

## The Difficulties in Anti-Corruption at Vietnam

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**Abstract:** Corruption and anti-corruption are a long-standing social phenomenon in human history. In particular, since the second half of the twentieth century, corruption has emerged as a malignant disease outbreak, threatening the economy, culture and morals of mankind, with great devastating and preventing the development of the nation. In this article, the author gives an overview of the situation, scale and harms of corruption to the development of society; in the fight against corruption in recent years in our country. According to the author, the effectiveness of the fight against corruption in our country is not high because the dosage of anti-corruption measures is still not strong enough, not aiming to win a breakthrough. That breakthrough, as the author thinks, is to strictly punish corrupt people, especially those who are party members - officials.

**Keywords:** Anti-corruption, Vietnam, officials, leadership team.

### INTRODUCTION

Corruption and anti-corruption are a long-standing social phenomenon in human history. In particular, since the second half of the twentieth century, corruption has emerged as a malignant disease outbreak, threatening the economy, culture and morals of mankind, with great devastating and preventing power the development of every nation.

For about 30 years now, many countries and regions have put a lot of effort and effort into finding effective solutions, making tough statements and opening wide campaigns to prevent and repelling corruption, but the effect is far from the requirements of the development and demands of humankind.

At Vietnam, in recent years, corruption has experienced very complicated developments, negatively impacting many aspects of social life, so the Communist Party of Vietnam has also identified corruption as one of the 4 risks, a great threat to the survival of the regime and the country's renewal cause [1]. The Government's National Strategy on Anti-Corruption to 2020 identifies, "Anti-corruption is the responsibility of the entire political system under the leadership of the Party, promoting the synergy of industries, at all levels, emphasizing the responsibilities of heads of agencies, organizations and units, promoting the role of society, mass organizations and the people to prevent and fight against corruption is an important task, both urgent and long-term, throughout the process of socio-economic development and building a socialist law-governed State in the renovation period" [2, 3]. However, in recent years, the acts of harassment, bureaucracy, arrogance, the authoritarianism of some officials at the grassroots level have seriously affected the prestige and honor of the party and eroded the confidence of people to the party.

Anti-corruption is the responsibility of the entire political system under the leadership of the Party [1-3], promoting the synergy of all branches and levels, emphasizing the responsibilities of heads of agencies, organizations and applications and promoting the role of society, mass organizations and the masses. The fight against corruption must be associated with and served for socio-economic renovation, maintaining political stability, strengthening the unity of the entire people and building a socialist rule-of-law state in the renovation period.

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### **The concept of corruption**

There are a lot of various definitions of corruption, but the most precise and clear definition of this social phenomenon is provided in the Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee: Fighting corruption in the EU of 2011 [4]: Corruption shall mean an abuse of power for private gain.

Corruption is a form of dishonesty or criminal offense undertaken by a person or organization entrusted with a position of authority, to acquire illicit benefit or abuse power for one's private gain. Corruption may include many activities including bribery and embezzlement, though it may also involve practices that are legal in many countries [5].

In Clause 2, Article 1 of Vietnam's Law on Anti-Corruption, which takes effect from June 1, 2006, specifies: "Corruption is an act of a person whose position and authority has taken advantage of his position cases and powers for self-seeking purposes". In Clause 3, Article 1, of the above law, it is clear that persons with positions and powers include: "a) Officials and public employees; b) Officers, professional army men, defense workers in agencies and units of the People's Army; officers, career non-commissioned officers, officers and career non-commissioned officers in agencies and units of the People's Police; c) Leading and managerial officials in State enterprises; leading and managerial officials who are representatives of the State's contributed capital portions in enterprises; d) The person assigned to the task or duty has the authority to perform that task".

Corruption shall mean any behavior of any person employed in civil service (state politician, judge, state official, civil servant or another equivalent person) or in the private sector, exceeding one's authority, behavioral standards established in legal acts or company's internal rules, in the pursuit of private or other persons' advantage thus causing harm to the interests of the State or individual natural or legal persons.

### **Current situation of corruption**

It can be generalized that corruption in Vietnam is quite common, happening all the time and everywhere. Wherever there is a problem related to the relationship between material and spiritual interests, corruption takes place everywhere, every profession and every object. Therefore, in the political report at the 9th Congress of the Communist Party of Vietnam identified: "corruption has become a serious national problem" [1].

