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# Parliamentarians' Supervision for the Settlement of Citizens' Claims and Denunciations in a Number of Countries: What's the Lesson for Vietnam?

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NGUYEN NGOC KIM CUONG<sup>1</sup> AND VU THI PHUONG THAO<sup>2</sup>

## ABSTRACT

*In each country, each different political institution will have different legal regulations on the supervision of Parliamentarians in the settlement of their citizens' complaints and denunciations. In Vietnam, the supervision of Parliamentarians for the settlement of citizens' complaints and denunciations still faces many difficulties, inadequacies and limitations. Therefore, the authors have studied the Parliamentarians' supervision for citizens' complaints and denunciations in some countries around the world. Thereby, draw some lessons and experiences for Vietnamese Parliamentarians in supervising the settlement of citizens' complaints and denunciations in the future. In order to promote the competent authorities to obey the law and better serve organizations and individuals, upholding the spirit of rule of law. At the same time, contribute to improve the prestige and professionalism of the National Assembly, the Standing Committee of the National Assembly, and the Parliamentarians in the people's aspirations; strengthen the close relationship between the National Assembly, the Standing Committee of the National Assembly and voters, People.*

**Keywords:** *supervision, parliamentarian, complaint and denotation, citizen, country.*

## I. INTRODUCTION

Deputies to the National Assembly of Vietnam as well as parliamentarians of the Parliament from other countries around the world play a role as the representative of voters, acting on behalf of voters to decide on important issues of the country. Therefore, after being elected, parliamentarians must be accountable to voters, develop and supervise the implementation of policies to ensure the basic rights of citizens. In Vietnam, over the past 70 years, the National Assembly, its various bodies, and deputies have performed their functions and duties in

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<sup>1</sup> Author is a Faculty of Law at People's Police Academy, Vietnam.

<sup>2</sup> Author is a Faculty of Law at People's Police Academy, Vietnam.

accordance with law, protecting the legal and legitimate interests of citizens; contributing to the construction of the socialist rule of law-based state of Vietnam.

Parliaments around the world can be formed from different political systems and electoral systems, but basically all parliamentarians must have the trust of voters. Therefore, meeting the trust and expectations of voters becomes the obligation, responsibility and is the natural activity of parliamentarians of all countries. For the National Assembly of Vietnam, the activities of the National Assembly deputies in the field of supervising, urging and assessing the settlement of citizens' complaints, denunciations and petitions is also a form of supervision. The Constitution in 2013, the Law on Organization of the National Assembly 2014, the Law on supervisory activities of the National Assembly and the People's Council in 2015 continued to recognize: "The National Assembly deputies have close contact with voters and are under the supervision of voters; collect and honestly reflect voters' opinions and aspirations to the National Assembly, concerned bodies and organizations; implement the regime of contacting and reporting to voters on the activities of the deputies and the National Assembly; respond to voters' requests and petitions; supervise and urge the settlement of complaints, denunciations and guide, assist in the exercise of the right to complain and denounce"<sup>3</sup> and "The National Assembly deputies supervise through the following activities: ... Supervising the settlement of citizens' complaints, denunciations and petitions"<sup>4</sup>.

In order to help the National Assembly deputies to well perform their tasks in the field of supervising, performing their representative role and obtain a close relationship with voters, we choose to introduce, assess and compare the activities of parliamentarians of some countries in receiving, processing and monitoring and supervising the settlement of citizens' complaints and petitions.

## **II. DISCUSSION**

### **(A) For parliamentarians of the Japanese Parliament**

According to the Constitution, Japan is a constitutional monarchy. The Emperor of Japan is the symbol of the country and the unity of the nation, participates in national ceremonies but does not hold any political power. The Japanese state is organized according to the parliamentary system. The state apparatus is built according to the principle of separation of powers which is quite thorough, of which the legislative power belongs to the Parliament, the executive power

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<sup>3</sup> National Assembly of Vietnam, 2013, Clause 2, Article 79 of the 2013 Constitution.

<sup>4</sup> National Assembly of Vietnam, 2015, Clause 1, Article 47 of the Law on Supervisory Activities of the National Assembly and People's Council.

belongs to the Cabinet and the judicial power belongs to the Court system. Parliament is organized in a bicameral structure, consisting of the House of Representatives and the Senate. According to Article 41 of the Constitution, the House of Representatives of Japan is the highest organ of state power, the sole legislative body of the country. The Parliament enacts laws, determines the budgets and other important matters<sup>5</sup>. The purpose of adopting a bicameral system is to best reflect the diverse opinions from the people in national politics, balance the local interests with the interests of the whole, and ensure the prudence when considering political problems of the country.

