

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

**INFORMATION ABOUT THE NEW CONTRIBUTIONS OF THE THESIS**

Title: Usufructuary rights under Vietnamese Civil Law

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**NEW CONTRIBUTIONS OF THE THESIS**

The thesis is an in-depth research work on the usufructuary rights in Vietnamese civil law. The research results of the thesis contribute to the systematic improvement of the theoretical foundation of usufructuary rights. The thesis closely adheres to the research objectives and tasks, focusing on the subjects and scope of research, and combines various research methods to address theoretical, legal issues related to usufructuary rights, as well as to provide a practical insight on resolving disputes related to usufructuary rights. The thesis also examines legal provisions in Vietnam from previous periods, references foreign laws to provide evaluations, comparisons, and solutions that are suitable for the current legal conditions in Vietnam. In comparison with the set objectives, the thesis analyzes and addresses the shortcomings or inadequacies of usufructuary rights affecting their development in Vietnam. The significant new contributions of the thesis are as follows:

First, it systematically researches the theoretical basis and principles of rights related to property (real rights) and usufructuary rights. It identifies the nature, characteristics, principles, and significance of the establishment of usufructuary rights as the foundational basis for suggestions and improvements to ensure that usufructuary rights develop while remaining consistent with their inherent nature.

Second, based on the characteristics of usufructuary rights, the thesis studies the specific requirements of the subjects and objects of usufructuary rights in relation to the rights of property owners, lessees, borrowers of property, and specific requirements for

specialized property regulated by sectoral laws such as land use rights, housing, etc. The thesis then provides recommendations and proposals to enhance usufructuary rights to ensure consistency within the legal system and promote their development.

Third, the thesis concentrates on studying the content of usufructuary rights, including the rights of the usufructuaries, their obligations, the rights and obligations of property owners, and the termination of usufructuary rights in specific detail. This content will significantly contribute to the research of issues related to the establishment and exercise of usufructuary rights, the relationships between property owners, usufructuaries, and third parties in the exercise of usufructuary rights.

Fourth, the thesis analyzes and clarifies the legal bases for establishing usufructuary rights under the law, agreements, and wills. It reviews, compares, and contrasts with foreign laws and places them within the context of the current legal system and societal conditions in Vietnam to propose improvements to promote the development of usufructuary rights in Vietnam.

Fifth, the thesis also studies and evaluates the effectiveness of usufructuary rights, including (i) the timing of the occurrence of the rights of usufructuaries regarding the property, (ii) the effectiveness against third parties of the usufructuary rights, and (iii) the duration of usufructuary rights. Regarding this content, the thesis compares and contrasts with the provisions on property rights that are similar in nature to ownership rights, property rights in Vietnamese law, and compares them with the laws of some countries such as France, Germany, China, etc., to make research and recommendations on the effectiveness of usufructuary rights for their development.

Sixth, the thesis investigates the exercise of usufructuary rights in the relationship between usufructuaries and property owners in five cases: (i) the relationship between usufructuaries and property owners in repairing property during the enjoyment period; (ii) the relationship between usufructuaries and property owners in the possession, use, and disposal of property; (iii) the right to waive or not exercise the usufructuary rights of the usufructuaries and the right to request the court to deprive the property owner of usufructuary rights in detail. (iv) The relationship between usufructuaries and property owners in fulfilling financial obligations related to the enjoyed property, and (v) the responsibility to return the property upon termination of the usufructuary rights.

Seventh, the thesis studies the exercise of usufructuary rights in relation to third parties within and outside contracts. Concerning relationships arising from contracts, the thesis studies the relationship between usufructuaries, property owners, and third parties in allowing others to exploit, use, profit, and benefit from the subject of usufructuary rights, leasing usufructuary rights to property, and security transactions related to usufructuary rights. Concerning relationships outside of contracts, the thesis also studies the relationship between usufructuaries, property owners, and third parties in relationships outside of contracts, including (i) *liability for compensation when enjoyed property causes damage; and (ii) the liability of third parties for damage to the enjoyed property.*

With the research objective of promoting the development of usufructuary rights in Vietnam, the thesis focuses on examining them from various perspectives: (i) their consistency within the Vietnamese legal system; (ii) their suitability with the traditions, culture, and history of Vietnam; (iii) the legal situation and application of laws related to usufructuary rights; and (iv) a comparison with foreign laws. Based on this, the thesis provides solutions and recommendations to improve the legal framework for usufructuary rights to ensure their substantive development in the civil life of Vietnam.

The thesis of "Usufructuary rights under Vietnamese Law" is constructed to meet the requirements for theoretical refinement, driven by practical considerations and societal needs. Building upon related studies both within and outside the country, the thesis continues to research and develop issues regarding the establishment and exercise of usufructuary rights. The primary objective is to enhance the legal framework concerning usufructuary rights, harmonize regulations regarding these rights within Vietnamese jurisprudence, and substantially promote the development of usufructuary rights in civil life in Vietnam.

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RESEARCHER

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