Acts of corruption are diverse and common, including embezzlement, taking bribes, using public properties to give away or bribe; defrauding property of the State and people; abusing positions and powers to cause difficulties, troubles and harassment to organizations and individuals for self-seeking purposes and to gain personal interests; setting up illegal funds, using budgets in contravention of regulations for benefits [6]. Corruption behaviors have been occurring in almost all areas of social life, from business and production, joint ventures, capital construction investment, land management and use, and management and use of budget, tax, banking, customs, import and export, justice, education, health, social policy implementation in administrative management, social work, etc.

On the scale of corruption: There are all kinds and levels of corruption of individuals and collectives; unorganized corruption and organized corruption include many participants.

The damage caused by corruption is enormous [7], there is an economic corruption case that damages the State and people to hundreds, trillions of dong; degenerating and degrading a series of officials and party members, including a number of high-ranking Party and State officials. The more significant and heavier damage is that corruption has made the regime worse, weakening the people's confidence in the future of a good regime the Communist Party of Vietnam is promoting.

### **Fight against corruption**

Like other countries, the fight against corruption in Vietnam took place quite early and was especially respected under the new social regime [1-3, 7-9]. Immediately after the birth of the Democratic Republic of Vietnam, President Ho Chi Minh warned about greed, considering it a kind of "internal aggression"; in recent decades, our Party, State and people have considered corruption to be "a serious national problem" and very actively fight against corruption [9].

Our Party, State of Vietnam and people have strongly condemned corruption, determined to fight to prevent and stop corruption. Comments and assessments on the situation of corruption and anti-corruption policies have been repeatedly mentioned in the Party's resolutions, the State's laws, decisions of functional agencies, mass organizations. The Party and State's guidelines and measures to prevent and fight against corruption have been continuously propagated to the people by mass media, study, conferences and seminars at each level and each level sector, region. The situation of corruption and anti-corruption has become a regular topic in the periodical direction reports of the Government and

specialized agencies responsible for this issue. At the same time, it is also a daily story that reflects the discontent and frustration of every citizen in both urban and rural areas, regardless of region or region.

Anti-corruption measures have been implemented comprehensively, often, one after the other. Many anti-corruption measures have been used, such as administrative, economic, educational - sensitizing, legal sanctions, etc. However, the corruption situation in Vietnam remains no reduction.

Recently, together with the State's promulgation of the Law on Anti-Corruption and the Law on Thrift Practice and Waste Combat, June 1, 2006; then the introduction of the Central Steering Committee on Anti-Corruption headed by the Prime Minister, the 3rd Central Conference, Session 10 issued a thematic Resolution "On strengthening the Party's leadership for the public." prevention and fight against corruption and waste ". The resolution has fully identified the situation of anti-corruption work and the main causes of shortcomings and shortcomings in this work. At the same time, the Resolution introduces objectives, viewpoints to prevent and fight against corruption and waste; undertakings, solutions and organization of implementation in a comprehensive and profound manner.

These actions show the very determination of our Party, State and people in the prevention and fight against corruption, in order to make everyone meet four conditions: 1- no need for corruption, 2- no be (or very difficult) corrupt, 3- don't want to be corrupt, 4- don't dare to be corrupt. However, the effectiveness of these solutions has not met the practical requirements. Currently, in our country, the situation of "corruption and waste is still serious in many industries, levels and many fields with a wide scope and complex nature, causing bad consequences in many aspects and reducing." The people's trust is one of the great threats threatening the survival of the Party and our regime" [10].

The recent unsatisfactory results on corruption prevention and control cannot be denied the comprehensive and profound measures of anti-corruption measures that the Party, State and people have been using. That is to say, the dosages of those measures are not strong enough and are not aimed at winning a breakthrough stage in order to prevent corruption effectively.

The fact that the Party, State and people have made efforts to implement anti-corruption measures to create all four conditions for effective anti-corruption is very necessary and very comprehensive. Because:

In order to create conditions for people not to be corrupt, they must make the State rich and strong, able to meet and satisfy the material and spiritual needs of all people. To do so, it is necessary to step up socio-economic development, develop advanced science and technology, build productive and high-quality products and create material wealth for society. It is a long process, it takes a lot of time, and it cannot be in an early, one way.

