

# Organization functions and tasks of local government

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## **Abstract:**

Write and research theoretical issues about the organization, functions, and tasks of local governments according to current law. It is worth noting that the regulations on new administrative units are cities under centrally run cities and special administrative-economic units. Have an overview of the actual organization, functions, and tasks of the Thu Duc government, and from there have a good strategy for developing new administrative unit models and appropriate planning of the central government. for each specific locality. These strategies and plans must originate from legal regulations on the organization of territorial administrative units and be consistent with population characteristics and human resources, promoting each region's strengths to meet the needs of each region. indispensable for national socio-economic development in the new period, meeting innovation requirements for integration and sustainable development, and contributing to improving people's quality of life.

**Keywords:** Organization; function; mission; Local government.

## **1. Concept and characteristics of local government**

2013 Constitution and 2015 Law on Local Government Organization changed from the institution of "People's Council and People's Committee" to the institution of "local government". The term "local government" is officially recognized in Chapter IX of the 2013 Constitution and the Law on Organization of Local Government in 2015 and the Law amending and supplementing several articles of the Law on Organization of Government and The Law on Local Government Organization dated November 22, 2019, regulates the organization of local authorities, principles of organization and operation of local governments or local government levels in administrative units (collectively referred to as the Law on Organization of Local Governments). Local government organization in 2015 ( amended 2019). But both the 2013 Constitution and the Law on Local Government Organization 2015 ( amended 2019) do not provide the concept or explain the term local government. According to the Constitution, The 2013 Law stipulates that " Local governments are organized in administrative units of the Socialist Republic of Vietnam.

The local government level includes People's Councils and People's Committees organized appropriately." with the characteristics of the rural, urban, island, and special administrative-economic units determined by law<sup>0</sup>."According to the spirit of the 2013 Constitution, local government is organized in every administrative unit but not necessarily at the local government level. Thus, if any administrative unit is considered a level of government, it will establish both the People's Council and the People's Committee; if it is not considered a level of government, it will still organize local government but there is only one administrative institution that performs administrative management tasks. According to the 2013 Constitution, local governments are not only People's Councils and People's Committees but may also have institutions with other names that perform management and administration on a certain territory or may just be an executive agency. The government is established in many different ways (it can be established by a decision by a higher-level administrative agency, elected by a lower-level People's Council, or in other ways). Thus, the Constitution opens up the possibility of many ways to establish local government agencies in different administrative units. Institutionalize the 2013 Constitution, The 2015 Law on Local Government Organization (amended 2019) stipulates that " *Local government levels include People's Councils and People's Committees organized in administrative units of the Socialist Republic of Vietnam*". This regulation also ends the previous pilot implementation of not organizing People's Councils of districts, districts, and wards. The Law on Local Government Organization regulates the unified functions and tasks of local governments at the provincial, district, commune, urban, and rural levels, increasing the autonomy and self-responsibility of local governments. Besides, changing the name of the local government also aims to promote the dynamism and creativity of the local government, while affirming the smooth state administrative system in the unitary state.

From the above regulations, we can see several characteristics of local governments :

*One is that local* government has the nature of state power, exercising state power locally. The nature of state power of local governments is expressed through the position, legal nature, functions, and tasks of local government agencies and local government levels.

*Second,* Local governments have clearly defined authority and responsibility in promulgating state management documents, organizing the implementation of State laws, and deciding on measures to build and develop socio-economics. local association.

*Third,* local governments are organized and operate according to the principle of centralization and democracy, forming an administrative hierarchy from top to bottom in the direction of subordinates obeying superiors, and localities obeying the Central Government.

*Fourth,* the organizational apparatus of the local government is established by the local people elected directly or indirectly to organize the exercise of state power locally. Local governments are responsible to superior state agencies voters and local people.

From the above characteristics, it can be understood: "Local governments are state institutions, or self-governing institutions of local territorial communities, with the legal status of public power, established constitutionally. and legally, to manage and operate all aspects of state and social life in an administrative-territorial unit of a country, within the limits of authority, procedures, and certain methods prescribed by law. decided."

