

HO CHI MINH NATIONAL ACADEMY OF POLITICS

NGUYEN XUAN TRA

**APPLICATION OF LAW IN THE APPELLATE
ADJUDICATION OF LAND USE RIGHTS DISPUTE CASES
BY PROVINCIAL-LEVEL PEOPLE'S COURTS IN THE
MEKONG DELTA OF VIETNAM**

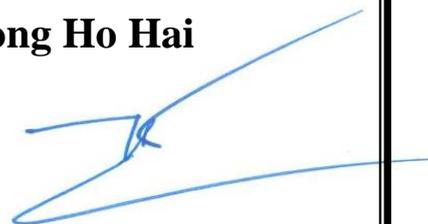
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Reviewer 1:
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Reviewer 2:
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Reviewer 3:
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INTRODUCTION

1. Rationale of the Dissertation

In the system of social relations regulated by law, land relations always hold a particularly important position, profoundly impacting all aspects of the nation's economic, political, social, and security-defense life. Land is not only property and a special means of production but also a living space, a paramount component of the living environment, and the territory for the distribution of residential areas. Precisely because of this importance, disputes over land use rights (LURs) are consistently among the most complex, intense, and prevalent types of civil cases that the People's Courts (PC) at all levels must accept and resolve.

In the Mekong Delta (MD) - the largest agricultural and aquaculture production center in the country - land holds vital significance, directly tied to the livelihoods of tens of millions of people. LURs are not just assets but also "means of production" that ensure social stability. Instability in land use rights disputes here can affect national food security and the sustainable development of the entire region. Practice shows that LUR dispute cases in the MD are often highly complex due to the history of land management through many periods, fluctuations in policy, and cultural and farming customary factors.

Appellate adjudication is a crucial procedural stage, responsible for reviewing and re-examining the legality and grounds of first-instance judgments and decisions. A correct and objective appellate judgment not only definitively resolves the conflict between the litigants but also contributes to strengthening public confidence in justice and the solemnity of the law. Conversely, if errors and inconsistencies persist in the application of law during this stage, it will lead to serious consequences:

judgments being overturned or amended, prolonging case resolution time, incurring costs for society and related parties, and eroding the prestige of judicial bodies. Therefore, researching the topic "Application of Law in the Appellate Adjudication of Land Use Rights Dispute Cases by Provincial-level People's Courts in the Mekong Delta Region" is not only a theoretical requirement but also an urgent demand arising from practice.

Deeply aware of the importance of land and the work of resolving related disputes and complaints, our Party and State have issued many important guidelines and policies, showing special attention to this field. This is demonstrated through Party documents which always emphasize the need to perfect land policies and laws and to enhance the effectiveness of land management and use. Resolution No. 18-NQ/TW dated June 16, 2022, of the 13th Party Central Committee, required: "To definitively resolve complex and prolonged land-related complaints, denunciations, and disputes." This directive places a direct demand on judicial bodies, including the Courts, to improve the quality of adjudication to realize the Party's objective.

The Party's Judicial Reform Strategy, consistently expressed through Politburo Resolution No. 49-NQ/TW and most recently Resolution No. 27-NQ/TW dated November 9, 2022, of the 13th Party Central Committee, has identified the Court as the center of the judicial system and adjudication as its core activity. The precise and uniform application of law in adjudicating LUR dispute cases is the most concrete manifestation of the successful implementation of these judicial reform tasks.

In practical terms, the appellate adjudication of LUR dispute cases by provincial-level PCs in the MD region has achieved many positive results in recent years, resolving a large volume of cases and contributing to social order. However, this work still reveals many limitations and

inadequacies, stemming from both legal regulations and practical application. Vietnam's land law system, despite multiple amendments and supplementations (Land Law of 1993, 2003, 2013, and most recently 2024), still contains points of overlap and contradiction with other legal documents. LUR disputes are a type where proving the origin and process of land use through various periods is a key element, thus, the collection and evaluation of evidence face difficulties. The awareness and application of law are not uniform; the quality of appellate adjudication is not high, and the rate of appellate judgments being overturned or amended is high.

