

INFORMATION ON DOCTORAL THESIS

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5. Admission decision number: 4150/QĐ-SĐH Date: July 15, 2008
6. Changes in academic process: No
7. Official thesis title: Constitutional Protection in the Rule of Law
8. Major: Theory and History of the State and Laws
9. Code: 62.38.01.01
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11. Summary of new findings of the thesis:

The thesis has the following new findings:

- Analyse and prove: Constitutional Protection is vital to the Rule of Law.
- Analyse and prove: There is no common constitutional protection model for all nations, all ethnics. Each nation, each ethnic should base on their own political, economic, cultural, traditional and development conditions to select the appropriate constitutional protection model.
- Study and draw conclusions: At present, there are 3 distinguishing models in the world: 1. The model of the constitutional protection by specialized agencies (Constitutional Court, Constitutional Protection Council); 2. The model of constitutional protection by legislative court structure; 3. The mixed constitutional protection model.
- Analyze and draw conclusions: The current constitutional protection mechanism has some shortcomings: First, there has not been an effective mechanism to monitor the National Assembly in order to ensure that the operation of National Assembly fully and properly complies with all the provisions of the Constitution. This is an important requirement of the Rule of Law. Second, Constitution 1992 stipulates that the National Assembly via their supreme oversight operations has the right to repeal all or part of

the legal documents of the subjects under National Assembly's supervision upon a signal contrary to the Constitution, Laws and Resolutions of the National Assembly. In fact, the National Assembly has not ruled any legal document that is contrary to the Constitution and Laws. Third, in the mechanism of assigning the state power in Vietnam, the National Assembly Standing Committee is tasked to explain the Constitution, Laws and Ordinances. However, in fact, the Constitution explanation assignment has not been done. Fourth, even though Vietnam has a written constitution, we do not have organ that is responsible for dealing with the unconstitutional acts.

- Analyze Vietnam's situation and propose that the selection of Constitutional Protection Council is the most appropriate. It is transitional solution of transitional stage. In order to run this model effectively, we must incorporate some supplementary measures such as constitution research and amendment; law propagation and dissemination to enhance the level of the law understanding of the people; legal culture promulgation; legislative reform; administrative reform, improving the effectiveness and the efficiency of the administrative jurisdiction...

12. Practical applicability:

The conclusions in this thesis have high applicability in the actual operations of the legislature, executive and judiciary organizations, particularly while Vietnam is in its process to conduct, amend and supplement the 1992 Constitution and build up mechanisms to "control" the state power. Through the thesis content, it also helps students in the major of General Theory of State and Laws to have deeply understandings about constitutional protection for building a Socialism State of Laws of the people, by the people and for the people in Vietnam.

13. Further research directions:

- Research on improving the organizational structure, composition and competence of the Constitutional Council of Vietnam;
- Research on improving processes, procedures to render the decisions and the effectiveness of decisions issued by the Vietnam Council Constitution.

14. Thesis - related publications:

- Nguyễn Mậu Tuấn (2007), "Some theoretical issues about the State of Laws and Socialism State of Laws in Vietnam", *Political theory Review* (4), pp.28-31.
- Nguyễn Mậu Tuấn (2011), "Improving the mechanism of Constitutional Protection for building the Rule of Law in our country", *Political theory Review* (10), pp. 47-50, 58.

- Nguyễn Mậu Tuấn (2011), "Mechanism of Constitutional Protection and the building of socialist democracy", *Democracy and Law Journal* (11), pp. 15-19.

- Nguyễn Mậu Tuấn (2011) "*Improving the mechanism of Constitutional Protection for state power control in our country nowadays,*" Scientific Research Project - Ministry Level (2011), Project title: *Law on control of state power in Vietnam nowadays*, Code B11-16, Acceptance date 30-12-2011; Qualification: Good.

- Nguyễn Mậu Tuấn (2012), "Some basic signs of violation of the Constitution", *Journal of Education Theory* (1+ 2), pp. 111-114.