

## Education Legislation and the State's Regulatory Function in the Context of Implementing Resolution 71-Nq/Tw

Do Thi Thu Huong<sup>1\*</sup>, Doan Thi Hong Viet<sup>2</sup>, Do Thi Thuy Hoa<sup>3</sup>

<sup>1</sup>Faculty of Politics and Educational Psychology – Hung Vuong University – Phu Tho Province

<sup>2</sup>Phu Tho Provincial School of Politics

<sup>3</sup>Phu Tho Provincial School of Politics

\*Corresponding author: Do Thi Thu Huong

| Received: 28.07.2025 | Accepted: 02.10.2025 | Published: 06.10.2025 |

**Abstract:** This paper provides an in-depth analysis of the role of education law as a pivotal regulatory instrument of the State in implementing Resolution No. 71-NQ/TW of the Politburo, which outlines the agenda for a fundamental and comprehensive reform of the education and training system. Resolution 71 calls for a paradigm shift in the State's function from conventional administrative management to a model of developmental governance and macro-level regulation centering on three strategic pillars: the development of an open and flexible education system; the advancement of institutional autonomy paired with robust accountability mechanisms; and the refinement of the legal framework to establish an enabling legal environment for reform initiatives. Education law is conceptualized as the institutional bedrock through which the State articulates direction, exerts regulatory influence, and exercises oversight over the education sector. Through legislative instruments, the State codifies standards pertaining to quality, equity, and transparency, while safeguarding the fundamental right to education for all citizens. The State's regulatory capacity is further manifested in rational decentralization, the fostering of fair competition, the protection of learners' rights and interests, and the mitigation of risks associated with the socialization of education. The paper also puts forward a set of policy recommendations, including the formal legal codification of emerging policy orientations; the stratification and differentiation of the legal framework; the enhancement of regulatory and supervisory capacities; the institutionalization of social oversight and policy critique; and the strengthening of implementation mechanisms thereby enabling education law to effectively fulfill its regulatory function in the new phase of national development.

**Keywords:** Education law, State's regulatory role, Resolution 71-NQ/TW.

### 1. INTRODUCTION

Amidst the accelerating forces of globalization and the transition toward a knowledge-driven growth paradigm, education and training have become indispensable catalysts for sustainable national development. In pursuit of its strategic vision to cultivate well-rounded human capital and to foster a lifelong learning society, Vietnam has been undertaking far-reaching reforms across its education system.

Within this reform agenda, Resolution No. 71-NQ/TW of the Politburo on the fundamental and comprehensive transformation of education and training stands as a strategic compass, providing long-term direction and coherence to national education policy. A critical pillar for operationalizing the vision embedded in this Resolution lies in the consolidation of the legal

framework for education and the elevation of the State's regulatory and steering capacity.

This paper examines the intricate relationship between education law and the State's regulatory role in educational governance, and subsequently offers a set of policy recommendations aimed at enhancing the effectiveness and institutional efficacy of Resolution 71's implementation.

### 2. Resolution No. 71-NQ/TW – A Paradigm Shift in Educational Governance

Resolution No. 71-NQ/TW of the Politburo, which outlines the continued fundamental and comprehensive reform of education and training in the context of national industrialization and modernization, marks a pivotal milestone in Vietnam's educational development strategy. Diverging from traditional

Quick Response Code



Journal homepage:  
<https://saspublishers.com/>

**Copyright © 2025 The Author(s):** This is an open-access article distributed under the terms of the Creative Commons Attribution 4.0 International License (CC BY-NC 4.0) which permits unrestricted use, distribution, and reproduction in any medium for non-commercial use provided the original author and source are credited.

**Citation:** Do Thi Thu Huong, Doan Thi Hong Viet, Do Thi Thuy Hoa (2025). Education Legislation and the State's Regulatory Function in the Context of Implementing Resolution 71-Nq/Tw. *Cross Current Int Peer Reviewed J Human Soc Sci*, 11(10), 207-210.

approaches, the Resolution underscores the State's role as a facilitator and macro-level regulator transitioning from the conventional role of "education service provider" to one of "strategic enabler, supporter, overseer, and guarantor of equitable access to education."

This shift is not merely a technical adjustment in governance methodology but rather a systemic transformation in mindset. It lays the foundation for constructing a modern, high-quality, and sustainable educational ecosystem.

### **2.1. Building an Open, Flexible, and Articulated Education System**

One of the core principles of Resolution 71 is the development of an open education system one that diversifies learning modalities and enables individuals to access knowledge throughout life, anytime and anywhere. Articulation between different educational levels and qualifications is not only intended to facilitate credit accumulation and seamless transitions but also to encourage personalized, demand-driven learning aligned with labor market needs.

An open education system also necessitates mutual recognition among formal, non-formal, distance, and experiential learning pathways. This is essential to dismantle rigid barriers between different learning formats, contributing to the development of a learning society and unlocking the full potential of human capital.

