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Review Article

Social Criticism and its Impact on Law-Making Activities in Vietnam: A Critical Analysis

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Abstract

Introduction: Social criticism, rooted in public discourse, scholarly research, and activism, serves as a mechanism to address systemic challenges, promotes equity, and advocates for legal reforms that align laws with the needs and aspirations of the public. **Methods:** This study examined the critical role of social criticism in shaping Vietnam's law-making process, emphasizing its influence on creating inclusive and effective legislation. A qualitative analytical, systematic review was employed to analyze secondary resources, including scholarly articles, reports, and case studies. **Results and Discussion:** Results reveal that social criticism influences this process through public consultations and structured legislative processes, allowing social criticism to inform and revise laws. However, challenges persist, such as political constraints, cultural resistance, and limited accessibility for marginalized groups, which hinder the full integration of social criticism into legal reforms. **Conclusions:** The study recommends enhancing public involvement, promoting open media and civic education, and leveraging technology for broader engagement. Overcoming political and cultural barriers is essential to creating an inclusive environment for constructive dialogue. Ultimately, integrating social criticism strengthens Vietnam's legal system by ensuring laws dealing with societal needs, enhancing transparency, fostering civic trust, and contributing to a more equitable and sustainable legal system.

1. Introduction

Social criticism is a systematic practice of interrogating societal structures, norms, and practices to expose contradictions and injustices that impede progress, equality, and justice.

Emerging from philosophy, sociology, and political theory, it aims to bridge the gap between normative ideals and social realities by identifying systemic flaws and proposing pathways for reform.

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Philosophers like Karl Marx, Michel Foucault, and Jürgen Habermas¹ laid much of the theoretical groundwork, critiquing economic inequality, institutionalized power, and the conditions necessary for rational democratic discourse.² Social criticism thus functions as both a diagnostic and normative tool, fostering accountability, transparency, and moral responsibility in society. The concept of social criticism is often defined broadly, at times overlapping with public opinion, activism, and civil society engagement.³ Yet conflating these categories risks conceptual dilution. Public opinion refers to the aggregated attitudes and preferences of citizens, often measured or expressed through media, but lacking the systematic analysis of criticism.⁴ Activism, while frequently informed by critique, emphasizes mobilization and direct action rather than reflective evaluation. Civil society engagement encompasses the participatory role of associations and non-state actors in governance processes, which may or may not involve critical interrogation.⁵ By contrast, social criticism is distinguished by its systematic, reflective, and normatively grounded character. Recognizing these distinctions is crucial to preserving its analytical precision.

Within this framework, social criticism can be further classified into academic, public, and political forms.⁵ Academic criticism is rooted in scholarly research and critical theory, offering sustained analyses of social, economic, and political structures and challenging dominant ideologies. Public criticism is articulated through mass communication, cultural discourse, or literature, channeling collective concerns and mobilizing awareness.⁶ Political criticism originates from political actors or institutions and evaluates government policies, legislative processes, or institutional shortcomings, seeking alignment with constitutional principles and democratic legitimacy.⁷ Although these forms often intersect, maintaining conceptual boundaries clarifies their specific contributions to social reform. Social criticism serves as an instrument for identifying and addressing systemic dysfunctions, including poverty, inequality, environmental degradation, corruption, and discrimination.⁸ By amplifying marginalized voices, it exposes structural barriers and empowers demands for justice. It also educates the public, cultivating civic engagement and critical consciousness. Most significantly, social criticism shapes legal and policy reform by illuminating

inconsistencies, exposing blind spots, and promoting legislative outcomes grounded in equity and justice.

In Vietnam, social criticism plays a vital role in the formulation of law. Consultative mechanisms allow citizens, experts, and social groups to engage with draft legislation, providing lawmakers with valuable insight into societal needs and perspectives.⁹ This process strengthens the social relevance and legal soundness of legislation, while enhancing transparency and accountability in governance.¹⁰ In a rapidly transforming context marked by economic growth, technological change, and evolving social expectations, social criticism ensures that law-making remains responsive rather than rigid.¹¹ Laws enacted without sufficient critical input risk marginalizing vulnerable groups or producing ineffective governance outcomes. Conversely, when social criticism is integrated into legislative deliberations, public trust in institutions is reinforced, compliance with laws is enhanced, and the legitimacy of the legal system is deepened.¹² By anchoring law-making in societal realities and moral accountability, social criticism contributes not only to more effective legislation but also to broader civic trust, social cohesion, and democratic development.

