



The Implementation Of Anti-Corruption Policy In Public Sector In Vietnam

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ABSTRACT

Corruption is one of the most serious problems and threats to the development of the world. It is a high-profile issue of most developed and developing countries, and Vietnam has not been excluded. This article introduces an overview of the legal frameworks in terms of corruption in public sector in Vietnam. It then analyzes and evaluates the effectiveness of implementation of anti-corruption policy in practise. This article finally indicate several solutions to improve the effectiveness of the anti-corruption policy in public sector in Vietnam.

KEYWORDS

Corruption, Vietnam, implementation, public sector, policy

INTRODUCTION

Corruption has been a serious and complicated problem especially in public sector, negatively affecting to many aspects of social life in many countries. Vietnamese Communist Party has identified corruption as one of the four threats to the stability and development of the country. The Government Resolution on the National Strategy against Corruption up to 2020 also defines “Anti-corruption is the responsibility of the entire political system under the leadership of the Vietnamese

Communist Party with the strong action at all levels, emphasizing the responsibilities of Ministers, heads of ministerial-level agencies, heads of government-attached agencies, the director of the Office of the Central Steering Committee Against Corruption, presidents of People's Committees of provinces and centrally run cities, and heads of concerned agencies, organizations and units, and upholding the role of society.

Anti-corruption is an important mission in both short and long-terms, throughout the process of socio-economic development,...”¹. After 20 years of implementing Resolution, many corruption cases has been filed. However, corruption is still a serious obstacle to effective government, economic growth and political, social stability in Vietnam. Therefore, building a legal framework with strong sanctions and an effective enforcement to handle the acts of corruption in public sector requires the efforts of all Vietnamese political system. This article gives an overview of anti-corruption policy in Vietnam. Besides, it analyses the effectiveness and indicates several challenges of the current anti-corruption policy implementation in Vietnam. The last section proposes solutions to improve effectively the anti-corruption policy in Vietnam.

RESULTS

Definition of Corruption

According to the definition of Transparency International (TI), corruption as the abuse of entrusted power for private gain. Corruption erodes trust, weakens democracy, hampers economic development and further exacerbates inequality, poverty, social division and the environmental crisis. Exposing corruption and holding the corrupt to account can only happen if we understand the way corruption works and the systems that enable it².

Corruption in Vietnam is an illegal act committed by a person with a position and

power who has taken advantage of his position and power for personal gain and caused bad consequences for society.

According to Article 3 on the Law on Anti-Corruption No. 36/2018/QH14 of the Socialist Republic of Vietnam, “Corruption is an act committed by a person holding a position with power who has abused his or her position and/or power for personal benefit”. Corruption in public sector includes the acts of public officials who hold these positions and executive these powers are working in organisations, agencies and other bodies involved in the political system using Government budget funds and state property.

The forms of corruption in public sector

According to Article 2 of the Anti-Corruption Law 2018, corruption acts in the public sector are performed by officials in public agencies, organizations and units. The forms of corruption include: property embezzlement; take bribes; abusing of position and power to property dispossession; abusing of positions and powers while performing tasks or official duties for personal purposes; forgery at work for self-interest; giving bribes or brokering bribes to settle the affairs of agencies, organizations, units for self-seeking purposes; abusing positions and powers to illegally use public property for personal purposes; improper or incomplete performance of public duties for self-interest; taking advantage of positions and powers to cover up people who commit illegal acts for personal gain; unlawfully obstructing or intervening in the

¹ The Government. *Promulgating the National Strategy Against Corruption up to 2020*. No. 21/NQ-CP. Hanoi, May, 12,2009.

² Transparency International. WHAT IS CORRUPTION?. <https://www.transparency.org/en/what-is-corruption#>

supervision, inspection, audit, investigation, prosecution, trial and judgment execution for self-interest³. Seven of them constitute the crimes of corruption, which are specified in Section 1, Chapter XXIII of the Penal Code 2015, specifically as follows: property embezzlement; take bribes; abusing of position and power to property dispossession; abusing of positions and powers while performing tasks or official duties for personal purposes; the crime of taking advantage of positions and powers to influence others for personal gain; taking advantage of positions and powers to cover up people who commit illegal acts for personal gain; forgery at work for self-interest⁴.

Overview of the legal frameworks of anti-corruption Vietnam

The United Nations Convention against Corruption (referred to as the Convention) is the first international instrument to enter into force for members on a global scale in the field of anti-corruption. This is also one of the most important legal frameworks for Vietnam in the fight against corruption in public sector. The United Nations Convention against Corruption is a multilateral international treaty established by agreement between countries and international organizations through negotiation. The objective of the Convention is to form a global legal framework for

cooperation between States in order to effectively prevent and combat corruption.

The provisions of the Convention are consistent with the principles of international law, including the principles of respect for national sovereignty, territorial integrity and non-interference in each other's internal affairs; reflect the practical experience of anti-corruption in many continents of the world, especially Europe and Latin America; consistent with the spirit and content of the United Nations Convention against Transnational Organized Crime . Vietnam signed the Convention in December 2000. Vietnam is a country actively participating in drafting and signing the United Nations Convention against Corruption. According to the decision of ratification in 2009, Vietnam officially became a member of this Convention, obligated to implement the commitments expressed in the provisions of the Convention, except for the provisions declaring reservations⁵.

