

# IMPROVING LEGAL EDUCATION QUALITY FOR MASTER LEVEL: A QUALITATIVE STUDY ANALYZING THE PROBLEM IN THE CURRENT VIETNAMESE EDUCATION CONTEXT

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## ABSTRACT

*The law program is widely popular and flexible and offers better job opportunities. Graduates can work in both public and private sectors. Along with the number of graduated law bachelors, it shows that the need to continue studying at the master's level in law in Vietnam is currently very high, aiming to gain more knowledge and skills for improving job performance as well as professional qualifications. However, the process of enrolling and training masters of law (LLM Law) in Vietnam also raises many difficulties and inadequacies, which have a certain impact on the quality of current training. The research is based on current regulations and practice will present specific difficulties and solutions to improve the quality of LLM Law admission and training in the Vietnamese context aims to improve the quality of LLM programs.*

**Keywords:** Postgraduate, training quality, LLM law

## INTRODUCTION

In the world's training trends, jurisprudence is one of a few earliest programs taught at schools. Since the 11th century, the University of Bologna, formerly known as the Bologna Law School (Italy), is considered the first University in the world to have recognized jurisprudence as an independent science. By the 14th century, when Europe had more than 40 universities, jurisprudence was still one of the four most popular programs besides art, medicine and theology. Common training levels are bachelor's (university) and master's and doctorate (after obtaining a bachelor degree). The common teaching method is classroom, listening to lectures, taking notes and discussing. Students must write a thesis and defend it at the end of the program (Vu Ninh Duong, 2020).

Since Vietnam moved into the reform period, paragraph 1, Article 12 of the 1992 Constitution of Vietnam stipulates that "The State manages society by law and constantly strengthens socialist legality". Therefore, the law increasingly holds an important position and role in social life. The demand for legal education at undergraduate and postgraduate have also increased arithmetic progression, sometimes even exponentially. Since the 2013 Constitution was passed, paragraph 1, Article 2 has affirmed the goal of building a "socialist law-governed state of the People, by the People and for the People". This vision encourages the awareness of learning regulations not only among the force of cadres, civil servants, and public employees, but also the people working in non-state organizations and units or individuals who need to improve their own skills. This has enabled many schools with law programs, including joint training in most provinces and cities to serve the large needs of

learners in Vietnam. Statistics show that in Vietnam nearly 1/3 out of 95 schools with law programs have LLM programs. This shows that legal awareness and legal qualifications in Vietnam are progressing, and the need for postgraduate education is an urgent need in Vietnam at the moment. However, in reality, there are also law schools that are pursuing quantity, paying little attention to quality, affecting the quality of labor resources as poor performance of graduates with bachelor, master and doctor of law.

## RESEARCH METHODS

Within the scope of the research, the authors conduct research on indicators on LLM training with an applied research nature. The research will be associated with finding options, making arguments and solutions to improve the current mechanism and training program for LLM programs in Vietnam. In addition, the research also uses induction. To study the issue of the LLM training in Vietnam, the research team begins analyzing the curriculum, legal regulations to illustrate the shortcomings that need to be thoroughly resolved (Pham Duy Nghia, 2014) of the current LLM program in Vietnam. The research employs a qualitative method, based on the induction process to research and provide reasons to explain a specific issue, which is the difficulty in the training mechanism for LLM programs in Vietnam today.

### **Advantages, disadvantages and problems affecting the training quality of master degrees in Vietnam**

#### ***In terms of legal teaching and research team in Vietnam***

Jurisprudence training activities in Vietnam originate from legal science training schools under the Ministry of Justice (One of the oldest jurisprudence training schools in Vietnam is Hanoi Law University under the Ministry of Justice). This affects the perspective of Party and State agencies when they often use documents related to "judicial reform" to plan training schools and orient to improve the quality of training in jurisprudence. By November 2023, Vietnam has about 21 Professors and 210 Associate Professors of Law (Thanh Ha, 2023); over 2,000 doctorates and over 20,000 masters (Minh Giang, 2023).

