



Ho Chi Minh's Ideology on the Rule of the Law State and the Meaning of That Ideology in Building the Rule of the Law State in Vietnam Today

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Abstract: The idea of the rule of law is always associated with the idea of democratic development that has been established since ancient times. This ideology exists and develops to this day and has become a symbol of democracy. Ho Chi Minh's Ideology on the rule of law is the inheritance of cultural traditions and the experience of building and managing the state of many generations of Vietnamese people, and is the result of experience, research, and survey of many world democratic ideological systems, many revolutions, and many typical states in the world; at the same time, the penetration and creative application of the Marxism-Leninism's perspective on a new style state to the specific conditions of Vietnam. This study has shown that with the nature of the people's democratic revolution, stemming from the reality of a semi-feudal colonial country like Vietnam, the Communist Party of Vietnam (CPV) and President Ho Chi Minh has chosen the path of building a socialist rule of law state in Vietnam. Ho Chi Minh's comprehensive and profound views on the rule of law are extremely great and valuable "spiritual assets", laying the ideological and theoretical foundation for the policy of "continuing to build and perfecting the socialist rule of law state in Vietnam" of CPV today.

Keywords: Ho Chi Minh's Ideology, Rule of Law State, Building A Rule of Law State, Vietnam.

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INTRODUCTION

The rule of law is the progressive knowledge and values of humanity that have been summarized and affirmed over hundreds of years of history, expressing the aspiration for a democratic, equal, and law-enhancing state. K. Marx and F. Engels built a scientific and revolutionary theoretical system, especially about a democratic law-governed state, ensuring the supremacy of the constitution and law, thoroughly liberating people, and promoting the role of the subjective role and central position of humans in society.

President Ho Chi Minh is the person who laid the foundation for building the "Rule of the Law State" in Vietnam. The person who clearly understands the

goal of each step on the path to the ideal summarizes the aspirations of the entire human race: "The free development of each person is the condition for the free development of everyone" in "Manifesto of the Communist Party" written by K. Marx and F. Engels in 1848 affirmed.

Ho Chi Minh's Ideology on the rule of law is the inheritance of cultural traditions and experiences in building and managing the state of our ancestors and is the result of experience, research, and surveys of many reform networks, many typical states in countries such as the US, France, Soviet Union, etc., at the same time with the absorption and creative application of the Marxism-Leninism perspective on a new style state to the conditions of Vietnam. President Ho Chi Minh is both the founder and the

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person who directly directs the building of the new Vietnam's state apparatus and legal system. During that process, although he did not use the concept of a rule of the law state, Ho Chi Minh's Ideology of a socialist state of law and the rule of law was promoted very early, clearly expressed in his thinking. His ideas about democracy, the state, law, and human rights.

The main contents of Ho Chi Minh's Ideology on the rule of law state are of great significance in building a rule of law state of the people, by the people, for the people. Ho Chi Minh's Ideology has clearly expressed and promoted the need for radical democracy in building a rule of the law state. This is a very important idea, affirming the nature of socialist democracy, the pinnacle of democracy, because it recognizes the freedom and equality of people, and recognizes the people as the subjects of power. Therefore, to consolidate and expand democracy and have radical democracy, it is necessary to build, consolidate, perfect, and innovate the content of the State's operating methods. Building and perfecting a socialist rule of the law state is a condition for ensuring and expanding true and widespread democratic rights for working people. On the other hand, to build a perfect rule of the law state, we must attach importance to building and perfecting the legal system. That legal system must demonstrate the people's right to mastery and be institutionalized into rules of law, principles of organization and operation of the State, as well as other political institutions, creating democracy. At the same time, building and perfecting a synchronous and strict legal system will be the legal basis to establish a democratic foundation, a condition to ensure the building of a rule of the law state and promote ownership of the people, protecting and promoting human rights.

Inheriting and promoting progressive ideas about the rule of law state of humanity, developing Ho Chi Minh's Ideology on the socialist rule of law state, the CPV and State of Vietnam have applied and developed the ideology that in building a Vietnam socialist rule of the law state of the people, by the people, for the people. With great scientific values and profound theoretical and practical significance, Ho Chi Minh's Ideology on a socialist rule of the law state of the people, by the people, and for the people is the basis and orientation for building Building, consolidating, and perfecting the socialist rule of law state, which the CPV identifies as a central task of the process of innovating the political system in Vietnam today.

LITERATURE REVIEW

The Formation and Development of the Ideology of the Rule of Law

The idea of the rule of law appeared very early in the history of human thought, right from the appearance of the ancient State, and continued to develop, especially during the period of the bourgeois revolution, reflecting the aspirations of people for a State that ensures freedom, democracy, and human rights, in opposition to the arbitrariness and dictatorship of the slave-owning State and the harsh tyranny of the feudal State. The idea of the rule of law is always associated with the idea of democratic development that has been formed since ancient times, expressed in the views of ancient thinkers such as Socrates (469-399 BC), Aristotle (384-322 BC), Cicero (106-43 BC). These ideas were expressed by later capitalist political and legal thinkers such as John Locke (1632 - 1704), Montesquieu (1698 - 1755), J.J. Russo (1712 - 1778), I. Kant (1724 - 1804), Hegel (1770 - 1831), etc., developed as a new legal worldview.

