

Current Issues and Challenges for Legal Education in a Globalized Context: A Case Study from Hanoi Law University, Vietnam

Asian Journal of Legal Education
8(2) 158–174, 2021
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DOI: 10.1177/23220058211028432
journals.sagepub.com/home/ale



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Abstract

Laws inevitably reflect political, social, and economic histories and more recent developments regardless of jurisdiction. Recent years have brought significant and rapid change in legal context and practice. Legal education must respond to this, if necessary with new methods and approaches to enable lawyers, judges, prosecutors, and law enforcement officers to meet the requirements of what is now a global market and to further serve the interests of society. Many lawyers are now expected to perform their work in a domestic and wider context. The education system of Vietnam in general, and legal education in particular, has raised many issues and challenges and the question remains—how to reform legal education to meet relevant needs. This article describes and analyses current legal education provision and identifies potential solutions for reform.

The Political and Legal Context

Since its establishment and especially after unification in 1975, Vietnam has strongly confirmed its model as socialist country. The key principles for organization and operation of government have been set out and include democratic centralism and established Communist Party principles. These shape the structure of government apparatus in Vietnam. Contrasting with the Western concept of the separation of powers, the democratic centralism principle, is a unified, top-down, model in which the National Assembly is the highest state power body of the Socialist Republic of Vietnam. Vietnam's Constitution of 1980 lays down this ideological stance. Turner-Gottschang, Feinerman and Guy note that:

Vietnam's experience, is an excellent example of how a traditional Confucian-influenced society has struggled to this day in adapting Western legal concepts – from the French civil law tradition to Marxist – Leninist Soviet models, to Doi Moi ('internal renovation'), to today's necessity of adapting to a more global market-driven world order.³

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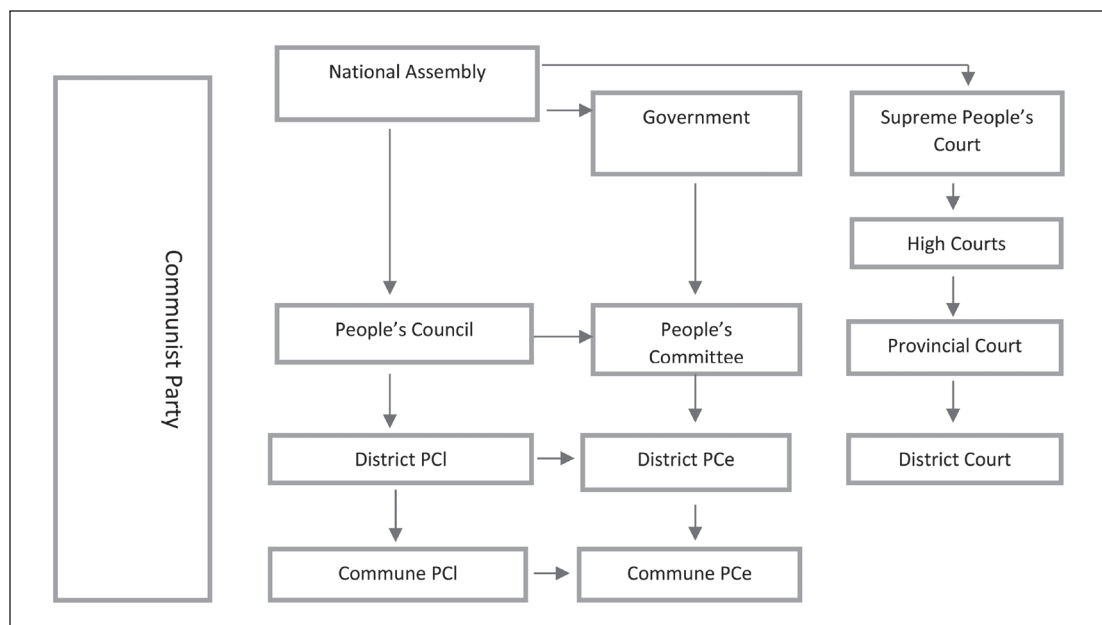


Figure 1. Organization of the Government Apparatus

Source: The authors.

Significantly, the Communist Party guides all aspects; the legal system is directly shaped by Party policy. In the Constitution of 2013, Article 4 defines the leading role of the Communist Party as follows: ‘The Communist Party of Vietnam - the Vanguard of the working class, concurrently the vanguard of the labouring people and Vietnamese nation, faithfully representing the interests of the working class, labouring people and entire nation, and acting upon the Marxist-Leninist doctrine and Ho Chi Minh Thought, is the force leading the State and society’.³ The Party therefore takes the lead in policy-making including administrative and judicial reform.

Democratic-centralism sees dependence on the state in whose name and authority power is concentrated. ‘Democratic’ here refers both to the duty and discretion of governmental organs in performing their functions under the law, as well as encouraging the participation of all citizens in public life. This combines the two components—democracy and centralization.⁴ A strongly *hierarchical* system is in place through which *collective* leadership is possible. ‘Collective leadership’ refers to the outcomes that are determined by popular, majority vote. Figure 1 illustrates the basic structure of the Vietnamese state.

Against this background, the impact of globalization has directly affected and increasingly affects the Vietnamese legal system as well as further afield in the region and beyond. This requires each country to consider often alien concepts such as the rule of law and ‘good governance’ and in achieving Sustainable Development Goals (SDGs).⁵ In consequence, Vietnam has embarked on certain economic reforms

³ Jiaxiang Hu, Andrew J. Harding, and Maartje de Visser, *Legal Education in Asia* (BRILL, 2017), 23.

⁴ Karen Turner-Gottschang, James Vincent Feinerman, and R. Kent Guy, *The limits of the rule of law in China* (University of Washington Press, 2000), 182.

