

## Specialized Supervisory Skills in the Field of Land by People's Council Deputies

Kỹ năng giám sát chuyên đề chuyên sâu trong lĩnh vực đất đai của đại biểu Hội đồng nhân dân

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**Abstract:** Supervision is a fundamental and crucial function of our country's elected bodies. Since the establishment of the nation, our Party and State have always valued the supervision conducted by the National Assembly and the People's Councils. According to the 2013 Constitution, the People's Councils have the function of supervising the adherence to the Constitution and laws at the local level and the implementation of the People's Council's resolutions. In recent times, the execution of supervision in the field of land by People's Council deputies at various levels has seen many positive changes but also presents numerous theoretical and practical issues that need to be addressed. This article focuses on studying the theoretical and practical issues and proposes some solutions to enhance the specialized supervisory skills in the field of land by People's Council deputies in the coming period.

**Keywords:** *Land Issues; People's Council; Supervision.*

**Tóm tắt:** Giám sát là chức năng, nhiệm vụ cơ bản, quan trọng của các cơ quan dân cử ở nước ta. Từ khi thành lập nước đến nay, Đảng và Nhà nước ta luôn coi trọng việc giám sát của Quốc hội và Hội đồng nhân dân. Theo quy định của Hiến pháp 2013, Hội đồng nhân dân có chức năng giám sát việc tuân theo Hiến pháp và pháp luật ở địa phương và việc thực hiện nghị quyết của Hội đồng nhân dân. Thời gian qua, việc thực hiện giám sát lĩnh vực đất đai của đại biểu Hội đồng nhân dân các cấp có nhiều chuyển biến tích cực nhưng cũng đặt ra nhiều vấn đề về mặt lý luận và thực tiễn cần hoàn thiện. Bài viết này tập trung nghiên cứu các vấn đề lý luận và thực tiễn, một số giải pháp hoàn thiện về kỹ năng giám sát chuyên đề chuyên sâu trong lĩnh vực đất đai của đại biểu Hội đồng nhân dân trong thời gian tới.

**Từ khóa:** *Chuyên đề đất đai, Giám sát; Hội đồng nhân dân.*

### 1. Concept of Specialized Supervisory Skills in the Field of Land by People's Council Deputies

According to the Law on Supervisory Activities of the National Assembly and the People's Councils [1]: "1. Supervision is the activity of the supervising subject in monitoring, considering, and evaluating the activities of agencies, organizations, and individuals under supervision in complying with the Constitution and the law regarding the execution of their

duties and powers, handling according to authority or requesting, recommending competent agencies to handle." According to the law, numerous subjects perform supervisory duties, including the National Assembly, People's Councils, and the People, among which the supervision by People's Council deputies plays an extremely important role.

The Law on the Organization of Local Government [2] of 2015 stipulates: "People's Council deputies

represent the will and aspirations of the local people, are responsible to local voters and the People's Council for the execution of their duties and powers as deputies." People's Council deputies perform the supervisory function and effectively organize supervisory activities, contributing to the enforcement of constitutional [3] and legal provisions by state agencies from central to local levels. Through the supervision activities of People's Council deputies at various levels, they contribute to effectively executing the function of enacting resolutions and deciding on important local issues. The supervision activities of the People's Council include: reviewing work reports of the Standing Committee of the People's Council, the People's Committee, the People's Court, the People's Procuracy, the civil judgment enforcement agency at the same level, and other reports; reviewing the responses to the questions posed by those being questioned; reviewing decisions of the People's Committee at the same level and resolutions of the directly subordinate People's Councils that show signs of contravening the Constitution, laws, and legal documents of higher-level state agencies, and resolutions of the People's Council at the same level; specialized supervision; taking confidence votes, and voting of confidence for positions elected by the People's Council. The People's Council conducts numerous supervisory activities across various fields such as economics, culture, society, environment, and notably current hot issues like land.

The 2024 Land Law [4] prescribes the content of state management over land:

“Article 20. Content of State Management over Land

1.Issuance and implementation of legal documents regarding land management and use.

2.Propaganda, dissemination, education, training, scientific research, technology development, and international cooperation in land management and use.

3.Determining administrative boundaries, establishing and managing administrative boundary records.

4.Surveying, revising, and creating cadastral maps, current land use maps, land use planning maps, and specialized maps for land management and use.

5.Investigating, evaluating, protecting, improving, and restoring land.

6.Formulating, adjusting, and managing land use planning and plans.

7.Allocating land, leasing land, reclaiming land, recognizing land use rights, requisitioning land, and changing land use purposes.

