

Section 2. Constitutional law

<https://doi.org/10.29013/EJLPS-22-2.3-22-27>

*Dylavong Noukeo,
PhD student in Public Management,
National Academy of Public Administration, Hanoi, Vietnam*

STRENGTHENING THE NATIONAL ASSEMBLY'S ROLES IN BUILDING THE RULE OF LAW STATE IN THE LAO PEOPLE'S DEMOCRATIC REPUBLIC

Abstract. The first Constitution of the Lao PDR promulgated in 1991 affirmed that: “All state power belongs to the entire working labor”, ensuring the political power of the working labor is a requirement of the process of national renewal in Laos. The State in general and the National Assembly in particular play an important role in ensuring the political power of the working labor and building a rule of law state in Lao PDR. The article focuses on clarifying the current situation and proposing some solutions to strengthen the role of the National Assembly of Lao PDR in building a socialist-oriented rule of law state in the new period.

Keywords: role, National Assembly, state, rule of law, Laos.

1. Introduction

The vision of the rule of law state was formed very early, more than two thousand years ago. At first, these were just ideas and conceptions of thinkers about the special elements and aspects of the organization of state power, promoting the role of law and resolving the relationship between the state and the law, etc. then these ideas and concepts were gradually supplemented and developed into a popular theory of humanity and applied in many countries with different ways. The main content of the ideology of the rule of law state is to uphold the role of law in state life, social life, the state manages society by law and must respect and implement the law; The law must reflect and protect great social values: security, safety, freedom, democracy, fairness, equality, progress and development. The history of development of the idea of the rule of law has gone through many stages with the contributions of ideas and wis-

dom from many thinkers around the world with very rich and complex contents such as: Solon (638–559 BC), Heraclitus (535–475 BC), Socrates (470–399 BC), Plato (427–347 BC), Aristoteles (384–322 BC), Cicero (106–43 BC), Guan Zhong (725–645 BC), Shang Yang (390–338 BC), Han Fei (280–233 BC), John Locke (1632–1704), Montesquieu S.D (1689–1775), J.J. Rousseau (1712–1788), Immanuel Kant (1724–1804), Georg Wilhelm Friedrich Hegel (1770–1831), etc.

In the Lao PDR, in recent years, the issue of the concept of the rule of law state has also been discussed with many different points of view, especially that: “The rule of law state is the state that manages society by law; every citizen must live and operate according to the law; means taking the law as a tool to ensure one’s rights and interests and prevent the abuse of power by the state, making the state obey the law, while citizens can do everything the law can-

not prohibit. Therefore, in a rule of law state citizens fully exercise their rights and obligations, in a rule of law state the people are the supreme power” [10]. The nature of the rule of law state of Lao PDR is reflected in three contents: political, social and rule of law state, in which the rule of law state is expressed in the main aspects that the state is organized and operated according to the constitution and the law; social management by law; democracy, human rights and citizenship are recognized and guaranteed by law. Based on the nature of the Lao PDR state and compared with the general characteristics of the modern rule of law state, it is possible to describe the basic features of the Lao PDR's rule of law state including: 1) The people is the subject of state power, all state power belongs to the people; 2) human rights, fundamental rights and obligations of citizens are recognized and guaranteed by the constitution and laws; 3) the rule of law Lao PDR is a state that recognizes the supreme position of the constitution and laws, and the organization and operations of the state are carried out on the basis of the constitution and laws; 4) state power in the rule of law is organized and exercised according to democratic principles; assignment of power and control of power; 5) the rule of law Lao PDR associated with an appropriate constitutional and legal protection mechanism; 6) the rule of law Lao PDR is a state that respects and commits to the implementation of international conventions and treaties it has acceded to, signed and ratified; Thoroughly mastering the ideas of the classics of Marxism-Leninism and Chairman Kaysone Phomvihane, the Lao People's Revolutionary Party always considers the state issue and state construction an important task for the Lao PDR. really is the pillar of the political system, the main tool of the people in the cause of national construction and defense, in the construction of a socialist-oriented society. In the process of leading the people to carry out the renovation, the Lao People's Revolutionary Party paid more and more attention to state building. The construction of the Lao PDR's rule-of-law state of the people,