These limitations and inadequacies have been causing negative consequences, prolonging lawsuits, increasing cross-level complaints, causing social instability, and eroding public trust in the judicial system. The requirements of the country and the MD region in the new development phase demand that LUR disputes be resolved correctly, quickly, and timely; that the application of law in the appellate adjudication of LUR dispute cases ensures quality, compliance with the law, and alignment with local realities, contributing to stability and development.

The issue of LUR disputes and the Court's adjudication activities have attracted the attention of many scholars, reflected in numerous research works in various forms such as doctoral dissertations, master's theses, monographs, and scientific articles. However, there has not yet been a study that deeply, comprehensively, and systematically investigates the application of law during the appellate adjudication stage of LUR dispute cases, adeptly combining substantive law (Land Law) and procedural law (Civil Procedure Code), and researching deeply into the specific context of the MD region.

For these reasons, which are both current, urgent, and practical, the doctoral candidate has chosen the topic: "*Application of Law in the Appellate Adjudication of Land Use Rights Dispute Cases by Provincial-level People's Courts in the Mekong Delta of Vietnam*" as the doctoral dissertation for the major in Theory and History of State and Law.

2. Research Objectives and Tasks of the Dissertation

2.1. Research Objectives

Based on clarifying the theoretical foundations and accurately assessing the current status of the application of law in the appellate adjudication of LUR dispute cases by provincial-level PCs in the MD, the dissertation proposes viewpoints and substantiates solutions to enhance the quality of law application in the appellate adjudication of LUR dispute cases by provincial-level PCs in the MD in the coming time.

2.2. Research Tasks

First, to provide a literature review related to the dissertation topic, thereby identifying resolved issues and the gaps that these works have not addressed, and to build a theoretical framework, research hypotheses, and research questions.

Second, to build the theoretical basis for the application of law in the appellate adjudication of LUR dispute cases by provincial-level People's Courts in Vietnam today, based on theoretical research, legal provisions on the adjudication of LUR dispute cases in Vietnam, and the experience in adjudicating land dispute cases from other countries. To perform this task, the dissertation is expected to focus on researching, analyzing, and presenting the concept, characteristics, content, and stages of law application in the appellate adjudication of LUR dispute cases by provincial-level People's Courts, and the factors affecting this process; simultaneously, to identify the role and analyze, clarify, and determine the conditions that ensure the quality of law application in this activity. Based on studying international experiences, lessons will be drawn for Vietnam.

Third, to study and evaluate the legal regulations governing the application of law in the appellate adjudication of LUR dispute cases. From there, to analyze and assess the current status (achievements and limitations) of law application in this area by provincial-level PCs in the MD, and to identify the causes of this situation. To perform this task, the dissertation plans to focus on clarifying the status through adjudicated judgments and surveying relevant individuals and organizations about the adjudication results. This will provide a basis for evaluating the achievements, shortcomings, and limitations, and clarifying their causes.

Fourth, to analyze the new context affecting the application of law in the appellate adjudication of LUR dispute cases, propose viewpoints, and substantiate feasible solutions to ensure the enhancement of quality in this activity for provincial-level PCs in the MD.

3. Research Object and Scope of the Dissertation

3.1. Research Object

The research object of the dissertation is the theoretical and practical issues concerning the application of law in the appellate adjudication of LUR dispute cases by provincial-level PCs in the MD, from the scientific perspective of the Theory and History of State and Law major.

3.2. Research Scope

3.2.1. Spatial Scope: In the provinces within the Mekong Delta region, Vietnam.

3.2.2. Temporal Scope: From July 1, 2014, to July 1, 2025.

In the development trajectory of LUR law in Vietnam, the most recent milestone is the 2013 Land Law, effective from July 1, 2014. Therefore, the dissertation's research period is set from the effective date of the Land Law (July 1, 2014) to July 1, 2025.

4. Theoretical Basis and Research Methodology of the Dissertation

4.1. Theoretical Basis

The dissertation utilizes the methodology of dialectical materialism and historical materialism to study issues related to its content. It is based on the system of viewpoints from Marxism-Leninism and Ho Chi Minh's thought on state and law in general, and the theory of law application in particular; as well as our Party's guidelines and policies on law regarding the resolution of LUR disputes; on the adjudication activities of the Court in a socialist-oriented market economy and under the conditions of building a socialist rule-of-law state; and on perfecting the legal system and the perspectives on law-making, implementation, and application in the new era.