Receiving and settling citizens' complaints and monitoring the settlement of citizens' complaints are an important part of parliamentarians' activities. According to provisions, there can be three types of petitions to be sent to the parliament: petitions, claims and confessions. A petition is an individual citizen's petition expressing a desire or complaint about the activities of local public bodies or organizations. People who are infringed on their specific rights and interests due to illegal administrative acts can send petitions to the two houses such as requesting protection or making complaints. Citizens' right to file petitions is protected by the Constitution of Japan and the bodies and organizations that receive such petitions are obliged to seriously settle them. In the Senate of Japan, the settlement of citizens' petitions is regulated by the Law of Parliament and the Operation Regulations of the Senate. Accordingly, petitions of citizens wishing to be settled by the Senate need to be accepted and introduced by a parliamentarian. This petition will be sent to the President of the Senate, who will assign a committee of the Senate to verify it. Such committee is the one that decides whether to submit the petition to request the Government to settle it. In case the petition is submitted to the Government, the Government shall report settlement process to the Senate. The verification committee and the Government must both send a document to the parliamentarian (the person who introduced the petition) regarding the results of verifying and settling the citizen's petition<sup>6</sup>. Information about the process and result of settling the citizen's petition is regularly, fully notified and communicated by the parliamentarian to the citizen. In addition, parliamentarians together with citizens also consider the correctness of the settlement of the people's petitions. In case people are not satisfied with the settlement results, the parliamentarian shall continue to request relevant bodies to consider, and at the same time can guide people on the procedure to bring the case to a court. Although the petition process has

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<sup>5</sup> Faculty of Law - Vietnam National University, Hanoi, 2012, *Anthology of the Constitutions of several countries*, Hong Duc Publishing House, H., 2012, p. 23.

<sup>6</sup> National Assembly of Japan, 2021, Chapter IX of the Law on Parliament of Japan, articles 79 to 82, <http://www.sangiin.go.jp/eng/law/diet/index.htm>.

several troublesome aspects, such as having to go through all the required steps or only being handled about one week before the session ends, it is nevertheless one of the effective ways to strengthen the relationship between parliamentarians and citizens.

In addition to the petitions of individual citizens, claims are applications from local associations regarding the organization of their public events submitted to the parliament. A claim is submitted in accordance with provisions of the Local Government Law, consisting of a letter submitted by the Local Council at all levels to the National Assembly and a letter submitted by the coalition of local government heads or the President of Local Councils at all levels to the parliament<sup>7</sup>. The Senate receives all these applications, publishes them in the official Gazette of the Senate, and sends them to the relevant Committees for reference. However, the Senate takes no responsibility to respond such applications, and the Committees that receive the applications are not required to organize the verification of contents. Confessions are applications from individual citizens on various issues, which can be submitted directly to the President of the Senate without the introduction from any parliamentarian. The Secretary of the Senate's President directly assists the President in responding such applications of citizens. Monitoring and supervising the process of settling petitions and responding to citizens about the settlement process and results are highly valued by Japanese parliamentarians because they always wish to satisfy voters, who have elected parliamentarians and entrust their wishes and aspirations to the activities of state bodies, local organizations and associations.

### **(B) For parliamentarians of the parliament of singapore**

Singapore is a country applying the constitutional republic, the head of state is the President. Its Parliament is a unicameral system, the President<sup>8</sup> selects the representative of the ruling Party which holds the majority of seats in the Parliament as the Prime Minister, selects the Ministers from all Members of the Parliament according to the petition of the Prime Minister. The President is advised by the Council of Presidential Advisers on matters in accordance with the following provisions of the Constitution: Article 22 (appointment of officers), Article 22A(1) (Statutory Boards), Article 22B(2) (right to refuse budget estimates and supplementary budget estimates), and Article 22B(7) (no approval for transactions of the Statutory Board), Article 22C(1) (appointment of directors of public utility enterprises), Article 22D(2) (no approval for budget estimates and supplementary budget estimates of public utility enterprises), Article 22D(6) (no approval for transactions of public utility enterprises), Article 142 (1A)

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<sup>7</sup> National Assembly of Japan, 2021, Law on Local Government of Japan, source: <http://law.e-gov.go.jp/cgi-bin/idxsearch.cgi>.

