

CONTROL OF STATE POWER IN VIETNAM

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ABSTRACT

The progressive thinkers in the world all said that the power of the state rests with the people. But the people who want to exercise their power must set up a state, empower the state to manage themselves. To control state power, many countries use the “separation of three powers” mechanism to prevent abuse of power, abuse of power, use of public power to benefit individuals or a group of people. In Vietnam, the legislative, judicial and executive powers are unified, with a division of coordination and mutual oversight. So who has the power to manage state power? In the current political regime of Vietnam, only the Communist Party of Vietnam has the legal basis, capacity, and conditions to control state power. However, in order to do that, the Party must be truly pure, strong, and must be able to control himself and also was under the control of the people.

Keywords: Party, state, people, power control

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INTRODUCTION

Power is an intangible force that an individual or an organization can use to dominate or influence individuals or organizations or communities and to compel them to follow orders given. There are many different types of power such as economic power, political power, ideological power, etc. of which, political power is the power to decide and decide important political affairs, organizations and works to ensure the exercising power of a class, a political party, or a social corporation in order to gain or maintain leadership; to decide, administer the state apparatus, and govern society. In political power, state power has the greatest power, because it is guaranteed by economic power, law, and violent tools such as the police, the military. Although the power of state power is authorized by the people, when there is power, the trend of abuse, misuse of power, and abuse of power is very likely, so the nations of the world must build mechanisms to control power.

Control of power means using prestige and power to monitor, check, and supervise to prevent the person empowered to take advantage of power for personal purposes, thereby giving birth to authoritarian acts, abuse of power, and abuse of power in the exercise of power. Control of state power is to prevent people in the state administrative apparatus from using public power beyond permitted limits for the sake of their individuals and groups.

Around the world, people have found many ways to control state power very early. The most popular way that Montesquieu built, improved, perfected, and popularly applied in Western countries is the “isolationist trilogy” mechanism. Accordingly, the branches of power in the state administrative apparatus are independent and control

each other, all under the control of the people by the mechanism of universal suffrage.

The country building platform in the period of transition to socialism (additional and developed in 2011) affirmed: “Our State is a socialist rule-of-law State (socialist) of the people, due to them for the people and for the people” (Communist Party of Vietnam, 2011); its organization and operation is based on one of the fundamental principles: “State power is unified; there is a division, coordination and control between agencies in the exercise of legislative, executive, and judicial powers” (JonMills, 2005, p. 131). Compared with the 1991 Platform, this time the Platform (2011) not only added “our state is a socialist rule of law State” but also introduced a new content into the organizational and operational principles of the State apparatus is “Control between agencies in the exercise of legislative, executive and judicial powers” (Communist Party of Vietnam, 2011). What do this addition and development mean? And what is its content like?

LITERATURE REVIEW

In the book Social Pact, Rousseau (2018) argues that the state is formed by a mutually agreed contract, giving political power to the government who is the public servant of the people to run the country according to the aspiration and collective will. The political power of the government will be revoked at any time if the government fails to perform the functions assigned by the people (Chapter 11, q. III). Thus, state power is not an inherent power of the state, but the power of the people, authorized by the people and empowered by the people. The people did not directly exercise their state power but assigned the state to perform it for themselves, so inevitably a legitimate and natural requirement arises to control state power.

According to K. Marx (1975), when people authorize the state, state power often moves towards the tendency of self-negation, becoming opposed to itself in the beginning, that is, the word of the people is the majority shifting to the singular of a group of people or of a person? K. Marx (1975) calls this phenomenon the corruption of state power.

V.I. Lenin is a leader who is always interested in mobilizing the people to participate in controlling the state's power. He said that it is an effective mechanism to ensure that state agencies actually operate for the benefit and will of the owners to whom they are authorized. People, after authorizing a state agency, still have to have the right to control that state apparatus so as not to lose their power or abuse their power. The corruption of state power is: Turning the political power of the class into the power of the apparatus, turning the "political apparatus" into "politics at the service of the apparatus" (Lenin, 1978, p. 447); turning the power of the state into the power of individuals or groups of power that distort the self-purpose of state power; turning the political power of the class into that of the class in a narrow, selfish sense; turning the power of the advanced class "delegates" to society in that era, into the power of the outdated, reactionary, and so on.