4.2. Research Methodology

Based on the aforementioned methodology, the dissertation will employ various research methods: documentary analysis; expert consultation; analysis and synthesis; statistical methods; combining theory with practice; and comparative methods to address the issues posed in the research.

These methods are used to clarify the core content of the dissertation, ensuring scientific rigor and logical coherence. Due to the nature of each chapter and section, one of the above methods will be predominant. The analysis and synthesis method will be used throughout Chapters 1, 2, 3, and 4. The methods of combining theory with practice, statistics, sociological investigation, and comparison will be primarily used in Chapters 3 and 4.

Specifically, some methods include:

Documentary Analysis: Applied to analyze both primary and secondary sources. Primary sources include relevant legal texts and Party documents, adjudicated cases and judgments, case precedents, official

statistics from competent state agencies, and data collected by the author through interviews and surveys. Secondary sources include articles, journals, and analytical conclusions by other authors.

Expert Consultation: Used to gather information and opinions from practitioners and scholars who have studied the adjudication of LUR disputes by the People's Court. This is done through direct contact with experts and scientists in the MD region and across the country.

Analysis and Synthesis: Used to synthesize data and knowledge obtained from documentary analysis, interviews, and expert consultations. The synthesis aims to present the author's own arguments, assessments, and proposals.

Comparative Law: Applied to study foreign experiences, thereby drawing lessons and selecting rational kernels suitable for Vietnam's conditions and circumstances.

5. New Contributions of the Dissertation

Building upon existing Vietnamese and international materials, the dissertation establishes a theoretical basis for the application of law in the appellate adjudication of LUR dispute cases by provincial-level PCs (concept, specific characteristics, forms, content, influencing factors, and conditions ensuring law application). It studies international experiences in law application for land disputes and draws referable values for Vietnam.

The dissertation analyzes and evaluates the specific factors of the MD region that affect law application in appellate adjudication; analyzes the status of appellate adjudication of LUR dispute cases by provincial-level PCs in the MD; evaluates achievements and their causes; and points out limitations and their causes.

The dissertation analyzes the new context influencing law application in this area and proposes viewpoints and substantiates feasible solutions to ensure provincial-level PCs in the MD enhance the quality of law application in the appellate adjudication of LUR dispute cases.

6. Scientific Significance of the Dissertation

If successful, the dissertation "Application of Law in the Appellate Adjudication of Land Use Rights Dispute Cases by Provincial-level People's Courts in the Mekong Delta of Vietnam" will be the first in-depth study on this issue. Therefore, the dissertation is expected to have the following basic benefits:

6.1. Theoretical Significance

Building on existing research, the dissertation provides a concept and specific characteristics of law application in the appellate adjudication of LUR dispute cases by provincial-level PCs. From this, it builds a theoretical basis (forms, content, influencing factors) and analyzes new factors affecting this process in the MD region.

6.2. Practical Significance

The dissertation assesses the current status of law application in this area, identifies results and limitations, and clarifies their causes. Based on this accurate assessment and inheriting rational theoretical kernels, the dissertation proposes viewpoints and solutions to improve the quality of law application.

The results will provide a scientific basis for agencies and organizations to formulate guidelines and policies.

The results will contribute to raising awareness among agencies, organizations, and individuals regarding this activity.

The scientific knowledge from the dissertation will be a valuable reference for research and teaching in relevant educational institutions and for anyone interested in this field.

7. Structure of the Dissertation

In addition to the introduction, conclusion, list of the author's published works related to the dissertation, list of references, and appendices, the dissertation's content is structured into 4 chapters and 12 sections.