## 2. How local government is organized

“The administrative units of the Socialist Republic of Vietnam are classified as follows: The country is divided into provinces and centrally run cities; The province is divided into districts, towns, and provincial cities; Centrally run cities are divided into districts, towns, and equivalent administrative units; The district is divided into communes and towns; Provincial towns and cities are divided into wards and communes; The district is divided into wards. Special administrative-economic units are established by the National Assembly. The establishment, dissolution, merger, division, and adjustment of boundaries of administrative units must consult local people and follow the order and procedures established by the National Assembly. Statutory ". In centrally run cities, in addition to existing administrative units such as districts, wards, and towns, there are also administrative units equivalent to the district level. This equivalent administrative unit is determined to be a city under a centrally run city. Accordingly, the 2015 Law on Local Government Organization ( amended) also officially stipulates a new district-level administrative unit, which is a city under a centrally run city. For example, Thu Duc city belongs to Ho Chi Minh City according to the urban government construction project of Ho Chi Minh City.

Thu Duc City in Ho Chi Minh City was to be established by the National Assembly Standing Committee at the end of 2020 based on merging 3 old districts: District 2, District 9, and Thu Duc District. Except for the centrally run cities that currently do not have affiliated cities, the remaining 58 provinces in the country all have provincial cities, and many localities have 2 to 3 provincial cities (both The country currently has 77 cities under 58 provinces). Thus, they are the same provincial administrative unit, but the provinces have cities and towns under the province, and the cities under the Central Government do not have cities (except Son Tay town, the capital (formerly a city in Ha Tay province, now part of Hanoi city) is creating irrationalities in the administrative structure between provincial-level administrative units, creating difficulties for the development of direct cities. belongs to the Central Government. Therefore, allowing the establishment of cities under centrally run cities is appropriate both theoretically and practically.

In addition, Article 110 of the 2013 Constitution also stipulates "*special administrative-economic units*" established by the National Assembly. Previously, this issue was regulated in Clause 8, Article 84 of the 1992 Constitution (amended and supplemented in 2001) on the tasks and powers of the National Assembly. This model currently exists in the Phu Quoc district of Kien Giang Province, the Van Don district of Quang Ninh Province, Con Dao district of Ba Ria-Vung Tau Province... “ The organization of local government, tasks, powers and organizational principles, and operating methods of local government in special administrative-economic units are prescribed by the National Assembly when establishing the administrative unit. main - that special economy .” Concretizing Article 111 of the 2013 Constitution, Article 4 of the Law on Organization of Local Governments 2015 (amended 2019) defines that local governments in rural areas include local governments in provinces, districts, and communes. Urban local governments include local governments in centrally run cities, districts, towns, provincial cities, centrally run cities, wards, and towns. Chapters in the Law on Local Government Organization 2015 (amended 2019) also stipulate the classification of each type of government. Chapter 2 regulates local government in rural areas.

Chapter 3 regulates local government in urban areas. Chapter 4 regulates local government on islands. Chapter 5 regulates local governments in special administrative-economic units.

In the Resolution of the 13th National Congress of the Party supplementing and perfecting the local government: "*Continue to perfect the organization of local government by rural, urban, island areas, administrative and economic units.*" especially under positive law; *Implement and summarize the urban government pilot to build and operate urban government governance models in a streamlined, effective and efficient manner. Connect and innovate the organizational apparatus and operating mechanisms of the Fatherland Front and socio-political organizations at all levels. Reform the decentralization of the central budget and local budgets, ensure the leading role of the central budget, and enhance the initiative and autonomy of local budgets.* The 2013 Constitution has created a legal basis for reforming and innovating the local government model by regulating the "*local government level*". Innovating the local government model helps clearly distinguish the management and administration of urban government and rural government activities. The Thu Duc government level according to current regulations includes the People's Council and People's Committee of Thu Duc City, while wards only organize ward People's Committees. The City People's Council held its first meeting on January 22, 2021, to pass Resolutions recognizing the election results for the positions of Chairman, 03 Vice Chairmen, 02 Heads of Committees, and 02 Deputy Heads of Committees of the City Council. Thu Duc Street.