Along with the famous theorists mentioned above, many other great jurists and thinkers also contributed to the development of ideas about the rule of law such as Thomas Jefferson (1743 - 1826, author of the Declaration of Independence) founded America in 1776), Thomas Pen (1737 - 1809), John Adams (1735 - 1826), etc. The rule of law state, according to the views of thinkers during this period, is the State that ensures the supremacy of law in social life, in which the law must reflect the common will and common interests of the people; exercise and protect the people's freedom and democracy; be responsible to people for their activities and require people to fulfill their obligations to the state and society; have an appropriate form of state power organization to ensure sovereignty belongs to the people, organize the effective implementation of legislative, executive and judicial powers; prevent arbitrariness and abuse of power on the part of the State, strictly handle violations of the law, including violations of the law by state agencies and civil servants.

The Concept of the Rule of Law

Rule of law: Ideology expressing the dominant power of law in a society with a state, to regulate social relations and maintain social order. Simply put, the rule of law is when all people and institutions in a country, state, or community are equally responsible before the law. From there, it can be understood that a state ruled by law is a state organized and operating within the framework of law, which is a democratic legal system, reflecting justice and consistent with human natural rights. From the above analysis, it can be seen that the rule of law state exhibits the following main aspects:

The terms “country” and “power” refer to the nature of the state (national assembly or parliament) in the people’s government (civil government) of the country (country) that builds laws and does not create development lasting.

The terms “country” and “law” refer to the nature of the state (government or central government) in the people’s government of the country that proposes methods of implementing laws that have not yet created sustainable development.

The concept of the rule of law refers to the essence of the nation, or the legislative (parliament), executive (government), and judicial (supreme or local courts) agencies in the people’s government. Defining principles for building and implementing laws to create “sustainable development”. This a concept that represents “lasting balance, balance, and harmony” in the living environment of individuals, groups, and society animals in the natural world, “fairness, equality, solid justice in terms of material rights and spiritual values, the spiritual life of individuals, groups, and communities in countries and human society” (Dong, 2022). That means the rule of law state is understood as a “rule of law country”, a concept that represents the essence of parliament, government, and courts in the people’s government determining the principles of construction, implementing laws to create sustainable development for the country, the natural world and human society. The model of the rule of law state or people’s government is expressed as follows: the nature of executive power, the nature of judicial power, and the nature of legislative power; the model of a country ruled by law is expressed as follows: the nature of a country ruled by law, the nature of a country ruled by law. In this model, the rule of law represents knowledge that is not scientific or true; a country ruled by law represents knowledge that is unscientific and truly wrong; the rule of law country or “rule of law country” represents scientific knowledge, which truly exists between the state and the country ruled by law.

From the above analysis and definitions, it can be seen that the rule of law state represents the nature of the people’s power; the rule of law shows the power not of the people; the rule of law nation represents the essence of “the people’s power”. That is, the people working in the parliament, government, and courts of a law-governed country only have the “authority” and “power” authorized (empowered) by the people to build and implement the law. Creation of development, not power. Accordingly, the state has no power, but the people have power. Power is understood as “daily life” and “human happiness” (Anh, 2022).

In other words, power is a human right, or “the right to life, freedom and the pursuit of happiness” of individuals, groups, and communities in human nations and societies; These rights were outlined in the United States Declaration of Independence in 1776. State, country, and nation have a close connection with sustainable development, model form: the nature of the content of the state has not created sustainable development, in essence, the principle “nation creates sustainable development”, the nature of the country’s form does not create sustainable development (Dong, 2018).

Socialist Rule of Law State of Vietnam

In Vietnam, the concept of “Socialist Rule of Law State” was first raised at the Second Conference of the 7th Party Central Committee (November 29, 1991) and continued to be affirmed at the Conference nationwide in the middle of the CPV’s 7th term in 1994 as well as in other Party documents. After that, at the Xth (2006) and XIth (2011) Party Congresses, there was progress in awareness of building a socialist rule of law state in Vietnam.

In Article 2 of the Constitution (2013) of Vietnam affirms: “1. The Socialist Republic of Vietnam is a socialist law-governed state of the People, by the People, for the People. 2. The Socialist Republic of Vietnam is owned by the People; All state power belongs to the People, whose foundation is the alliance between the working class, the peasantry and the intellectuals. 3. State power is unified, with division, coordination, and control among state agencies in the exercise of legislative, executive, and judicial powers.

Resolution 27-NQ/TW (2022) clearly states: “The socialist rule of the law state of Vietnam is led by the CPV; the State of the people, by the people, for the people; human rights and citizen rights are recognized, respected, guaranteed and protected according to the Constitution and law; the State is organized and operates according to the Constitution and laws, and manages society by the Constitution and laws; the State power is unified, with clear division, close coordination and effective control among state agencies in the exercise of legislative, executive and judicial powers; the legal system is democratic, fair, humane, complete, synchronous, unified, timely, feasible, open, transparent, stable, accessible, strictly and consistently implemented; independence of the court according to its jurisdiction; judges and jurors judge independently and only obey the law; respect and ensure the implementation of international treaties to which the Socialist Republic of Vietnam is a member, ensuring the highest national interests on the basis of the basic principles of the united nations charter and international law”.