2. Methods

This study utilized a qualitative systematic review to analyze the secondary resources based on the research model of Sutehall et al.,¹³ and Ke's principles¹⁴ to highlight the distinctive characteristics of social criticism in law-making process. Secondary resources, such as scholarly articles, books, reviews, and reports, provide a comprehensive overview of existing knowledge, enabling researchers to build upon existing findings. They offer diverse perspectives, critical analyses, and help identify gaps in current literature. Besides, they save time, verify facts, and establish context, enhance the credibility and reliability of research.

3. Results and Discussion

Brief comparative overview: Social criticism in law-making frameworks in developing countries

Vietnam's legal framework reflects its socialist orientation, where the Communist Party of Vietnam (CPV) provides overarching ideological guidance. The Constitution is the supreme legal source, and the civil law system ensures that legislation is the primary basis of governance. Drafting responsibilities usually fall to ministries or specialized committees, followed by rounds of public consultation, review in the National Assembly, and final promulgation by the

State President. Social criticism has increasingly been institutionalized through public consultations, workshops, and expert input, although challenges such as limited civic awareness and bureaucratic inefficiencies remain.¹⁵ The system combines centralized party leadership with a growing but still constrained role for participatory feedback.

Like Vietnam, China operates under a socialist system in which the Communist Party maintains strict ideological leadership over legislative processes.¹⁶ The National People's Congress (NPC) and its standing committees are central to law-making, but consultation with the public and civil society remains more limited and controlled compared to Vietnam. While China has mechanisms for soliciting public opinion on draft laws, the process is tightly managed, and social criticism rarely functions as an independent force. Compared with Vietnam, China places greater emphasis on top-down policy direction, with narrower opportunities for bottom-up criticism to shape legislative outcomes. Indonesia, a developing democracy,¹⁷ offers a sharp contrast with its decentralized, multi-party governance model. Law-making involves the national legislature (DPR), regional parliaments, and strong civil society engagement. Public hearings, lobbying, and protests are common forms of social criticism that influence legislative debates.⁹ While institutional inefficiencies and corruption remain challenges, Indonesia demonstrates a more pluralistic environment in which competing political actors and social groups can directly influence law-making. Compared to Vietnam, social criticism in Indonesia is less constrained by centralized authority and more closely linked to democratic contestation. India's legal framework, rooted in a common law tradition, is characterized by parliamentary sovereignty and a robust judiciary.¹⁸ Parliamentary committees routinely invite civil society organizations, academics, and experts to provide input into draft legislation. Media scrutiny and public opinion exert significant influence, while judicial review often acts as a corrective mechanism when laws face criticism for violating constitutional principles. In contrast to Vietnam's centralized party-led framework, India demonstrates how social criticism can be institutionalized within a pluralist system, with multiple avenues for contesting and reshaping laws.

A comparative perspective underscores Vietnam's intermediate position between highly centralized socialist models, such as China, and more

pluralist democratic systems, such as Indonesia and India. Like China, Vietnam maintains the ideological leadership of a ruling party and a legislative process guided by centralized authority.¹⁹ However, unlike China's more tightly controlled framework, Vietnam has increasingly institutionalized consultative mechanisms, including public hearings, academic workshops, and opportunities for expert input on draft laws. These innovations create limited but meaningful channels for social criticism to influence legislation. At the same time, Vietnam's model contrasts with the decentralized and competitive environments of Indonesia and India, where multiple political parties, civil society organizations, and judicial institutions interact in shaping legal outcomes.⁶ In those contexts, social criticism often operates independently of the state and can exert significant influence through lobbying, public campaigns, or judicial review. Vietnam remains less pluralistic: participation is encouraged but ultimately bounded by the political authority of the Communist Party.⁸ This intermediate position highlights both the strengths and constraints of Vietnam's legal framework. On the one hand, it ensures coherence, stability, and alignment with national development goals. On the other hand, it limits the depth of critical engagement, leaving social criticism structured but carefully managed.