8.Investigating, developing land pricing tables, specific land prices, and managing land prices.

9.Managing financial matters related to land.

10.Compensation, support, and resettlement when the State reclaims or requisitions land.

11.Developing, managing, and exploiting land funds.

12.Registering land, creating and managing cadastral records; issuing, correcting, reclaiming, and canceling land use certificates.

13. Land statistics and inventory.
14. Establishing, managing, operating, and exploiting the National Land Information System.
15. Managing and supervising the exercise of rights and obligations by land users.
16. Resolving land disputes; handling complaints and denunciations regarding land.
17. Providing and managing public services related to land.
18. Inspecting, examining, supervising, monitoring, and evaluating the compliance with land law regulations and handling violations of land law”.

The specialized supervisory skills in the field of land by People's Council deputies involve the deputies supervising, monitoring, considering, and evaluating the issues or activities of agencies, organizations, and individuals in the management and use of land at the local level to ensure effectiveness and compliance with the Constitution and the law.

## **2. Current Status of Specialized Supervisory Skills in the Field of Land by People's Council Deputies**

In 2020, the Hanoi University of Home Affairs conducted a survey of People's Council deputies at various levels regarding the training program for new term deputies organized by the Ministry of Home Affairs. The survey, conducted in seven provinces and cities, focused on two main aspects:

- Current state of the training program for the 2016-2021 term
- Needs for content in the training program for the 2021-2026 term

“According to the survey, over 70% of provincial-level People's Council deputies showed interest in specialized topics including land, environment, resources, new rural development, and labor and employment. This indicates that deputies need specialized knowledge to enhance their supervisory activities and decision-making on important local issues. The survey only covered these fields without allowing deputies to suggest other areas of interest, which might have limited the scope of assessment” [5].

In the future, when defining the authority of the People's Councils, it is essential to consider Vietnam's unique characteristic that land is owned by the entire people and represented by the State. Therefore, effective supervisory mechanisms need to be established to prevent the concentration of power in administrative agencies or individuals in administrative positions. This is to avoid unchecked embezzlement, waste, and promptly prevent wrongful acts in land management and use at the local level.

Supervisory activities by People's Council deputies at various levels have seen significant changes this term. Besides attending report sessions, deputies have conducted field surveys, collected information to identify emerging issues in state management of land at the local level, such as in Ho Chi Minh City, Da Nang, Ba Ria - Vung Tau, and Binh Duong. These activities aim to identify existing problems and propose solutions. People's Council deputies need to understand the concerns and aspirations of the people: "According to a report from Vinh Thai Commune People's Committee, in 2019

and the first six months of 2020, the commune strengthened its communication efforts, resolved complaints and denunciations, and fully issued and implemented administrative violation handling documents in the field of land and construction. The commune discovered and issued penalties for 30 land violations, including 28 administrative violations and 2 cases requiring remediation, collecting a total of 53.9 million VND in fines. In construction, the commune recorded 311 violations, issued 18 administrative fines, and required remediation in 293 cases" [6]. In other localities, the issue of land law violations has been particularly pressing: "Recently, land law violations have been rampant and publicly challenging public opinion. Notable cases include the unauthorized construction of 500 villas in downtown Bien Hoa City, Dong Nai Province; the encroachment on canals in Binh Duong for building restaurants and wedding halls over three years without detection; or the existence of over 90 illegal structures on Long Son Island, which the Vung Tau City government has only recently started addressing. Many voters believe the handling of these violations has been ineffective due to legal loopholes, insufficient governmental resolve, and the inadequate supervisory role of local People's Councils" [7].

Given these specific challenges, People's Council deputies at all levels need to enhance their capabilities and effectively perform their general supervisory functions, particularly in specialized fields such as land management, to achieve high quality and efficiency.

The specialized supervisory skills in the field of land by People's Council deputies include:

- Accurately identifying the subjects and scope of supervision in the field of land. Conducting field surveys in the field of land.
- Assigning tasks, coordinating, and implementing the supervision program of the People's Council deputies in the field of land.
- Preparing, collecting information, data, and statistics related to supervision in the field of land.
- Consulting experts, soliciting opinions from the public and relevant local agencies in the field of land.
- Inviting media coverage of the supervision activities of the People's Council deputies in the field of land.
- Requesting inspection, examination, and auditing agencies to clarify or transfer records to supervisory agencies in the field of land at the local level.
- Announcing the conclusions of the supervision.