Chapter 1

LITERATURE REVIEW RELATED TO THE DISSERTATION TOPIC AND IDENTIFICATION OF ISSUES FOR FURTHER RESEARCH

1.1. DOMESTIC AND FOREIGN RESEARCH SITUATION RELATED TO THE DISSERTATION

1.1.1. Studies on the application of law and appellate adjudication by provincial-level people's courts

1.1.1.1. Studies on the application of law

1.1.1.2. Studies related to appellate adjudication by courts in civil proceedings

1.1.2. Studies on the resolution of land use rights disputes and the application of law in appellate adjudication of these cases by provincial-level people's courts

1.1.2.1. Studies on the resolution of land use rights disputes

1.1.2.2. Studies related to the application of law in appellate adjudication of land use rights dispute cases by provincial-level people's courts

1.2. COMMENTARY, ASSESSMENT, AND IDENTIFICATION OF ISSUES FOR FURTHER RESEARCH IN THE DISSERTATION

1.2.1. Commentary and assessment of the research results of related works

1.2.2. Issues identified for further research

1.3. RESEARCH HYPOTHESES AND RESEARCH QUESTIONS

1.3.1. Research Hypotheses

1.3.2. Research Questions

Conclusion to Chapter 1

In recent times, there have been domestic and foreign studies on law and the application of law (ADPL) concerning land in Vietnam. These works have clarified key theoretical and practical aspects of appellate adjudication, including the scope of review, rights of appeal and protest, jurisdiction of the Adjudication Council, rights of the Procuracy, and dismissal procedures. However, many obstacles remain in practice, especially in the procedures for withdrawing appeals, adjudicating civil cases, and the authority to handle special situations (like psychiatric assessment). The findings of these studies will be further utilized by the author of this dissertation to build the theoretical basis for ADPL in the appellate adjudication of LUR dispute cases by provincial-level PCs.

The dissertation "Application of Law in the Appellate Adjudication of Land Use Rights Dispute Cases by Provincial-level People's Courts in the Mekong Delta of Vietnam" does not overlap with any published research to date. To clarify the outstanding issues, the dissertation must focus on answering three questions: (1) What is the content of the application of law in the appellate adjudication of LUR dispute cases by provincial-level PCs? What factors affect its quality?; (2) What are the advantages and disadvantages in the application of law in this area in the MD? What are the sources of these disadvantages?; (3) To improve the quality of ADPL, what issues need to be resolved?

Chapter 2

THEORETICAL FOUNDATIONS OF THE APPLICATION OF LAW IN THE APPELLATE ADJUDICATION OF LAND USE RIGHTS DISPUTE CASES BY PROVINCIAL-LEVEL PEOPLE'S COURTS

2.1. CONCEPT, CHARACTERISTICS, AND ROLE OF THE APPLICATION OF LAW IN THE APPELLATE ADJUDICATION OF LAND USE RIGHTS DISPUTE CASES BY PROVINCIAL-LEVEL PEOPLE'S COURTS

2.1.1. Concept of the application of law in the appellate adjudication of land use rights dispute cases by provincial-level People's Courts

2.1.1.1. Concept of land use rights

Land use rights refer to the capabilities of a subject to exploit and enjoy benefits when using land to serve various needs of social life. These rights are recognized and guaranteed in practice by law.

2.1.1.2. Concept, characteristics, and classification of land use rights disputes

LUR disputes are conflicts or contradictions between subjects regarding the determination of who holds the lawful LURs over a specific land parcel; or conflicts arising during the process of subjects exercising the rights and obligations of a land user. This is the dissertation's approach to the concept of LUR disputes.

2.1.1.3. Concept of appellate adjudication of land use rights dispute cases by provincial-level people's courts

The appellate adjudication of LUR dispute cases by provincial-level People's Courts is a specific civil procedural stage, wherein the provincial-level People's Court (the appellate court) uses its judicial power to review

the legality and grounds of a first-instance judgment or decision (which has not yet taken legal effect) issued by a first-instance People's Court (District-level People's Court, now Regional-level People's Court) regarding the resolution of legal conflicts between subjects in the establishment, exercise, or termination of LURs. This activity is conducted based on an appeal by a litigant or a protest by the People's Procuracy, strictly adhering to the procedures prescribed by civil procedure law, aiming to rectify errors of the first-instance level, protect the legitimate rights and interests of the parties, the interests of the State, and contribute to ensuring the stability of LUR relations in society.

