

THE GOVERNMENT

No: 22/2013/ND-CP

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

*Ha Noi, day 13 month 03 year
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DECREE

On

**The Functions, Tasks, Powers and Organizational Structures
of the Ministry of Justice**

Pursuant to the Law on Organization of the **Government** date December 25, 2001;

Pursuant to the Decree No. 36/2012/ND-CP dated April 18, 2012 of the Government on the Functions, Tasks, Powers and Organizational Structures of Ministries and Ministerial-level Agencies;

At the proposal of the Minister of Justice,

The Government hereby issues Decree on the Functions, Tasks, Powers and Organizational Structure of the Ministry of Justice.

Article 1. Position and functions

The Ministry of Justice is an organ of the Government, which has the function to perform the state management on development and implementation of laws and regulations, post-review of legal normative documents, control of administrative procedures, and legal dissemination and **education**; state management on execution of civil and administrative judgments, judicial- administrative activities, judicial affairs support, state compensation in administrative management and execution of judgments and other justice works **nationwide**; management of the implementation of laws and regulations on handling of administrative violations; and public services provision in the areas under the Ministry's state management.

Article 2. Tasks and powers

The Ministry of Justice shall perform the tasks and powers prescribed in the Government's Decree No. 36/2012/ND-CP dated April 18, 2012 on the Functions, Tasks, Powers and Organizational Structures of Ministries and Ministerial - level Agencies and have following specific tasks and powers:

1. Submit to the Government draft laws and resolutions of the National Assembly, draft ordinances and resolutions of the National Assembly's Standing Committee; draft decrees and resolutions of the Government under approved annual legislative agenda, and other projects as assigned by the Government or the Prime Minister; the conclusion, ratification of or accession to treaties in the name of the Government or in the name of the State relating to the areas under the Ministry's state management.

2. Submit to the Government long-term, five-year and annual development strategies, programs and plans and projects of national importance; to submit to the Prime Minister draft decisions and directives relating to the areas under the Ministry's state management.

3. Issue circulars, decisions and directives and other documents relating to the areas under the Ministry's state management.

4. Direct, instruct, inspect, and organize the implementation of laws and regulations and approved strategies, programs, plans and projects under the Ministry's state management.

5. Legal development:

a) Submit to the Government draft strategies on the Vietnam's legal system development;

b) Prepare the Government's proposals on the legislative agenda of the National Assembly and its Standing Committee concerning matters within the Government's functions, tasks and powers; to propose the Prime Minister or the Government to assign leading and coordinating agencies in drafting

these laws and ordinances; to inspect and urge the drafting of laws and resolutions of the National Assembly, and ordinances and resolutions of the National Assembly's Standing Committee submitted by the Government;

c) Review draft legal normative documents and treaties according to the provisions of law;

d) Give comments on regulations concerning administrative procedures of draft legal normative documents according to the provisions of law;

đ) Participate in the drafting of legal normative documents prepared by other ministries, ministerial-level agencies, bodies or organizations;

e) Provide guidelines on, inspect and urge ministries and ministerial-level agencies in making proposals on and implementation of legislative agenda of the National Assembly and its Standing Committee; to provide guidelines to ministries, ministerial-level agencies and People's Councils and People's Committees of provinces or cities directly under the central government (hereafter commonly called provincial-level people's councils or committees) in drafting and reviewing/evaluating draft legal normative documents.

6. Law implementation monitoring:

a) Provide guidelines on, inspect and urge ministries, ministerial-level agencies, agencies under the Government, and provincial-level People's Councils and Committees in law implementation monitoring;

b) Supervise, in coordination with other ministries, ministerial-level agencies and relevant agencies, the law implementation monitoring in the entire country and in areas under the state management of different ministries and agencies, or in those areas where numerous difficulties and problems identified in the practical implementation of laws and regulations;

c) Monitor and urge ministries and ministerial-level agencies to draft documents for implementing laws of the National Assembly, ordinances of the Standing Committee of the National Assembly, decrees of Government and decisions of the Prime Minister;

d) Give opinions on the application of legal normative documents as assigned to the Ministry by the Government or the Prime Minister.

7. Post-review of legal normative documents:

a) Conduct post-review, according to law, of legal normative documents issued by ministries, ministerial-level agencies and provincial-level People's Councils and Committees; to propose for the handling of or to handle at its competence or under authorization by the Prime Minister unlawful legal normative documents;

b) Direct, guide, inspect and urge ministries, ministerial-level agencies and provincial-level People's Committees in conducting post-review of legal normative documents.

8. Codification of legal normative documents:

a) Provide guidelines on and inspect the codification of legal normative documents by codification undertaking agencies;

b) Review sub-titles in the Code of Laws and Regulations; to update new sub-titles, and delete legal norms in the Code of Laws and Regulations according to the provisions of law; to submit to the Government for approval of the codified titles in the Code of Laws and Regulations and add new titles to this Code;

c) Create a codification website; maintain the Code of Laws and Regulations on the website; manage the publication of the Code of Laws and Regulations and mobilize private resources for such publication.