⁵ Sustainable Development Goals adopted by all United Nations Member States in 2015 which includes 17 specific provisions and a call for action by all countries—developed and developing—in a global partnership, available at <https://sdgs.un.org/goals>.

involving a degree of change from a central planned economy to more of an open market but under socialist orientation. The Renovation (Đổi Mới) Policy is considered to be a turning point in developing the economy as well as changing the key functions of state bodies in Vietnam. In addition, being a signatory to a number of international treaties and conventions (for example emanating from the United Nations) as well as being a member of the World Trade Organization (WTO) and ASEAN Community, the legal system of Vietnam has had to address standards and rules of international laws. Hence, Vietnam has conducted institutional reform through amending the 1992 Constitution. The 2013 Constitution aims at incorporating the principle of the rule of law state with a transparent and discrete distribution of functions between the legislature, the executive, and the judiciary. Vietnam has carried out reforms encompassing the concept of the rule of law but still faces many challenges in promoting access to justice—one of the core elements of the development goals mentioned earlier. For example, 90.4% of survivors of physical and/or sexual violence committed by a husband/partner did not seek legal protection.⁶ There are many reasons for this, including the lack of qualified law enforcement officers who have gender-sensitive skills to handle domestic abuse cases, especially sexual violence. Hence, it can be seen that the important role of legal education has in building the capacity of legal practitioners who are capable to perform their duties that meet international standards. In other words, there is a close link between legal reform and legal education globally. This article examines such current challenges and concludes that the reform of legal education and the development of legal human resources are crucial in building a state and society that applies the rule of law and principles of good governance.

Overview of Legal Education in Vietnam

Historically, Vietnam has been influenced by four main eras and/or ideologies under: feudalism, French colonialism, communism and, most recently, globalization. For reasons of space and clarity, we focus on the legal education system from 1975 onwards as this is when the legal system and related education provision developed in a way we might recognize today. The introduction of Doi Moi (renovation) in 1986 was a major milestone.⁷ Vietnam shares the civil law tradition which has been strongly influenced by France and the former Soviet Union. Consequently, the legal system of Vietnam has the features of civil law traditions but also influenced by the socialist model. This means that the dominant source of law in the country is written, often in documents referred to as normative or codes. These contain the detailed regulations which have been promulgated in compliance with the constitutional and other procedural requirements.⁸ Sources of law in Vietnam are defined as all fundamental elements used by authorized entities for developing, promulgating, and interpreting laws as well as for application in specific cases.⁹ The sources of law are divided into two parts:

1. Party policy, economic policy, and legal philosophy

⁶ ‘National Study on Violence Against Women in Vietnam 2019: Summary Report’, 36, https://vietnam.unfpa.org/sites/default/files/pub-pdf/1_eng_summary_report.pdf, accessed June 1, 2021.

⁷ For more information, see: Dao Tri Uc, ‘Doing Legal Research in Asian Countries- Vietnam: Basic Information for Legal Research: A Case Study of Vietnam’ (Institute of Developing Economies, 2003), <http://www.ide.go.jp/English/Publish/Download/Als/pdf/23.pdf>.

⁸ Law on Promulgation of Legal Normative Documents (2015), article 2.

⁹ TS. Nguyễn Thị Hồi, *Về khái niệm nguồn của pháp luật*, Tạp chí Luật học, số 2/2008, 29, 30.

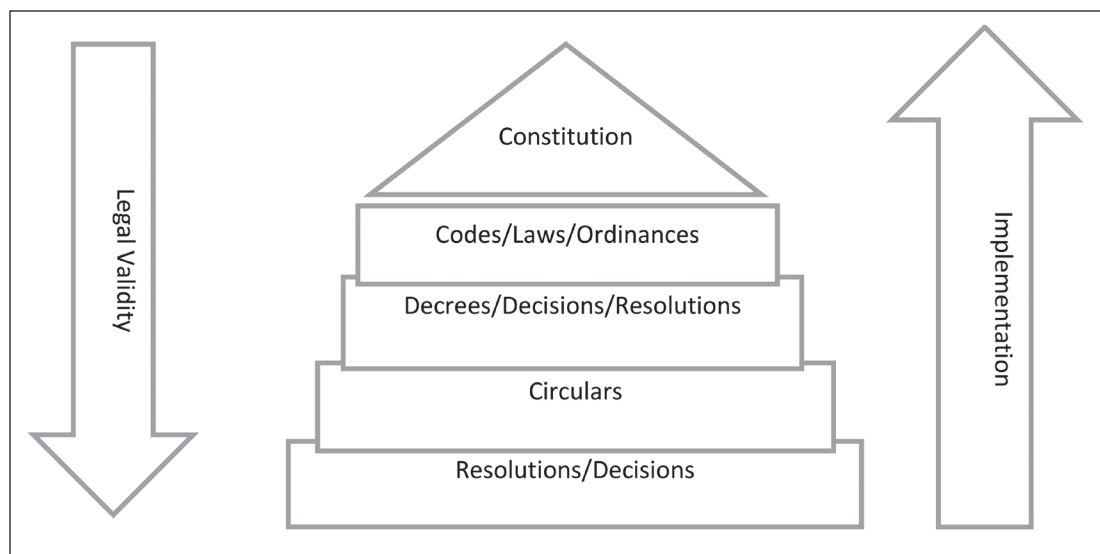


Figure 2. The Legal Normative Documents System

Source: The authors.