RESEARCH METHODS

This study stands on the stance of dialectical materialism and Marxism-Leninism's perspective on the rule of law. At the same time, inheriting arguments about the rule of law state in history as well as the historical development of the rule of law state.

Methods:

Analysis-synthesis, interpretation-induction, logic-history, synchronicity-diachrony, comparison-contrast, etc., are used throughout the entire research process for analysis. analyze and clarify Ho Chi Minh's arguments on the rule of law; at the same time, it points out the application of CPV in the process of building a rule of law State in the current period.

This research focuses on understanding Ho Chi Minh's works on the rule of law, of which Ho Chi Minh's Complete Works is the main work. In addition, documents of the Communist Party of Vietnam were also studied, focusing on the Communist Party's views on the rule of law.

Scholars' research and assessments are also considered to include comments and assessments throughout this study. The selective inheritance of previous studies allows the author to compare and contrast his assessments; at the same time, make appropriate recommendations and conclusions.

RESEARCH RESULTS

Ho Chi Minh's Ideology on the Rule of the Law State

Although it was born in very special historical conditions of "both resistance and national construction", "both peace and war", with a starting point from a semi-feudal colonial country, its economic foundation the agricultural economy is backward, but with the right ideas, creativity and skillful leadership of President Ho Chi Minh, the Vietnamese people have built a truly new state of the people, by the people and for the people, is a decisive political-legal foundation for the cause of national liberation and the successful construction of a new socialist regime in Vietnam. Therefore, Ho Chi Minh's Ideology on the rule of law is expressed specifically in the following contents:

First, the rule of law is ruled by the people and controlled by the people.

In the new type of state, the Rule of Law State, the people are the supreme and sole subject of state power. All state power originates from the people. Ho Chi Minh pointed out: "Our country is a democratic country, everyone has the right to do and the right to speak" (Minh, 1995c, p. 232). This ideology of Ho Chi Minh shows that the rule of law must establish the position of master of all people,

which is opposite to the status of slaves, subjects, or commoners in feudalism former colonists. If in the past the king was supreme, then in democracy, the people are the subjects of power. The people are the owners and at the same time, the people are also the masters, which affirms the ability of people to be masters. That capacity is expressed in the level of culture, bravery, sense of responsibility, etc., which is the connotation of democratic capacity, demonstrating mastery behavior, the combination and unification of capacity, location, etc., and the owner's taste. The rule of law must institutionalize and create all conditions for people to perform the above role. That is a new type of state, the Vietnamese State must follow that state model.

In Ho Chi Minh's Ideology of a new type of state, a state ruled by law, the people are the supreme and only subjects of state power. All state power originates from the people. Article 1 of the 1946 Constitution, drafted by him as Head of the Committee, affirmed: "Vietnam is a democratic republic, all military power in the country belongs to the entire Vietnamese people. Regardless of race, male or female, rich or poor, class, religion" (National Assembly of the Socialist Republic of Vietnam, 2020, p. 8). The state apparatus is chosen, elected, and authorized by the people to carry out the will and aspirations of the people. Therefore, unlike the feudal regime where the King is the master, this is a democratic regime, a state of the people, the people are the masters, and the team of state officials and civil servants cannot be revolutionary mandarins, but public servants. servants of the people. Ho Chi Minh pointed out: "We understand that Government agencies, from the whole country to the villages, are all servants of the people, that is, to shoulder common tasks for the people, not to oppress the people like during the period under French and Japanese domination" (Minh, 1995a, p.56). People enjoy all democratic rights, have the right to do anything that is not prohibited by law and have the obligation to obey the law.

Besides, according to Ho Chi Minh, the rule of law must establish the relationship and clearly define the responsibilities and obligations of the two elements "master" (the people) and "servants" (people working in state agencies). He affirmed: "The state is the servant of the people" and "people are the masters". That is a dialectical relationship of unity, a manifestation of the nature of the Vietnam rule of law state. He explained: "If there are no people, the Government does not have enough force. Without the Government, the people have no one to lead the way. Therefore, the Government and the people must unite into one". In this relationship, the State and people must have obligations, and legal and moral

responsibilities to each other, creating a blood bond as the basis for each other's existence.

The status of "servant" or "public servant" of the State was explained by President Ho Chi Minh with the connotation of taking responsibility for the people's affairs for the common good, being loyal and dedicated, and wholeheartedly serving the people. They must be like soldiers who obey the nation's orders and carry out their duties, make decisions on behalf of the people, wholeheartedly and wholeheartedly serve the country and the people, and have absolutely no privileges or benefits. According to Ho Chi Minh, to properly fulfill the status of a "servant" and "public servant" of the people, all guidelines, guidelines, and policies of the State must be directed at the people and benefit the people. be the driving force behind all your decisions. He said: "The work the Government does must aim at one sole purpose, which is to achieve freedom and happiness for everyone. Therefore, the People's Government must always put the people's interests above all else. Do whatever is beneficial for the people. Anything harmful to the people must be avoided" (Minh, 1995a, pp. 56-57). Among the State's actions that benefit the people, ensuring the people's ownership rights is the most important and has a very fundamental meaning, creating the foundation for fully promoting the strength of the force. people and the effectiveness of the rule of the law state. Ho Chi Minh required the State to "make sure the people know how to enjoy democratic rights, know how to use their democratic rights, dare to speak, dare to do" (Minh, 1995h, p. 223).