9. Provide guidelines on, inspect and urge the review, systematization and consolidation of legal normative documents.

10. Control of administrative procedures:

a) Provide professional guidelines on the control of administrative procedures; provide guidelines on, monitor, urge and inspect the review and control of administrative procedures by

ministries, ministerial-level agencies and provincial-level People's Committees;

b) Assess and handle results of review of administrative procedures according to the provisions of law; submit to the Government or the Prime Minister initiatives on reform of administrative procedures and on changes of related regulations;

c) Receive and study opinions and proposals from organizations and individuals on administrative provisions, which fall under the scope of authority of the Government, the Prime Minister or agencies within the administrative system according to the provisions of law;

d) Establish and manage a national database on administrative procedures; be in charge of setting up and maintaining the operation of a portal for receiving opinions and proposals from organizations and individuals on administrative provisions and results of handling administrative procedures on the national database on administrative procedures;

đ) Control administrative procedures; receive and study opinions and proposals from organizations and individuals on administrative provisions within the authority of Ministry of Justice according to the provisions of law;

e) To act as the Standing Body of the Administrative Procedure Advisory Council;

g) To submit to the Prime Minister reports on results of controlling administrative procedures in ministries, agencies and localities on a periodic basis or at request of the Prime Minister.

11. Implementation of laws and regulations on handling of administrative violations:

a) Monitor and report on the implementation of laws and regulations on handling of administrative violations according to the provisions of law;

b) Provide, in coordination with relevant ministries and agencies, guidelines on, and provide training for the implementation of laws and regulations on handling of administrative violations; inspect the implementation of law and regulations on handling of administrative violations according to the provisions of law;

c) Carry out statistics and establish and manage a national database on handling of administrative violations.

12. Legal dissemination and education and mediation at grassroots levels:

a) Direct, guide and carry out legal dissemination and education;

b) Act as the Standing Body of the Central Council for Coordination of Legal Dissemination and Education Activities.

c) Recognize and dismiss legal disseminators according to the provisions of law;

d) Provide guidelines on and inspect the organization and operation of the mediation networks at grassroots levels;

đ) Provide guidelines on the establishment, management and utilization of legal bookshelves at communes, precincts, towns, agencies, units, enterprises and schools.

13. Execution of civil and administrative judgments:

a) Manage the organization, personnel and operation of the civil execution agencies; decide to establish and dissolve civil execution agencies;

b) Provide professional guidelines and training to civil executors, civil examiners and other officials involving in civil execution;

c) Provide professional guidance and training on management of administrative execution;

d) Decide on budget distribution plans, and provide staff, facilities and means to support the operation of civil execution agencies; ensure staff, facilities and means for state management of administrative execution according to the provisions of law;

đ) Issue and implement regulations on statistics concerning civil and administrative execution;

e) Report on civil and administrative execution work according to the provisions of law.

14. Civil affairs (civil status, nationality, authentication):

a) Provide professional guidelines on civil status, nationality and authentication; issue and uniformly administer forms, papers and records on civil status, nationality and authentication;

b) Monitor, urge and inspect the implementation of legal provisions on civil status, nationality, authentication;

c) Handle procedures for withdrawal of nationality, naturalization and re-naturalization in Vietnam to be submitted to the State President in accordance with the provisions of law;

d) Handle matters pertaining to civil status in accordance with the provisions of law;

đ) Establish, manage and utilize databases on civil status, nationality and authentication.

15. Criminal record:

a) Provide professional guidelines on criminal record; issue and manage forms, blanks and books on criminal record;

b) Monitor, urge and inspect the implementation of legal provisions on criminal record;

c) Administer the criminal record database at the National Criminal Record Center;

d) Complete and grant criminal records and provide information on criminal record according to the provisions of law.

16. Adoption:

a) Provide professional guidelines on and inspect the adoption registration; issue and administer all forms, blanks and books on adoption;

b) Handle matters on adoption involving foreign elements according to the provisions of law;

c) Grant, extent, modify and withdraw licenses of foreign adoption organizations and manage foreign adoption offices operating in Vietnam;

d) Act as the Vietnam Central International Adoption Agency .

17. Legal Aid:

a) Provide professional guidelines on and inspect the organization and operation of the legal aid system; provide for forms and blanks on legal aid;

b) Establish and implement measures to develop legal aid activities;

c) Set up and manage the operation of a Vietnam Legal Aid Fund.