### **2.2. Promoting Institutional Autonomy with Enhanced Accountability**

Resolution 71 explicitly affirms the need to grant greater autonomy to educational institutions including autonomy in organizational structure, staffing, curriculum development, finance, and scientific research. However, autonomy must be accompanied by rigorous accountability. The Resolution calls for the establishment of transparent mechanisms for monitoring, supervision, and evaluation.

Such mechanisms will drive institutions to improve internal governance, foster healthy competition, and ensure educational quality. Public disclosure of information including training outcomes, accreditation results, and social feedback is critical for enabling external oversight, informed learner choice, and timely policy interventions by the State.

### **2.3. Strengthening Legal and Institutional Frameworks to Enable Reform**

Ultimately, no reform can succeed without a coherent, transparent, and stable legal foundation. Resolution 71 emphasizes the imperative to refine the legal and institutional framework for education, ensuring that reforms can be implemented consistently and sustainably.

This involves amending and supplementing the Education Law and related legal instruments; enacting policy frameworks on investment, finance, tuition, and public-private partnerships; developing independent accreditation and quality assurance systems; and clearly delineating the roles, mandates, and responsibilities of all stakeholders within the education system.

## **3. Education Law – The Institutional Foundation of Regulation**

Education law encompasses the body of legal provisions that govern the relationships among the State, educational institutions, educators, learners, and other relevant stakeholders. The 2019 Law on Education, along with its subordinate legal instruments, has begun to reflect a reform-oriented spirit emphasizing openness, flexibility, democracy, and quality.

### **3.1. Strengthening the Legal Framework for Education**

**In recent years, Vietnam's legal framework for education has undergone significant improvements:**

- The enactment of the 2019 Law on Education, the Law on Vocational Education and Training, and the amended Law on Higher Education has laid a comprehensive legal foundation covering the entire educational continuum from early childhood to postgraduate education.
- A series of decrees and circulars have been issued, providing guidance on higher education autonomy, quality assurance, learning outcomes, and transparency requirements.
- Key reform principles such as democracy, equity, quality, international integration, gender equality, and prioritization of disadvantaged groups have been institutionalized.

However, despite these advancements, gaps and inconsistencies remain. The legal framework still requires further refinement to meet the demands of macro-level regulation in the context of comprehensive reform as envisioned by Resolution 71.

### **3.2. Legal Instruments as Regulatory Tools** **The State utilizes legal instruments as regulatory tools in several key ways:**

**First**, to provide strategic orientation by setting developmental goals, designing education strategies, standardizing curricula, and establishing post-lower-secondary tracking mechanisms.

**Second**, to regulate behavior by clearly defining the rights, obligations, and responsibilities of all actors within the education sector.

**Third**, to ensure quality control through frameworks for accreditation, institutional ranking, and independent evaluation.

**Fourth**, to safeguard learners' rights via legal provisions on tuition fees, scholarships, fee waivers, and access to education for vulnerable populations.

**Fifth**, the law serves a dual role: it creates space for institutional innovation and autonomy, while simultaneously delineating boundaries to uphold equity, transparency, and systemic effectiveness.

#### **4. The Regulatory Role of the State: From Administrative Control to Developmental Governance**

In the face of profound reform demands particularly as articulated in Resolution No. 71 of the Politburo the State's role in educational governance can no longer rely on the traditional administrative-command model. Instead, contemporary trends call for a fundamental transition toward a "developmental state" model, where regulation is exercised primarily through legal frameworks, public policy, and transparent accountability mechanisms.

The conventional administrative model is characterized by top-down, detailed intervention and centralized control. While this approach may have been appropriate in earlier stages when the education system was limited in scale and structurally simple it has become increasingly inadequate in today's context. The current educational landscape is highly diverse in form, broader in scope, and more integrated into the global system. In such conditions, rigid bureaucratic management tends to hinder innovation, lacks responsiveness, and struggles to keep pace with rapid change.

In contrast, the developmental governance model emphasizes the State's role in creating an enabling legal and policy environment one that is transparent, equitable, and fosters healthy competition. The State does not substitute for educational institutions but instead empowers them to operate autonomously, innovate, and be held accountable for outcomes. Regulatory functions are performed through the formulation of macro-level policy, the issuance of standards and quality benchmarks, the enforcement of accreditation systems, the promotion of public oversight, and legal intervention in cases of deviation.

Notably, within a modern knowledge economy and learning society, the State must act as a "coordinator" neither overly controlling nor entirely laissez-faire. This requires a clearly defined decentralization framework, accompanied by robust systems for monitoring, evaluation, and sanctions. Furthermore, public policy should actively foster the participation of a broad range of stakeholders including businesses, communities, and civil society organizations in the co-creation and co-governance of education.