2. Codes and legislation, international treaties, customary rules, and judicial decisions (*nguồn hon hop*) for the interpretation and application of law in practice.¹⁰

The Constitution has the highest legal standing. All other documents must be consistent with this. If a legal document is inconsistent with the Constitution, it is invalid. The state hierarchies can also affect validity with the higher ‘trumping’ the lower in the event of inconsistencies. Notably, and in a move more like that in common law countries, case precedents chosen by Supreme People’s Court have been sources of law since 2016.

This backdrop directly affects, of course, what is taught in law schools. Textbooks are heavily relied upon and are based on the content of current legal provision. When laws change, they must be updated accordingly.

Vietnam has followed a socialist model for many years in which Marxist–Leninist and Ho Chi Minh’s principles and thoughts have been fundamental in shaping both legislation and law enforcement. Legal education has been heavily influenced by this culture and ideology as well as pervading social and economic conditions. Consequently, legal education of Vietnam under a central planned economy follows a socialist template. Approaches to law teaching and the planning of delivery have largely been designed and implemented by Vietnamese professors who graduated from law schools in the former Soviet Union and their legacy has been taken up by more recent law teachers.

Legal education of Vietnam has the following characteristics:

First, the curriculum is dictated by government. The legal education system is under the management and control of Ministry of Education and Training (MoET). MoET has the authority to approve both content and form of the curriculums. Although universities in Vietnam used a credit-based system, they

¹⁰ Nguyen Thi Hoi, ‘Các Loại Nguồn Của Pháp Luật Việt Nam Hiện Nay’, *Thông Tin Pháp Luật Dân Sự*, 2008, <http://thongtinphapluatdansu.edu.vn/2008/09/09/1635/>.

must follow the standards prescribed by the Minister of Education and Training. The Law on Higher Education 2012 (amended in 2019) determines that: ‘The Minister of Education and Training shall promulgate standards for training programmes at various levels of higher education and minimum requirements for running such programmes; quality assessment standards, procedures and cycle of higher education quality assessment’. (Article 49.3). University can offer a new programme if it meets conditions as prescribed by law. ‘A higher education institution that offers a new programme without satisfy every condition shall have such programme suspended and be suspended from opening new disciplines for 05 years from the day on which a conclusion is issued by a competent authority’ (Article 33.4).

Second, public universities face financial and human resources difficulties: tuition fees are the main income source of universities. However, the current mechanism does not allow the university to determine these independently. Currently, the income of public universities from tuition fees only accounts for 60%–70% of its needs.¹¹ Although Government Decree No. 49/2010 ND-CP and Decree No. 86/2015 are aimed at reforming tuition fee policy, they have not yet had any significant impact to generate additional revenue. Universities must follow the cost norms as stipulated by MoET. Consequently, income based on tuition fees does not cover all expenditure and therefore, universities are not able to invest new technologies and methodologies let alone recruit additional staff. In addition, the Prime Minister also issued Decision No. 911/QĐ-TTg/2010 approving a scheme for doctoral level training for university and college lecturers during 2010–2020. This decision determined specific objectives including:

a/ concentrating efforts to train lecturers and researchers in key areas, increasing the number of scientific works published in prestigious international journals and making practical contributions to the national socio-economic development and international integration. More specifically:

- to have 10.000 doctors trained overseas in prestigious universities across the world.
- To have 3.000 doctors trained under training programmes in cooperation between Vietnamese and foreign universities. A total of 300–350 doctoral candidates will be selected each year from 2014.
- To have 10,000 doctors trained at home.¹²

Currently, the number of law schools and related training institutions has increased rapidly. Along with judicial reform, promoting a greater effectiveness in legal education system is now one of the main objectives of government. Resolution No. 49/NQ-TW, 2005 determined that: ‘To continue to renew the content and methods of training law bachelor’s degrees, training resource officers for judicial positions, judicial aids; fostering judicial officers, judicial assistance towards updating new knowledge about politics, law, economy, society, professional skills and knowledge, with quality and ethics to bravely fight for justice, protect the socialist legislation. To develop Hanoi Law University (HLU) and Ho Chi Minh City Law University into key schools for training legal officers. To build the Judicial Academy into a major center for judicial staff training’.¹³

Currently, Vietnam has 95 law schools and legal training institutions. University must develop the capacity to become more independent, especially in terms of financial resources. In order to do this, the law school must attract students and unless it offers what is perceived as relevant it will struggle. Fifteen years after implementing Resolution No. 49/NQ-TW, the Steering Committee noted the need for:

¹¹ Hoàng Thị Cẩm Thương (2017), Giải pháp tăng cường tự chủ in đại học ở Việt Nam, Tạp chí tài chính, kì 1, số tháng 3/2017.

¹² Prime Minister, Decision No. 911/QĐ-TTg dated 17 June 2010, Section I.2.

¹³ Central Bureau of Communist Party, Resolution No. 49/NQ-TW dated 02 June 2005 on strategy to judicial reform towards 2020.

‘solutions to enhance the quality control of legal training’¹⁴, especially in the context of autonomous schools. There is a serious competition among law training institutions at present. The quality of legal education remains as a concern of government. Significantly, there is no education institution of Vietnam teaching law that is in the *Times Higher Education* top 1000 universities list.¹⁵

Other, non-Law, listings have a sparse Vietnamese representation:

Latest ranking updates related to universities in Vietnam.

- 18 Mar 2021: Scimago Institutions Rankings—Universities includes 12 universities from Vietnam.
- 04 Mar 2021: Publication of QS World University Rankings by Subject (Hospitality & Leisure Management). Ho Chi Minh City University of Technology and Education with highest ranking among universities in Vietnam ranked #101.
- 01 Mar 2021: THE Times Higher Education, UK published most recent results of THE Emerging Economies University Ranking—*Times Higher Education*. Includes 3 universities from Vietnam.
- 01 Jan 2021: Publication of Webometrics Ranking Web of Universities. Vietnam National University, Hanoi with highest ranking among universities in Vietnam ranked #1003.