18. State compensation:

a) To provide professional guidelines on and response to questions relating to the implementation of laws and regulations on state compensation in administrative management and execution of judgments;

b) Define agencies liable to compensate in case where the injured persons so requests or where there is no agreement reached between ministries, ministerial-level agencies and provincial-level people's committees on the liability in administrative management and execution of judgments;

c) Monitor and urge the payment of compensation and refund according to the provisions of law;

d) Coordinate with competent state agencies to manage the state compensation in procedural activities according to the provisions of law.

19. Registration of secured transactions :

a) Provide professional guidelines on and inspect the registration of secured transactions; give notices on attachment of property for execution purposes; issue, manage and provide guidelines on use of forms, blanks and registration books of secured transactions and notices on attachment of property for execution purposes;

b) Organize for and provide guidelines on the registration; provide information on secured transactions, assets under financial leasing, give notices on attachment of property for execution purposes and other transactions and property according to the provisions of law;

c) Establish and manage a national secured transaction database in the Ministry of Justice.

20. Judicial affair support (lawyers, legal consultancy, notary, judicial expertise, auction and commercial arbitration):

a) Provide for guidelines on and inspect the organization and operation of lawyers, legal consultancy, notary, judicial expertise, auction and commercial arbitration systems; provide for guidelines for provincial-level people's committees to inspect and deal with law violations in lawyers, legal consultancy, notary, judicial expertise, auction and commercial arbitration activities;

b) Appoint and dismissal notaries; grant and withdraw notary's cards; grant and withdraw auction practicing certificates, lawyer's practicing certificates, licenses for lawyer's practicing in Vietnam of foreign lawyers; compile, make and publish a list of permanent and ad-hoc judicial experts and ad-hoc judicial expert organizations on the portal of the Ministry of Justice;

c) Grant and withdraw licenses for establishment of foreign law firms and their branches, licenses for establishment arbitration centers, licenses for establishment of branches and representative offices of foreign arbitration organizations in Vietnam; approve the charter of an arbitration center; give opinions on the establishment of public judicial expertise organizations under the competence of other ministries, ministerial-level agencies and local governments;

d) Manage the organization and operation of the lawyers, legal consultancy, notary, judicial expertise, auction and commercial arbitration systems across the country;

đ) Grant licenses for establishment lawyer's training institutions and notary's training institutions; provide for a frame curriculum on training of lawyer's, notaries and auctioneers;

e) Issue and provide guidelines on uniform use of forms and blanks concerning lawyer's practice, legal consultancy, notary, judicial expertise, auction and commercial arbitration.

21. Provide professional guidelines on and inspect the activities of legal units in ministries, agencies, local governments and enterprises and legal assistance to enterprises; provide legal assistance to enterprises according to the provisions of law.

22. International cooperation in legal and judicial areas:

a) Compile, coordinate and evaluate cooperation programs, plans and projects with foreign countries in the legal area; provide guidelines on, urge and inspect the undertaking of cooperation with foreign countries in the legal area; coordinate with concerned agencies to monitor, inspect and evaluate the implementation of cooperation programs, plans and projects with foreign countries in the legal area;

b) Organize for the implementation of international treaties and international agreements under the state management of the Ministry of Justice after those treaties and agreements are approved by the Government;

c) Manage uniformly legal assistance in civil matters, criminal matters, extradition and transfer of sentenced persons between Vietnam and foreign countries; act as the focal point for legal assistance in civil matters according to the provisions of law;

d) Carry out international cooperation in the areas under the state management of the Ministry of Justice according to the provisions of law;

đ) Act as the Vietnam's National Agency in relation to the members and the Permanent Bureau of the Hague Conference on International Private Law; act as the legal representative of the Vietnamese Government in international disputes according to the provisions of law or assignment by the Government or the Prime Minister;

e) Provide legal opinions about agreements or arrangements on foreign loans, and programs, projects and plans on settlement of the country's foreign debts and other international legal documents according to the provisions of law or assignment by the Prime Minister.

23. Work out and implement plans on legal science research; develop and utilize legal science research's results in legal, administrative and judicial reforms in the areas under the state management of the Ministry of Justice.

24. Direct the utilization of information technology in the areas under the state management of the Ministry of Justice; develop national databases in the areas under the state management of the

Ministry of Justice.

25. State management of the public services providing organizations in the areas under the state management of the Ministry of Justice:

a) Provide guidelines on the implementation of policies and mechanisms on supply of public services and socialization of the provision of public services in the areas under the state management of the Ministry of Justice;

b) Submit to Prime Minister a plan on the public providing services network;

c) Provide guidelines on and support to public providing services organizations in the areas under the state management of the Ministry of Justice according to the provisions of law.

26. Administer associations and non-governmental organizations operating in the areas under the state management of the Ministry of Justice according to the provisions of law; to approve, in coordination with the Ministry of Home Affairs, the Chapter of the Vietnam Lawyer Federation.