In addition to domestically trained experts, there are also a number of trained experts who graduated from many countries around the world. Before 1992, due to the specific political institutions in Vietnam, the majority of legal experts and scientists were trained from the Soviet Union and Eastern Europe. By 2011, the Soviet Union had trained 60,000 law officers for Vietnam. There are 3,600 postgraduates, 5,000 interns, 30,000 undergraduates, 5,500 officials receiving professional short training and improving their skills and a series of people receiving in-depth professional and technical training in different legal areas (Phung Ngoc Duc, 2017). From 1992 to the present, especially after 2000, a large number of legal researchers have been trained in Asia, Europe, Australia and America... Compared to other traditional long historical areas in Vietnam, it is noticed that the number of international legal experts is less than in some other fields, but when compared with 10 years ago, these are also impressive statistics, proving the development of law training in Vietnam in both breadth and depth. Among them, there are a number of schools in large cities, pioneering and prestigious, having a lot of lecturers trained both domestically and internationally around the world, who can use foreign languages fluently in teaching and scientific research in most legal specialties (Phan Trung Hien, 2022).

However, it is still not consistent in quality when evaluating the lecturers with master's and doctorate degrees in law in Vietnam today. There are not many lecturers able to both teach and research and publish scientific articles. The number of legal international publications in international journals is little (Asia University Ranking, 2019).

Many law schools in Vietnam today do not have full-time lectures as stated in the program proposal submitted to the Ministry of Education and Training. Most of the courses have been taught by contract lecturers with master degrees working in many other sectors. In fact, contracting lectures outside the schools indicates many positive points such as employing good, competent and highly specialized lecturers. However, it is difficult to control the quality of lecturers because those lectures may affect the overall direction of the program, and the overall goals and orientation of the program originally set out by the schools. Besides, if lecturers are not confident in using foreign languages during teaching and research, it will be difficult to supplement foreign sources or knowledge to expand students' horizons. Recently, some schools provide postgraduate training in Vietnam with low-quality, many negative aspects of training have also appeared (Nghiem Hue, 2022). These problems enabled the Prime Minister of Vietnam to request the Ministry of Education and Training to strictly handle poor quality universities (Tue Nguyen, 2019). Meanwhile, some schools cooperate with international schools to recruit undergraduate and postgraduate students, but the training institutions are of poor quality and their degrees are not recognized by the Ministry of Education and Training. This has a great negative impact on learners who are not awarded degrees after training, and affects the quality of postgraduate lecturers trained from the poor quality training schools mentioned above.

### **Identifying majors in legal education**

Currently, the list of bachelor's degree program codes includes 5 majors: Constitutional law and administrative law, Civil law and civil procedure, Criminal law and criminal procedure, Business law and International Law. Next, the master's and doctoral level programs are basically the same, including 7 majors: Constitutional law and administrative law, Civil law and civil procedure, Criminal law and criminal procedure, Criminology and crime prevention, Theory and history of state and law, Business law, International law according to Circular No. 25/2017/TT-BGDĐT dated October 10, 2017 of the Ministry Minister of Education and Training, No. 16/VBHN-BGDĐT issued on May 8, 2014 promulgating the list of level IV training at bachelor's, master's and doctoral levels. The division of majors is absolutely necessary and based on scientific ground. This also contributes to determining the compulsory and elective modules of each major, helping to more clearly define the knowledge and skills associated with job positions while improving the level of expertise in teaching and research.

However, sometimes the specialized differentiation is too obvious, affecting interdisciplinary research. Due to the flexibility of practice, the diversity in legal science has raised issues requiring interdisciplinary nature such as: Administrative law - Business law; Civil law - Business law... Therefore, when approaching and solving interdisciplinary problems, we often encounter many difficulties, the most typical of which is choosing research topics for master's thesis and doctoral thesis with the Interdisciplinary topics will often be questioned at the Council about their suitability for the training major, this affects the selection of research topics, new research areas, and limits interdisciplinary research in legal science. As a result, there are topics that are chosen to be researched a lot and sometimes there are overlaps in the research topics. Meanwhile, there are issues that are very

inadequate, in fact it will be impossible to conduct research at the master's and doctoral levels due to concerns about interdisciplinary nature and difficulties in defending theses and dissertations if the Council strictly relies on the narrow specialization that schools are allowed to train (Phan Trung Hien, 2022).

