



## SOME THEORETICAL AND PRACTICAL ISSUES ABOUT THE INSTITUTION OF PUBLIC SERVICE ETHICS IN VIETNAM TODAY

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### **Abstract:**

Public service ethics is a scientific category belonging to philosophy, related to the public service activities of a state. Each state has its own regulations on public service ethics and has a different institution of public service ethics. In Vietnam, the institution of civil service ethics is increasingly progressive and complete with relatively complete and clear regulations. However, these regulations are still expressed sporadically and inconsistently in many legal documents such as the Law on cadres and civil servants; Law on public employees; Law on anti-corruption, etc. In fact, the legal regulations on public service ethics and the actual situation of strictly handling violations of public service ethics for the past time have created a great deterrent to public service enforcers; and at the same time contribute to curbing and preventing corrupt acts. This article introduces the elements constituting the institution of public service ethics; the actual situation of organizing the implementation of the institution of civil service ethics in Vietnam and proposes solutions.

**Keywords:** public service, public service ethics, institution of public service ethics, Vietnam

### **1. Introduction**

#### **1.1 Institution of civil service ethics and elements constituting institution of public service ethics**

In the Vietnamese language, ethics is a compound word, made up of two elements "morality" and "virtue"; "morality" is "*a morality, a certain reason, that everyone must follow it*"; "virtue" means "*the way to establish one's position in life, to do good and to make people change in a better manner*" [3]; or ethics refers to the beauty and culture of people, "*good qualities of people: "living morally"*" [1]. Ethics is also understood as "*the law on relationships between people, between individuals and groups, and society*" [2].

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Public service is a term used to refer to a form of State power activity (in the name of the state or in association with the state) conducted by the State's cadres, civil servants and public employees in accordance with the law in order to perform the functions and tasks of the state, serving the interests of the state and society [6]. According to this concept, the subject of public service activities is mainly cadres and civil servants. Discussing public service ethics is also discussing the ethics of cadres and civil servants.

Public service ethics is understood as values and a system of ethical standards regulating perceptions and actions of what should or should not apply to cadres and civil servants in the performance of public service activities in order to build public service that is responsible, professional, clean, dedicated and fair. Public service ethics is a specific form of social ethics, including standards and principles that regulate the behavior of public service executors and their relationships with citizens, colleagues and other subjects in public service activities.

The institution can be understood as what forms the orderly framework for human relationships, locates the enforcement mechanism and limits the relationships between the interacting parties; is the common will of the social community in establishing order, rules, constraints and common standards and values that are shared by everyone [4]. The institution is also understood as a constraint that people create to guide human-to-human interactions [5]. Institutions can be divided into formal institutions (laws, ways to organize state power, ownership) and informal institutions (such as standards of behavior in society, customs, and traditions). Formal institutions are rules that must be followed. However, informal institutions also influence the success or failure of formal institutions, so they are also very important.

Through the above analysis, it can be seen that the institution of civil service ethics is the framework and constraints on public service ethics that are defined and that cadres and civil servants must follow.

Basically, the institution of civil service ethics consists of 3 main elements: legal system, social rules governing relationships and legally recognized acts of a country on public service ethics; mechanisms, procedures, methods of performing public service activities, management and administration of the operation of public service activities; Entities that perform and manage the operation of public service activities (including the state, community, civil society organizations), specifically as follows:

- Legal system, social rules governing relationships and legally recognized acts of public service ethics: In Vietnam, "*civil servants must practice diligence, thrift, integrity, justice and impartiality*" in public service activities and public service ethics are regulated in many documents such as the Law on Cadres and Civil Servants; Law on public employees, Law on anti-corruption; Law on thrift practice, anti-waste, etc. Article 18, Law on cadres and civil servants (2008) stipulates what cadres and civil servants must not do related to public service ethics as follows: 1. Evade responsibility, repudiate assigned tasks; cause factions and disunity; voluntarily quit work or join strikes; 2. Illegally use of a property of the State and people; 3. Abuse duties and powers; use information related to

public service for personal gain; 4. Discriminate ethnic groups, men and women, social classes, beliefs and religions in any form. Section 3 of the Law on Anti-Corruption (2020) stipulates the implementation of the code of conduct by people with positions and powers in agencies, organizations and units, including things that people with positions and powers must not do. In addition, Article 21 of this Law also stipulates that ministers, heads of ministerial-level agencies, heads of government-attached agencies, head of the State President's Office and head of the National Assembly's Office promulgate codes of conduct for those who have positions and powers in agencies, sectors and fields under their management.