To ensure the legitimacy of the government when receiving the people's authorization, making the State truly which is the people's State, right from the first days of gaining independence, in the urgent tasks of the State, Ho Chi Minh was especially interested in organizing a general election so that the people could directly elect worthy representatives to shoulder the country's affairs on their behalf. Because of according to him: "The general election is an opportunity for the entire nation to freely choose talented and virtuous people to shoulder the country's affairs, etc. General elections mean freedom and equality; that is, democracy and solidarity" (Minh, 1995a, p. 133). Important matters must be brought up by the State to get people's opinions. Article 32 of the 1946 Constitution stipulates: "Issues related to the nation's destiny will be subject to the people's decision." In essence, this is a "referendum", a form of direct democracy of the modern rule of the law state that was recognized and proposed by Ho Chi Minh quite early in Vietnam.

Second, the rule of law must be a state that respects the law

President Ho Chi Minh especially emphasized the role of law in organizing and managing society, ensuring human rights and people's rights. As early as 1919, in the "Demands of the An Nam people" sent to the Versaile Conference, Nguyen Ai Quoc (Ho Chi Minh) requested to "replace the decree-making regime with the law-making regime". By 1922, he generalized and expressed his views in the article "Vietnam requests song": "Seven requests for the Constitution to be promulgated - A hundred articles must have the spirit of rule of law". It can be said that Nguyen Ai Quoc has found a way to express the sacred and noble meaning of the Constitution and the law, but at the same time, it is very close, easy to feel, absorb, remember, and memorize easy to follow. That noble spirit was expressed by Him in a very unique way, never before seen "the spirit of the rule of law". With this seventh claim, Nguyen Ai Quoc pointed out that the core and essence of a rule of law State is to first build a legal system that represents the will, aspirations, and interests of all people.

To have the "spirit of the rule of law", when formulating laws, according to him, they must come from the people, ensuring that the law is the common will of the entire people, built by the people's contributions to serve the interests of the people. Therefore, if a state rules by the will of the rulers, and not the will of the people set into law, those in power, whether in the name of heads of state or leaders, The ruling party... allows itself to stand outside or above the law, etc., then this type of state is very strange to Ho Chi Minh's ideology on building a rule of the law state. At the same time, the law must have the effect of arousing the self - consciousness of all people with a lenient attitude, to create conditions for those who "have gone astray" to have the opportunity to correct their shortcomings if they sincerely "reform".

In the spirit of "respect for the law", the State must be organized and operate constitutionally and legally. Just one day after gaining independence, read the Declaration giving birth to the Democratic Republic of Vietnam. After peace, Ho Chi Minh proposed to the Government one of six urgent tasks: "We must have a democratic Constitution. I recommend that the Government organize a General Election with universal suffrage as soon as possible" (Minh, 1995s, p. 8). In just a short time, Ho Chi Minh successfully organized the general election to elect the National Assembly, urgently built and passed the 1946 Constitution, laying the foundation for building the rule of law state in Vietnam. In his position as President (from 1945 to 1969), Ho Chi Minh was both a legislator and an executive with the greatest contributions to the constitutional and legislative cause in our country, twice. Head of the Committee

for drafting the 1946 Constitution and the 1959 Constitution, signed and promulgated 16 laws, 613 Decrees and many under-law documents, including 243 Decrees regulating state organization, thereby forming a state apparatus institution has many basic elements of a rule of law state.

Based on a democratic, humane, and progressive legal system, Ho Chi Minh paid great attention to law enforcement activities. According to him, no matter how perfect and progressive the law is, it will only be a formality and become meaningless if it is not seriously and thoroughly implemented in real life. Therefore, "respect for the law" is the highest moral standard of all people in the rule of law State. He said: "All people, regardless of class, creed, and profession, must maintain order and strive to support the people's government, honestly cooperate with the people's army, and obey the Government's laws and the Army's orders" (Minh, 1995c, p. 490).

He requires all organizations in the state apparatus and all people to strictly comply with the law, no one is above or outside the law. When talking about the law, we talk about the strictness and strictness that everyone must obey regardless of their status or social class. The law must harshly punish "dishonored" people, regardless of their position or profession, there is absolutely no forbidden area in law enforcement. He affirmed: "Although Vietnam law is lenient towards those who know how to reform their evil ways, they will severely punish the Vietnamese oligarchs who have sold the country and trafficked people" (Minh, 1995d, p. 227).