<sup>8</sup> National assembly of Singapore, 2021, Law of Parliament of Singapore.

("Development Fund"), Article 144 (regarding the Government's loans and guarantees), Article 148A (reservations for approval of budget estimates), Article 148B (authorization of expenditures prior to approval of budget estimates), Article 148G (authorization of the use of non-absorbable reserves during the current Presidential term). Executive power is held by the President, the Cabinet and the Ministers, whose activities are supervised by the Parliament, which is the representative body of the people and holds the legislative power. Judicial power is vested in the Supreme Court and the lower courts<sup>9</sup>.

The Parliament of Singapore consists of parliamentarians elected by the people and those not elected by the people. Parliamentarians not elected by the people include appointed parliamentarians and parliamentarians representing political parties who do not receive enough votes from the people to get seats in the National Assembly (also known as parliamentarians without constituencies). Currently, the Parliament of Singapore has 101 members, of which 9 parliamentarians are appointed and 3 parliamentarians have no constituency. According to the Constitution, in each term of office, there will be no more than 9 appointed parliamentarians and no more than 9 parliamentarians without a constituency<sup>10</sup> (parliamentarians not elected by the member are a mechanism for the National Assembly of Singapore to obtain more multi-dimensional opinions from all classes of people, in the context that the ruling People's Action Party (PAP) has always held the majority of seats in Parliament since its establishment until now).

Singapore parliamentarians collect voters' opinions and petitions through many different forms, of which, *face-to-face* meeting is the most important and frequent form. Parliamentarians contact with voters about 5 times a week in the evenings at the constituency to listen to voters' petitions and answer personal issues raised by voters; at the same time consult voters when preparing to promulgate new policies related to the rights and obligations of the people<sup>11</sup>. For example, Mr. Alex Yam Ziming, Executive Director of the ruling People's Action Party is an elected parliamentarian in the largest constituency of Singapore with 80,000 voters, in addition to contacting voters 5 days a week, visiting voters' families or organizing events with voters on the weekend, he also hold Meet people Sessions on Mondays<sup>12</sup>. After obtaining opinions and

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<sup>9</sup> National Assembly of Singapore, 2021, Constitution of Singapore, Article 23 (executive power), Article 38 (legislative power), Article 93 (judicial power).

<sup>10</sup> National Assembly of Singapore, 2013, Parliament of Singapore, (Introduction document issued by the National Assembly of Singapore).

<sup>11</sup> Office of the National Assembly of Singapore, 2016, *Report of the Mission regarding the Result of business trips to Singapore and Poland within the framework of cooperation program with JICA on comparative research on the organization and operation of the National Assembly dated 19/5/2016*.

<sup>12</sup> <http://www.parliament.gov.sg/mp/alex-yam-ziming>.

petitions from voters, parliamentarians shall send a letter to the Prime Minister regarding the voters' issues that they have collected from the contacts (letters are sent directly to the representative department of the Government and the Prime Minister will be responsible for coordinating the settlement of such issues). Even if the parliamentarian is a minister of a ministry directly related to the issue that voters request to be settled, he/she must not use his/her authority to directly settle the issue, but must ensure that the prescribed procedures are followed. This regulation is intended to ensure the fairness among voters in different constituencies and to ensure that all issues of the people are considered equally and in the right process. Parliamentarians regularly, closely monitor and fully respond to the people on their petitions. This is also an integrated process of parliamentarians' activities that both satisfy voters, supervise law execution activities, and collect information serving other questioning, hearing, and legislative activities at parliamentary forums (in Committees and at plenary sessions).

Residents' feedback from voter meetings is an important channel for reviewing the effectiveness of policies, and also shows the concerns of a person, a group of people, a locality and the whole country. If the same issue is raised by many people, many localities, it has become an issue of the country and must be settled quickly with every efforts. For policies that people have not understood, it is also required to explain them for people to understand. Therefore, meeting voters and monitoring, supervising the settlement of voters' opinions and petitions are extremely important to the parliamentarians, the Government and the ruling party in Singapore.