- In addition to the law and social rules in public service ethics, the institution of civil service ethics also includes mechanisms, procedures, methods of performing public service activities, and management and administration of the operation of public service activities. These implementation mechanisms, procedures and methods are specified in legal documents and codes of conduct for cadres and civil servants in order to ensure that cadres and civil servants properly and fully comply with their obligations. In that process, the management and administration of the State, agencies and units are very important, helping public service activities follow the principles, and avoiding violations of public service ethics.
- In the institution of public service ethics, it is indispensable for subjects performing public service activities (cadres and civil servants) and subjects managing the operation of public service activities (the state, population community and civil social organizations). Cadres and civil servants need to perform well their assigned duties (public service duties) and fully exercise their authority (public power) according to their titles and employment positions. In addition, they need also comply with other civil service ethical standards prescribed by law, agencies and units. The management entity needs to regularly inspect, supervise and evaluate the results of public duty performance, the exercise of power and authority of cadres and civil servants.

## **2. Actual situation of organizing the implementation of the institution of civil service ethics in Vietnam today**

According to information from the Ministry of Home Affairs, at the end of 2021, the total number of civil servants of central authorities in 16/18 ministries and branches (excluding the Ministry of Defense and the Ministry of Public Security) and localities is 233,219. Of these, 59,918 people have master's and doctorate degrees. The number of local civil servants from the district level and above is 133,719; the number at the central level is 99,489 and the number at the commune level is 210,333 people. The number of public employees is 1,761,045 people, including 130,471 people at the central level and 1,630,574 people at the local level from the district and above [8]. The number of cadres, civil servants and public employees in our country has developed in both quantity and

quality. However, the number of cadres, civil servants and public employees is large but not strong, the structure is not reasonable, and a part shows signs of retrogression, degeneration, and corruption causing frustration among the people. [11]

The actual situation of implementation of the institution of civil service ethics in Vietnam is reflected in three aspects as follows:

Firstly, regarding compliance with the law, and codes of conduct of cadres and civil servants: most of the cadres, civil servants and public employees in the state apparatus of the Socialist Republic of Vietnam clearly understand their responsibility for and obligation to respect the law, have a sense of protecting the law, respecting the codes of conduct of civil servants. However, there is still a part of civil servants who do not comply with the law and public service ethics and have been discovered through inspection and examination activities at all levels. According to the report of the Government Inspectorate of Vietnam, in 2022, the Government Inspectorate conducted nearly 4,000 inspections of the implementation of norms, standards and regimes and detected more than 280 cases, corrected and sanctioned 386 violators. After conducting inspections at 8,975 agencies, organizations and units, the Government Inspectorate discovered, corrected and sanctioned 477 cadres, civil servants and public employees violating the code of conduct and rules of professional ethics. [9]

However, a number of legal provisions, mechanisms and policies are still overlapping, inconsistent and unstable, fail to meet the requirements of the practice. In fact, many cadres and civil servants took advantage of the incompleteness and lack of synchronization of the legal system for profit, embezzlement, corruption, pursuing group interests or personal interests, seriously violating public service ethics, as well as the code of conduct for cadres and employees. [10]