### **3. Functions and tasks of local government agencies**

According to Article 112 of the 2013 Constitution and the 2015 Law on Local Government Organization (amended in 2019), which stipulates the basic principles to determine the roles, tasks, and powers of local authorities, this is a completely new regulation. of the 2013 Constitution because the 1992 Constitution does not have a separate provision regulating this issue. Based on Clause 1, Article 112, local authorities have two groups of tasks and powers : (i) Organize and ensure the implementation of the Constitution and laws in the locality; (ii) Decide on local issues according to the provisions of law. And affirmed that "Governments at any administrative level are subject to inspection and supervision by superior state agencies." The regulations ensure the consistency of management activities from central to local levels, which promotes flexibility in management activities (based on the specific conditions and circumstances of each locality). ). In Clause 2, Article 112, an important orientation is stated to establish the tasks and powers of local authorities, which is "to delineate the authority between central and local state agencies and each level of local government". On that basis, the 2015 Law on Local Government Organization (amended 2019) stipulates the tasks and powers of each level of local government in detail and specifically. The 2015 Law on Local Government Organization (amended 2019) emphasizes that the decentralization of powers to local government levels must be regulated in-laws: "The decentralization of powers to local government levels must be regulated in-laws.

In this case, the law must stipulate specific tasks and powers that local governments may not decentralize or delegate to lower-level state agencies or other agencies or organizations. Local governments are autonomous and responsible for implementing decentralized tasks and powers. Higher-level state agencies, within the scope of their duties and powers, are responsible for inspecting and checking the constitutionality and legality of the implementation of tasks and powers delegated to local authorities at all levels. ”<sup>0</sup>. In addition, " In case of necessity, local governments are assigned to perform several tasks of higher-level state agencies with conditions ensuring the implementation of those tasks." This regulation is intended to overcome the situation where many central tasks are assigned to localities to perform, but they are only assigned tasks without conditions (material, human resources, etc.) to ensure implementation, causing difficulties. for the local area and did not achieve high efficiency.

The People's Council and People's Committee are two agencies that clearly show close connection and unity to form the local government. According to the provisions of Clause 1, Article 114 of the 2013 Constitution, the local government level includes the People's Council and People's Committee. Therefore, the functions and tasks of local authorities are specified in Clause 1, Article 112 of the 2013 Constitution, but are also most clearly expressed through the functions and tasks of People's Committees and People's Councils according to the Law on Organization of Local Government 2015 (amended 2019). ). The People's Council is the body that represents the will, aspirations, and ownership of the local people; The People's Council is a local state power agency, that decides on local issues, supervises compliance with the Constitution, laws, and the implementation of resolutions of the People's Council in the area<sup>0</sup>. According to the above regulations, the People's Councils at all levels represent all classes and religions in the local community with representatives of all ethnic groups living in Vietnam (ensuring the proportion of language representation). said by the people).

Local voters conduct People's Council elections according to four principles: equality, direct, popular, and secret. The People's Council has state power: it has the right to decide on local issues as prescribed by the 2015 Government Organization Law at each level: province, district, and commune; Supervise compliance with the Constitution and local laws and implementation of resolutions of the People's Council. If a People's Council delegate does not perform his duties well, voters have the right to dismiss that delegate and elect another delegate. This is one of the forms of people's supervision of the People's Court Council, demonstrating the mechanism of accountability to the People. According to the principle of democratic centralism in building the state apparatus and according to the provisions of Clause 1, Article 112 of the 2013 Constitution, "Governments at any administrative level are subject to inspection and supervision by state agencies." superior state", so the People's Council is subject to inspection and supervision before the superior state agency such as the directly superior People's Committee (for the provincial level, it is the Government)...

The People's Committee is the executive body of the People's Council; The People's Committee is a local state administrative agency. The People's Committee at the local government level is the executive body of the People's Council. The People's Committee is established based on the People's Council at the same level and elected by the People's Council at the same level.