### **Regulations on master's training**

Circular No. 23/2021/TT-BGDĐT dated August 30, 2021 promulgating regulations on admission and training for master's degrees has very specific provisions and expands the ability to study and improve qualifications at the master's level. There are some outstanding provisions such as: specific regulations on graduation rank and foreign language proficiency of candidates; The research-oriented programs require candidates holding a graduation rank of at least good or higher or scientific publications related to the field of study and research. The foreign language requirement is Level 3 or higher according to the 6-level Foreign Language Competency Framework for Vietnam; Raise the output standard of foreign language proficiency equivalent to Level 4. Admissions are held one or more times a year. Admissions methods include entrance exams, admission reviews or a combination of both decided by the schools, and online admission are accepted when some conditions are suitable. These regulations create favorable conditions for transfer between higher education levels, both saving time for students with outstanding academic achievements and creating conditions for schools to develop articulation programs to master degree. Positive and flexible changes in the regulations of Circular No. 23/2021/TT-BGDĐT open up many opportunities in enrollment and training for master's degrees, demonstrating the strong autonomy of schools, along with a very clear goal of improving learner quality.

However, the current practice of enrollment and training for master's degrees in law has some certain limitations. Article 5 of Circular No. 23/2021/TT-BGDĐT on admission conditions prevent candidates from enrolling masters of law in some certain cases. The condition of at least a good bachelor's degree or a scientific publication related to the field of study, research has limited a significant number of those who want to apply. To tighten the quality of bachelor's training, it requires strictness in evaluating learning outcomes. There are a lot of average graduates in the law programs today for part-time and distance learning. Therefore, the above regulations have hindered recruitment. In addition, the regulations allow an exceptional condition that if candidates do not graduate with good grades or higher, they must publish a scientific article related to the field they are going to study and research", this creates a gap that makes some people intentionally circumvent the law by asking for permission to be a co-author with other authors in research projects and some negative aspects related to some specialized journals... These are issues that need to be considered. In order to expand the conditions for studying and improving qualifications, it can prioritize those who have graduated with a bachelor's degree at good grades or higher or those with publications.

In addition, it is stipulated that candidates graduated from appropriate majors can apply for LLM programs in Vietnam. This leads to a number of inadequacies, especially in schools that focus on increasing quantity without paying enough attention to quality, recruiting candidates who graduated bachelor from both law and others. The current situation is that when studying and researching at the master's level for law graduates, it is still very difficult, hard-working and even cannot graduate, but some schools accept applicants from other programs and sometimes almost completely unrelated to the law being trained also cause a lot of quality concerns. Legal science has its own characteristics and requires basic

qualifications, so some applicants from others find it very difficult to absorb the knowledge. Currently, studying a bachelor's degree in law as a second major is very popular and convenient, so allowing admission to a master's degree in law for "Law-closed programs" requires careful and thorough research.

I think the prerequisite for candidates is to graduate with a bachelor's degree in law or a suitable undergraduate, the most common candidate is a bachelor's degree in law. Therefore, the quality of law bachelor's training is an important foundation to ensure the quality of master's training. In Vietnam, there are more than 95 schools training law graduates, twice as many as in developed countries and some countries in the region, but the qualifications and capabilities of many law graduates are lower than required (Trung Kien, 2022). The above analysis partly shows many limitations and weaknesses in the training of law bachelors in our country in recent times, including shortcomings that directly affect enrollment and training of masters.

### **Improving knowledge, practicing methods, skills and thinking**

In general, many law programs have clear goals, orientation and consistency. However, there are still many others that have some of the following problems:

*Firstly*, there is a lack of modules on general legal doctrine and specialized legal doctrine to supplement theoretical knowledge and explain the origin and logic of core institutions in the curriculum. Law bachelor's training programs of many schools only demonstrate theoretical content mainly through the module Theory of state and law; Some schools have specialized courses but they are elective courses or arrange study times that are not really reasonable. Therefore, graduates are not equipped with a solid theoretical knowledge base for in-depth study and research; This is shown through the fact that many law graduates lack logical thinking, do not understand the root of the problem, lack systematic thinking and critical thinking, but mainly just mechanically remember what they hear from lecturers directly teaching...

