

PROGRESS OF VIETNAM'S LEGAL POLICIES IN CONVENIENCE WITH SOCIETY'S CHANGES

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ABSTRACT

The legal nature is a common code of conduct to regulate and govern social relations. Therefore, it is inevitable that when society changes, the law must be changed to fit and can adjust those social relations. Therefore, the laws and regulations will also have changes to be in convenient with social contexts. In this article, the author will collect the data as well as analysis the impact of changes of the era on the law around the world in general and in Vietnam in particular. Then, some conclusions and recommendation will be taken away.

Keywords: *Laws and Regulations; Society; Changes; Convenient, Vietnam.*

INTRODUCTION

A civilized society is everyone who lives and works according to the law. The rule of law state is that the state manages all social activities based on the provisions of the law. Therefore, building legal norms must be based on the realities of social life to be able to effectively implement. Thus, the changes of the era directly impact on the enactment and enforcement of law. In this paper, the author will analyze the effects of contemporary change on the development of law around the world and in Vietnam. Since then, it will make judgments, assessments and suggestions to further improve the legal system in the next period.

LITERATURE REVIEW

General about law and regulation

The law is a system of rules of general compulsion, promulgated (or recognized) by the state, showing the will and protecting the interests of the ruling class and guaranteed by the state by coercive power is the most effective tool to adjust basic social relations in line with the will and interests of the ruling class in society. In this article, the author refers to the functional and value aspects of the law looking at the bottom of society as following details:

- Law as an architect's phenomenon is ultimately defined by the physical conditions of social life and with the changes of those conditions, the functions of law also be transformed. In that sense, the functions of the law are derived from the system of social relations expressed in the legal form, because those functions depend on the specific attributes and content of the law.
- Law is the product of human conscious activity to ensure and protect individuals, social groups, classes in order to achieve the common goals of social development. In that sense, the regulation of the law for social relations in one way or another is related to the resolution of the tasks set by the social life for the law at that historical stage of development.
- Law is one of the elements of the social system and all elements of that system affect all its constituent parts.

Relationship between society and law

Social function of law on the following basic functions:

Firstly, the law plays a role of adjustment function. The adjustment function of the law demonstrates the role and social value of the law. The law is set towards the adjustment of social relations. The adjustment of the law to social relations is carried out in two directions. On one hand, the law recognizes the main social relations in society. On the other hand, the law guarantees the development of social relations. Thus, the law has established "order" for social relations, creating conditions for social relations to develop in a certain way in accordance with the will of the dominant class, in accordance with the rules objective advocacy laws of social relations.

Secondly, the law is a protection functions. Protection function is a tool to protect the social relations that it adjusts. When there are violations of law that occur and violate social relations regulated by the law, competent state agencies will apply coercive measures prescribed in the sanctions department. Legal regulations for entities that commit acts of law violation. For example, acts of infringing upon human health are dealt with in accordance with the Criminal Law, but causing damage to property must be compensated according to the Civil Law.

Thirdly, it is the educational function. The educational function of the law is done through the impact of the law on people's consciousness, making people behave in accordance with the behavior specified in the legal. Education can be done through propaganda on the mass media, which can be through the handling of violating individuals and organizations (penalizing traffic violations, judging people crime, etc).

From the above-mentioned problems, the legal definition can be given. The law is a system of general mandatory rules, promulgated or recognized by the state, expressing ideas and to protect the interests of the ruling class in society, guaranteed by the state for the purpose of adjusting social relations. Law is a tool to implement state power and a legal basis for social life with a state.

One of the basic concepts of social science in the current period is the concept and the causal - information relationship. That concept has a great meaning in terms of managing social development. The social activities of individuals are closely related to organic with the acquisition, reception, occupation, storage and use of social information. Legal information is one of the forms of social information of order and regulation. With the legal support of the State's view of behavior requires permission or prohibition to be notified to those involved in social relations. Thus, in their activities - individual or collective activities, citizens are

informed about the methods and measures of achieving the required results, on the consequences of the violations.