According to Jon Mills, state power is given by the people to state agencies, after all, to specific people for the execution. But human actions are always under the influence of emotions and lust that sometimes sink reason (Jon Mills, 2005, p. 131). Especially when reason is dominated by desires, habits, or emotions, the greater the possibility of being erroneous in exercising state power. With that human characteristics, it is impossible to say that the authorized person always does the right thing, does everything that the people have authorized. Therefore, the control of state power is an objective need from the part of the authorizer being the people over the authorized person is the state. Moreover, state power is not a quantity that can be accurately weighed, measured, measured, and counted, so that power can be concretely delegated. That requires more control of state power to limit misuse, abuse, overlapping, or overlapping in the process of exercising state power among state agencies, making it effective and effective exercise of state power is limited.

According to Tran Ngoc Duong (2017), in relations to state power, an objective fact often happens that citizens are not equal to the State in information, so there is often the situation: (1) power owners the state (the people) lacks information or is not fully informed; (2) the ability of the State not to properly grasp the purposes and interests of the people; (3) the likelihood that those who exercise specific powers do not understand purpose; (4) the ability to properly understand the purpose but not use power properly and properly; (5) the ability of agents for their own interests to overpower, abuse their power to harm the common purpose (Duong, 2016). Furthermore, the State is

the only institution with a compulsive attribute. "The coercive attribute gives the State the power to intervene effectively in political, economic, and social activities, but with this monopoly, the State can intervene in an authoritarian, specialized manner rights, infringing upon the legitimate rights and interests of human beings. This right, coupled with inequality of information between the people and the State, creates opportunities for civil servants to promote their own interests or their allies, detrimental to the common good. The possibilities for profitability and corruption are enormous (World Bank, 1998).

Controlling state power is also a technical necessity to effectively exercise power. State power, if it is not organized into a system, obeys certain principles, mechanisms, and processes, and is exercised by specific people, power does not play its role.

Today, with the rapid development of science and technology, society becomes more modern, the state power organization must have more division, coordination, and control. This is an objective requirement due to the division of social labor, due to the professionalization of power activities. At the same time, there are also limitations in power labor. First of all, human ability is finite stems from the finiteness of his intellect and reason. No matter how a person has transcendent intelligence, is a "saint", the possibility of error can still happen "humans who are not gods never fail, their truths are mostly only are half-truths" (John Mills, 2005, p. 13). Therefore, the possibility of misconception and exercise of state power, the ability to use power ineffectively is possible. Moreover, people are driven by many aspirations, including the desire for power as both the goal and the tool to achieve other aspirations. Hobbes emphasized: "The selfish spirit in man is a ceaseless desire for power and this is only lost when the man dies" (Hobbes, 1968, p. 161). Therefore, it is impossible to say that the authorized person is always worthy of the people's credit. Therefore, in the organization of state power, it is necessary to have strict control of the people working in the state power apparatus, to be able to detect and handle when these people are no longer worthy with the people's confidence.

STATE POWER CONTROL MECHANISMS IN THE WORLD

The state power control mechanism is a set of rules and laws made by power actors to ensure that power is used for the right purpose and effect. There are three main mechanisms in the control of state power today: Self-control of the rulers; governmental agency control; social control.

The ruler's self-control is the self-control mechanism of those holding state power. The effectiveness of this mechanism depends on a number of factors, such as the cultural background of the authority (permeability, internalization of standards, and moral values of the

society in each individual); level of awareness of the authority about conscience, responsibility, etc.

However, this self-control always contains risks and is underestimated, although, in reality, there may be individuals who exceed overcoming the temptation to hold state power. T. Hobbes, the French philosopher of the eighteenth century, said that this is hardly feasible, both theoretically and practically, because “if you are limited by yourself, then there is means you are not limited “. Reality shows that, when there is so much power at hand, even good people can abuse their power.

State control between agencies is a mechanism that controls state power through the institutional system to prevent arbitrary, impromptu, or subjective actions of the authorities. They must make decisions in accordance with the established institutional system.