In order to implement the Convention in a planned and effective manner, the Prime Minister of Vietnam signed Decision No. 445/QĐ-TTg dated April 7, 2010 approving the Implementation Plan of the Convention⁶. After more than 10 years of joining the Convention, Vietnam has achieved positive results in reforming policies and laws on anti-corruption towards improving the level of compliance with the requirements of the Convention,

³ Law on Anti-Corruption, Chapter II, No. 36/2018/QH14. 2018. Accessed on March 21, 2020, from <https://thuvienphapluat.vn/van-ban/Bo-may-hanh-chinh/Luat-Phong-chong-tham-nhung-322049.aspx>

⁴ Vietnam Penal Code 2015, Chapter XXIII, Title 1.

⁵ UNODC.2009. Vietnam accedes to UNCAC. <https://www.unodc.org/southeastasiaandpacific/en/2009/07/viet-nam-accedes-to-uncac.html>

⁶ Decision No. 445/QĐ-TTg dated April 7, 2010. http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&_page=80&mode=detail&document_id=94062

especially are mandatory requirements. It can be seen that the improvement of policies and laws is comprehensively focused on both prevention and detection and handling of corruption.

The Law on Anti-corruption 2018 demonstrates the strong determination of Vietnam in the fight against corruption and demonstrates Vietnam's commitment to improving the level of compliance with the Convention when there are significant progress in perfecting the anti-corruption institutions.

The results of anti-corruption policy implementation in public sector

- Openness and transparency in the activities of public sector:

According to the figures of the survey of the Provincial Governance and Public Administration Performance Index (PAPI)⁷, the score of “Openness and transparency” in public sector’s activities increased from 5.61 in 2011 to 5.78 in 2012, then continued to reach 5.91 in 2013. However, this score slowed down to 5.88 in 2014 and to 5.31 in 2015, then raised up again to 5.52 in 2016, 5.61 in 2017, and 5.88 in 2018. Nevertheless, the score of “Openness and transparency” in public sector’s activities dropped to 5.35 in 2019 and stayed the same in 2020.

Table 1. Vietnam’s “Openness and transparency” Score (2011-2020)

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Score	5.61	5.78	5.91	5.88	5.31	5.52	5.61	5.88	5.35	5.35

- Administrative reform results:

The Vietnamese Government promulgates many regulations on administrative procedure reform in public sector. Most of administrative procedures have been reduced and simplified. The onedoor service, smart government are doing better to meet the needs of citizens when conducting transactions with public agencies. In a survey of the implementation of 6 administrative procedures, the Ministry of Home Affairs announced the Satisfaction Index

of people and organizations with the service of public administrative agencies in 2018 (SIPAS 2018) from 74, 07% to 88.13%. In which, 80.62% of respondents are satisfied with service access; 86.40% satisfied with administrative procedures; 85.10% satisfied with civil servants; 88.13% are satisfied with the results of public administrative services and 74.07% are satisfied with the receipt and handling of citizens’

⁷ PAPI is a flagship governance program initiated by the United Nations Development Programs in Vietnam since 2009. PAPI measures and benchmarks citizens’ experiences and perception on the

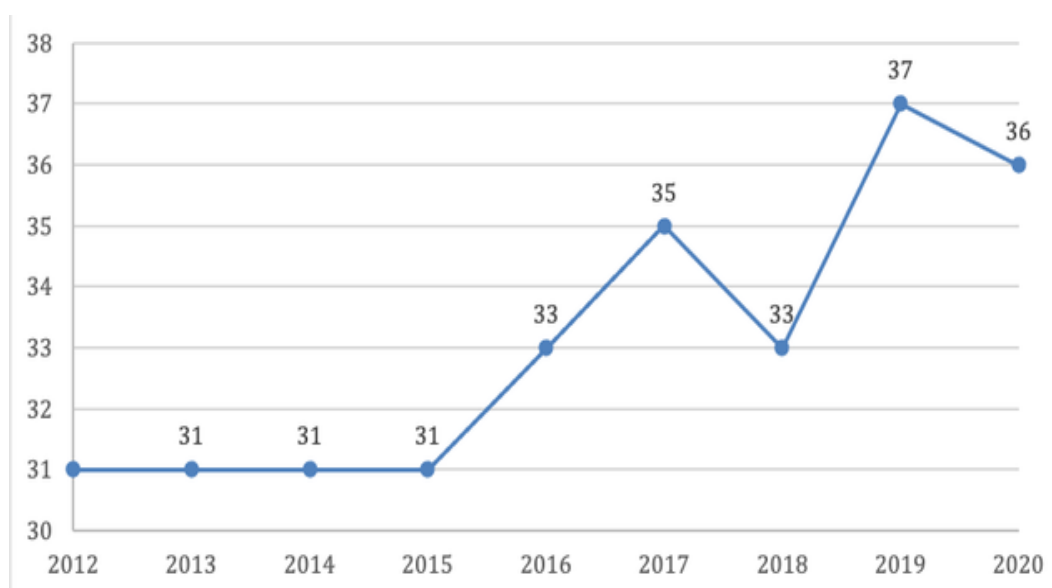
performance and quality of policy implementation and services delivery of all 63 provincial governments in Vietnam to advocate for effective and responsive governance.

feedbacks and recommendations; 82.99% are satisfied with administrative services⁸.