Second, some schools focus on imparting the law without training in logic and systems thinking and research methods. It is necessary to be clearly aware of the goals and requirements of the law undergraduates not only to understand and apply regulations correctly, but also to analyze and evaluate the quality of law, and point out the advantages and limitations in the regulations. Therefore, if compiling and publishing textbooks, implementing teaching content and assessment are based only on current legal regulations, it will unintentionally limit research thinking and not open up diverse perspectives. On the other hand, the laws rapidly change in Vietnam, for example, the Decree may change in 2-3 years, teaching only word by word the laws makes students confused when graduating in handling changes when the new Decree replaces the old one. The bachelor's training foundation is not consistent and undergraduates from other programs are only supplemented with knowledge of 7-9 credits for some courses to help them acquire the basic knowledge of law. It may also be very difficult to carry out a thesis after 02 years of master's degree training, meeting the requirements in Clause 2, Article 8 of Circular No. 23/2021/TT-BGDĐT such as: "*it has theoretical contributions, academic or technological development and innovation; demonstrate the research capacity of students*".

Third, training thinking skills in practicing law still has many limitations. Current undergraduate law programs in most schools have modules on skills such as: legal consulting

skills, litigation skills... but due to pressure on credits and time, these modules still account for a rather modest proportion in the program framework. In addition, the coordination of relevant agencies and organizations in contracting-lecturers for skills modules is not strong enough, which partly affects the quality of teaching. Some schools consider teaching as an "internal job", and do not prefer contracting lectures with extensive experience in legal practice, preventing students' opportunities from improving their skills. In the current context, when application-oriented master's training is developed, the training process of skills modules at the bachelor's level needs to be reviewed, improved efficiency, and guaranteed to bring practice to help learners develop a solid foundation to further an application-oriented master's program later.

Fourth, candidates have limited foreign language proficiency. This is one of the very common limitations for both undergraduates and postgraduates. Although the training program has many foreign language courses and specialized English courses, the students' foreign language proficiency is still very limited. Therefore, it is necessary to review the teaching content of these modules as well as supplementary activities to improve students' foreign language proficiency, especially when Circular No. 23/2021/TT-BGDĐT has significant changes in foreign language requirements at the master's level. The foreign language barrier is a major obstacle and a very common reason preventing many law undergraduates from continuing to apply for the master's degree. Besides, the issue of specialized foreign languages is a core issue. There are cases where students have enough degrees and certificates in foreign languages, and even they have a bachelor's degree in English but are not still confident enough to research specialized law in English or French. Actually, specialized foreign languages are not a simple matter for both teachers and learners, but it can be said that the ability of lecturers to use specialized foreign languages and research documents in foreign languages are important factors for LLM law in the integration period.

Fifth, the training database is not synchronized and unified. One of the requirements of a master's thesis is to demonstrate novelty, but up to now, schools have not been able to develop data on master's topics, abstract, research directions and research results for students to look up and the Topic Review Council to base on for evaluation and comparison the overlap in choosing and approving master's thesis topics. In addition, almost each school has its own regulation on the format, citations, references, and evaluation criteria (dissertation grading scale). It causes many difficulties in evaluation and reference, and does not create uniformity in presenting research in legal science.

Sixth, there has not been a big difference between master's and bachelor's training; between applied master's and research master's. Currently, the autonomy of schools in developing programs is a very positive point, but there are also certain shortcomings. Many schools develop programs according to the expertise of teaching staff not paying attention enough to the market needs. The courses taught in current master's programs mostly represent "advanced bachelor's degrees" rather than distinctive innovations in research thinking, demonstrating depth. In addition, the current regulations on master's training require to train LLM law students toward application, so it is necessary to have courses that demonstrate in-depth application of law and practical skills in the legal profession; shows a clearer difference than the research master's program.

Through analysis and the current situation of enrollment and training of LLM law in Vietnam, it can be concluded that: students' theoretical foundation is weak, lacking

multidimensional perspectives and critical thinking which are limitations from the bachelor's level need to be improved, the database for in-depth research of legal science is lacking, not fully provided. Social investigation methods and integration of Economics and technology methods in legal science research are still very limited; The training process has many limitations from management, programs and the connection of applied practice to research and teaching. Therefore, the candidate background is still limited in the context of expanding enrollment in law-closed programs and the admission method will have a certain impact on the quality of enrollment; Limitations in the program and too limited data for research will make it difficult to create new knowledge in research.