In order for people to be unable (or very difficult) to be corrupt, the Party's and State's organizational and managerial apparatus must be very scientific, including mechanisms, both people and the strict legal system without loopholes so that corruption cannot get through. At the same time, the democratic life in society must be improved; all acts of corruption cannot catch the eye of the people. In order to achieve that, the Party, the State and the people must make great efforts and endeavor in promoting the administrative reform, successfully building the socialist rule-of-law State of the people, because of people, for the people

In order for people not to want to be corrupt, either, there must be a long-term process to create material and mental satisfaction for all people so that they do not need to be corrupt as analyzed; or, society must create a life without corruption, consider corruption to be evil, sin, anyone who is corrupt will be condemned, punished, etc to put psychological pressure on people. Of those two options, only the second is suitable for the social situation of our country today. To accomplish this second option, we must strive to build a democratic society in which everyone lives with morality, purity and integrity.

In order for people not to dare to be corrupt, firstly, they must build a moral, truly democratic society, promote the people's mastery, and can denounce and prevent all acts of corruption, no matter how sophisticated they are. Secondly, once the corrupt person has been denounced and has indisputable evidence, the State must strictly punish it, handle it severely, force the person concerned to pay damages and create a wave of criticism, and condemn them in each community, in the whole society.

Thus, considering the overall economic, political and social situation of our country today, we can say, we are not strong enough to implement a series of measures to bring people all 4 conditions for not being corrupt, unable (or difficult) to be corrupt, not wanting to be corrupt and not daring to be corrupt. However, in terms of awareness, it must be affirmed that creating the above 4 conditions is the right direction to eradicate corruption, even though it is a long and arduous process. So, what do we have to do to "cool off" the corruption that is at such a critical stage? In my opinion, we

need to immediately take the necessary measures to satisfy two conditions so that people do not want to be corrupt and dare not to be corrupt. In the immediate future, we must choose a breakthrough stage and focus the impact on it to motivate the completion of the whole system of measures.

### **Breakthrough in the fight against corruption**

As analyzed above, in order to satisfy two conditions that make people not want to be corrupt and dare not to be corrupted, if they wait until the development of production is able to satisfy their material and spiritual needs of the people and the socialist rule-of-law state built completely, with a strict and complete legal system with no loopholes for corruption, it will take too long. Therefore, in the immediate future, we can prioritize the use of the three most appropriate measures:

1. To promote the building of a social-ethical life of “hunger for cleanness, poor for good”, the boycott of corruption, regard corruption as theft, humiliation and vileness;
2. On the basis of the achievements of the implementation of the Grassroots Democracy Regulation, building a democratic way in society, encouraging people to speak the truth, and have mechanisms to protect the courageous people denounce and detect corrupt people;
3. When corruption is detected, serious sanctions must be imposed; especially with corrupt officials and party members. It should be determined that this is a breakthrough stage to effectively prevent and fight against corruption.

In order to implement these three measures well, the breakthrough phase must be identified as analyzed. That breakthrough will have a strong impact on the party members - cadres, making them always self-aware and exemplary in the field of anti-corruption. To accomplish this breakthrough stage, in my opinion, it is necessary to focus on the following two main tasks.

Firstly, to strengthen the Party’s regulation, educate its members “to have a clean, healthy, disciplined and disciplined lifestyle. No bureaucracy, corruption, waste and resolutely fighting bureaucracy, corruption, waste and other negative things” [10]. This is also clearly stated in Item 2, Article 2 of the Statute of the Communist Party of Vietnam. It is thought that in our society if party members strictly abide by the charter, it is certain that corruption will not have a place to live. Because the party member is always a good example for everyone to follow. President Ho Chi Minh once said: “Party members go first, the people follow.” But, today, there is a painful fact that most of the corruption cases in our country are directly or indirectly related to party members - those with positions of authority. Regardless of whether these corrupt acts are justified, they are immoral, inhumane, and unreasonable, which party members are not allowed to do. Therefore, the key is that we need to strengthen the Party’s regulation, renew party work, and resolutely remove from the ranks of the Party members caught in corruption, whether it is a regular member, or a party officers have the right, in any position. We must do strong, strong from top to bottom, from within the Party to the people.