by the people and for the people in the renovation period was carried out on the basis of consolidating and renovating the legislative, executive and judicial organs to ensure the worker class and the state's democracy, in which the role of the National Assembly (legislature) is given special importance, the Constitution of the Lao PDR amended and supplemented in 2015 clearly states that the National Assembly has a number of the following powers: 1) is the highest representative body, the highest organ of state power; 2) is the only body with constitutional and legislative powers, the body that decides on basic domestic and foreign affairs; 3) is the agency that decides the biggest organizational issues, the agency that exercises the supreme supervisory power over the entire state's activities. That shows the role of the National Assembly in building the legal state. Lao PDR's rights are very important.

2. Research Methods

On theoretical basis, to conduct this research, the author has based on the point of view of Marxism – Leninism, thought of Kaysone Phomvihane, the point of view of the Lao People's Revolutionary Party and theories of the rule of law and functions and duties of the National Assembly. Regarding the scientific research method, the author uses the method of scientific inheritance from the authors who have studied before; method of synthesizing and analyzing information and data to give an objective view of the role of the National Assembly in the condition of building a rule of law state in Lao PDR.

3. Research results

In the context of the socialism transition, ignoring the capitalist regime and having to go through a long war, the renovation work and continuing to build the Lao PDR were carried out according to the basic motto. Economic innovation is the focus and basis for step-by-step renovation in the political system, including the state. Fundamental innovations in the infrastructure will inevitably lead to innovations in the social superstructure. Therefore, in terms of the state, it also began to shift from a highly

centralized, administrative-command model to a rule-of-law state. The formation of the concept of “a socialist rule of law state” is an important contribution to the process of renewing thinking and theory on socialism in Lao PDR, contributing to guiding the practice of state building. Laos is moving towards the rule of law state of Lao PDR.

The legislative role of the National Assembly is increasingly promoting democracy and overcoming formal diseases. The quality of the sessions of the National Assembly has been increasingly improved to address very specific goals, pressing issues of life and many other issues. Regarding the role, activities and position of the National Assembly, Article 52 of the 2015 Amended and Supplemented Constitution clearly states: “The National Assembly is the body representing the rights and interests of the people of the Laotian tribes, is the body The highest organ of state power is also the legislative body that performs the role of passing the Constitution and laws, has the power to decide on the basic issues of the country and exercises the supreme power to supervise the observance of the Constitution. and laws of state agencies”. Many studies on the theory as well as in the understanding of the majority of the population in the past have not clearly and correctly identified those major features of the National Assembly. There is a tendency to only refer to the National Assembly as the legislative body, exercising legislative power, even placing the issue of equating three legislative, executive and judicial powers; even a number of legal documents such as the Law on Organization of the National Assembly, the Law on Election of National Assembly deputies issued before, there are no specific, detailed and complete regulations on each feature and function of the National Assembly. In order to build the rule of law state of Lao PDR, the National Assembly has promoted its role in promulgating and amending and supplementing necessary laws to run the country such as: Law on Organization of the National Assembly, Law on Operation supervision by the National Assembly, etc. This can be considered as a major devel-

opment in the process of perfecting the law of the Lao PDR, gradually overcoming the inadequacies in the administration of the country by state agencies. The provisions of the current law have basically defined the main features of the hierarchical relationship between the highest state power agencies, thereby giving rise to and defining concepts such as constitutional rights and legislation, principles of organization of the state apparatus, relations between the state and citizens, the supreme supervision of the National Assembly. Activities of the National Assembly have undergone a great change from the main form of show of hands to substantive activities – debate, discussion and decision. The election system for National Assembly deputies has been renewed according to many requirements of democracy and the rule of law, with many new regulations and new ways of doing things such as having free candidates, or going from the place where there are no full-time delegates. to the place where there are full-time delegates and more and more full-time delegates. The constitutional and legislative processes are democratized and scientific. The National Assembly performs its functions according to the law and places itself under the law.