### **CONCLUSION AND BASIC SOLUTIONS TO IMPROVE THE QUALITY OF ENROLLMENT AND TRAINING FOR MASTERS IN LAW IN VIETNAM**

The authors would like to propose solutions to handle difficulties and inadequacies in enrollment and training for masters in law as follows:

First, carefully select and properly evaluate the capacity of the teaching and scientific research team. Schools should have mechanisms from encouragement to mandatory in studying to improve qualifications, practice skills and methods, including proficiency in using specialized foreign languages, to meet the needs of training during the integration period well.

*Second, review and improve the quality of law bachelor programs in the direction of enhancing theoretical knowledge and skills.* As analyzed, the law undergraduate program needs to consider and evaluate the content of the legal doctrine module (general part) and specialized legal doctrine for stronger and more breakthrough reforms towards the formation of multi-dimensional legal thinking for learners, it is necessary to supplement in-depth theoretical courses with the prerequisite that students must complete about 2/3 of the program to apply specialized knowledge to compare and analyze when studying in-depth theoretical modules. Improving skills and multidimensional thinking for students needs to be emphasized in all specialized courses through teaching methods, assessment, and classroom organization, along with the combination of experts in the industry, especially promoting the significance of thematic reports in current schools, strengthening professional discussions, connecting schools and employers to create favorable conditions for students gain practical experience.

Third, it needs to be open, transparent, and firmly aim to ensure quality in enrollment. Although current regulations create conditions for law-closed programs to apply for the master's degree in law, with the specific features and foundation requirements in-depth research on legal science, the schools need to be careful, compare other bachelor's degree programs with law degrees to choose a really law-closed program, combined with Pre-law program of reasonable duration, allow students to catch up with key points of law. Along with this, the schools need to develop mandatory courses that are both comprehensive and in-depth in the Pre-law program for law-closed students to study before starting the master's program in law. The schools also should consider applying the admission method for enrolling application-oriented master's programs, with specific, clear, transparent and public criteria. In particular, the new point of allowing master's training at branch campuses and practical experience modules requires the schools to research, expand and effectively deploy this content in enrollment and training master.

Fourth, the schools should establish a research data system, expand the application of economic and technical research methods in legal science. Economic and social statistics are systematized and published on the website of the General Statistics Office and the data in localities that are not complete, systematic, and unresponsive to the current research requirements. Besides, current legal research still follows the tradition of "desk research", which has not shown high persuasiveness and vividness in research results. Therefore, there is a need for courses supporting research methods and skills at the master's level on economic methods and technical methods that can be integrated into legal research.

Fifth, the master's program should be developed in order to show a clear difference from the *undergraduate program, between research master's and applied master's degrees*. In the master's program, the schools should replace the "advanced bachelor's" courses with courses which provide expertises, indicate differences and aim to establish multi-dimensional, critical thinking for master's graduates as a potential quality resource for the doctoral program. In addition, the applied master's program needs to aim at training experts in the application of law, with in-depth modules on skills.

Sixth, it is necessary to develop data on thesis topics, unify the form for master's thesis, and *thesis evaluation criteria/framework*. There should be mandatory regulations at each school on creating data on master's thesis topics with specific contents when storing and searching such as: information about the topic, research methods, research directions, research results and novelty. On that basis, integrating data in all schools helps to look up and check in choosing and approving master's thesis topics. At the same time, the regulations for general consensus on format and criteria/scoring framework for evaluating the thesis aim to achieve general consensus and create standard format in legal science. In addition, it is necessary to encourage interdisciplinary research and not be too strict in evaluating whether it is in the scope of the master's and doctoral programs.

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**Received:** 02-Nov-2023, Manuscript No. JLERI-23-14245; **Editor assigned:** 04-Nov-2023, Pre QC No. JLERI-23-14245(PQ); **Reviewed:** 18-Nov-2023, QC No. JLERI-23-14245; **Revised:** 23-Nov-2023, Manuscript No. JLERI-23-14245(R); **Published:** 30-Nov-2023