### **(C) For parliamentarians of the Parliament of Poland**

Poland is a transition country in Eastern Europe, has a mixed polity model and is achieving successes in improving the quality of the National Assembly's activities. Currently, Poland is a republic and parliamentary democracy, the Constitution of Poland (issued in April 1997) stipulates that the basic institution of the state is a parliamentary one. Similar to Japan, the separation of powers in Poland is well defined, the legislative power is exercised by the Senate and House of Representatives, the executive power is exercised by the President and Government, and the judicial power is exercised by the Courts<sup>13</sup>. The President is designated as “the supreme representative of the Republic of Poland, the person guaranteeing the continuity of national power”, the head of state “supervising the observance of the Constitution,

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<sup>13</sup> Faculty of Law - Vietnam National University, Hanoi, 2012, *Anthology of the Constitutions of several countries*, op cit, p. 444.

supervising the sovereignty, security and inviolability and indissolubility of the national territory”<sup>14</sup>.

As in Singapore and Japan, meeting, collecting, sending petitions and monitoring the settlement of voters' opinions and petitions are considered a natural responsibility of Polish parliamentarians because the support of voters is the determining factor in the political career of parliamentarians and their political party.

Voters' applications, letters and petitions are collected by parliamentarians from various sources such as face-to-face meetings, by post, email, social networks, through social organizations... If there is no agenda in Parliament, parliamentarians will carry out contact activities with voters in offices. During the parliamentarian's absence, the secretary or volunteers will receive the people, record the contents of petitions and pass them on to the parliamentarian. All voters' petitions are answered by the parliamentarian, even in cases where the answer is just “sorry, I can't help you with this”<sup>15</sup> and regardless of the political view of the petition. For issues that can be directly explained and settled, parliamentarians will immediately respond to voters. If it is a case where the parliamentarian needs the direct involvement, he/she will refer the question to the minister or government body in charge of the matter concerned. Parliamentarians can also guide or refer petitioners to the correct address of the person who is competent to deal with them. The parliamentarian and his/her secretary will, together with the petitioner, monitor and consider the response and settlement of the competent person. In case they believe that the settlement is not satisfactory or illegal, parliamentarians can sue to a court or use their lawyers or assistants to guide people to carry out the procedures bringing the case to a court.

In addition, parliamentarians also make quite effective use of the mass media, the system of social organizations and the right to submit legislation to support their supervisory activities, including activities of supervising the settlement of voters' opinions and petitions. In addition, at the committee level, delegates can request ministers to answer hearings on specific issues at the request of voters and request the live broadcast of those sessions for the public to monitor.

### **III. FINDINGS**

Studying on the activities of parliamentarians of several countries in contacting voters, receiving, settling and supervising the settlement of citizens' complaints, denunciations and

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<sup>14</sup> National Assembly of Poland, 2021, Article 126, Constitution of Poland, p. 478.

<sup>15</sup> According to Ms. Jolanta Szczpanska, Chairwoman of Polish-Vietnamese Friendship Parliamentary Group and Chairwoman of the Parliamentary Group, a member of the ruling party in the National Assembly.

petitions, we can refer to a number of useful contents as follows:

*First*, diversifying forms of voter contact to collect voters' opinions and aspirations: Parliamentarians of Japan, Singapore and Poland have many forms of voter contact. Basically, the most common form of contact is at the Parliamentary Office. Parliamentarians usually have 02 offices, one in the capital and one in the constituency. In addition to these two offices, parliamentarians from Poland and Singapore also directly visit residential areas to meet voters. In some cases, parliamentarians also visit voters at households. In particular, in both countries, the majority of parliamentarians use interactive tools in their websites, many parliamentarians use social networks to stay in touch with voters. While in Vietnam, according to provisions of the Joint Resolution No. 525/2012/NQLT/UBTVQH13-DCTUBTWMTTQVN between the Standing Committee of the National Assembly and the Presidium of the Central Committee of the Vietnam Fatherland Front on the voter contact of the National Assembly deputies, the National Assembly deputies periodically contact voters before and after the National Assembly session; contact voters at the place of residence, the place of work, by topic, field, object or area of interest to the delegate; meet and interact with individuals and groups of voters to grasp and find out voters' thoughts and aspirations. However, in reality, delegates mainly contact voters, on a periodic basis, before and after the National Assembly sessions, other forms of contact are rarely made. Therefore, the people's applications and petitions are mainly sent to the delegates by post, the delegates then study and decide to involve in a certain case, transfer the petitions to the competent authority for settlement, and supervise the settlement. In order to better perform their representative role and further tighten the relation between delegates and voters, it is very essential to diversify forms of delegates' contact with voters.