To move towards a strong and effective rule of law state, Ho Chi Minh is very interested in building a team of state officials and civil servants who are culturally qualified, knowledgeable about the law, know how to manage the state, proficient in administrative skills and especially must have the ethics of diligence, thrift, integrity, integrity, impartiality, dedication, and lifelong dedication to serving the people. The person who signed Decree No. 197 establishing the Faculty of Legal Studies at Vietnam University, signed Decree No. 76/SL dated May 20, 1950, promulgating Civil Servant Regulations, focusing on the examination regime for appointment to positions, administrative ranks and levels, initiating the building of a system of standards for officials and civil servants in the direction of regularity, modernity, democracy, fairness, and openness. Not only interested in building laws and a team of state civil servants on par with mission requirements, Ho Chi Minh also paid special attention to bringing the law to life, creating mechanisms for the law to be implemented, strictly enforced. He attaches great importance to legal education for the

people, contributing to raising people's knowledge, fostering a sense of ownership, developing political culture and active people hip, and encouraging people to participate in public affairs government. For officials and state agencies, he was required not only to do a good job of propaganda, widely and thoroughly disseminating the Constitution and laws among the people but also to be especially "exemplary in carrying out enforce the Constitution and laws" (Minh, 1995f, p. 30).

Third, a rule of the law state is an "integral", strong, and effectively operating state.

"Integrity", strength and effective operation are the most important qualities that demonstrate the character of the socialist rule of the law State in Vietnam. In essence, this is the requirement of "talent" and "virtue", in which "integrity" is the leading ethical standard of public service, the ultimate requirement that serves as the root and foundation of the legal State rights in general, and as officials and civil servants in particular. Ho Chi Minh pointed out: "For the people, the Government must implement an honest politics...". Regardless of any conditions or circumstances, the State must be absolutely honest and not allow the phenomenon of dishonesty to occur. "Dishonest" is another word for the disease "embezzlement".

According to Ho Chi Minh, embezzlement is the most dangerous enemy, the most evil, sinful, and despicable act in society. It is so dangerous that it is the only disease that he has ever ranked on the same level as treason. Therefore, if we want to have a truly "honest" state, we must not "embezzle" and fighting corruption is as urgent a task as fighting the enemy on the front of the rule of law. According to Ho Chi Minh: "Embezzlement, waste, and bureaucracy, whether intentional or not, are also allies of colonialism and feudalism, etc. It damages the pure spirit and austere will of the officials. our set. It destroys our revolutionary ethics of diligence, frugality, integrity, righteousness, etc. That crime is as serious as the crime of Vietnamese fraud and secret agents" (Minh, 1995c, p. 490). He pointed out the close relationship between fighting internal enemies and destroying external enemies: "Fighting against corruption, waste, and bureaucracy is as urgent as fighting enemies on the front, etc. If our soldiers and people try their best to fight against foreign invaders and forget to fight against internal invaders, so you have not fulfilled your duty" (Minh, 1995c, p. 495). At the same time, he did not forget to emphasize that this was a very difficult and complicated struggle, requiring high determination: "Fighting with the enemy on the front lines with guns and swords is still easy, but fighting with the enemy within the body, internally, in the spirit, is difficult

and painful... therefore, one must have the determination to fight” (Minh, 1995d, p. 36).

To fulfill the mission of “serving the Fatherland and serving the people”, the rule of law State needs to be built strongly and operate effectively. The most important criterion to evaluate a strong and effective state apparatus is to use work efficiency as a measure. He said: “We must measure our revolutionary will by the practical results of how much we have contributed to production and production leadership”. To do so, according to President Ho Chi Minh, it is necessary to improve the quality of the staff. Because, officials are the root of all work, the chain of the apparatus, the bridge between the State and the people to ensure that all policies and laws are passed smoothly from the central to the grassroots, bringing results in practice. According to Ho Chi Minh, the state apparatus must gather people who are both virtuous and talented, in which virtue must be the root. At the same time, this team must be organized properly and effectively; the selection process must be very strict, thoughtful, and objective. He set standards in selecting state officials and civil servants with basic qualities such as absolute loyalty to the revolution; Enthusiastic, proficiency in work, good at expertise and work; a close relationship with the people; people who dare to take charge, dare to be decisive, dare to take responsibility; must regularly self-criticize and criticize, always be conscious and act for the growth, purity of the State, etc.

To improve operational efficiency, the State must focus on improving the quality of policy and law formulation and implementation. Accordingly, all guidelines and policies must be consistent with the legitimate aspirations of the people. He pointed out: “Politics must be brought into the midst of the people, previously, something also rains down from above”. From now on, everything must come from “the bottom up”. If the State’s policies go against the people’s will, or even “harm the people”, then the people will inevitably not recognize the status of the State. He affirmed: “If the Government harms the people, the people have the right to expel the Government”. In addition, to operate effectively, the state apparatus must ensure smooth coordination between agencies from the central to the grassroots, overcoming the situation of avoiding responsibility.

Fourth, a rule of the law state is a state led by the Communist Party, with unity between the nature of the working class and the character of the people and broad nationalism.

Our state is led by the Communist Party, with unity between the nature of the working class and the character of the people and broad nationalism. President Ho Chi Minh wrote: “The nature of the state

is a fundamental issue of the Constitution. It is a matter of class content of the government. Whose hands does the government belong to and whose interests do it serve? That determines the entire content of the Constitution... Our State is a people’s democratic state, based on the worker-peasant alliance, led by the working class” (Minh, 1995e, p. 586).

The nature of the working class is also expressed in its orientation to bring the country to transition to socialism “by developing and improving the national economy according to socialism, turning the backward economy into a socialist economy with modern industry and agriculture, advanced science and technology” (Minh, 1995e, p. 588). That state is led by the Party and the Party becomes the ruling party.

