

## NEW POINTS OF DOCTORAL THESIS “LEGAL MECHANISM TO ENSURE LEGAL COMPLIANCE IN STATE ADMINISTRATIVE ACTIVITIES”

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Characterized as the “executing – monitoring” activity, legal compliance is an indispensable requirement in the state administrative process. However, with a wide range of content being implemented regularly and continuously, finding a suitable solution to ensure legal compliance in the administrative process is not simple in theory as well as in practice, despite many research works as well as practical efforts on this issue. In order to clarify the nature of legal compliance and explain the need of legal compliance in state administrative activities; analyzing the legal content of the mechanism on ensuring legal compliance in state administrative activities under the current laws and assessing the results and status of the mechanism on ensuring legal compliance in state administrative activities, from that proposing specific solutions to innovate and improve this mechanism in our country today, the doctoral thesis “Legal mechanism to ensure legal compliance in state administrative activities” is conducted with the following fundamental new points:

Firstly, the thesis has clarified the nature of legal compliance, explaining why state administration is an activity with a high demand for legal compliance compared to other state activities, even though legal compliance is no longer directly stated in the Constitution. By referring many classic legal studies, the thesis has shown that the nature of legal compliance is complying with the laws. It is an attribute, an indispensable requirement whenever and wherever states and laws exist. In the context of a modern state, where the law is only trampled in specific situations, legal compliance may not be seen as a goal, but it is a mean to achieving other big goals. With the emphasis on the under-the-laws, executing-monitoring attributes of administrative activities, the need to ensure legal compliance in this activity is made even more prominent.

Secondly, the thesis has assessed the status of the legal mechanism of ensuring legal compliance in state administrative activities in general based on object which is the state administrative activities. Particularly, instead of researching and evaluating each method in the mechanism, the thesis was implemented according to each issue throughout the whole mechanism. They are legal mechanism, legal institutions and conditions to ensure the operation of the mechanism. Accordingly, the object should be ensured legal compliance - state administrative activities - used as the foundation for analysis, evaluation and proposals to improve the mechanism. This does not only help the research to be conducted in system but also avoid duplication and helps

making recommendations, solutions to improve the mechanism to be comprehensive and consistent.

Thirdly, the thesis has pointed out the synchronous solutions to improve the legal mechanism to ensure the legal compliance in state administrative activities stemming from the need to ensure the legal compliance of state administrative activities and to improve the legal mechanism to ensure legal compliance based on the perspective of the whole mechanism. Consistent with the approach when assessing the situation, solutions to improve the mechanism are proposed for each content throughout the mechanism of the two pillars: institutions and mechanism. Accordingly, the group of solutions on legal institutions to ensure legal compliance in state administrative activities includes: expanding and identifying clearly the scope of state administrative activities which is the object of legal compliance in the mechanism; improving the law on the competence to manage state administrative activities; improving the mechanism of generating relations of control of state administrative activities; innovating handling methods and handling forms for illegal administrative activities and perfecting the law on handling entities of carrying out illegal administrative activities and compensation for damage. The group of solutions on legal institutions includes: establishing an administrative jurisdiction of the executive system; innovating the personnel organization and operation modes of the representation missions; innovating court institutions to ensure the independence of the Court in adjudicating administrative cases.

In summary, in the context that “legal compliance” is no longer a new topic in Vietnam's legal science; specific methods in the legal mechanism to ensure legal compliance in each field of management have also been paid attention in research, but with the new fundamental points just mentioned, the doctoral thesis “Legal mechanism to ensure legal compliance in the state administrative activities” has established an appropriate view of the legal compliance in general and legal compliance in state administrative activities in particular and, at the same time, has analysed the content, evaluate the results and the status of the current mechanism to ensure legal compliance in state administrative activities comprehensively as well as propose specific solutions to innovate and complete mechanisms that deserve attention.