The social value of the law

Firstly, the law ensures that the subjects have equal power to implement the needs of their right to choose their acts and responsibilities through the legal categories such as the right of the subject, the subject and the obligation behavioral force, etc. Law is a measure of the relationship between power institutions. For example, between the ruling Party and social organizations, among state agencies. It is a measure of the above - below relations like Government and local government relations. The establishment of this relationship must comply with the provisions of law on competence, functions and duties on the basis of "equality before the law". Legislation is the basis for the operation of power institutions, while the institutions of power must really ensure that the law has a fair, equal and democratic attribute. Besides, the law also creates an equal relationship between the people and the government. As a result, the state is truly the state of the people, for the people, creating a right and democratic and righteous environment and law.

Secondly, Law is a tool and a basis for social awareness. Derived from the rules of the law that formed and developed in history, we can imagine the social relations of human society since the division into class up to now. It maintains a social order in which classes and social groups have different interests, fighting with each other to coexist, creating the necessary premise for social development. However, the law is class. It is primarily the instrument of the ruling class to maintain the position of domination and protection of the interests of the ruling class, suppressing all protests of classes and other social classes. Thus, the law is a tool to regulate social relations in class division with different interests.

RESEARCH METHODOLOGIES

Methodological basis

The methodology is the reasoning of the method that involves the system of methods, worldview and humanity of people using methods and principles to solve the problems posed.

The method of scientific research is divided into a general methodology for science and methodology for each science subject. The general methodology is based on the philosophy of Mac-Lenin. Methodology for each science subject is specific methods based on the object of study of each science subject and has appropriate research methods.

Research Methods

To do this research, the author combined many kinds of methods such as the analysis-synthesis method, interpretation-inductive method, statistical method, comparative method to go from study the actual developments to generalize and evaluate the general trend of law progress.

RESULTS AND DISCUSSION

The change of law and regulation to govern new social relations

The change of time creating new social relations and promoting the legislative development to create new rules to regulate those social relations.

In fact, the law is used to govern social relations. Therefore, when society changes, the emergence of new social relations will generate new legal tools as well as new ways to regulate it. For example, the appearance of new types of real estate such as tourist apartments (condotel), tourist villas (resort villas), and offices for short-term accommodation (officetel) have been booked. It is required to change the Land Law, the Housing Law, the Law on Real Estate Business, etc. Currently, the Government is asking related ministries and agencies such as Ministry of Natural Resources and Environment, Ministry of Culture and Sports and tourism, the Ministry of building urgently drafted laws and decrees to submit to the Government and the National Assembly for approval and soon issue legal documents to regulate these new types of real estate.

Start-ups, SME businesses, micro-businesses, new types of businesses are different from traditional businesses. Sharing economy such as Grab, Uber, AirBnB, Agoda, Co-working space, Bit-coin also poses new challenges in state management and development of legal documents to adjust those. When this type of non-traditional business appear, Vietnamese lawmakers as well as other countries have had to argue a lot about admitting or not acknowledging these business activities, and acknowledging them must also be based on

building a legal framework for these new types of businesses to operate legally in each country. Vietnam's authorities have issued a series of new legal documents to regulate the operation of this non-traditional business model such as the enactment of the Law on Support for Small and Medium Enterprises, and the recognition of the model of Business Incubators, type of venture investment fund, angel investment. The Ministry of Finance has also issued legal documents to guide the collection of taxes on shared economic companies such as Uber, Grab, AirBnB or advertising on social networks (YouTube, Facebook) and better manage e-commerce business on websites, applications, etc. The State Bank has also been studying and issuing legal documents to manage economic activities such as fin-tech, e-wallet, or virtual currency (Bitcoin). The legal documents are still being drafted and issued in the future to ensure the adjustment of new and future social relations.