In his will sent back to his compatriots and comrades, he advised: “CPV is a ruling party. Each party member and cadre must be truly imbued with revolutionary ethics, truly diligent, thrifty, honest, and impartial. We must keep CPV pure and worthy of being a leader and loyal servant of the people” (Minh, 1995b, p. 325). People often remind party organizations and party members: that CPV is the ruling party, not a political party, and all officials and party members must know how to respect the State, and exemplary compliance with the Constitution and laws of the State.

Ho Chi Minh pointed out that if party members and officials want to be worthy of being leaders if the Communist Party of Vietnam wants to be a “true leader”, then: “(i) We must decide every issue correctly. To do that, we must compare the people’s experiences. Because the people are the ones who suffer the results of our leadership. (ii) Must organize implementation properly. If we want to do that, it won’t be possible without the people’s help. (iii) Control must be organized, and to control properly, the masses must help” (Minh, 1995b, p. 325).

Through Ho Chi Minh’s instructions on “correct leadership”, it can be seen that the two aspects of leadership and servant are united in a very natural and inevitable way, harmonizing in a single subject. is the Party. Because the Party leads all affairs of the State and society first of all through resolutions, policies, and guidelines. If you want to have the right policy and direction, that policy must take the goal of a rich people and a strong country as the foundational frame of reference for construction; Take the interests of the country and people as an immutable principle. That policy must be people-centered, meet the needs of life, the true aspirations of the people,

and be believed and supported by the people; the “Party’s will” must be the “people’s heart”.

To implement the determined policies and guidelines, the Party must learn from the people’s experience, must rely on the people’s strength and wealth to carry it out, and must need the people to control it. Thus, the Party’s leadership is “for the people”, the Party’s policy is implemented “thanks to the people”, and therefore the “leader” is also truly a “servant” in a very natural way. harmony. To have the right path and that path to quickly come into life, according to Ho Chi Minh, every cadre and party member of the Party must be people of intelligence, and bravery, seasoned with practical experience, and exceptional. must be very exemplary, must be people who dare to sacrifice personal interests for the benefit of the collective, for the benefit of the nation and also for the benefit of others. These must be people who always steadfastly “go ahead” in difficult times so that the masses can confidently “follow”; must be people who are truly “diligent, frugal, incorruptible, righteous, public-minded and impartial”, “suffer before the world, enjoy after the world”.

However, Ho Chi Minh also soon saw and warned about the “dark sides” and diseases in the leadership practices of a ruling Party. According to him, the Party has political power, the right to lead the country, the political system and the entire society, then officials and party members, no matter how small or many, have authority. If low, power is small. Having positions of power, cadres, and party members can easily fall into bureaucracy, corruption, and extravagance. They want to get what they want, despise public opinion, distance themselves from the people, stand above the people, and oppress the people. He severely criticized the signs of degradation: “The mouth talks about democracy, but the actions follow the “Mandarin” style. Their mouth says “serve the masses”, but they do things contrary to the interests of the masses, etc.” (Minh, 1995d, p. 176). All of the above diseases were considered by Ho Chi Minh to be “internal invaders”, one of the main causes of the weakening the CPV’s organizational strength, directly threatening the Party’s ruling role.

The Significance of Applying Ho Chi Minh’s Ideology in Building a Socialist Rule of Law State in Vietnam Today

The history of the birth, construction, development and perfection of the socialist rule of the law state in Vietnam has proven the correct, timeless ideas of President Ho Chi Minh. In light of Ho Chi Minh’s Ideology, closely following the reality of 38 years of national innovation (since the 6th Congress of the CPV in 1986), the Resolution of the XIIIth Congress (2021) of the CPV affirmed: “Continuing to

build and perfect the Vietnamese socialist rule of the law state of the people, by the people and for the people led by the Party is the central task of innovating the political system. To concretize the above policy, on November 9, 2022, the Sixth Conference of the Party Central Committee, term XIII, issued Resolution No. 27-NQ/TW on “continuing to build and perfect the legal State”. Vietnam’s socialist rights in the new period” (Resolution No. 27/2022). The promulgation of the Resolution is an affirmation of the special importance of the task of building and perfecting a socialist rule of the law state in Vietnam. Following closely the instructions of President Ho Chi Minh, according to the author, the process of implementing the Resolution needs to well implement the following contents and measures:

Firstly, create a strong change in the awareness of the entire political system on the policy of “building and perfecting a socialist rule of the law state in Vietnam”.

Correct perception is the basis for correct action. President Ho Chi Minh affirmed: “If within the Party and outside the Party, from top to bottom, from inside to outside, there are unified thoughts and unified actions, then no matter how heavy the task is, the work will be complicated. We are also certain to win.” The socialist rule of law state in Vietnam has a 79-year history of construction and development (Since the day Ho Chi Minh read the Declaration of Independence giving birth to the Democratic Republic of Vietnam on September 2, 1945).

The length of history is the basis for our people to realize the superiority of the socialist rule of the law state, and the elements in the state apparatus have the conditions to continue to be consolidated and perfected. However, facing new practical requirements, Resolution No. 27/2022 proposes solutions to continue “promoting propaganda, dissemination, education, and raising awareness of the Vietnam socialist rule of the law state”. Accordingly, each element in the political system and the people need to realize that this is the central task of innovating the political system; understand that all State policies and laws are aimed at ensuring and protecting the legitimate rights and interests of all social strata, not just protecting the interests of the powerful and wealthy, or for groups of officials and officials as distorted claims by hostile forces.