Typically, upon election, People's Council deputies in various localities are sent to training courses tailored for People's Council deputies at different levels:

- Group of localities using training materials from the Ministry of Home Affairs: Hanoi, Ho Chi Minh City, Ben Tre, Tien Giang, Lam Dong, Cao Bang.
- Group of localities that modify and supplement the Ministry of Home Affairs' materials to suit local conditions: Bac Kan, Quang Ngai, Nghe An.
- Group of localities that develop their own training materials: Thua Thien

Hue: Comprising three groups of knowledge with five content areas: Group 1 covers international integration and socio-economic matters; Group 2 introduces three laws related to the People's Council, including the Law on the Organization of Local Government, the Law on Supervisory Activities, and the Law on Promulgation of Legal Documents; Group 3 focuses on activity skills, including three specialized topics; Long An: Comprising three groups of knowledge with six content areas: Group 1 covers Vietnam's and the province's socio-economic matters; Group 2 details the duties and powers of the People's Council and its deputies; Group 3 focuses on activity skills, including four specialized topics; Hoa Binh: Covering five specialized topics related to skills, budgeting, confidence voting, and public investment.

Thus, in Vietnam, there is no uniformity in the training programs for People's Council deputies, and the balance of content within these programs varies across localities.

### **3. Solutions to Enhance Specialized Supervisory Skills in the Field of Land by People's Council Deputies in the Future**

First, Improve the Quality of Supervision Conclusions by People's Council Deputies in the Field of Land.

The supervision conclusions by People's Council deputies in the field of land are legally significant documents resulting from their supervisory activities. While some supervision conclusions have been effectively implemented and have had a practical impact, there are still instances where conclusions are vague and do not meet required standards. Therefore, improving the quality of these

conclusions is crucial. The supervision conclusions should clearly specify the achievements, existing issues, limitations, violations, subjective and objective causes, responsibilities of each issue, and specific solutions and deadlines for addressing the problems identified. The conclusions must comply with the Constitution and laws, and the recommendations should be feasible.

Relevant state agencies, particularly People's Council deputies at all levels, must closely monitor and ensure that the subjects under supervision in the field of land strictly, fully, and promptly implement the conclusions of the supervisory delegation, and regularly report the implementation results. Additionally, there should be mechanisms to decisively address cases of delayed implementation, non-implementation, or partial implementation of the conclusions. This will provide a legal basis for individuals, agencies, and organizations to adhere to the Party's policies and state laws in the field of land, ensuring the establishment of a socialist rule-of-law state by the people, for the people.

Second, Improve the Quality of People's Council Deputies.

In the future, it is essential to enhance the quality of People's Council deputies at all levels and increase the number of dedicated deputies to ensure they can fully focus on their duties, avoiding the situation where deputies have to handle too many responsibilities. There should be enhanced training and capacity-building for People's Council deputies at all levels. Relevant state agencies should standardize the training materials for People's Council deputies and increase specialized training topics related to the environment, land, and other pertinent fields.

Third, Establish Mechanisms to Ensure and Protect People's Council Deputies.

A mechanism should be developed to closely evaluate the quality of People's Council deputies' activities at all levels. In the future, relevant state agencies need to review and supplement regulations to ensure that elected representatives can fulfill their responsibilities, speak candidly and decisively, and base their arguments on theoretical and practical grounds regarding pressing issues affecting the people.

Fourth, Develop and Improve Reward Policies for People's Council Deputies.

The implementation of the Law on Emulation and Commendation of 2003, amended and supplemented in 2013, and the accompanying guiding documents should continue to be effectively executed. Additionally, relevant state agencies should continuously review, amend, and supplement the reward policies for People's Council deputies who perform well and excellently fulfill the tasks assigned by the Party and the State.

### References

- [1] Article 2, Law on Supervision Activities of the National Assembly and the People's Council, 2015.
- [2] Clause 2, Article 6, Law on Organization of Local Government, 2015, amended and supplemented in 2019.
- [3] Clause 2, Article 113, Constitution of 2013.
- [4] Article 20, Land Law 2024, effective from January 1, 2025.
- [5] Hanoi University of Home Affairs, "Survey Report on Training Activities for People's Council Deputies for the 2016-2021 Term," Hanoi, 2020.

- [6] Nhu Tuan, "City People's Council Supervises the Implementation of Administrative Violation Handling Laws in Land and Construction in Vinh Thai Commune," 2020. [Online] Available: Nha Trang - Hội đồng nhân dân thành phố giám sát công tác thi hành pháp luật về xử lý vi phạm hành chính trong lĩnh vực đất đai, xây dựng trên địa bàn xã Vĩnh Thái (khanhhoa.gov.vn), accessed April 12th, 2024.

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