

- закрепление в отраслевом (прежде всего, в процессуальном) законодательстве принципа неприкосновенности личности;
- закрепление в отраслевом законодательстве содержания неприкосновенности личности с учетом особенностей отдельных видов правоохранительной деятельности органов внутренних дел;
- совершенствование отраслевого законодательства с целью уточнения и детализации оснований и условий осуществления обеспечения неприкосновенности личности и законных оснований ее ограничения;
- развитие институциональных гарантий посредством совершенствования статуса органов внутренних дел, их прав и обязанностей, возможностей контроля и надзора за их деятельностью;
- установление и реализация мер юридической ответственности за незаконное ограничение неприкосновенности личности.

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PLANNING LAWMAKING IN VIETNAM SOCIALIST REPUBLIC

Law-making is a vital component of the state activities aiming at creating and improving the single and internally harmonised system of legislative standards, which govern relationship in society and public administration. It is historically proven that it is possible to create legislative framework for implementing state policy, which is approved by society and promotes social relationship development in various areas, provided that the true representative body of the legislative power functions, the legislative and executive branches of power actively cooperate with each other in the sphere of law-making, and appropriate legal mechanisms are available.

The analyses of the law-making mechanisms in Vietnam allowed identifying specifics of the organisation and preparation of the Government and other central executive authority law-making plan, namely:

the law-making in the Vietnamese Government is realised in accordance with the Government Law-Making Plan with a distinctive development and adoption procedure (the draft Government law-making plan must be, first, examined by the Committee on Laws with the Nationality Committee's representatives and/or the National Assembly's interested committees as its key experts; second, preliminary considered by the Standing Committee; and adopted by the National Assembly);

the Vietnamese Government significantly influences the law-making

initiative agencies and their involvement in developing certain draft laws that facilitates the law-making process, including its early stages;

the determination of a date when the Government submit the draft law to the parliament is dependent. The Government has also no right to independently exclude draft laws from the Annual Law-Making Plan and the Law-Making Plan for the entire term of the National Assembly or change the date of submission thereof. Meanwhile, the Government is authorised to submit appropriate offers to the Standing Committee for consideration and presentation to the National Assembly. With regard to draft laws, which are not included in law-making plans, the Vietnamese Government may independently develop and initially submit them only to the Committee of Laws for examination and to the Standing Committee for amending the respective law-making plans. These plans with additional draft laws are provide to the National Assembly for consideration and adoption. After the National Assembly has agreed to include these draft laws in the respective law-making plans, they may be submitted to the National Assembly;

a special institute of interdepartmental interaction representatives ensures that the central executive authorities participate in the law-making process;

Vietnam has an advisory body that is involved in developing the law-making plan. Such a body known as the Advisory Council is created on the basis of the resolution of the Minister of Justice to assist him in assessing the law-making offers of the ministerial agencies. It consists of: the representative of the management board of the Ministry of Justice (the Chairman of the Council), experts and scientists who have knowledge and skills in the sphere related to the suggested draft laws. It is worth noting that the mechanism of work and the quantity of the members of the Advisory Council are not clearly defined, and its results are of advisory nature;

special attention should be paid to how public opinion is collected and heard when making draft law offers. Resolution of the Vietnamese Government No. 24/2009/NĐ-CP stipulates that the draft law proposals addressed by bodies, organisations, and individual parties to the ministerial agencies are one of the bases for the latter to make their proposals, which are provided to the Vietnamese Ministry of Justice to be included in the Government's draft law-making plan proposal. The Proposals of the ministerial and Government agencies as well as the Government's draft law-making plan proposal must be posted on the web-sites of the ministerial agencies, the Government agencies, the Ministry of Justice and the Government respectively for at least 20 days to get public opinion. Therefore, the public opinion is taken into account at the stage when the draft law-making plan is being prepared. However, there is no public opinion feedback mechanism that affects the involvement of public in the central executive authority law-making planning;

the Vietnamese laws allow, when required, the Government to make changes to its law-making plan. Article 12 of resolution of the Government

No. 24/2009/NĐ-CP stipulates for 4 certain case groups and general procedure, based on which chief drafters – the ministries or departments – may initiate changes to the Government Law-Making Plan. Based on the proposals of the chief drafters and the opinion of the Ministry of Justice, the Prime Minister makes a decision on changes to the Government Law-Making Plan and addresses the decision to the Standing Committee and the National Assembly for consideration and adoption;

the Ministry of Justice takes special place among the ministries and departments, which appear to be law-making planning entities in Vietnam. In addition to its involvement in law-making planning in its area of activity (where any ministry or department is engaged), the Ministry of Justice is also authorised to: 1) develop and provide the Government with the draft Government law-making plans as instructed by the latter; 2) coordinate the work of the ministries and departments with regard to the preparation of the proposals on the draft Government law-making plans; 3) control how the chief implementators implement the Government Law-Making Plan, and submit quarter reports thereon to the Government;

being involved in the preparation of the Government Law-Making Plan, the ministries and departments also have their own law-making plans. In Vietnam, departmental law-making plans are based on the Government Law-Making Plan.

Summarizing this research, we may state as follows. In Vietnam, the involvement of the central executive authorities in the law-making process allows meeting such challenges: to determine the subject of legislative regulation and prove that issues must be settled through legislation; to prioritize tasks handled *de jure*, and respective measures to be taken; to classify tasks and create law packages, which ensure that the tasks are fulfilled; and to optimize the law-making process. In addition, it is evident that the entire law-making planning process depends on the Vietnamese Government as it estimates the proposals from other law-making initiative agencies before they are included in the draft Law-Making Plan, and these proposals must take into account its opinion. In the framework of the state mechanism, it is the Government who knows better than any other state authorities how legislation enhances its policy and which changes to laws are required nowadays.