The influential role of social criticism in shaping laws in Vietnam

Social criticism has been a significant force in shaping laws and legal reforms in Vietnam,² as the country faces challenges in aligning its legal framework with its evolving needs and aspirations. This criticism, originating from various sources such as public discourse, academic inquiry, non-governmental organizations (NGOs), and grassroots movements, has acted as a driving force in addressing systemic issues, raising awareness, and advocating for reform.⁷ Public social criticism in Vietnam is often expressed through media platforms, including newspapers, television, and social media, where citizens, journalists, and independent commentators have used these platforms to highlight issues such as environmental degradation, corruption, and labor rights abuses.⁶ Besides, academic social criticism has also exerted a powerful influence on shaping Vietnam's legal framework. Researchers and scholars provide evidence-based analyses of societal issues, offering insights that inform legislative reforms.¹² In areas such as land use rights and rural development,

academic studies have highlighted systemic inefficiencies and inequities, influencing key legislative changes.⁶ In the realm of labor rights, academic research has shed light on the challenges faced by workers in Vietnam's rapidly industrializing economy, leading to the development of labor laws to improve workplace conditions and protect workers' rights.² Non-governmental organizations (NGOs) in Vietnam have emerged as key actors in advocating for legal reforms through social criticism. They often work at the intersection of public and academic discourse, translating research findings and public concerns into actionable policy recommendations. At present, NGOs specializing in human rights and social justice have demonstrated their liabilities in shaping laws related to gender equality and child protection.¹ Advocacy campaigns by women's rights organizations have resulted in significant legal reforms, including the adoption of the 2006 Law on Gender Equality²⁰ and amendments to the 2022 Law on Domestic Violence Prevention and Control.²¹ Furthermore, grassroots movements represent another powerful form of social criticism that has shaped Vietnam's legal framework. These movements often arise in response to specific grievances, mobilizing collective action to demand legal and policy changes. As Vietnam integrates into the global economy and joins international agreements, social criticism has highlighted the need to align domestic laws with global norms.¹¹

Despite its significant impact, social criticism in Vietnam faces several challenges. The country's political system, which prioritizes stability and control, places constraints on freedom of expression and limits the space for dissent.¹³ Journalists, activists, and organizations engaging in social criticism may encounter censorship, legal restrictions, or other forms of repression. These challenges underscore the need for a more open and inclusive environment that allows social criticism to thrive and contribute to societal progress.³ Another challenge is the accessibility of platforms for marginalized groups to voice their concerns. While social media has democratized public discourse to some extent, systemic barriers, such as economic inequality and limited internet access in rural areas, can hinder the participation of disadvantaged communities in social criticism.²

Challenges in incorporating social criticism into legal reforms

Incorporating social criticism into legal reforms is crucial for creating laws that reflect societal needs and aspirations. However, this process is influenced by political, cultural, and institutional barriers, especially in developing countries like Vietnam, where the government serves as a central role in governance and law-making, these challenges are clearly pronounced.¹² Factors such as the balancing act between state interests and public demands, deeply rooted cultural norms, and power dynamics within institutional frameworks can significantly influence the extent to which social criticism is integrated into legal reforms.⁹ Political barriers are among the most significant challenges to incorporating social criticism into legal reforms. In many political systems, remarkably in those with strong centralized governments like Vietnam, the state prioritizes maintaining stability and control.¹ Social criticism, particularly when it challenges authority or highlights systemic flaws, can be perceived as a threat to political legitimacy, leading to restrictions on freedom of expression and limited tolerance for dissent.⁸ Activists, journalists, and NGOs attempting to critique laws or advocate for legal changes may face censorship, legal repercussions, or even persecution. The political environment can also shape the way social criticism is filtered.⁶ For example, criticism that aligns with government priorities, such as economic growth or anti-corruption efforts, is more likely to be acknowledged and acted upon. Whereas, criticism that raises sensitive issues, such as human rights or political freedoms, is often sidelined, undermining the inclusivity and effectiveness of social criticism.⁵ Cultural norms and societal values have a great impact on shaping attitudes toward criticism in many societies, including Vietnam.⁷ These cultural factors can create resistance to change and discourage individuals from openly challenging existing norms and institutions. Furthermore, the interplay between cultural values and social criticism is greatly evident in discussions of gender equality and LGBTQ+ rights.⁸ Efforts to incorporate social criticism into these reforms require careful navigation of cultural sensitivities and the development of strategies to build public support for change.