2.1.1.4. Concept of the application of law in the appellate adjudication of land use rights dispute cases by provincial-level people's courts

The application of law in the appellate adjudication of LUR dispute cases by provincial-level People's Courts is the activity of examining, evaluating, and making determinations on appeals or protests; the facts of the case; the legal bases applied; and the adjudication and resolution of the LUR dispute case by the first-instance court. Based on this, the appellate court accepts or rejects the appeal or protest; upholds, overturns, or amends the first-instance judgment or decision; protects legally sound judgments; rectifies errors; and exercises other powers as prescribed by law regarding the first-instance judgment or decision.

2.1.2. Characteristics of the application of law in the appellate adjudication of land use rights dispute cases by provincial-level people's courts

2.1.3. Role of the application of law in the appellate adjudication of land use rights dispute cases by provincial-level People's Courts

2.1.4. Factors affecting the application of law in the appellate adjudication of land use rights dispute cases by provincial-level people's courts

2.1.4.1. Socio-economic factors

2.1.4.2. Legal factors

2.1.4.3. Professional competence, skills, and ethical qualities of the corps of judges

2.1.4.4. Physical infrastructure and working conditions

2.2. STAGES AND CONTENT OF THE APPLICATION OF LAW IN THE APPELLATE ADJUDICATION OF LAND USE RIGHTS DISPUTE CASES BY PROVINCIAL-LEVEL PEOPLE'S COURTS

2.2.1. Stages of the application of law...

2.2.2. Content of the application of law...

2.2.2.1. Application of procedural law...

2.2.2.2. Application of substantive law...

2.3. CONDITIONS ENSURING THE APPLICATION OF LAW IN THE APPELLATE ADJUDICATION OF LAND USE RIGHTS DISPUTE CASES BY PROVINCIAL-LEVEL COURTS

Conditions ensuring the application of law are the totality of objective and subjective elements that help the law application activity proceed correctly, effectively, and fairly. These conditions typically include: Political guarantees; Legal guarantees; Organizational-personnel guarantees - the structure of the agency and the capacity of the implementing staff; financial, material-technical, infrastructural, and facility conditions; social conditions - public awareness and legal consciousness.

2.3.1. Political guarantees

2.3.2. Legal guarantees

2.3.3. Organizational and personnel guarantees

2.3.4. Financial, material, and technical guarantees

2.3.5. Cultural-social and legal consciousness guarantees

2.4. INTERNATIONAL EXPERIENCE IN THE APPLICATION OF LAW IN ADJUDICATING LAND USE RIGHTS DISPUTES AND REFERABLE VALUES FOR VIETNAM

2.4.1. International experience

2.4.1.1. Experience of the United States

2.4.1.2. Experience of China

2.4.1.3. Experience of France

2.4.1.4. Experience of Japan

2.4.2. Referable values for Vietnam

Conclusion to Chapter 2

Chapter 2 has systematically constructed the theoretical basis for the application of law in the appellate adjudication (AA) of land use rights (LUR) dispute cases by provincial-level People's Courts (PC). The chapter clarified foundational concepts, from "land use rights" and "LUR disputes" to the central concept of "application of law in AA of LUR dispute cases," affirming this as an activity of state power that combines procedural law and substantive law (land, civil). This activity has prominent characteristics, such as the complexity of subjects, the object of the dispute being a special asset, and the role of correcting errors in first-instance judgments.

The process of law application was analyzed through four main stages: (1) analyzing the case file and facts; (2) selecting appropriate legal norms; (3) issuing the appellate judgment or decision; and (4) organizing execution. To ensure effectiveness, the chapter identified comprehensive guaranteeing conditions, including: the Party's political orientation, a

synchronous legal system, the professional capacity of the corps of Judges, adequate material-technical facilities, and the legal consciousness of society.

Based on studying international experiences (USA, China, France, Japan), the chapter drew practical referable values for Vietnam. The lessons focus on granting appellate courts comprehensive review authority, strengthening mediation mechanisms, moving towards specialized adjudication through specialized land courts, and promoting the development of case law to ensure uniform application of law. These arguments create a solid theoretical foundation for the analysis of the current status and the proposal of solutions in subsequent sections.