(See more at <https://www.languagecourse.net/universities--vietnam> accessed 28 May 2021).

Third, teacher-centred deliver remains both widespread and typical in Vietnamese law school. Students mainly study based on the textbooks, lectures, and teacher’s instruction. How law is understood and applied reflects surely how law is taught.¹⁶ Critical thinking is not encouraged in most law schools. Imitation is favoured with much emphasis on passing exams rather than demonstrating the nature and depth of learning. Students lack not only the opportunity and hence ability to work independently but also develop few of the skills needed in the world of work.

Fourth, training programmes have not focused on legal and related skills: There are two types of law school in Vietnam: institutions providing legal education at bachelor and post-graduate levels (LLB, LLM, and LLD); and institutions providing professional vocational education for practicing lawyers, judges, and prosecutors. Initially, law students study legal theory and analysis without any practical skills. If a student wants to become a lawyer, he/she must apply to study on a vocational course The Justice Academy caters for would-be practising lawyers, the Court Academy for training judges, and the Procuracy University for prosecutors. The lack of practical skills acquisition at an earlier stage is an impediment to later development.¹⁷

Finally, the difficulty of obtaining academic autonomy: Contemporary legal education in Vietnam is slowly combining traditional legal education methods with innovation as a reaction to international exposure and cooperation. However, it is difficult for universities to develop their own curricular without autonomous status. Under the Law on Higher Education, universities can do so if they meet a financial autonomy condition. The Law on Higher Education states that: ‘Higher education institutions are independent in the primary activities such as organization, personnel, finance, property, training, science and technology, international cooperation, assuring the higher education quality. Higher education

¹⁴ ‘Chủ tịch Nước Chủ Trì Hội Phiên Hội Thứ 12 BCD Cải Cách Tư Pháp Trung Ương’, baodientu.chinhphu.vn, <http://baochinhphu.vn/Hoat-dong-cua-lanh-dao-Dang-Nha-nuoc/Chu-tich-nuoc-chu-tri-hop-phien-hop-thu-12-BCD-Cai-cach-tu-phap-Trung-uong/429574.vgp>, accessed Apr. 30, 2021.

¹⁵ Course Guru S.L.U, ‘All 45 Universities in Vietnam | Rankings & Reviews 2021’, LanguageCourse.Net, <https://www.languagecourse.net>, accessed May 5, 2021.

¹⁶ Harding, Hu, and De Visser, *Legal Education in Asia*, 1.

¹⁷ Stacey Steele and Kathryn Taylor, *Legal Education in Asia: Globalization, Change and Contexts* (Routledge, 2009), 48.

institutions shall enjoying greater autonomy depending on the capability, the rankings and the education quality assessment results'.¹⁸ In addition, the Law on Higher Education, as amended in 2018, explains that 'autonomy' means the right of a higher education institution to determine its own targets and how to achieve them; to decide and assume accountability for their professional and academic activities, organization, personnel, finance, assets, and other activities within the law; and the capacity of the higher education institution itself.¹⁹ Financial autonomy is the primary condition for a university to obtain autonomous status. Hence, universities have tried to generate their revenue through increasing the number of students or developing the new programmes. However, the Vietnamese government fails to effectively qualify and higher education is considered to be seen more as a business than a public service.

Current Issues and Challenges: A Case Study from Hanoi Law University

HLU was the first law school in the country and was established in 1979. It was strongly influenced by the former Soviet Union. At its early stages of development, this school provided training courses for the judges and prosecutors. The legal training curriculum has been developed to reflect domestic law with a heavy emphasis placed on detailed substantive rules and subject areas including criminal law, criminal procedure law, civil law, civil procedure law, family law, administrative law, constitutional law, land law and tax law (see Annexure 1: training curriculum).

The Prime Minister issued Decision No. 549/QĐ-TTg, 2013 to develop HLU as one of the key legal training institutions in Vietnam, and the University has carried out many reforming activities to achieve its set development goals and to become a reputable teaching and research centre. It aims to prioritize the applied research and reform learning and teaching practices within the context of a socialist-oriented market economy regime, reflecting also the value of the rule of law and international integration.²⁰ However, after seven years of implementation, HLU has not yet achieved expected results, for example, meeting research targets such as increasing the number of international publications and building the capacity of law lecturers who are capable of giving lectures in English. Teaching methodologies too have been slow to change with much reliance on rote learning.

The main challenges appear to be:

First, lack of flexibility in the curriculum: Currently, HLU provides four main LLB programmes: Law (general), Business Law, International Trade Law, and English Law. All undergraduate courses combine three modules: compulsory courses (Marxist–Leninist Theory and History of the Communist Party), fundamental laws courses (State and Law Theories, Constitutional Law, Administrative Law, Civil Law), and specialized courses for each chosen major. Students must obtain at least 120 credits to graduate HLU in a four-year programme. International Trade Law and English Law have been developed recently recognizing the impact of globalization. HLU aims at providing legal knowledge as well as building English-speaking capacity but the number of students who are proficient in English as second language is still limited. Every year, around 2,000 students come to HLU to study but the requirement for proficiency in English as prescribed by Law on Higher Education is high and excludes many (TOEFL 450; TOEFL iBT 57; IELTS 4.5).

¹⁸ Law on Higher Education, 2021, Article 31.1.

¹⁹ Law on Higher Education 2012, amended in 2018, Article 4.11.

²⁰ Decision No. 549/QĐ-TTg dated 04 April 2013 on approval of project to develop Hanoi Law University and Ho Chi Minh Law University to become key legal professional training institutions in Vietnam.