Solutions to enhance the role of social criticism in law-making activities in Viet Nam

The role of social criticism in Vietnam's law-making process is essential for ensuring that laws are more reflective of public needs, responsive to societal

changes, and inclusive of diverse viewpoints. To achieve this, Vietnam must institutionalize public participation in the law-making process, create formalized and transparent channels for citizen engagement, and strengthen legal protections for freedom of expression.³ This includes expanding public consultations to engage every segment of society, including marginalized and vulnerable groups, and ensuring they are conducted at various stages of law-making.¹¹ Supporting free and open media is essential for fostering public opinion, debates, and criticisms. In practice, civil society organizations are necessary for mobilizing public opinion and conducting research that highlights areas of the law that need reform.⁹ They should be given legal protections, funding, and institutional support to facilitate their role in amplifying social criticism and advocating for meaningful legal reforms.

Technological integration can also be a transformative factor in enhancing the role of social criticism in Vietnam's law-making process.¹² The Vietnamese government can utilize existing e-government platforms to allow citizens to provide feedback on draft laws and propose new ideas or solutions for legal challenges.⁴ Social media platforms like Facebook, Twitter, and YouTube can be used to gather real-time social criticism and build public awareness on legislative matters.⁶ However, it is important for the government to adopt a balanced approach to these technologies, ensuring they do not become tools for state surveillance or censorship but promote transparency and open dialogue.² Education and awareness campaigns can make more efforts to promote the transformative role of social criticism. Civic education programs should be introduced into school curricula at all levels to help young people understand their rights, the importance of social criticism, and how to engage meaningfully in public discourse.¹⁶ Public campaigns to raise awareness about the role of social criticism in legal reforms can help citizens understand the process by which their input can influence policy decisions.⁷ Educational efforts should target policymakers and public servants, providing them with the tools to engage with social criticism productively. Addressing political and cultural barriers to social criticism is crucial. In Vietnam, where the government places high value on political stability and social harmony, there is a tendency to suppress open criticism that could be perceived as destabilizing.¹ Cultural norms that emphasize respect for authority and social unity can

sometimes stifle the willingness of citizens to engage in public critique. Therefore, a critical solution lies in favoring a culture of constructive criticism that emphasizes its role in strengthening the state. The government could encourage more open debate within the media, academic institutions, and even within the Communist Party itself.⁶ Promoting dialogues between state authorities and civil society can help dispel the perception that social criticism is inherently antagonistic. Gradual and deliberate steps should be taken to foster an environment where citizens feel comfortable voicing dissenting opinions, framing this as an essential part of a healthy democracy.⁸ Lastly, recognizing and rewarding constructive criticism can incentivize more people to engage in the law-making process. Public acknowledgment of individuals, organizations, or communities whose social criticisms have led to positive changes in the law can motivate others to become active participants in shaping the legal system.²

4. Conclusion

Social criticism is a crucial tool in shaping Vietnam's law-making process, ensuring that legislation aligns with the needs and realities of its citizens. It is rooted in philosophy, sociology, and political science and offers a framework for addressing societal disparities, systemic flaws, and injustices. In Vietnam, where rapid economic, social, and technological transformations present new challenges, integrating social criticism into the legislative framework is vital for ensuring inclusivity, transparency, and effectiveness. Public social criticism highlights societal concerns through mass communication platforms, mobilizing collective action on pressing issues like corruption and environmental degradation. Academic social criticism provides evidence-based analyses that inform legislative reforms, particularly in areas like labor rights and land use.

NGOs and grassroots movements further amplify these critiques, advocating for reforms addressing gender equality, environmental protection, and social justice. However, incorporating social criticism in Vietnam faces numerous challenges, including political barriers, cultural norms, and systemic barriers. To enhance the role of social criticism in Vietnam's legislative process, several strategies are essential. Expanding public consultations, creating transparent channels for citizen engagement, supporting free and open media,

and leveraging technology can facilitate real-time feedback on draft laws. Educational campaigns targeting both citizens and policymakers are also crucial. Balancing the government's stability priorities with open dialogue is essential. Promoting a culture of constructive criticism, where dissent is framed as an essential component of societal progress, encourages open debate within media, academia, and political institutions. Recognizing and rewarding constructive contributions motivates individuals and organizations to actively engage in shaping legislation.

Ultimately, social criticism enhances the legitimacy and effectiveness of Vietnam's laws by ensuring they are rooted in the real needs of its people. By fostering trust, civic duty, and national unity, it contributes to a stronger, more equitable society. Embracing and institutionalizing social criticism will enable Vietnam to navigate its development trajectory while maintaining the values of inclusivity, justice, and sustainability.

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