An important transition in the building process of the Lao PDR rule of law state is the renewal of the leadership method of the Lao People’s Revolutionary Party for state agencies. Because of clear identification that the Lao PDR is a state of the people, by the people and for the people and the nature of the working class is shown first of all in the leadership of the Party over the state, in the process of state building The rule of law cannot fail to strengthen and enhance the Party’s leadership role over the state. That is an important, immutable principle. Therefore, the construction of the Lao PDR’s rule of law state of the people, by the people, for the people was carried out according to the following principles:

Firstly, it must ensure the absolute leadership of the Party over the entire political system. The Party attaches special importance to setting out the line of building and perfecting the state in new condi-

tions, especially the construction of a rule-of-law state of Lao PDR of the people, by the people, for the people.

Secondly, the Party always attaches importance to promoting the initiative and creativity, clear responsibility regime of state agencies, gradually renewing the Party's leadership method towards the State under the motto: The Party leads the state but not working instead of the state.

Thirdly, the renewal of the Party's leadership mechanism for the state and state agencies is clear and specific in three areas: legislative, executive and judicial. The absolute leadership of the Party is reflected first of all in the Party's formulation of strategic lines to build and perfect the state in new conditions. That line is considered a guideline for the activities of the entire state system. Moreover, the Party's leadership over the state is specific leadership in each of the legislative, executive and judicial fields.

The Party's leadership towards the National Assembly is reflected in the following contents: (1) leading the formulation of guidelines, methods and direction of legislative activities; (2) leading the organization and staff building for legislative work; (3) leading the promulgation of specific laws and ordinances.

In addition to the great and important achievements, the renovation of the organization and operation of the Lao PDR in the direction of building a rule of law state of the people, by the people, for the people also has many limitations and shortcomings that need to be corrected:

Firstly, the legal system developed by the National Assembly is still incomplete, synchronous and consistent.

Secondly, full-time professional members of National Assembly are less, most of them are part-time officials.

Thirdly, the operation mode of state power agencies according to the principle of unity with division of coordination has not been fully understood or is only a formality, and the application has not been effective, it cause less independence of each agency.

The coordination is not close and therefore has not yet created breakthrough changes for society.

4. Discussion and conclusion

The nature of the rule of law state in the Lao PDR is democratic, all state power belongs to the people, so in the process of organization and operation of the state apparatus, the people have great rights from the process of organizing the apparatus, inspecting and supervising the activities of the state apparatus, and recalling its representatives in the state apparatus. Therefore, the expansion of democracy allows the people to actively participate and the above processes are a matter of principle.

This principle is institutionalized in the constitution and legal system of the Lao PDR, Article 4 of the 2015 Constitution of the Lao PDR stipulates: "The people elect a representative, the National Assembly and the People's Council to ensure that its rights and interests. The election of deputies to the National Assembly and People's Councils is conducted on the basis of universal, equal, direct and secret suffrage. Voters have the right to propose removal of their representatives if they find that these people have behaved unworthy of their positions and lost the trust of the people.

Article 5 of the Constitution also continues to stipulate: "The National Assembly, the People's Council and other state agencies shall be established and operate on the principle of democratic centralism".

The National Assembly is the highest organization of state power, representing the will and power of the people, performing the legislative function, deciding the basic issues of the country, and exercising supreme supervision over the state apparatus. The renovation of the organization and operation of the National Assembly is an important solution to improve the position and quality of the National Assembly's activities, having an impact and influence on the entire state apparatus. The document of the VIII National Congress of the Lao People's Revolutionary Party clearly states: "In order for the National Assembly to further enhance its role, we

must improve and enhance the quality of its organization and operation. of the Standing Committee of the National Assembly as well as the apparatuses of the National Assembly and its deputies, especially improving the quality and efficiency in conducting National Assembly sessions to create conditions for the people to exercise their rights to observe their elected person and allow the National Assembly deputies to have regular contact with voters, and at the same time allow the National Assembly's Committees to participate from the beginning in the process of elaborating socio-economic development plans and budget plans. state books as well as law projects ... [9, p. 60–61].