The People's Committee is responsible for implementing the resolutions of the People's Council at the same level: The People's Committee organizes and directs agencies and branches to implement the resolutions of the People's Council and put forward the resolutions of the People's Council. people's community becomes a reality in life. The People's Committee reports on its work and is responsible to the People's Council at the same level for its activities: The People's Committee reports its work to the People's Council at the same level; People's Council delegates have the right to question: the Chairman of the People's Committee, the Vice Presidents and other members of the People's Committee as well as the Heads of specialized agencies under the People's Committee at the same level; The People's Council also supervises, the People's Council has the right to: dismiss and dismiss the Chairman, Vice Chairman and other members of the People's Committee; vote of confidence for members of the People's Committee; annul legal documents of the People's Committee and the Chairman of the People's Committee if those documents are contrary to the Constitution, laws, documents of superior state agencies, or contrary to resolutions of the People's Council. people of the same level. The People's Committee is elected by the People's Council at the same level, but the election results of the People's Committee must be directly approved by the Chairman of the People's Committee at the upper level, and for the Provincial People's Committee, it must be approved by the Prime Minister. The People's Committee is subject to the direction, urging, and inspection of the work activities of the immediate superior People's Committee. The People's Committee is a local state administrative agency in the system of state administrative agencies organized uniformly from the center. care to the facility. The People's Committee performs the function of local state management, contributing to ensuring unified direction and management within the state administrative apparatus. The People's Committee is the agency that directly organizes and directs agencies and departments under its authority to carry out state management activities for all branches and fields in the locality.

Functions of the People's Council (People's Council) and People's Committee (People's Committee) are concretized into the tasks and powers specified in the Law on Supervision Activities of the National Assembly and People's Councils 2015, the Law on Local Government Organization 2015 ( amended 2019).

According to the Law on Local Government Organization 2015 ( amended in 2019), the People's Council has two main functions: The decision function and the supervision function. (i) Decision functions of the People's Council such as deciding on organization and ensuring the implementation of the Constitution and laws; deciding on government construction; deciding on the fields of economy, natural resources, environment, health, labor... Duties and powers of the People's Council in urban areas, in addition to performing the same tasks and powers as the People's Council in rural areas, the People's Council in urban areas has specific tasks: "Decide on land use planning and plans of centrally run cities, including land use planning and plans of affiliated districts and wards. Decide on planning for construction and urban development within the scope of decentralization. Decide on measures to promote the socio-economic center role of large urban areas about localities in the region, the region, and the whole country according to the provisions of law. Decide on measures to manage the population in the city and organize urban residential life; Adjust population according to planning, ensuring the legitimate rights and interests of the People".

Regulating the tasks and powers of the People's Council in administrative units in a centralized manner at the provincial level, gradually decreasing to the district to commune level. (ii) Law on Supervision Activities of the National Assembly and People's Councils 2015 and Resolution No. 594 /NQ-UBTVQH15 dated December 19, 2022, on guidelines for supervision activities of the People's Council and the Standing Council People's Council, Committee of the People's Council, Delegate Group of the People's Council and delegates of the People's Council, regarding objects of supervision of the People's Council including the Standing Committee of the People's Council, the People's Committee, and the People's Court. People's Committee, People's Procuracy, civil judgment enforcement agency at the same level, and Committees of the People's Council at the same level, People's Council at the immediate lower level. Other local agencies and organizations when considered necessary. Regarding the supervision content of the People's Council, the Standing Committee of the People's Council supervises compliance with the Constitution and local laws and the implementation of resolutions of the People's Council at the same level; Supervises the activities of the People's Committee, agencies under the People's Committee, People's Court, People's Procuracy, civil judgment enforcement agencies at the same level and People's Councils at lower levels; Supervise decisions of the People's Committee at the same level and resolutions of the People's Council at the immediate lower level; When deemed necessary, the People's Council, Standing Committee of the People's Council, and Committees of the People's Council shall supervise the activities of other agencies, organizations, and individuals in the locality. The form of supervision of the People's Council is prescribed in Article 57 of the Law on Supervision Activities of the National Assembly and People's Councils 2015 and Article 87 of the Law on Local Government Organization 2015 (amended in 2019). (1) Review work reports of the Standing Committee of the People's Council, the People's Committee, the People's Court, the People's Procuracy, civil judgment enforcement agencies at the same level, and other reports. (2) Consider answering questions. (3) Review decisions of the People's Committee at the same level, resolutions of the People's Council at the immediate lower level that show signs of contravention of the Constitution, laws, legal documents of superior state agencies, and resolutions of the People's Council people at the same level. (4) Thematic supervision: based on the supervision program, the People's Council issues a resolution to establish a thematic supervision team at the request of the Standing Committee of the People's Council (Article 62 of the Law on Supervision Activities of the National Assembly and People's Council 2015). (5) Obtain votes of confidence and vote of confidence for people holding positions elected by the People's Council. Among the above forms of supervision, people are most interested in and can easily follow the supervision activities of the People's Council: "review and answer questions" and "thematic supervision". (i) Consider answering the questions of those questioned as prescribed in Point dd, Clause 1, Article 5 of the Law on Supervision Activities of the National Assembly and People's Council 2015.

