

MINISTRY OF EDUCATION AND TRAINING
HO CHI MINH CITY UNIVERSITY OF LAW

OVERVIEW THE NOVEL CONTRIBUTIONS IN THE THESIS

Name of topic: EVIDENCES IN ADMINISTRATIVE LITIGATION IN VIETNAM

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NEW CONTRIBUTIONS OF THE THESIS

The thesis is an in-depth, comprehensive, and systematic scientific research work on evidence in administrative litigation. Compared to research works published in the past, the prominent new points of the research results are reflected in the following contents:

Initially, the thesis is a first, comprehensive, and systematic research work that is relatively complete on the theoretical issues of evidence in Administrative Litigation. The thesis contributes to enrichment and clarification of issues that have yet been clearly and uniformly understood in the science of evidence in administrative litigation in Vietnam. The thesis raises theoretical issues regarding evidence in administrative litigation including: concept of evidence in administrative litigation; Evidence in administrative cases share the common characteristics of procedural evidence in general and also bears the specific characteristics of a administrative case; Evidence plays a role in ensuring citizens' access to justice in administrative litigation; ensures to protect legitimate rights and interests of the parties in administrative litigation; ensures the right of the parties to argue in administrative litigation; Three attributes of evidence include: objectivity, relevance, and legality; Evidence can be classified into many different types; The legal content regarding evidence in administrative litigation includes provisions on evidence such as sources of evidence, collection, verification, evaluation, provision, submission, disclosure, use, preservation, and protection of evidence; Factors that can influence evidence in administrative litigation include political, human, and legal factors, local socio-economic factors. A thorough understanding of such theoretical issues will serve as the

foundation for developing well-reasoned and practical recommendations to complete the legal provisions governing evidence in the Law on Administrative Litigation.

Secondly, the thesis has synthesized the legal experiences of several countries regarding evidence in administrative litigation, including their models of administrative jurisdiction (unijurisdiction, bijurisdiction, compromise), to inform recommendations for improving Vietnam's regulations on evidence in administrative proceedings.

Thirdly, this thesis offers an accurate, comprehensive, and detailed examination of realities concerning evidence in administrative proceedings, focusing on both the legal regulations and their implementation in practice. All aspects of evidence, including the burden of proof, collection, provision, submission, verification, evaluation, disclosure, use, preservation, and protection of evidence in administrative litigation, are clarified from both a legal and practical perspective in the context of resolving administrative cases. Furthermore, the thesis identifies and analyzes the existing problems and shortcomings to explore the causes of such limitations to provide a basis for proposing appropriate and complete directions and solutions for improvement in administrative litigation

Fourthly, The thesis has proposed directions and solutions to improve the effectiveness of the use of evidence in administrative proceedings in resolving administrative cases. It has proposed appropriate, effective and necessary directions for improvement of evidence such as: ensuring the use of evidence in the context of reforming the State apparatus towards streamlining, efficiency and in line with the strong development of science and technology; Linked with ensuring the legitimate rights and interests of agencies, organizations and individuals in administrative cases; Ensuring the consistency and unity of the legal system; Must be consistent with the development trend of Vietnamese law on evidence and proof in administrative proceedings. Regarding solutions to improve the law on evidence in administrative proceedings, the thesis has proposed eight major proposals such as: on the responsibility to prove of the defendant; on the concept of evidence; on the source of evidence; on the collection of evidence; on the provision and submission of evidence; on the verification and evaluation of evidence; on the preservation and protection of evidence; on evidence is electronic data. In each major solution, there are specific proposals for each aspect of the problem with more than ten proposals to amend and supplement articles in the form of complete drafts to the current Law on Administrative Procedure. At the same time, the Thesis also proposes solutions to ensure the enforcement of the law on evidence in order to improve the quality of adjudication of administrative cases in a breakthrough manner suitable to the

circumstances, conditions and practices of adjudication of administrative cases in our country today. The solutions are the need for the participation of Bailiffs in supporting the collection of evidence when resolving administrative cases; Improving the capacity of the team of people conducting administrative proceedings; Completing facilities, building a complete national database, serving the activities of receiving, verifying, submitting and collecting evidence; The Court needs to promote online adjudication of administrative cases. These are recommendations based on scientific grounds and arguments, consistent with the Party's policies and guidelines on judicial reform, contributing to improving the effectiveness of resolving administrative cases in Vietnam.

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