*Second*, the process of receiving, settling and responding to people's applications, letters and petitions is seriously and strictly followed by parliamentarians. For example, the fact that a parliamentarian cum minister in Singapore still sends people's applications to the Prime Minister's Office for settlement according to the proper process even though the content of such application belongs to his/her responsibility. Or Polish parliamentarians always respond to people's applications, letters or petitions, even if they can't help people for such particular case. In addition, national parliamentarians also regularly guide people on the method and the process of submitting petitions to competent authorities for settlement in different circumstances. Compliance with the process of settling petitions like in Singapore is a content that should be applied in Vietnam, because it not only ensures the fairness between the voters represented by an ordinary delegate and the voters represented by an official delegate, but also ensures the equality of legal status among members of the parliament. In addition, no delegate

can use his/her special authority and position to create more favorable conditions for a group of voters than one or another group of voters.

*Third*, regarding the selection and use of parliamentarians' assistant: In addition to secretaries working full-time in parliamentarians' offices, Polish parliamentarians also hire part-time lawyers to help them consider voters' petitions, monitor the settlement of voters' petitions and advise parliamentarians on the legitimacy and adequacy of such settlement by relevant bodies. Singapore parliamentarians, in a very effective way, use volunteers, social organizations and experts to help them contact voters, collect voters' petitions and monitor the settlement of voters' petitions. At the present time, when our National Assembly is studying to implement the policy of arranging assistant secretaries for each National Assembly deputy, the experience in using volunteers, hiring part-time lawyers for parliamentarians ... is valuable lessons.

*Fourth*, the use of public opinion: Newspapers, television, and social networks are regular means which are very effectively used by parliamentarians of different countries to raise concerns of voters, and at the same time, put pressure on Government bodies and organizations to promptly settle and handle them. During the XIII<sup>th</sup> National Assembly term, with the birth of the National Assembly Television Channel and a series of columns such as "National Assembly with voters", "Legislative Forum"... information about the operation contents of the National Assembly and National Assembly deputies have been promptly conveyed to the public by news agencies and press. However, the National Assembly deputies have not really used public opinion as a mean to improve the efficiency of their activities, especially in supervising the settlement of voters' complaints, denunciations and petitions. This is also one of the experiences for the XIV<sup>th</sup> National Assembly deputies, especially in today's very favorable conditions, when, in addition to other mass media, the National Assembly also has its own Television Station and daily newspaper.

*Fifth*, regarding concurrent professions of parliamentarians: Singapore and Poland both allow parliamentarians to maintain their own profession (when parliamentarians can arrange their time to both ensure the performance of their parliamentary responsibilities and their own jobs). However, to avoid conflicts of interest in supervisory activities, all countries require parliamentarians not to hold concurrent positions in the executive and judicial apparatus or agencies and enterprises using capital from the state budget (except for politicians such as ministers and prime ministers, depending on the political institution of each country).

#### **IV. CONCLUSION**

Renovation in supervising the settlement of complaints and denunciations of parliamentarians

in general and Vietnamese parliamentarians in particular will certainly change the perception and actions of the competent authorities responsible for settling and responding to voters' petitions as well as settling citizens' complaints and denunciations in a more positive and drastic direction. Promoting the competent authorities to obey the law and better serve organizations and individuals, uphold the spirit of rule of law. At the same time, contributing to improve the prestige and professionalism of the National Assembly, the Standing Committee of the National Assembly, and the Parliamentarians in the people's aspirations; strengthening the close relationship between the National Assembly, the Standing Committee of the National Assembly, voters and People.

Members of Parliament in other countries as well as Vietnam's National Assembly deputies do not settle citizens' complaints, denunciations and petitions by themselves, but are the address where people place their trust to send their thoughts and aspirations, wish that the People's Representative will have a voice to help those wishes reach a place of jurisdiction and be resolved in accordance with the law. That is also the origin and purpose of the National Assembly deputies' supervision for the settlement of citizens' complaints, denunciations and petitions. Supervising the settlement of citizens' complaints and denunciations is one of the important tasks, which is both the basis, the goal and the motivation in the activities of the National Assembly deputies; contribute to make the National Assembly and National Assembly deputies understand more and more about the situation of law enforcement, and at the same time closely attach and be responsible to the People.

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