Recognizing the importance of this issue, the Documents of the XIIth Congress (2016) and XIIIth Congresses (2021) of the CPV have identified and recorded them into very solemn sections and points. Documents of the XIIth Congress (2016) clearly state: “Continuing to build and perfect the socialist rule of the law state led by the Party is the central task of

innovating the political system. In the organization and operations of the State, democracy must be implemented, the rule of law must be followed, and positive changes must be created, to achieve better results. Building a rule of the law state must be carried out synchronously with the legislative, executive, and judicial systems and be carried out in sync with the reform of the political system in the direction of streamlining, effectiveness, and efficiency; associated with economic, cultural and social innovation. Continue to improve the mechanism to protect the Constitution and the law" (CPV, 2016, p. 175).

Documents of the XIIIth Congress (2021) of the CPV once again affirmed: "Continue to build and perfect the Vietnamese socialist rule of the law state of the People, by the people and for the people which is led by the Party is the central task of innovating the political system. Improve the capacity, effectiveness and efficiency of the State's operations. Clearly define the roles, positions, functions, tasks and powers of state agencies in exercising legislative, executive and judicial powers based on the rule of law principles, ensuring the rights State power is unified, has clear division, close coordination and enhanced control of state power. Building a legal system that is complete, timely, synchronous, unified, feasible, open, transparent, stable, taking the legal and legitimate rights and interests of people and businesses as the focus to promote innovation, ensuring requirements for rapid and sustainable development" (CPV, 2021, pp. 175-176). Speaking about the nature of the Vietnam Socialist Rule of Law State, General Secretary Nguyen Phu Trong affirmed that "it is a tool to express and exercise the people's right to mastery, to ensure and protect the interests of the great majority people" (Trong, 2021, p. 10).

The Government needs to proactively guide people's awareness and actions in participating in building the state apparatus. As an owner and owner, each citizen needs to promote their responsibilities and civic obligations in participating in planning and implementing policies and laws, in supervising the activities of the state apparatus, and ensuring the State's country fulfills the principle and purpose of being "a loyal servant of the people". At the same time, it is necessary to overcome the perception of haste, subjectivity, and the desire to immediately have a socialist rule of the law state. Because, under the conditions of a country that has suffered many losses due to a long war of aggression, has a starting point that is behind, and does not have solid material premises, it is natural to want all the results immediately. expectation; quickly bringing the country to prosperity and making the people prosperous and prosperous is something that cannot be achieved in a short time. Therefore, we must focus

on strengthening the people's confidence in the direction and administration of the State, especially the determination to build an honest, effective and efficient State.

Second, continue to innovate the Party's leadership method in building and perfecting the Vietnamese socialist rule of the law state.

According to Ho Chi Minh, if the Party (CPV) wants to lead effectively, it must have "the right way to lead". The requirement to build a socialist rule of the law state is currently experiencing new and increasingly high developments, especially in the face of difficult to predict challenges of domestic and international situations. To keep up with the situation and ensure that the rule of the law state operates following a socialist orientation, the Party's leadership methods also need to be regularly innovated. In particular, the focus is on improving the quality of resolution issuance; effectively directing the process of streamlining the organizational structure; improving the quality of officials and civil servants; improving operational effectiveness and efficiency; organizing inspections, inspections, etc. The process of innovating the Party's leadership method for the rule of law State needs to be carried out synchronously and drastically from thinking to action, from the central to the grassroots, focusing on promoting "the responsibility of setting an example of officials". Ministries, party members, especially leaders at all levels, and officials with higher positions must be exemplary."

Third, continue to promote socialist democracy and the role of social supervision and criticism of the Vietnam Fatherland Front and the press.

It is necessary to continue to thoroughly grasp the view that democracy is both a goal and a driving force of development. Accordingly, all activities of state agencies need to ensure transparency and improve the quality of explanation, especially in areas where negativity and law violations are likely to arise; continue to perfect the mechanism of "people know, people discuss, people do, people check"; the mechanism to encourage and protect officials to "dare to think, dare to speak, dare to do, dare to take responsibility, dare to innovate, dare to cope with difficulties and challenges and be decisive in acting for the common good"; the mechanism to protect whistleblowers of violations in the state apparatus, etc.

The Vietnam Fatherland Front and press agencies need to proactively participate in the development of State policies and laws through many different forms and methods such as comments and social criticism of documents. legal regulations; Supervise and propose amendments and supplements to documents that are inadequate and

affect the people's legitimate rights and interests; reflect the people's opinions on issues related to building and perfecting the socialist rule of law state.

Fourth, strengthening control over power is associated with tightening discipline in the State of Vietnam operations.

In the rule of law State, President Ho Chi Minh paid great attention to the issue of controlling power when given to officials and party members. Strengthening control of power associated with tightening discipline and discipline in State operations is the basis for preventing and repelling negativity in the state apparatus, avoiding abuse of power and abuse of power authoritarian or loose authority. The power of the State is the power of the people, so to control power well, in addition to promoting institutional reform, focus on assigning and decentralizing power associated with transparency of all activities, improving the quality of public services inspection agencies, specialized inspection agencies, etc. The basic solution is to perfect the mechanism for monitoring and controlling the people's power.

