment. In recent elections, the introduction of more delegates by the people has been very few and only for the introduction of candidates for delegates to the people's councils of communes in the system of villages [Nguyen Thi Dung, 2018].

Fifthly, although there are many direct forms of democracy mentioned, currently in Vietnam only popularize the form of people's opinions in the process of building the legal system, while other forms of direct democracy such as referendum, dismissal of elected representatives is not yet common. So far, Vietnam has not held a referendum. This is a big question for the implementation of direct democracy in Vietnam today.

Conclusion

In a political regime with only one ruling party like in Vietnam today, it is very important to expand the form of direct democracy. As mentioned above, a leading party has an advantage in creating political stability, however, it has a major limitation that is prone to dictatorship, aclusivity in the absence of a system of opposition parties. Therefore, promoting the real mastery of the people will be the key to overcoming this limitation. On the other hand, political stability is built on the trust and expectations of the people, so the Communist Party of Vietnam wants to continue to maintain its ruling position, it is necessary to ensure the building of a truly democratic society. In the coming time, Vietnam needs to promote propaganda, raise people's awareness of direct democracy as well as perfect the system of legal provisions on this form of democracy. At the same time, it is essential to build a mechanism to control people's power over the political system, especially for the activities of the state.

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