Chapter 3

INFLUENCING FACTORS AND THE CURRENT STATUS OF THE APPLICATION OF LAW IN THE APPELLATE ADJUDICATION OF LAND USE RIGHTS DISPUTE CASES BY PROVINCIAL-LEVEL PEOPLE'S COURTS IN THE MEKONG DELTA

3.1. FACTORS AFFECTING THE APPLICATION OF LAW IN THE APPELLATE ADJUDICATION IN THE MEKONG DELTA

3.1.1. Characteristic economic, socio-cultural, and human factors in the Mekong Delta

The Mekong Delta, with its role as a "particularly important strategic area" and Vietnam's key agricultural hub, not only has a unique geographical and economic position but also possesses distinct cultural, social, and human characteristics. These factors intertwine, creating a complex context that profoundly impacts all aspects of life, including the

application of law, especially in the adjudication of LUR dispute cases - the most common and intense type of dispute in the region. This article will deeply analyze these characteristic factors...

3.1.1.1. Influence of economic characteristics

3.1.1.2. Influence of socio-cultural characteristics

3.1.1.3. Influence of human factors and education levels

3.1.2. Current status of the law on appellate adjudication of LUR dispute cases

3.1.2.1. Status of appellate adjudication provisions in the Civil Procedure Code

3.1.2.2. Status of land law affecting the application of law...

3.1.3. Current status of the organizational structure and personnel of provincial-level People's Courts in the Mekong Delta

3.1.4. Current status of the land use rights dispute situation in the Mekong Delta

3.2. CURRENT STATUS OF THE APPLICATION OF LAW IN THE APPELLATE ADJUDICATION IN THE MEKONG DELTA

3.2.1. Results of the application of law

3.2.2. General assessment of the results

3.2.2.1. Ensuring the stages of law application

3.2.2.2. Regarding the volume of appellate adjudication

3.2.2.3. Regarding the quality of law application

3.2.3. Limitations in the application of law

3.3. CAUSES OF THE RESULTS AND LIMITATIONS

3.3.1. Causes of the results

3.3.2. Causes of the limitations

3.3.2.1. Objective causes

3.3.2.2. Subjective causes

Conclusion to Chapter 3

Chapter 3 of the dissertation focused on systematically analyzing the influencing factors and the current status of the application of law (ADPL) in the appellate adjudication of land use rights (LUR) dispute cases by provincial-level People's Courts (PC) in the Mekong Delta (MD) region for the 2015-2023 period, thereby creating a solid practical basis for the proposals in the next chapter.

First, the chapter identified the region's specific factors that profoundly impact adjudication. The agricultural economic context with its ingrained "land mindset," the culture of "valuing sentiment" leading to transactions by handwritten documents, and the urbanization process rapidly increasing land values have made disputes more intense and complex. Factors such as high migration rates and limited legal understanding also pose challenges for the Court.

Second, the chapter assessed the legal system, pointing out many "bottlenecks" and inadequacies. Although the 2013 Land Law and the 2015 Civil Procedure Code created a relatively complete legal framework, practice in the MD still shows inconsistencies in regulations on undocumented land, overlapping civil-administrative jurisdiction in reviewing the legality of LUR certificates, and the formality of grassroots mediation procedures. In terms of procedure, the abuse of appeal rights and the prevalence of judgment cancellations for retrial are common.

Third, through data and case analysis, the chapter painted a realistic picture of the ADPL status. Provincial-level PCs in the MD have endeavored to resolve a large volume of cases. However, the quality of ADPL remains an alarming issue. The rate of nearly 1/3 of first-instance

judgments being overturned or amended, and particularly the 53.3% rate of appellate judgments being overturned or amended through cassation procedures, shows that the quality of appellate adjudication still has serious errors and has not met judicial reform requirements.

Fourth, the chapter identified the objective and subjective causes of this situation. Objective causes stem from the instability and overlap of the land law system through various periods and pressure from socio-economic development. Subjective causes are limitations within the Court's own activities, such as the capacity of some judges not meeting requirements, weak inter-agency coordination, and limited infrastructure.

In summary, the analysis in Chapter 3 confirms a significant gap between legal regulations and practical implementation. This situation demonstrates the urgency of the research topic and will serve as a solid practical premise for the dissertation to propose feasible solutions in Chapter 4.