Secondly, regarding the mechanism, procedures, methods of performing public service activities, management and administration of the operation of public service activities. It can be said that the regulations and regulations in public service activities are relatively clear and specific. In most fields, administrative procedures are increasingly being reformed in a streamlined, effective and efficient direction. The assessment of public service mechanisms and procedures, management and administration of public service activities are carried out by a number of agencies and organizations. One of the most trusted indicators is the Provincial Governance and Public Administration Performance Index (PAPI)<sup>ii</sup> which is evaluated on 8 contents including: (1) participation of people at the grassroots level; (2) publicity and transparency in decision making; (3) accountability to people; (4) corruption control in the public sector; (5) public administrative procedures; (6) provision of public services; (7) environmental governance; (8) electronic governance [10]

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<sup>ii</sup> PAPI is a product of research cooperation activity between the Center for Community Support Development Studies (CECODES), Vietnam Fatherland Front Center for Research and Training at the central and local levels (VFF-CRT), Real Time Analytics (RTA) and United Nations Development Program (UNDP) in Vietnam.

Legal policies on the management of cadres, civil servants, and public employees continue to be perfected synchronously and consistently throughout the political system, from the central to the grassroots level. The recruitment of civil servants on the basis of competition is regularly renewed in terms of forms, methods and contents. The training and fostering of cadres, civil servants, and public employees have been renewed in both content and method terms. The annual evaluation and classification of cadres, civil servants, and public employees are carried out in accordance with the regulations of the Party and the State, with innovation from institution to implementation organization. Ministries and branches promulgated codes of conduct for cadres and civil servants in order to better implement the management of public service ethics of cadres and civil servants.

However, the system of internal rules and regulations of agencies and units on the responsibilities of cadres and civil servants in the performance of public service is not strict and specific. The 13<sup>th</sup> Congress of the Communist Party of Vietnam frankly assessed the above actual situation: *"Implementing renovation of working manner and promotion of discipline in state agencies has not yet come into reality"; "Supervision, check and inspection activities are still overlapping"; "Supervision, check, supervision, monitoring and urging the implementation in the performance of public service of some agencies and units is still not strict, especially at the grassroots level."* [10]

Thirdly, regarding the subjects performing (cadres and civil servants) and managing the operation of public service activities (including the state, community, and civil social organizations).

In Vietnam, a number of cadres and civil servants is educated and trained through the practice of revolutionary struggle, promoting the glorious tradition of the nation; trusted and supported by the people. The number of cadres and civil servants is trained and fostered to improve professional qualifications, knowledge and skills, work experience and capacity to perform public service, they are creative, highly disciplined and willing to accept challenges. In general, almost cadres, civil servants and public employees have pure morality, a firm ideological stance, a simple lifestyle, and a sense of training, are exemplary, striving and fulfilling their assigned tasks well, dynamic, creative, capable of working in an international environment, quickly adapting to the trend of integration.

However, the number of cadres and civil servants is large but not strong. The structure between industries, fields and regions is not really reasonable; the situation of both surplus and shortage of cadres still occurs in many places; lack of linkage between levels and sectors; the percentage of young cadres, female cadres, and ethnic minority cadres have not reached the set target. A part of the cadres lacks professionalism and does not work in accordance with their expertise and forte. A large number of cadres and civil servants have lost their ideals and will; lack of cultivation, training, become retrograde and degenerate, and fail to fulfill obligations for the Party and the people. Some leaders and managers are non-exemplary, patriarchal, bureaucratic, far away from the people, not really closely attached to the people; commit acts of corruption, waste, negativity and group interests. Some show signs of deterioration in political

ideology, morality, lifestyle, "self-evolution", "self-transformation". The situation of lobbying for position, for power, for planning, for transfer, for crime mitigation is quite common at all levels and branches, but it is slow to be prevented and pushed back, causing frustration in public opinion and society.

The State plays an important role in promoting civil service ethics. In Vietnam today, the State agencies are making more and more efforts in promoting administrative procedure reform, and promulgating deterrent regulations and rules in order to improve public service ethics. State agencies also take responsibility for supervising the implementation of public service ethics: supervision within the internal scope of the agency (supervision of leaders, of immediate manager; supervision of party organization, trade union organization through the People's Inspection Committee); supervision outside the agency, such as: supervision of immediate superior agency; supervision of Party Inspection agency and the State Inspection agency.