Second, teaching methods do not meet international ‘best practice’ standards: Although problem-solving and some case studies are used, students rarely play an active role in their learning. Teachers dominate as does passive participation on the part of the student. Discussion is not encouraged in the main let alone critical thinking. For example, a law subject often includes two sections: the theoretical (concepts, definition, principles, and features of this law subject) and the practical (current legal regulations, enforcement). Teachers often use current cases, for example, from a newspaper or develop fictitious scenarios. However, as critical thinking and debating skills have not yet been developed, students are slow to get involved and rely on the teacher for ‘answers’.

Third, there are few opportunities to apply theory to practice: Students study the rules and regulations from books and lectures and then try to understand how these provisions apply in practice but largely without the means to do so. A legal clinic was established in HLU but due to its limited capacity not all of students can take part.

Significantly, public law school’s teachers are public employees under the Law on Public Employees 2010 (amended 2020), and as such they cannot obtain a practicing lawyer’s license. The Law on Lawyers 2006 (amended in 2012), Article 17.4 (a) provides that persons who are working as public officers and public employees cannot be granted legal practice certificates. Consequently, teachers lack experiences in handling cases in practice as well as practitioner’s skills.

Fourth, developing a programme in an English context: English legal education plays important role in the global context. HLU is developing a legal education programme in English to build capacity in students and to promote exchange programmes. Currently, most Vietnamese teachers are not familiar with the legal systems of different countries and relevant legal terms, so it is very challenging for them to teach students and few law professors can give a lecture in English. Consequently, HLU has not yet developed the LLB or LLM programme in English. This also prevents HLU collaborating with foreign universities to develop the joint training or exchange programmes.

Finally, difficulties in developing international networks and publications: Effective networking and internationalization relies on law schools collaborating to better understand relevant laws and systems. To study law in context enables students to learn not only about law but also understand the legal cultures of other countries. However, it has proven to be very challenging for HLU to develop a joint training programmes. Currently, HLU has only managed to develop links with a few overseas institutions, for example, externship courses for law students from Australia, New Zealand, and Japan and countries in Mekong region, and an undergraduate programme in collaboration with Arizona University in the USA. The main challenge here is the lack of professors in Vietnam who can deliver the course in English. In addition, HLU still needs to promote collaboration in legal research. International publication is crucially important for sharing legal theories and practices and such works are valuable references points. However, HLU has only managed to produce a limited number of publications in English.

Vocational Legal Training and Qualifications

Law schools are often closely aligned with specific jurisdictional requirements to ensure that students can practice law in that specific context. Professional training for lawyers in Vietnam is distinct from the ‘academic’ stage. As mentioned above, law students who want to practice law as a lawyers, prosecutor, or judge, must go to state professional training institutions. Currently, there are three legal professional training institutions in Vietnam—the Judicial Academy (under management of Ministry of Justice), the

Court Academy (under management of the Supreme People's Court), and the Procuratorate University (under management of the Supreme People's Procuracy). They each provide specific courses for the key legal occupations. They focus on the knowledge and (primarily) skills required for the relevant job. Each institution has developed its own curriculum to meet the requirements of the job and as prescribed by law.

Judges

Article 67, Law on the organization of the Court 2014, defines the criteria for becoming a judge as follows.

1. Being a Vietnamese citizen who is loyal to the Fatherland and the Constitution of the Socialist Republic of Vietnam, has good ethical qualities, a firm political stance, courage and resolve to safeguard justice, and is incorrupt and honest.
2. Possessing a bachelor or higher degree in law.
3. Having been professionally trained in adjudication.
4. Having been engaged in practical legal work for a certain period.
5. Being physically fit to fulfil assigned duties.

In general, judges of people's courts include Judges of the Supreme People's Court, High-level judges, Intermediate-level judges, and Primary-level judges. The National Assembly Standing Committee decides the number of judges according to the proposals made by the Supreme People's Court's Chief Judge.

Article 68 defines conditions for the appointment of primary-level, intermediate-level, and high-level judges as follows:

1. Having been engaged in legal work for at least five years.
2. Being capable of adjudicating cases and settling other matters under the jurisdiction of his/her court prescribed by the procedural law.
3. Having passed a primary-level judge selection examination.

The initial term of office of judges is five years. For judges who are reappointed or appointed to another judge rank, the subsequent term of office is 10 years (Article 74).

A judge is a public official in Vietnam, so he/she must work initially for a court from the beginning as a basic staff member and it takes time to become a judge. Unlike in most common law countries, lawyers are not nominated to become judges from the ranks of practitioners.

In 2017, the total number of staff members working for the court system in Vietnam was over 14,000. There were 1,870 judges appointed and reappointed in 2017 (1,131 newly appointed and 739 reappointed judges).²¹

²¹ Report of Supreme People's Court on assessment of work implementation in 2017 and the main tasks of the courts in 2018 (draft), p. 12.

Public Prosecutors

The Constitution of Vietnam, Article 107, states that: ‘The people’s procuracies shall exercise the power to prosecution and control judicial activities. Procurators are persons who are appointed in accordance with the law to perform the function of exercising the power to prosecute and supervise judicial activities’. (Article 74, Law on Organization of People’s Procuracies, 2014).

The criteria for procurators are defined by Article 75:

1. Being Vietnamese citizens who are loyal to the Fatherland and the Constitution of the Socialist Republic of Vietnam, have good ethical qualities, are incorrupt and honest, have a firm political stance and resolve to safeguard the socialist legislation.
2. Possessing a bachelor’s or higher degree in law.
3. Having been professionally trained in prosecution.
4. Having been engaged in practical work for a certain period in accordance with this Law.
5. Being physically fit to fulfil assigned duties.

