

DISSERTATION SUMMARY

Title of the dissertation	: LEGAL DOCUMENTS PROMULGATED BY LOCAL GOVERNMENTS
Specialization	: Constitutional Law and Administrative Law
Code	: 62.38.01.02
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SUMMARY OF THE NEW FINDINGS IN THE DISSERTATION

The dissertation is a comprehensive and systematic study of issues related to the acts of drafting, promulgating and processing of legal documents by local governments at all levels (including People's Councils and People's Committees). This study, although contains no striking breakthrough as to the theoretical aspect of these issues, provides these following significant new findings:

1. The study systematizes the theoretical and practical issues arising in the process of drafting and promulgating legal documents of local governments. In details, the study's analysis points out that the current legal provisions that govern the local governments' promulgation of legal documents are still inadequate in terms of authority, procedures for construction and promulgation, criteria for evaluating the legality and rationality of local governments' legislative documents, as well as measures against documents void of legality and rationality, ...

2. The study introduces new concepts of legal documents in general, of legal documents of local governments and of resolutions of the People's Council and decisions of the People's Committee;

3. The study puts forth proposals to amend and supplement legal regulations related to local governments' competence to promulgate legislative documents, such as recommendations on granting presidents of People's Committee at the provincial and district levels the authority of issuing legal regulations; on not assigning the competence of promulgating legal documents to the collectives of People's Councils and collectives of People's Committees at district or commune levels, etc.

4. The study offers solutions to the completion of legal framework related to the procedure of drafting and promulgating legal documents of local governments such as recommendation on applying simplified procedures in preparing proposals to establish resolutions of People's Councils at the provincial-level, recommendations on the improvement of the process of appraising, verifying and collecting suggestions for legal documents of local governments, etc.

5. The study presents scientific conclusions on the theory of "The rule of law in examining the legality and rationality of local governments' legal documents" as well as "Handling conflicts between the requirements of legality and of rationality". If a legislative document of a local government gives priority to constitutionality and legitimacy over the rationality of the document, it is just a manifestation for an act of legal compliance not an act

fully under the rule of law because the element of rationality is not taken into concern. “The principle of rule of law” requires that legal documents of local governments meet social demands, while also express progressive values such as freedom, fairness, and protection of human rights.

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