To implement the above policy, it is necessary to perform the following solutions in a synchronous manner:

Firstly, further improving the quality and efficiency of performing the functions of the National Assembly, namely:

- Improve the quality and efficiency of legislative activities. In recent years, the quality of law-making of the National Assembly has made significant progress but still has not met the requirements, many documents have not been effective and efficient; there are many newly promulgated laws that have to be supplemented; many provisions of the law are still very general, if they want to be implemented, they must wait for the guiding documents, etc. To overcome this situation, it is necessary to focus on completing the law-making process of the National Assembly; improve the quality of National Assembly deputies and assisting agencies of the National Assembly; democratize the law-making process, attract a large number of legal experts and people to participate in the law-making process; and at the same time improve the quality and efficiency of law enforcement.

- Expand and improve the efficiency of the function of deciding important issues of the country, fight towards the National Assembly to fully exercise the right to decide the budget as stipulated in the Constitution, to ensure that the National Assembly

consider and decide substantively socio-economic development plans, national programs, large investment projects and important issues of state apparatus organization and personnel.

- Improve the quality and effectiveness of the National Assembly's supervisory function, develop an effective and efficient supervisory mechanism, focusing on pressing issues such as anti-corruption, waste, and capital management. and state property... It is necessary to clearly define the scope, content, and mechanism for exercising the supreme supervisory power of the National Assembly, the National Assembly Standing Committee and the National Assembly's Committees.

Secondly, promoting the roles and responsibilities, and improve the capacity and bravery of National Assembly deputies. It is necessary to renovate the mechanism for electing deputies to the National Assembly, improve the quality of National Assembly deputies, and focus on fostering and training skills and professionalism for National Assembly deputies. At the same time, it is necessary to fully determine the legal status and role of National Assembly deputies, creating favorable conditions for National Assembly deputies to fulfill their assigned responsibilities.

Thirdly, continue to consolidate the National Assembly's organization, enhance the role of committees and assisting agencies of the National Assembly, and promote the role of National Assembly deputies; study to increase the number and promote the role of full-time National Assembly deputies in the National Assembly.

Strengthening the relationship between the National Assembly and the people. The National Assembly is the highest representative body of the people, the highest state power agency, so the National Assembly must be close to the people and create favorable conditions for the people to attend or follow the National Assembly's sessions; The National Assembly should pay attention to listen to the people's opinions, thoughts and aspirations, and at the same time have the responsibility to provide nec-

essary information and organize for the people to express their will and aspirations.

Starting from the theoretical basis and the actual situation of the role of the National Assembly in building the rule of law state of Lao PDR, the strengthening of the role of the National Assembly in ensuring the political power of the working labor and building The rule of law in Lao PDR is an objective, urgent and necessary requirement from the point of view of the National Assembly as the highest

organ of state power, the body with constitutional, legislative and supervisory powers. supreme supervisor of all activities in the state apparatus, the agency that has the power to decide on important issues of the country, and is the highest representative body of the people. Requiring the National Assembly to give full play, operate effectively and efficiently, and properly perform its functions and tasks to build a socialist-oriented state ruled by law in the Lao PDR in the new period.

References:

1. National Assembly of Lao PDR (1991). Constitution of Lao PDR1991, National Assembly Publisher, Vientiane.
2. National Assembly of Lao PDR (2003). Constitution of Lao PDR2003, National Assembly Publisher, Vientiane.
3. National Assembly of Lao PDR (2003). Constitution of Lao PDR as amended and supplemented in 2015, Vientiane.
4. National Assembly of Lao PDR (1993). Law on National Assembly, National Assembly Publisher, Vientiane.
5. National Assembly of Lao PDR (2003). Law on National Assembly, National Assembly Publisher, Vientiane.
6. National Assembly of Lao PDR (2000). Guidelines on the formation and development of the National Assembly, Vientiane Publisher, Vientiane.
7. Georg Wilhelm Friedrich Hegel (2010). Principles of the philosophy of law, translated by Bui Van Nam Son, Tri Thuc Publisher, Hanoi.
8. Propaganda Department of the Party Central Committee (2011). Propaganda document on the content of the Resolution of the 9th Lao People's Revolutionary Party Congress, Central Propaganda Department Publisher, Vientiane.
9. Kaysone Phomvihane (2005). On building and promoting the people's democracy, Anthology, – Vol. 4. Central Propaganda Department Publisher, Vientiane.
10. Thoongda Suphasith (2008). Exchange of ideas on what is the construction of the rule of law?" Phu Then Pha Xa Xon Magazine (National Assembly).