People's Council delegates question the Chairman of the People's Committee, other members of the People's Committee, the Chief Justice of the People's Court, the Director of the People's Procuracy, heads of agencies under the People's Committee same level; within the scope of its duties and powers, monitor compliance with the Constitution and laws; Supervise the settlement of complaints, denunciations and petitions from local citizens.

According to Article 2 of the 2015 Law on Supervision Activities of the National Assembly and People's Councils, "Questioning is the act of a National Assembly delegate raising an issue that is the responsibility of the President, Chairman of the National Assembly, Prime Minister, Ministers, other members of the Government, Chief Justice of the Supreme People's Court, Director of the Supreme People's Procuracy, State Auditor General; People's Council delegates raise issues that fall under the responsibility of the Chairman of the People's Committee, other members of the People's Committee, the Chief Justice of the People's Court, the Director of the People's Procuracy, and the heads of agencies under the Committee. People's Committee at the same level and request these people to answer about their responsibilities for the raised issue. Questioning is to clarify the responsibilities of subjects under the supervision of the People's Council. The People's Council's questioning activities are aimed at issues related to the interests of the majority of voters, of interest to a large number of people, and issues that public opinion is upset about and needs measures to improve, amend, and complete. (ii) on thematic supervision: According to Clause 3, Article 88 of the Law on Supervision Activities of the National Assembly and People's Council in 2015; Article 6 of Resolution No. 594/NQ-UBTVQH15 of the National Assembly Standing Committee, the supervisory subject has the right to request agencies, organizations and individuals to participate and coordinate supervision activities; The requested agencies, organizations and individuals are responsible for participating in the specific monitoring team. Thematic supervision takes place: agencies with supervisory functions (such as the Standing Committee of the People's Council, the People's Council Committees, the Fatherland Front, and the District People's Council according to selected localities); Agencies with similar functions of inspection and supervision of the Party (such as the Internal Affairs Committee, the Provincial Party Committee Inspection Committee); press agencies (role of capturing information and propagating for monitoring activities); Other state management agencies. Depending on each thematic supervision, choose the form and method of coordination to ensure compliance with the content: request to provide information and documents; Suggest sending people to join the monitoring team at working sessions or field surveys; request to discuss and evaluate the current situation. Thereby, each issue is considered by the Board, with supporting data and an overview, objective and accurate assessment.

Duties and powers of the People's Council of Thu Duc City: Thu Duc City does not establish commune (ward) level government, only organizes state administrative agencies, according to Resolution 131/2020/QH14 on To organize urban government in Ho Chi Minh City, wards in Thu Duc city will not have the organization of People's Councils. Therefore, in addition to the duties and powers of the district-level city people's council, it also carries out the duties and powers of the ward people's council. such as: Deciding onward and commune budget revenue and expenditure estimates; Adjust local budget estimates if necessary; approving ward and commune budgets; Approve the policy of establishing, dissolving, dividing, merging, and adjusting the boundaries of ward and commune administrative units; Supervise the activities of the People's Committees of wards and communes. Therefore, the People's Council has the authority to supervise the activities of both the People's Committee of Thu Duc City and the People's Committees of its affiliated wards. Therefore, the supervisory role of the People's Council in the wards of Thu Duc City is currently not guaranteed because this authority has not been specifically regulated on the order and method of implementation.