Chapter 4

VIEWPOINTS AND SOLUTIONS TO ENSURE THE APPLICATION OF LAW IN THE APPELLATE ADJUDICATION OF LAND USE RIGHTS DISPUTE CASES BY PROVINCIAL-LEVEL PEOPLE'S COURTS IN THE MEKONG DELTA

4.1. NEW CONTEXT AND VIEWPOINTS TO ENSURE THE APPLICATION OF LAW

4.1.1. New context affecting the application of law

4.1.1.1. The Fourth Industrial Revolution and the development of Artificial Intelligence (AI)

4.1.1.2. Reorganization and streamlining of the state apparatus and the operation of the two-level local government

4.1.1.3. The 2024 Land Law

4.1.2. Viewpoints to ensure the application of law

4.1.2.1. Must be imbued with the viewpoints and guidelines of the Communist Party of Vietnam

4.1.2.2. Must ensure compliance with the Constitution and laws of Vietnam

4.1.2.3. Must ensure justice, protect the legitimate rights and interests of the State, society, and the disputing parties

4.1.2.4. Must contribute to maintaining stability, social order, and safety, and be consistent with the socio-economic-cultural characteristics of the Mekong Delta region

4.2. SOLUTIONS TO ENSURE THE APPLICATION OF LAW

4.2.1. Perfecting the Vietnamese legal system related to the adjudication of LUR dispute cases

4.2.2. Improving the quality of guidance on law application in resolving LUR dispute cases

4.2.2.1. Guidance on the jurisdiction of People's Courts

4.2.2.2. Guidance on resolving disputes over LUR exchange and transfer contracts

4.2.2.3. Guidance on resolving land disputes where land was contributed to production collectives or cooperatives that were later dissolved

4.2.2.4. Guidance on resolving land disputes related to the State's socialist reform policies

4.2.2.5. *Guidance on resolving land disputes related to overseas Vietnamese purchasing land but having it registered under another person's name*

4.2.2.6. *Guidance on resolving land disputes involving the recovery of loaned or borrowed land*

4.2.2.7. *Guidance on resolving land disputes related to the gifting of LURs*

4.2.2.8. *Guidance on resolving land disputes related to the inheritance of LURs*

4.2.2.9. *Guidance on resolving land disputes in other cases*

4.2.3. Improving the quality of organizational activities for implementing legal provisions on LUR dispute resolution

4.2.4. Strengthening training and fostering capacity for Court officials involved in appellate adjudication

4.2.5. Strengthening coordination between the People's Court and related agencies and organizations

4.2.5.1. *Strengthening coordination between provincial-level People's Courts and local governments*

4.2.5.2. *Strengthening the relationship between the People's Court, the People's Procuracy, and the Civil Judgment Enforcement agency*

4.2.6. Strengthening the application of digital technology and AI in the appellate adjudication of LUR dispute cases

Conclusion to Chapter 4

In Chapter 4, the dissertation studied and clarified the viewpoints and proposed groups of solutions to ensure ADPL in the XXPT of LUR dispute cases by provincial-level PCs in the MD, as follows:

Theory and practice show that this activity must be guided by 04 viewpoints: i) It must be imbued with the viewpoints and guidelines of the Communist Party of Vietnam; ii) It must ensure compliance with the Constitution and laws of Vietnam; iii) It must ensure justice and protect the legitimate rights and interests of the State, society, and disputing parties; iv) It must contribute to maintaining local stability and social order. These are guiding, interrelated viewpoints that create implementation efficiency; they require subjects to fully grasp and adhere to them.

To build on achievements and overcome limitations, the dissertation has proposed 06 groups of solutions: i) Perfecting the legal system related to LUR dispute resolution; ii) Improving the quality of guidance on law application; iii) Improving the quality of implementation of legal provisions; iv) Strengthening training and capacity building for Court officials; v) Strengthening coordination between the People's Court and related agencies; vi) Strengthening the application of digital technology. These are basic, feasible solutions, both immediate and long-term, requiring serious, synchronous, and systematic implementation within the overall integrity of ADPL to achieve the set goals.