In order to ensure that state power cannot be misused and misused, Western countries have adopted the theory of “threefold isolation”, in which different state agencies will be given the various powers aim to create mechanisms that control power between the legislative, executive, and judicial branches.

However, in practice, there are differences in the application of this theory as well as differences in its effectiveness in each country. That depends on historical circumstances, political culture, and especially the awakening of the “elite” in each country.

For example, the British parliamentary institution adopts a “flexible” model of decentralization; the institution of the US-style presidential republic adopts a “tough” model of decentralization; The French semi-presidential republic applied a “mixed” model of decentralization. Regardless of their design model, the main ideas of these institutions are based on the principle: Use power to control power, use one coercive power to control other coercive powers, make people wielding public power, whether selfish or selfish, cannot abuse power (Sung, 2016).

Social control is the mechanism that controls state power from the social side. The subjects involved in this process may include political parties, social organizations, press agencies, and people, etc.

POWER CONTROL IN VIETNAM TODAY

In Vietnam, since the establishment of the State, the issue of controlling State power has been interested in constructing research. Mechanism “Party leadership, state management, people ownership” has been built and implemented. However, up to now, it is still a very complicated issue and still has many limitations, leading to many state agencies and officials taking advantage of public power to serve personal and group interests through their actions. Micro-corruption has been commonplace for many years. Therefore, finding a mechanism to control state power is a very urgent issue. Therefore, the

Resolution of the 12th National Party Congress has affirmed: “Perfecting and strictly implementing the power control mechanism, preventing abuse of power, violation of discipline and discipline” (Communist Party Vietnam, 2016).

It can be said that in Vietnam for a long time, it is still struggling to find the answer to who will be the most effective controller of state power agencies. Many researchers have mentioned the role of control through an election, by the Constitution, control by organs in the state apparatus, and control of the people (Son, 2018). These problems are not really new because they have been being implemented in Vietnam, but one question arises why the control of state power is still ineffective and many mistakes still arise. Should it be necessary to find a new mechanism, a new powerful apparatus with enough power to control state power?

With the current political institution and in the context of Vietnam being drastically rearranging its organizational apparatus in the spirit of Central Resolution 6, Session XII, it is impossible to create any other organization that can only be used. Current apparatus organizations to control state power. In Vietnam's political system, there is only one organization powerful enough to control state power, the Communist Party of Vietnam. According to conventional logic, in Vietnam, the Communist Party of Vietnam is the highest leading body in the political system, so the Party must be the subject of control, not the one that controls power. However, studying this issue in-depth, we can completely affirm that: the Party and the people are the two most important subjects to effectively supervise state power agencies, not necessarily. looking for another power control mechanism.

The Party has enough legal grounds to control state power

The Constitution of the Socialist Republic of Vietnam stipulates that: The Party is the force leading the State. In the content of the term, leadership has included the following contents: defining the platform, the way; implementation organization; check, supervise; preliminary review, learn from experience. Thus, the Party leading the state, of course, must inspect and control all activities of the State in the process of exercising public power.

The Party's Charter affirms: The Communist Party of Vietnam is the ruling party, that is, the party exercises the political power of the classes, classes, and social forces they represent by influencing the State, to Through the State, by the State, realizing the rights, interests, and will of the social forces they represent. The ruling party means that the Party uses the State as its tool to carry out the Party's ideals. If the Party wants that tool to be really sharp and effective, of course, the Party must strictly control it. On the contrary, if the Party lets its tools be damaged, ineffective, or damaging, damaging or harmful to the society, then it is clear that the defect belongs to the

Party.

Thus, both the highest legal documents of the State and within the Party affirm that: The Party is the controlling agency of power, so the Party cannot fail to fulfill its responsibility. That is more than a responsibility, but also a responsibility entrusted by the people; is the Party's principle and purpose; is the method of using state power to build a better society and towards the abolition of the state.