Or in the field of criminal law, the emergence of new types of crime, in the field of information technology, terrorism or the environment. In 2015, the National Assembly enacted a new Criminal Code to amend additional types of crimes, recognized as organized crime. Along with that, with better awareness of humanitarian and human rights, the new Criminal Code removed some of the offenses with the death penalty or executed the death penalty with poison instead of firing. This recognized Vietnam's progress in implementing human rights, fulfilling international links and getting closer to modern laws of civilized countries around the world.

A new method of dispute settlement is recognized by a decree of the Government in 2017. It is commercial mediation. Decree 22/2017 / ND-CP of the Government has formally acknowledged trade mediation as an independent method of dispute settlement to resolve disputes related to business and trade. Since then, a series of commercial mediation centers have been licensed and established, such as the Vietnam Mediation Center (VMC) under the Vietnam International Arbitration Center (VIAC), VICMC belongs to Vietnam International Law Association (VSIL), VEMC. Currently, centers work with competent agencies to promote propaganda, dissemination and education, skills training, awareness raising, personal understanding. Business organizations in the hope that they will boldly use Commercial Mediation to solve disputes in the future. Increasing the use of commercial mediation and arbitration to settle disputes will contribute to reducing the burden of courts, increasing efficiency and bringing economic benefits to individuals and businessmen.

Newly developed technologies change the way the state uses laws to manage society

The fourth Industrial Revolution formed new social relations. Some new labor relations require the state to change the way of using laws to manage society.

Implement the level 4th of e-government allows people to use technology to make public administrative procedures and services through electronic portals without having to go directly to state agencies. Thus, people can save time and money. Not only that, people can also assess their satisfaction with public administrative services as well as the performance of civil servants. This contributes significantly to transparency and improvement of state management and law enforcement.

The application of technological achievements to state management and law enforcement, in addition to bringing significant benefits also poses potential risks. Many types of crimes related to operating in the network environment, money laundering and terrorist financing also become more popular. Therefore, the network security law has been issued, many new laws in the Criminal Code related to cybercrime have been passed so that the state can implement social management for activities of information technology today.

The application of scientific and technical advances, allowing local and central authorities, managers, leaders to easily meet online, update information from local authorities to the central government. This helps the law to be applied uniformly across the country, shortening the gap between central and local.

The growing awareness of human beings leads to changing the way education and propaganda popularize laws

In addition to the traditional education methods in schools, it is possible to educate by means of communication, conferences, e-books, technological applications such as smart phone Apps, websites with information with autoresponder bots and questions of people about relevant law and regulations, phone hotline answering questions of people.

Instead of passive education, learners should be aware of the role of law and actively explore the provisions of the law through many different channels. For example, it is possible to develop legal situations and slides of the regulations and law vividly to show on social networking sites such as youtube, facebook, twitter to disseminate laws. For all classes of

society in a flexible and easy way and faster. Organizing seminars, conferences, seminars appropriate to each object at social organizations.

The application of technology also allows people to actively participate in contributing ideas to draft laws, proposing law building. This helps to make the law more democratic and linked to reality. Thus, laws will be more effective in regulating social relations.

CONCLUSION AND RECOMMENDATION

From the above studies, we can see that society is constantly changing and lawmakers and law enforcement always have appropriate adaptations to the social situation. The constant transformation of society, creating new social relations requires legislators to have higher legislative predictions and skills of legislation to enact legal documents that can adjust all social relations, including future social relations. When the legal system is stable and inclusive, it provides peace of mind for law enforcement. Thus, citizens feel safe when they participate in social activities. Then, legal system can make development sustainable for the country. The National Assembly, before issuing legal documents, needs to get a wide range of opinions and comments from all organizations and individuals in society. In addition, concerned individuals and organizations need to actively participate in contributing their opinions in legislative activities. Therefore, the quality of new legal documents is improved and the ability to enforce and enforce new legal documents is substantially improved.

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