27. Inspection and checking

a) Inspect and check the implementation of policies and laws in the areas under the state management of the Ministry of Justice; check the decentralization carried out by the provincial-level people's committees in the areas under the state management of the Ministry of Justice;

b) Handle requests, complaints and denunciations logged by citizens concerning the areas under the state management of the Ministry of Justice;

c) Prevent and combat corruption and negative behaviors and deal with law violations committed in the areas under the state management of the Ministry of Justice.

28. Administrative Reform:

a) Monitor and sum up the performance of the duty of institutional reform; to carry out the duty of renovating and enhancing the quality of drafting and issuance of legal normative documents;

b) Take the lead in performing the duty of administrative procedure reform according to the provisions of law;

c) Decide on and organize the implementation of the Ministry's administrative reform plans in accordance with the state administrative reform programs and plans of the Government and according to directives of the Prime Minister.

29. Work out professional qualifications of public officials by ranks and titles and the structure of public servants in specific areas to be submitted to the competent agency for issuance; prescribe professional qualifications and structure of public servants by areas and qualifications of leaders in specialized bodies of the provincial-level people's committees according to the provisions of law; appoint and dismiss civil examiners and executors and other judicial professionals under the state management of the Ministry of Justice.

30. Organize legal training courses and trainings on the legal profession according to the provisions of law; organize training courses on specialty and working skills in other areas under the state management of the Ministry of Justice in accordance with the provisions of law.

31. Administer the organizational structure and personnel, and working positions and structure of public servants according to their professional titles, as well as the number of public servants working in public services providing units; implement the regime on salary, wages and other preferential treatment to cadres, public officials and servants and their appointment, dismissal, retirement, leaving from work, reward, discipline, training, upgrading, development of a well-qualified contingent of cadres, public officials and servants of the Ministry of Justice according to the provisions of law.

32. Administer the property assigned and use budget allocated to the Ministry of Justice according to the provisions of law.

33. Perform other duties and rights stipulated by law or assigned by the Government or the Prime Minister.

Article 3. Organizational Structures

1. Department of General Affairs in Legal Development
2. Department of Criminal and Administrative Laws
3. Department of Civil and Economic Laws
4. Department of International Law
5. Department of Legal Dissemination and Education
6. Department of Organization and Personnel
7. Department of International Cooperation
8. Department of Planning and Finance
9. Department of Reward
10. Ministry's Inspection
11. Ministry's Office
12. General Bureau of Civil Execution
13. Bureau of Legal Normative Documents Post-Review
14. Bureau of Administrative Procedure Control
15. Bureau of Civil Status, Nationality and Authentication
16. Bureau of Adoption
17. Bureau of Legal Aid
18. Bureau of National Secured Transaction Registration
19. Bureau of State Compensation
20. Bureau of Judicial Affairs Support
21. Bureau of Information Technology
22. Bureau for Justice Affairs in Southern Provinces and Cities
23. Center of National Criminal Record
24. Institute of Legal Science
25. Judicial Academy
26. Democracy and Law Review
27. Vietnam Law Newspaper

The organizations listed in paragraphs 1 to 22 of this article are organizations that have the task to assist the Minister of Justice in performing his state management functions. The organizations listed in paragraphs 23 to 27 of this article are the public services organizations under the Ministry of Justice.

The Department of General Affairs in Legal Development, the Department of Criminal and Administrative Laws, the Department of Legal Dissemination and Education, the Department of International Cooperation, and the Department of International Law shall have four divisions in their respective organizational structure. The Department of Civil and Economic Laws, the Department of Organization and Personnel, and the Department of Planning and Finance shall have five divisions in their respective organizational structure.

The Ministry of Justice shall submit a proposal to the Prime Minister for stipulating the functions, tasks, rights and organizational structures of the General Bureau of Civil Execution and issue a list of other public services providing organizations under the Ministry of Justice.

The Minister of Justice shall issue decisions on the functions, tasks, rights and organizational structures of the units under the Ministry of Justice, except for the unit stipulated in paragraph 12 of this article.

Article 4. Final Provisions

1. This Decree shall take effect on May 1st, 2013.
2. The Decree No. 93/2008/ND-CP dated August 22, 2008 of the Government on functions, duties, rights and organizational structures of the Ministry of Justice shall be replaced by this Decree. All the existing legal provisions which contrary to this Decree shall be repealed.

Article 5. Transitional Provisions

1. The General Bureau of Civil Execution shall continue to comply with the existing legal provisions until a new regulation on its functions, duties, rights and organizational structures is issued.
2. The Bureau of Administrative Procedures Control shall continue to comply with the existing legal provisions until a new regulation on its functions, duties, rights and organizational structures is issued.

Article 6. Responsibility for Implementation

Ministers, heads of ministerial-level and heads of agencies under the Government and presidents of people's committees and cities under the central administration shall have the responsibility to implement this Decree