#### **5. Key Policy Recommendations for Improving Education Law and Enhancing the State's Regulatory Role**

To effectively implement Resolution No. 71 of the Politburo on the fundamental and comprehensive reform of education and training, it is imperative to refine the legal framework governing education and strengthen the State's regulatory capacity. The following are several core recommendations:

##### **5.1. Codifying Strategic Directions Outlined in Resolution 71**

A crucial task is to translate the strategic orientations of Resolution 71 into concrete, enforceable legal provisions with real-world applicability. For example:

- Codifying regulations on academic autonomy, financial self-governance, and institutional self-management for both higher and general education institutions.
- Enacting legal provisions supporting open education, lifelong learning, and the integration of formal and non-formal learning systems.
- Institutionalizing mechanisms that promote digital transformation in education, ensuring infrastructure readiness, cybersecurity, and equitable access.

The legal codification process must be strategically phased and aligned with broader public administration reforms and national education development strategies.

##### **5.2. Developing a Differentiated Legal Framework for Education Levels and Modalities**

Vietnam's education system is increasingly diversified across levels (early childhood, general, vocational, and higher education) and modalities (public, private, and international partnerships), yet the legal framework does not fully reflect these distinctions. It is recommended to:

- Issue separates legal documents or dedicated chapters tailored to each education level, ensuring more targeted governance and regulatory clarity.
- Clearly delineate the scope of authority and accountability among central and local education authorities to avoid overlap and fragmentation.
- Establish level-specific standards for learning outcomes, curriculum frameworks, and quality assurance, enabling transparent and effective regulation.

##### **5.3. Strengthening Legal Instruments for Oversight, Accreditation, and Sanctions**

As educational institutions gain greater autonomy, the State's regulatory role must be reinforced through robust legal tools for monitoring, accreditation, and enforcement:

- Mandate independent and accredited quality assurance procedures through legally binding regulations.
- Introduce clear administrative and criminal penalties for misconduct such as academic fraud, illegal school admissions, diploma trading, and violations of learners' rights.
- Strengthen the professional capacity, independence, and mandate of education inspection and auditing bodies to minimize conflicts of interest and ensure integrity in enforcement.

#### 5.4. Enhancing Mechanisms for Social Consultation and Policy Feedback

An effective legal framework must reflect societal needs and the voices of key stakeholders' learners, educators, experts, and parents. Therefore:

- Establish multi-stakeholder education policy advisory councils at national and local levels, including representatives from civil society, professional associations, research institutes, and private education networks.
- Ensure that the lawmaking process is substantive, participatory, transparent, and responsive to public input.
- Promote transparency and accountability throughout the drafting, promulgation, and revision of education-related legal documents.

#### 5.5. Building Legal and Institutional Capacity for Implementation

Ultimately, the effectiveness of education law hinges on the capacity of implementing institutions and personnel. Key actions include:

- Providing specialized training on education law and policy implementation for government officials at both central and local levels.
- Enhancing the professional quality of personnel involved in drafting, reviewing, and enforcing education legislation.
- Leveraging digital technologies for legal document management, real-time enforcement tracking, and impact evaluation.

## 6. CONCLUSION

In the context of comprehensive education reform guided by Resolution 71, the State's regulatory role is becoming increasingly vital. Education law serves as the principal instrument through which the State performs this role both by setting a strategic direction for development and by creating an environment that fosters autonomy, transparency, and equity. Continued efforts to improve the legal framework and strengthen the State's capacity for regulation and oversight will be critical determinants of the success of Vietnam's education reform agenda in the years ahead.

## REFERENCES

- Central Committee of the Communist Party of Vietnam. (2025). *Resolution No. 71-NQ/TW dated August 22, 2025, of the Politburo on Breakthrough Development of Education and Training*.
- National Assembly of the Socialist Republic of Vietnam. (2019). *Law on Education No. 43/2019/QH14*.
- Government of Vietnam. (2020). *Decree No. 99/2019/ND-CP detailing and guiding the implementation of certain articles of the amended Law on Higher Education*.
- Ministry of Education and Training. (2021). *Education Development Strategy for the period 2021–2030, with a vision to 2045*.
- Communist Party of Vietnam. (2013). *Resolution No. 29-NQ/TW on fundamental and comprehensive reform of education and training*.
- Tran Huu Duy. (2023). Education law and the regulatory role of the State in the context of reform. *Vietnam Journal of Legal Science*, No. 2, pp. 45–52.
- Nguyen Thi Kim Dung. (2022). Transforming the role of the State in educational governance toward developmental and sustainable models. *Journal of Political Theory*, No. 8, pp. 21–28.
- UNESCO. (2021). *Reimagining our futures together: A new social contract for education*. <https://unesdoc.unesco.org>
- World Bank. (2020). *Vietnam Education Financing Report: Enhancing Equity and Efficiency in Public Spending*. Washington, DC.