CONCLUSION

Based on inheriting, analyzing, and developing domestic and foreign research on land law, civil procedure law, and the application of law (ADPL) in appellate adjudication (AA). From there, the dissertation delves into unaddressed issues, especially the specificities of AA of LUR dispute cases by provincial-level PCs in the MD region, an area with many complex economic, social, and legal factors impacting judicial activities.

On the theoretical front, the dissertation has systematized and clarified the scientific basis of ADPL in AA of LUR dispute cases through a system of related concepts analyzed fully and linked to Vietnamese legal practice. The dissertation affirms that ADPL in this context is not merely the selection and application of existing legal norms, but also the process of evaluating evidence, analyzing case facts, and comparing them with legal standards to issue a correct judgment, ensuring legality, reasonableness, and suitability to social life. The dissertation indicates that the ADPL process... must adhere to four basic stages: (1) Studying, analyzing, and evaluating facts, documents, and evidence; (2) Searching for and selecting appropriate legal norms; (3) Issuing a legal application document (judgment, decision); (4) Organizing the implementation of the issued judgment or decision.

On the practical front, through surveys at provincial-level PCs in the MD, the dissertation has provided a comprehensive picture of the LUR dispute situation and AA activities. The research results show that the number of LUR dispute cases in this region is trending upwards and

evolving complexly, especially in the context of urbanization, the development of residential and industrial zones, and the resurgence of the real estate market. In this context, the appellate adjudication councils of provincial-level PCs have endeavored to analyze files, select appropriate legal bases, and issue judgments and decisions that protect the legitimate rights and interests of the litigants and the solemnity of the law. However, the study also reveals certain limitations, such as some specialized bodies of the provincial-level PCs not being truly urgent or timely in accepting and resolving cases; and confusion in handling specific situations like the withdrawal of appeals or protests, or the dismissal of cases for other reasons... The dissertation affirms that enhancing the quality of ADPL in AA of LUR dispute cases by provincial-level PCs in the MD is an urgent requirement, linked to the goal of building and perfecting the socialist rule-of-law state of Vietnam, while also contributing to the protection of human rights and citizens' rights. Adjudication is not just a tool for law enforcement but also a method for resolving social conflicts and strengthening public trust in the judicial system and the law.

Regarding solutions, the dissertation has proposed several comprehensive solutions to overcome limitations and promote existing advantages in the areas of: Perfecting legislation; Enhancing the quality of guidance and professional training; Improving the organizational and operational mechanisms of provincial-level PCs; Ensuring material facilities and the application of information technology; and Increasing publicity and transparency.

From the research and analysis results, the dissertation concludes: enhancing the quality of ADPL in AA of LUR dispute cases by

provincial-level PCs in the MD is not only a professional requirement but also a political-legal task of strategic significance. This is a crucial factor for effectively resolving land-related social conflicts, contributing to maintaining socio-political stability, promoting sustainable economic development, and ensuring justice and equality before the law. By clarifying the theoretical basis, analyzing the current status, and proposing specific solutions, the dissertation has added important scientific and practical arguments for perfecting the law and improving the quality of appellate adjudication activities in general, and the resolution of LUR disputes by provincial-level PCs in particular. The research results can be used as reference material in teaching, research, policy-making, and in the practical activities of judicial bodies in Vietnam.

**LIST OF THE AUTHOR'S PUBLISHED WORKS
RELATED TO THE DISSERTATION**

1. Nguyen Xuan Tra (2024), “Experience in land valuation in some countries around the world and the possibility of application in Vietnam”, *Journal of Social Sciences Human Resources*, ISSN: 0866 - 756X, No. 09(136)-2024, pp.13-21.
2. Nguyen Xuan Tra (2024), “Experience in land management and use in some countries around the world and lessons for Vietnam”, *Journal of Social Sciences Human Resources*, ISSN: 0866 - 756X, No. 11(138)-2024, pp.63-73.
3. Nguyen Xuan Tra (2025), “Prevention and resolution of land conflicts: Experiences from some Asian countries”, *Journal of State Management*, ISSN 2354 - 0761, No. 355 (8/2025), pp.118-122.