Ranks of procurators of the people’s procuracies include Procurators of the Supreme People’s Procuracy, high-level procurators, intermediate-level procurators, and primary-level procurators.

Like the judges, a prosecutor will usually work for a time as a staff member, and he/she will be appointed as a prosecutor when they fully meet the criteria prescribed under Article 74.

The term of office of procurators is five years. For procurators who are reappointed or entitled to rank promotion, the subsequent term of office is 10 years (Article 82).

Currently, there are around 15,800 people who are working for procuracies from the central to the local level. The number of prosecutors at all levels is around 9,418.²²

Lawyers

The law on lawyers of Vietnam states: ‘Lawyers are persons who fully meet the criteria and conditions for professional practice under the provisions of this Law and provide legal services at the request of individuals, agencies or organizations (hereinafter collectively referred to as clients)’ (Article 2).

The Law on Lawyers was adopted in 2006, which provided working conditions of lawyers in Vietnam. This law was revised in 2012. Criteria of lawyers are defined by Article 10 (Law on Lawyers 2006) as follows:

1. Vietnamese citizens.
2. Demonstrate loyalty to the motherland and the Constitution of the Socialist Republic of Vietnam.
3. Observe the Constitution and law.
4. Have good moral qualities.
5. Possess a law bachelor’s degree.
6. Have been trained in the legal profession.
7. Have gone through the probation of the legal profession.
8. Have good health for law practice.

²² Information shared by the staff of Statistic Division of the Supreme People’s Procuracy.

In general, to practice law, lawyers must be licensed by the Bar Association if he/she meets the following conditions:

1. Completing a training course lasting 12 months which is certificated by the Vietnam Judicial Academy.
2. 12 month's practical training at a law firm.
3. Passing the national exams and obtaining a practicing certificate issued by the Ministry of Justice.
4. Obtaining a licence from the Bar Association of the area in which the lawyer intends to practices.

The Vietnamese Lawyers Association (Vietnamese Lawyers Federation) was established in 2009 with a national body and local associations in each province. Provincial bar associations are established after consultation with the Ministry of Justice and a decision by the People's Committee. The Ministry of Justice holds the power to regulate the legal profession of lawyers in Vietnam. The Ministry of Justice has a dedicated department for the administration of bar associations.

It is 30 years since the Ordinance on Lawyer's Organization was enacted and Vietnam now has 11,607 licensed law practitioners with more than 4,000 trainees.²³ However, Vietnam still lacks lawyers who have the capacity to practice law in an international environment.

Since Vietnam became a member of the WTO, foreign law firms have been established in Vietnam. Foreign law firms can operate in Vietnam as a branch of a foreign lawyers' organization, a subsidiary of a foreign lawyers' organization, a foreign law firm, or a partnership between a foreign lawyers' organization and a Vietnamese law partnership.

Undergoing professional skills training has been a requirement for appointment as a judge or prosecutor since 1998.²⁴

Practical training has not, at least until now, been promoted at undergraduate level. Law degrees still predominantly focus on theoretical study. Law lecturers commonly lack practical skills having not been exposed, in the main, to legal practice. Although practicing lawyers, judges, and prosecutors are invited to teach at these schools, they have a very limited role. Hence, there is a gap between the knowledge-based training and skill-driven legal practice.

To some extent, the division of professional training into three independent schools to deliver professional training can also lead to gaps in skill sets, for example, judges may not learn communication and debating skills because they will be trained more on case handling.

Addressing the Challenges of Globalization in Legal Education

In every country, to an extent, the development of the legal system depends heavily on domestic politico-social and economic conditions and on international considerations but also on the global situation. Globalization has changed the dynamics of politics and society in every nation. Legal reform is crucially important in adapting to and meeting this shift. Laws have moved from domestic to transnational and

²³ Improving the legal system is lawyers' own need, Vietnam Law and Legal Forum, 2017, <https://www.vietnamlawmagazine.vn/improving-the-legal-system-is-lawyers-own-need-6057.html>, accessed 29 Apr. 2021.

²⁴ Decision No 34/1998 issued by Prime Minister dated February 10, 1998, on the establishment of the Vietnam Judicial Academy.

global.²⁵ Consequently, legal education is under pressure to reflect the rapid changes of economic and social development. In addition, Vietnam has become member of many international conventions which requires that legal systems and rules must comply with international standards. In other words, globalization demands reform and this includes in legal education. Moreover, the job market has also become more competitive, requiring high levels of skill and competency especially in the light of rapid digitalization. Law practitioners in whatever capacity must have the ability and capacity to serve their clients as well as wider society.²⁶

Globalization has created both opportunities and challenges for legal education. Students and teaching staff have opportunities to access to international training curricular; to practice law in global market; and to engage ideas, models, and exchange programmes. However, legal education institutions also face challenges to ensure that methodologies and curricular meet, increasingly expected, international standards. Hence, every country must reform legal education to respond to the challenges of globalization, for example, the development of dual educational courses (joint degree or double degree), exchange programmes, and promoting international collaboration in legal research.

Comparative study provides a real opportunity for such development. For example, Nagoya University—a graduate school of law in Japan—has developed a programme, in English, which is now considered as one of the most successful examples in developing an international programme.²⁷ As result of this investment, many students who have graduated from Nagoya University have been promoted to high-ranking positions including in Vietnam, Cambodia, Laos, Myanmar, and Uzbekistan, such as the current Minister and Vice Minister of Justice, and Vice Minister of Foreign Affairs in Vietnam.