For party members - officials, we must make them improve the pioneering, exemplary, know “take care of people”, receive their difficulties and know how to yield, etc. Doing so is true to the teaching of President Ho Chi Minh: to have socialism, first of all, there must be a socialist person [15]. Party members must set an example first to become a socialist with a pure lifestyle. This is not an exhortation, a will, or a deification of the party member. Someone has argued that the party member is also human, has the same needs and desires as ordinary people, cannot demand from them anything excessive; so, they can still take corrupt, negative actions! If the party member is not better than other ordinary people, it is still possible to be corrupt, negative and always put his personal interests ahead of the interests of the people and the people of the Party; because, for the purposes of the Party, the Party Charter does not allow them to do so. The party member, transient due to this and that situation, may have shortcomings but must maintain self-respect, self-shame, self-struggle, redeem mistakes [1].

Every party organization, especially grassroots party organizations, such as party organizations, party cells - where each party member directly works, must build a real democratic environment with a fighting spirit strong internal, straightforward criticism and self-criticism, self-discovery of corrupt people, without resorting to any other authorities or forces.

Secondly, when corruption is detected, penalties must be strictly imposed on all subjects and aggravated forms of party members - officials. This, our country has had useful experiences. Right from the 15th century, under the reign of Hong Duc (King Le Thanh Tong), in Article 138 of the Ministry of National Law, it was recorded: “Officers who violated the law and took bribes from 1 to 9 officials were punished to the guillotine. The ranks of the gods, the gods and the talented people are kept in the bowl of food that bribes from 1 to 9 “quan tiền” (money was used under feudal Vietnam), a fine of 50 whips; From 10 to 19 “quan tiền”, the fine is from 60 to 100 whips; if 20 or more “quan tiền” are charged, the criminal offender and the bribes will be double paid to the court” [16]. As for our current regime, the same

ideology, the same crimes, the objects are party members - officials must be punished more severely than ordinary people.

For the whole society, it is necessary to step up the democratic practice so that all people have conditions to check and supervise each other, supervise the work of organizations and agencies that promptly prevent and detect acts of corruption. Promote press activities in anti-corruption activities, which can create positive public opinion and psychology for anti-corruption. It is necessary to build a clean and healthy lifestyle in society, “to launch public ideology, make the people hate the corruption, waste and bureaucracy; turning millions of eyes, millions of ears of public awareness into floodlights illuminating everywhere, without letting corruption, waste, and bureaucracy have covered” [10]. Creating a strong public opinion to boycott corruption has a huge deterrent effect on those who commit corrupt acts. The effect of this deterrent is sometimes higher than that of the law.

## CONCLUSION

Power is always at risk of being “corrupted”, corruption is the “innate defect” of power, so it is necessary to set up a mechanism to control the exercise of power for people in positions and rights under the principle that all powers must be strictly controlled by mechanism; powers must be tied to responsibilities, powers to responsibility there, the higher the powers, the greater the responsibilities.

Therefore, it is necessary to strengthen inspection, supervision and control to ensure that power is operated publicly, transparently, properly and not to be “alienated”; assigning and decentralizing in association with delegating rights, binding responsibilities, and strictly implementing the handling, transfer, dismissal and replacement of officials who show signs of corruption, thus causing a lot of public opinions; strictly handling heads of responsibility when letting corruption happen in their agencies, organizations or units under their management; and more importantly, to prevent radical and fundamental mistakes and shortcomings by the Party’s regulations and the laws of the State, visually speaking, “to lock power into cages mechanism”.

It is necessary to strengthen supervision of the use of power by leading officials, especially heads, to increase supervision within the leadership collective; publicizing the process of using power according to the law for officials and people to supervise.

Fighting corruption is hard, complicated and long-term work. From the experiences and results achieved in recent years, especially since the 12th Party Congress so far, we have the basis to believe that, with the high political determination of the Party and the State; The active and synchronous participation of party committees, party organizations, authorities, both the political system and the entire society, the anti-corruption work in the future will continue to achieve positive results, more pronounced; certain corruption will be prevented and gradually repelled; contribute to building our Party and State more and more clean and strong, meeting the requirements of the revolutionary cause and the people’s expectation.

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