In Ho Chi Minh's Ideology on the state and law, the elements of law, discipline, and discipline are always associated with moral requirements, first of all, the morality of dedicated service to the People. "Whatever is beneficial to the people, we must do our best. We must try our best to avoid anything that harms the people" (Minh, 1995a, p. 65). He always emphasized practical action, combined words with actions, consciously followed the example of officials and party members, and considered practice as the standard to check the correctness and effectiveness of policies and laws.

At the same time, he always affirmed the leadership and ruling role of the Communist Party over the socialist law-governed state of Vietnam. Therefore, in his work "Duong Kach Menh" (1927), he pointed out the great and decisive role and mission of a Marxist-Leninist political party with correct political guidelines and advanced ideology and strictly organized. He emphasized that the purpose of the Communist Party of Vietnam's activities was to lead the People to seize power, bring independence to the nation, and happiness to the People, be loyal, and serve the interests of the people and for the people. Ho Chi Minh affirmed: "CPV is a ruling party"; "In all practical work of the Party, it must come from the masses and return to the masses", "Only in daily struggles and work, when the masses widely recognize the correct policies and capabilities leader of the Party, only then will the Party gain leadership status" (Minh, 1995a, p. 165).

Over the past time, imbued with Ho Chi Minh's Ideology on the rule of law with the motto "take the people as the foundation" and people know, people discuss, people do, people check, the Platform for building and developing the country in the transition period to socialism in 1991, affirming that the entire organization and activities of our country's political system in the new period are aimed at building and gradually perfecting socialist democracy, protecting ensuring that power belongs to the People, associated with social justice, must be implemented in all political, economic, cultural and social fields; democracy goes hand in hand with discipline, which must be institutionalized by law and guaranteed by law.

The mid-conference of delegates, VIIth Congress (January 1994) officially included the issue of building a socialist rule of the law state in Vietnam into the Party's documents, affirming the strategic mission: "Building a Vietnam law-governed state of the people, by the people, for the people" (CPV, 1994, pp. 224-225). In the Platform for building and developing the country during the transition period to socialism (supplemented and developed in 2011), CPV's views and awareness of the rule of the law state of socialist Vietnam have been deepened. socialist with the determination of the rule of law state as one of the eight characteristics of socialist society and one of the eight basic directions of building a socialist rule of law state; affirming the viewpoint of persistently building and perfecting the rule of law state.

In particular, by the Constitution (2013), the CPV's ideology of a socialist rule of the law state was clearly and fully institutionalized in Article 2: "1. The Socialist Republic of Vietnam is a socialist law-governed state of the People, by the People, for the People. 2. The Socialist Republic of Vietnam is owned by the people; All state power belongs to the People, whose foundation is the alliance between the working class, the peasantry and the intellectuals. 3. State power is unified, with division, coordination and control among state agencies in the exercise of legislative, executive and judicial powers.

The XIIIth Party Congress (January 2021) sets out directions, perspectives, and breakthrough solutions for the process of building and perfecting the rule of law, identifying this as the central task of system innovation. politics. At the same time, our Party clearly states that building and perfecting a socialist rule of the law state must be carried out synchronously, associated with political system innovation and economic, cultural, and social innovation; identifies 13 national development orientations for the period 2021 - 2030, including the orientation to build and perfect a socialist rule of law state. The Congress set the task of "researching and

promulgating the strategy for building and perfecting the Vietnam Socialist rule of the law state by 2030, with a vision to 2045, including the Strategy for law and judicial reform". Setting this task affirms the viewpoint of persistently building and perfecting the rule of the law state, with appropriate and solid roadmaps and steps.

CONCLUSION

Building a socialist law-governed state is a breakthrough in our Party's thinking on state-building during the reform period based on Ho Chi Minh's Ideology of a new style state in Vietnam. That is the political basis for continuing to promote research on the rule of law and promote fundamental and systematic innovation in the organization and mode of operation of the State in Vietnam today. Resolution of the XIIIth Congress (2021) of the CPV affirms: "Continuing to build and perfect the Vietnam socialist rule of the law state of the people, by the people and for the people led by the Party is the task "focus of political system innovation" (CPV, 2021) Therefore, in implementation, it is necessary to continue to thoroughly grasp and flexibly and creatively apply Ho Chi Minh's Ideology on building a socialist rule of the law state of the people, by the people and for the people.

Ho Chi Minh's Ideology on the rule of the law state of the people, by the people, and for the people still has profound theoretical and practical significance. Today, facing the demands of the cause of innovation and integration, it is extremely necessary and important for our Party to continue to inherit his ideology to build the rule of the law state of the people, by the people and for the people. Building and perfecting Vietnam's socialist law-governed state is an inevitable law of development of the Vietnam State, a dream, aspiration and choice of careful consideration by President Ho Chi Minh and CPV and the Vietnamese people, under state development trends in the world. To successfully carry out this task, it is necessary to research, apply and creatively develop the profound theoretical and practical values of Ho Chi Minh's Ideology on the rule of the state issues.

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