Residential communities and civil social organizations also participate more effectively in the process of managing the performance of public service. The supervisory role of the Fatherland Front and mass organizations and associations; media agencies; Public opinion is increasingly effective, especially in the context that Vietnam is increasingly promoting the democratic rights of the people and the conditions of science and information technology are increasingly developing. There have been many cases of corruption and harassment in the performance of public service reported by the people; making a contribution to increasing deterrence for public servants.

### **3. Solutions to improve the efficiency of public service ethics in Vietnam**

In order to improve the institution of public service ethics in Vietnam, it is necessary to have solutions that are synchronous, comprehensive and stem from the causes of limitations in the implementation of public service ethics in Vietnam. Basically, some solutions are mentioned as follows:

*Firstly*, one of the reasons why the implementation of public service ethics has not been effective is the failure to conduct the proper and methodical training in public service ethics for civil servants. Therefore, it is necessary to strengthen training to raise awareness of public service ethics, professional consciousness, rights, obligations and codes of conduct in performing duties of cadres and civil servants; propagate and educate cadres and civil servants about negative, corrupt, wasteful, superstitious behaviors, pursuing a pragmatic lifestyle, profiteering, violating the law, morality and lifestyle of cadres, civil servants and public employees. Educate the integrity and public service ethics for cadres, civil servants and public employees, consider it a really important job; Develop and enforce strict sanctions against violations of the law so that cadres, civil servants and public employees "don't dare" to commit illegal acts, violate public service ethics and social ethics.

*Secondly*, the cause of corruption and harassment in the performance of official service partly comes from working conditions, salary and income of cadres and civil

servants that are currently still low, failing to meet the daily living standards. Therefore, providing tools and support to help civil servants perform their jobs effectively, reforming salary policies to improve the living standards for cadres and civil servants, and helping them cover their living demands with their salary so that they can feel secure to serve their work are the solutions to limit violations of public service ethics.

*Thirdly*, the violation of public service ethics is sometimes due to the State's regulations on what cadres and civil servants are not allowed to do that are still inadequate, unclear and asynchronous. An inconsistent understanding of regulations leads to wrong practice. Therefore, enhancing and improving the legal institution on public service ethics, on the rights and responsibilities of cadres and civil servants is the best way to ensure that cadres and civil servants properly, fully and accurately understand the regulations.

*Fourthly*, continue to improve the institution of management and use of cadres, civil servants and public employees, it is necessary to continue to improve the institution on cadres, civil servants and public employees, in which paying attention to improving the regime of examination recruiting civil servants and public employees, paying attention to the principles of equality and publicity. Establish the institution in a strict, transparent and public manner in order to prevent illegal acts of cadres, civil servants and public employees. Implement the regime of publicity, transparency and accountability for the assets of cadres, civil servants and public employees before, during and after leaving the working place.

*Fifthly*, improve management, leadership and direction capacity in public service activities, strengthen decentralization, and assign heads of agencies and organizations to take responsibility for tightening discipline in public service activities. Strictly sanction violations; strengthen inspection and examination of personnel work; verify, publicly and transparently deal with the information provided by the mass media or the People. Strengthen inspection and examination of public service; organize a working delegation of the Prime Minister to inspect public service activities at ministries, branches and localities, focusing on the observance of law provisions, and administrative discipline. Cadres, civil servants and public employees who commit acts of violating regulations on civil service culture, depending on the nature and seriousness of their violations, shall be subject to disciplinary actions in accordance with the law.

*Sixthly*, publicity and transparency of the administrative order and procedures to handle the work at the headquarters of the agencies. Synchronously implement solutions to reform administrative procedures, especially focusing on information technology application; operate the national document interconnection axis to reduce administrative procedures, practice thrift, combat waste, improve work efficiency and reduce document processing time.

### **Conflict of Interest Statement**

The author declares no conflicts of interest.

### **About the Author**

Nguyen Thi Minh Trang is currently working at Soc Trang Politics School, Soc Trang City, Vietnam. I am interested in researching public service ethics in Vietnam.

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