‘Globalization has challenged legal educators in sensitizing their students to the task of advising and interacting with citizens across nations and cultures’.²⁸

Legal education must adapt to the changes and demands of both domestic and international law. Studying the key factors of legal systems, such as legal ideology and its influencing factors, sources of laws, judicial systems, and the workings of legal professionals is important in identifying the differences in each country. Law schools need to reform their curricular and delivery methods to ensure that students both better engage and progress in their studies but also to move on to practice law, if necessary, in global context.

‘Today, the practice of law has been transformed by new clients, a new operating environment, and new law firms’.²⁹

Hence, the curriculum, learning outcomes, and meaningful assessment criteria must be developed. Outcomes and assessment have seldom been considered in an overt way before in Vietnam as well as in many other places. This needs to change, for if we don’t know what we are truly trying to achieve and to measure that possible attainment how can we say we are focused and robust in any meaningful sense?.³⁰ Legal education must therefore focus on the development of a critical analytical mindset that will enable

²⁵ Simon Chesterman, ‘The Globalisation of Legal Education’, *Singapore Journal of Legal Studies*, 2008, 66.

²⁶ Harding, Hu, and De Visser, *Legal Education in Asia*, 10.

²⁷ ‘Nagoya University Graduate School of Law/School of Law’, 名古屋大学大学院法学研究科•Nagoya University Graduate School of Law/School of Law, <http://en/index.html>, accessed May 22, 2021.

²⁸ Christopher Gane and Robin Hui Huang, *Legal Education in the Global Context: Opportunities and Challenges* (Routledge, 2017), 19.

²⁹ Harding, Hu, and De Visser, *Legal Education in Asia*, 12.

³⁰ Dr Onyeka Osuji et al., ‘How Is Globalization Affecting Legal Education?’ *Higher Education Digest* (blog), <https://www.highereducationdigest.com/how-is-globalization-affecting-legal-education/>, Nov. 29, 2019.

law students to identify and propose legal solutions whether at home or in the international context. Significant investment will be needed to achieve this in terms of human and material resources.³¹

Critical and analytical skills as well as communication skills must be strengthened as key elements for both studying and practicing law. Significantly, the capacity of students to use English and e-technology competently strongly affects their ability to practice law in its dynamic context. Hence, the question remains: 'How can we prepare our students to develop and then use their legal skills and understanding if thinking styles and approaches differ from culture to culture? How can the glue which law provides bind nations and people together if its practitioners and educators perceive and evaluate differently?'³² Legal educators need to access and identify jurisdictional differences using accepted approaches including human rights and comparative studies. Promoting international collaboration in legal education is increasingly important to enable legal providers and students to exchange their ideas as well as to learn emergent best standards and practices.³³

Addressing the challenges of globalization in relation to legal education, Vietnam must promote the importance of the quality of what is provided in terms of legal education for would-be and existing lawyers. Law schools can play an important role in building capacity of all involved. In addition, there is a high demand of foreign companies for in-house lawyers who understand both domestic law and international trade law.

To overcome the difficulties and challenges, we suggest that Vietnam could focus on some specific strategies:

1. **Revision of policies and regulations to promote the quality of legal education.** Promoting financial and academic autonomy of each university is a key factor in ensuring better quality. Vietnam needs to learn from the experiences of other countries in building capacity. The government must prioritize policy to ensure that public law schools, such as Hanoi Ho Chi Minh Law University, attracts better qualified and experienced professors who have witnessed developments elsewhere.
2. **Development of a common foundation for learning and teaching that is student-centred.** Active, hands-on, learning is the key and this can be fostered by promoting more international collaboration to ensure that law professors and students have access to different legal systems and cultures. This should also enable students to develop new skills and an appreciation of ethics and values for lawyers. It is essential to promote case-study methods in combination with problem-solving approaches and related active learning methodologies.
3. **Developing a curriculum that meets modern requirements.** Currently, there are no common standards or benchmarks for law schools in Vietnam other than what is prescribed by the Ministry. Many public agencies and law firms only recruit students who graduate from public law schools. Private institutions should be subject to the same scrutiny and standards so that there is consistency of output. It is essential to develop and standardize the curriculum, along with learning outcomes and assessment criteria.³⁴ Again, comparative study needs to be taken on board to meet increasingly expected international standards.
4. **Promoting international research and associated publications.** It is of crucial importance to sharing legal knowledge and practices, especially for Asian countries where English is not used

³¹ Osuji et al.

³² Harding, Hu, and De Visser, *Legal Education in Asia*, 35.

³³ Osuji et al., 'How Is Globalization Affecting Legal Education?'

³⁴ Osuji et al.

as the official language. Developing legal journals in English is an ambitious as well as challenging aim but one we believe would reap dividends.³⁵

In summary, legal education faces significant challenges in many ‘developing’ countries in global context. The Vietnamese government must, if we are to progress in the globally, promote and ensure the quality of legal education in order to build capacity and serve the interests of the rule of law. And wider social agenda, legal practitioners have a crucial role to play not only in the international economy but also in protecting human rights and providing services for clients. The onus is on law schools to aid this process by ensuring that students become capable in terms of knowledge, skills, and vales to properly understand the law and the legal process and, where necessary, do so in the global market. Without significant changes in methodology and approach, legal education in Vietnam still cannot reach such aspirations.

Declaration of Conflicting Interests

The authors declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The authors received no financial support for the research, authorship and/or publication of this article.

Annexure I

Set out below for information are the curricular for two of the leading law schools in Vietnam - Hanoi Law University and Ho Chi Minh Law University.