The party has the power to control state organs

As stated above, the Party has a legal basis to carry out the task of controlling state power, but the problem is whether the Party has the ability to control power or not because the Party is also a powerful agency, even the agency using strong power is the state. It should be understood that state power can only be controlled by another powerful body, at least by state authority. Control of power can be by violence, economic, or my charisma, by the attractiveness of personality, ideology. The Party controls state power not in the force of violence but by the appeal of ideas and values that the Party pursues, expressed in the Party's principles, lines and policies. The Party's strength also lies in the trust of love and respect of the masses through the examples of the Party's members fighting and sacrifice and the benefits that the Party brings to the people and the country. If the Party keeps itself a pioneer in terms of wisdom, "morality, civilization", that is enough power to control state power.

If coercive force is used to control state power, it is easy to have negative consequences such as coping, evading, even protesting. But controlling power by prestige, by exemplary, sacrifice, that control is voluntarily and voluntarily obeyed, derived from positive motives from within, so the quality of submission is to a high level. People with power from violent, economic, and legal power often tend to abuse power, abuse power, abuse power. But the person who has power out of prestige does not in itself allow people to destroy one's own reputation. If you take advantage of your reputation to cultivate individual interests, group interests go against the social interests, that reputation will quickly collapse. Thus, the Party controlling power is to protect its own prestige and through which to maintain its leadership. If the Party does not do this, the prestige of the Party will decrease and the Party will be in danger of collapse. Therefore, controlling state power is a premise and a prerequisite for a ruling party. If the Party lets its cadres and members corrupt by power, they are cutting their own legs.

The Party has a mechanism to control state power

When in power, the Party has the right to choose its best members to stand for election to the people to vote in state organs. Through this mechanism, the Party manages its members, while also controlling so that the party members holding power in state agencies are not corrupted by power. In other words, the party that controls power is

also the party that controls its own party members. By well implementing the principle of centralization, democracy, and strict inspection and supervision within the Party, it is possible to completely limit the habits of authoritarianism, abuse of power, abuse of the power of cadres, Party members.

Through the good implementation of the principle of self-criticism and self-criticism, manifestations of corruption by the power of cadres and party members can be easily detected. When cadres and party members holding state agencies make mistakes, the Party conducts review and handling with appropriate forms of discipline both to punish and educate and deter other party members. do not take advantage of public power.

If the Party appoints its party members to run for state organs but does not get elected, is it possible to control power? These are possible but only a few. In theory, party members must be the most elite in society. After training challenges, they can be introduced to participate in the election for the government apparatus to manage the society. If the majority of Party members are not elected by the people to state power agencies, then the leadership role will be lost, let alone controlling power.

The Party has enough practical grounds to exercise control of state power

In fact, over the years it has been confirmed that the Party is the controller, has a control mechanism, and is capable of controlling state power. In the trend of democratization of political life, the Party has gradually established the position of a ruling party, the Party stands in the position of leading, leading, and controlling, not replacing the state. The role of the rule of law state is increasingly asserted and appreciated and promoted in practice. Despite giving all the power to manage society to the state, but up to now, the Party still holds the right to lead the state, controls and prevents more and more manifestations of power abuse, abuse, and abuse of power force of the contingent of cadres and the system of state agencies from central to grassroots levels.

The Party has issued many documents to prevent cadres and party members from being corrupted by power, such as: gradually completing the Party's Charter, stipulating the responsibility to set the example of the head; launched the movement of learning, and following Ho Chi Minh's ideology, morality, style, regulations on two-way activities of the party members, etc. When detecting that cadres and party members holding state power agencies made mistakes, The Party strictly and openly dealt with even the Politburo member. Thanks to that, the Party's prestige was restored, the power to control power was not only strengthened but also gradually raised.

THE PROBLEMS RAISED

Firstly, in terms of prestige and ability to control the power of the Party.