Another index that demonstrates a degree of corruption in Vietnam is the Corruption Perceptions Index (CPI). Vietnam's CPI from 2012 to 2020 is illustrated in Figure 1 below. According to the data released by Transparency International (TI), Vietnam's Corruption Perceptions Index (CPI) has increased in recent years, representing a positive indicator of the efforts of the Vietnamese Government in the fight of anti-corruption. Specifically, in 2018, Vietnam achieved 33/100 scores, ranking 117/180 globally. In 2018, Vietnam made considerable efforts to combat corruption in public sector, typically by quickly and resolutely handling large-scale corruption cases. On the Law on Anti-Corruption 2018 (amended), the Government has directed to strengthen

inspection and strictly implement anti-corruption measures such as: promoting integrity in the public sector, effectively implementing the declaration and disclosure of assets and income of public officials. Therefore, Vietnam's CPI in 2019 reached 37/100 scores, an increase of 4 scores compared to 2018, ranking 96/180 countries and territories in the global ranking, increasing 21 ranks compared to 2018. However, in 2020, the CPI of Vietnam dropped 1 score compared to 2019, reached 36/110 scores, ranking 104/180 countries⁹. According to the PI, this dropping score, compared to 2019 was insignificant. However, on the scale of 0-100 of the CPI (where 0 represents the highest level of corruption perception and 100 is the lowest level of corruption perception), in 2020 Vietnam is still in the group of countries with the lowest score.

Figure 1. Vietnam's Corruption Perceptions Index (2012 – 2020)



⁸ Ministry of Home Affairs (2019), Satisfaction Index of Public Administrative Services 2018 (SIPAS 2018), Hanoi, page.36.

⁹ Transparency International, Corruption Perceptions Index, <https://www.transparency.org/en/cpi/2020/index/kv>

Source: *Transparency International*

This figures indicates that corruption in the public sector is still considered serious problem in Vietnam.

There are several reasons that make the acts of corruption in public sector in Vietnam a big problem, such as: Inconsistency and incompleteness of legal mechanisms; sort of attentions of people to the serious level of corruption in public sector to the whole society; mechanism for citizens to detect corrupt acts and monitor power activities; control assets and incomes of officials; regulations on accountability of officials; openness and transparency in the implementation of social security policies have not achieved high efficiency. There is no mechanism to allow authorities to apply special measures to detect the acts of corruption. This problem leads the effectiveness of detecting corruption is not at a high required level. In order to meet the requirements of anti-corruption mission, the legal system on anti-corruption needs to continue to be reformed. Besides, new documents must be issued or reviewed, amended and supplemented accordingly.

Solutions to prevent and combat corruption in public sector

Vietnam has made great anti-corruption efforts by implementing many measures such as anti-corruption policies, training, propaganda and education of awareness as well as other administrative measures. With the drastic, strong and regular participation in the implementation of the whole political system and the people, corruption has been gradually curbed and tended to decrease.

However it is still complicated and more sophisticated. **To prevent and combat corruption in Public sector in Vietnam, more concrete and comprehensive solutions should be implemented effectively, including:**

Anti-corruption mission in general and the implementation of measures to prevent corruption crimes in public sector in particular are the tasks of the entire political system, requiring:

Measures to prevent corruption crimes should continue to receive the drastic implementation direction of the Communist Party of Vietnam, the Government and the attention and implementation of all levels, ministries, agencies, organizations, businesses and the enthusiastic support of the citizens.

The current prevention measures under the laws are thoroughly implemented. However, it is necessary to continue to be improved and promoted, especially in the areas where having the high risk of corruption such as management and use of land, exploitation of natural resources and minerals; budget revenues and expenditures, public procurement, finance and banking, public investment projects, to ensure the effectiveness and strictness of the anti-corruption law. Besides, it is very important to continue to promote propaganda and education in order to raise awareness, and responsibility of all levels, branches, officials, party members, civil servants, and people on anti-corruption mission.

Furthermore, salary and income policy, housing policy should continue to reformed to

ensure a stable life for public officials and civil servants to contribute to prevent corruption.

CONCLUSION

Corruption is one of the most serious social problem of most countries in the world directly affects the country's stability, security, and democratic, political, economic and social system. The consequences of corruption lead to a decline in moral values, to loss of confidence in public institutions, to threatening the proper functioning of the market economy and democratic institutions. In Vietnam, the mission of anti-corruption is the responsibility of the whole political system at all levels of involved government, upholding the role of society. The fight against corruption must be associated with and serve socio-economic reform, maintain political stability, along with an effective legislation, will create and contribute towards sustainable economic development.

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