Students at Ho Chi Minh Law University must obtain 139 credits to graduate, which include 119 credits in compulsory subjects and 20 credits of optional subjects. The programme is divided into seven semesters. Students at HLU must obtain at least 120 credits including compulsory and optional subjects over eight semesters. The current curricular for both is tabulated below³⁶:

No	Hanoi Law University		Ho Chi Minh Law University
I.	Similar Subjects		
A	Fundamental courses	26	Fundamental courses
1.	State and Law Theories (*)	5	State and Law Theories 3.00
2.	Constitutional Law (*)	4	Constitutional Law 3.00
3.	Administrative Law	4	Administrative Law 3.00
4.	Public International Law	4	International Law 3.00
5.	Land Law	3	Land Law 2.00
6.	Marriage and Family Law	3	Marriage and Family Law 2.00
7.	Criminal Law Part I	3	Criminal Law—General Part 3.00

(Annexure I continued)

³⁵ Stephen A Rosenbaum, ‘The Cambodian Law Faculty: Blueprint for a Curriculum Rich in Research and Experiential Education’, n.d., 19. P. 4.

³⁶ <http://daotao.hcmulaw.edu.vn/Default.aspx?ModuleId=f92f39b2-dea3-4185-8cbb-56c1c49c5226&OlogyID=53&DepartmentID=DS&GraduateLevelID=DH&StudyTypeID=CQ>

(Annexure I continued)

No	Hanoi Law University		Ho Chi Minh Law University	
8.	Labour Law	3	Labour Law	3.00
9.	Criminal Law Part 2	3	Criminal Law—Specific Crimes	3.00
10.	Competition and Consumer Protection Law	3	Competition Law	2.00
11.	International Private Law	4	International Private Law	3.00
12.	Civil Procedures Law	3	Civil Procedures Law	3.00
13.	Intellectual Property Law	3	Intellectual Property Law	2.00
14.	Finance Law	3	Banking Law	2.00
15.	State and Law History	3	State and Law History	3.00
16.	International Trade Law	3	International Trade Law	3.00
17.	Administrative Case Proceedings Law	2	Administrative Case Proceedings Law	2.00
18.	Environmental Law	3	environmental Law	2.00
19.	Criminology	2	Criminology	2.00
20.	Criminal Proceedings Law	3	Criminal Proceeding Law	3.00
21.	Drafting legal documents (*)	3	Drafting legal documents	2.00
22.	Foreign Constitutional Law	2	Foreign Constitutional Law	2.00
23.	Law of the Sea	3	Law of the Sea	2.00
24.	Scientific investigation of crime	2	Scientific investigation of crime	2.00
25.	Comparative Laws	3	Comparative Laws	2.00
26.	Laws of Vietnam and International Human Right Law	3	International Human Right Law	2.00
27.	Social security Law	2	Social Security Law	1.00
28.	Legal profession and method of studying law	2	Research and Analysis Skills	2.00
II. Different subjects				
Specialized Courses				
	Subjects	Credit	Subjects	Credit
1.	ASEAN Law	3	Law on business subjects	3.00
2.	Organization and Operation of the People's Court	2	Common civil contracts	1.00
3.	Lawyer, notarization, authentication	2	Civil transactions on housing	1.00
4.	Inspectorate and Complaints	2	Law on Vietnamese employees working oversea	1.00
5.	Gender Equality Law	3	Demonstration activities in civil proceedings	1.00
6.	International Criminal Law	2	Some in-depth issues on Marriage and Family Law	1.00
7.	Mafia Organized Crime	2	Case law in the Vietnamese legal system	2.00
8.	Anti - Corruption Law	2	Critical reasoning	2.00
9.	Special Procedures in Criminal Proceeding	2	Law on e-commerce	2.00
10.	Intellectual Property Law	3	Law on State Compensation Liability	1.00
11.	Law on secured transactions	2	Applying labour law to enterprise management	1.00
12.	Roman Law	2	Law on health and food safety	2.00

(Annexure I continued)

(Annexure I continued)

	Subjects	Credit	Subjects	Credit
13.	Law on Investment	3		
14.	Law on Securities	2		
15.	Law on insurance business	3		
16.	Law on business environment	2		
17.	Law on real estate business	2		
18.	Law on compensation for land acquisition	2		
19.	Law on Person with Disabilities	2		
20.	Law on international treaties	2		
21.	Law on Bidding	2		
22.	International maritime law	2		
23.	International Air Transport Law	2		
24.	Commercial Arbitration Law	2		
25.	Customs law in import and export business	2		
26.	European Union Laws	3		
	2.2.2 Skill training courses			
27.	Basic skills in legal consultation	2		
28.	Drafting administrative document Skills	2		
29.	Reviewing legislative document skills	2		
30.	Consultation Skills for Public Administrative Cases	2		
31.	Consultation Skill for Criminal Cases	2		
32.	Consultation Skills for Civil Cases	2		
33.	Consultation Skills for Marriage and Family Cases	2		
34.	Consultation Skills for Intellectual Property Cases	2		
35.	Consultation Skills for Commercial Cases	3		
36.	Consultation Skills for Labour Cases	3		
37.	Consultation Skills for Land Cases	3		
38.	Consultation Skills for financial and tax cases	2		
39.	Negotiating and Drafting Skills for Contract	3	Negotiating and Drafting Skills for Contract	1.00
40.	Skills to participate in solving administrative cases	2		
41.	Skills to practice several activities in criminal proceedings	3		
42.	Skills to participate in solving civil cases	3		
III	Courses teaching in English			
1.	Introduction to the Vietnamese legal system	2		

(Annexure I continued)

(Annexure I continued)

	Subjects	Credit	Subjects	Credit
2.	Organization and operation of the judicial organs in Vietnam	2		
3.	Modern Constitutionalism	2		
4.	Fundamental civil rights in the modern world	2		
5.	Comparative Contract Law	2		
6.	WTO Law	2		
7.	International Investment Law	2		
8.	Law on International Franchising	2		
9.	Legal reasoning and legal writing for legal professionals	2		