As the agency that controls the power, it requires the controller himself to be pure, carefree, putting the interests of the people, the nation, and the nation first. The Party is in control of the power because the Party is the pioneer, the most elite army, the Party has clear goals, ideals, principles, and goals that are open to the whole society. Theoretically, such a genuine party deserves to be given control of state power by the people. However, in reality, there is still a part of Party members in the Party that is corrupt, corrupt, degraded in both political ideology and lifestyle ethics, when appointed as manager in the agency. The state is very easily corrupted by power. Although the Party does not directly grasp the economy, the Party directly holds the work of organization and personnel and assigns public power to individuals. Due to limitations in cadres' work, in many cases, the Party still sends people who do not have sufficient qualifications and capacities to hold managerial positions in the state apparatus, leading to the situation of authoritarian cadres, taking advantage of positions and powers to cultivate individual and group interests. To well control state power, the Party needs to control well the work of its own cadres in order to prevent party members from being corrupted by power.

Secondly, the Party's internal control mechanism.

The Party is the controlling body of state power, thus the Party has indirect power over society. Although the Party's strength is its prestige, exemplarity, example, and the attractiveness of ideas and ways, because it is in power, the Party can completely encroach on the pitch, use its reputation to interfere in the body. government officials. To overcome this situation, the Party must implement the mechanism of "internal control" through the forms of party activities, self-criticism, and criticism, party discipline, inspection, and supervision activities of party organizations from the Party cell to the central level according to the Party's Charter. In which, the most important thing is that the Party must early detect the germ of wrongdoing through self-criticism and criticism in party activities and Party member supervision. However, at present, this work still has many shortcomings, democracy and the fighting in party activities are still limited.

Many serious violations of officials and party members were not discovered from the cell but through the authorities and the press. The phenomenon of indifference, emotionlessness, avoidance, "peaceful coexistence" with the mistakes of his comrades, fear of power in party organizations is quite common. In order to fulfill the role of controlling the state power, the Party is forced to eliminate the "worms that make the pot soup" by themselves and resolutely and bluntly expel those who are not qualified from the Party.

Thirdly, about promoting the people's role in self-control.

The greatest strength of the Party is also the power in controlling the state power of the Party is the confidence of the people and followers of the Party. Losing people's trust in the Party will lead to the risk of losing its leadership role and losing control of power over state agencies, even though that right may be established by legal means. In order for the Party to always be worthy and strong enough to be the controller of the supreme power, the Party must keep itself loyal to its goals, the idea of serving the people, and keep itself clean. To do so, the Party must rely on the people to control itself. Currently, the people exercise the right to supervise the activities of the Party according to specific criteria stated in the Platform and in Article 4 of the 2013 Constitution. The people supervise the Party, from its close attachment to the people, serving the people, taking responsibility before the people for their decisions, up to law violations. In addition, the control of the Party's leadership power is also carried out in the form of social supervision and criticism of the Vietnam Fatherland Front, socio-political organizations, etc.

These controls are all regulated in the Constitution, legal documents, and the Party's Charter. However, at present, many party organizations and party members still do not really want to put themselves under the control of the People, listen to the People, and comply with the wishes and will of the People. On the side of the people, they are not fully aware of their role as master of state power, not enough capacity and conditions to master, etc. leading to the People's control over the Party still reveals many limitations, also formalistic and coping. This is an issue that needs to be resolved to keep the Party always with enough power and power to control state power.

CONCLUSION

In power control, state power control is the most important and complex. In Vietnam, the new mechanism of "Party Leadership, State Management, and People Ownership" affirms subjects of power but has not clearly defined the mechanism to control state power effectively. In order to promote well the role of organizations in the political system specific to the socialist regime, it is necessary to promote the leadership of the Party as the leader of the state and society. With the ideal goal of serving the nation, the Fatherland and the People, Party members are the most elite in society, recognized by law, the Communist Party of Vietnam has sufficient legal basis, conditions, and capabilities. ability to act as the supreme and effective controller of state power, using the state as a tool to build a rich, beautiful, prosperous country for all.

According to the experience of organizing state power in contemporary states, the control of state power is a factor expressing the rule of law and democracy of a state apparatus, a factor contributing to the wealth. of a country. With such a great role, the control of state power within state power organizations is an important indispensable content in building a socialist rule of law State in

Vietnam. Continue to assign and assign explicitly, rationally, and scientifically the tasks and powers of each right, strengthen mutual control in the exercise of state power between rights, and close coordination between the three powers on the basis of the assigned tasks and powers, is a job that must be done regularly in the process of building and perfecting the state apparatus.

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