For supervision activities of Thu Duc wards, it is necessary to strengthen the ownership and representation of the people through many channels, such as National Assembly deputies, standing members of the People's Council of Thu Duc City, representative groups, Delegate of Thu Duc City People's Council. At the same time, strengthen the Party's leadership role, the effectiveness and efficiency of the government's management activities, and the criticism of the Fatherland Front and socio-political organizations at all levels to monitor and control the power of the Party. state power.

According to the Law on Organization of Local Government 2015 ( amended in 2019), the People's Committee has two main functions: (i) The function of performing state management activities (the People's Committee manages all areas of social life). Association, management activities of the People's Committee are carried out according to decentralization, decentralization, and authorization of superior state administrative agencies ). (ii) The functions of the People's Committee are also concretized into the tasks and powers of the People's Committee according to the provisions of the Law on Organization of Local Government 2015 (amended 2019). The tasks and powers of the People's Committee have been decentralized, decentralized, and authorized within the scope of management. The Chairman of the People's Committee is responsible for leading and managing the work of the People's Committee. Leading and directing the implementation of tasks of implementing the Constitution, laws, documents of superior state agencies, People's Councils and People's Committees at the same level, and Chairman of the People's Committee according to the provisions of current law, there are also additional Leadership tasks and responsibility for the operations of the state administrative system in the area, ensuring uniformity and smoothness. Directing administrative reform and reform of civil service and civil servants in the local administrative system.

According to the current situation, the authority of Thu Duc City People's Committee and Ward People's Committee is not unified according to the provisions of the Law on Local Government Organization 2015 (amended 2019). (1) Regarding the appointment of Heads of specialized agencies: Article 26, Article 54 of the Law on Local Government Organization 2015 (amended and supplemented in 2019) stipulates that the People's Council of Thu Duc City elects and dismisses, Dismiss members of the People's Committee of Thu Duc city. According to Article 12 of Decree No. 37/2014/ND-CP (amended and supplemented by Decree No. 108/2020/ND-CP), the Chairman of the district People's Committee will appoint the head and deputy head of the head. specialized agencies under the district People's Committee (appoint Head of Department, Deputy Head of Department). But this Decree only applies to specialized agencies under the People's Committees of districts, towns, and provincial cities and does not apply to specialized agencies under the People's Committees of centrally run cities... However, according to the 2015 Law on Local Government Organization (amended and supplemented in 2019), the City People's Committee of centrally run cities also has specialized agencies. Therefore, the authority to appoint Heads and Deputy Heads of specialized agencies under the City People's Committee of a centrally run city is still within the legal framework and under the authority of the Chairman of the People's Committee at the same level.

Chairman of Thu Duc City People's Committee, the authority to decide on the appointment and dismissal of heads of specialized agencies under the People's Committee can only be implemented after the People's Council at the same level elects and dismisses People's Committee members. Therefore, Decree No. 37/2014/ND-CP (amended and supplemented by Decree No. 108/2020/ND-CP) should be amended and supplemented. The Chairman of the district People's Committee will appoint the head-level Deputy heads of specialized agencies under district-level People's Committees (including specialized agencies under City People's Committees of centrally run cities) following the Law on Promulgation of Legal Documents 2015 (amended), added in 2020). (2) The right to promulgate legal documents of the Ward People's Committee under Thu Duc City is also more limited than the commune-level People's Committee. The People's Committees of wards under Thu Duc City do not have the right to promulgate legal documents. This is the biggest difference between the authority of the ward under Thu Duc and other equivalent commune levels. Articles 144 and 145 of the Law on Promulgation of Legal Documents 2015 (amended and supplemented in 2020), stipulate the authority to promulgate legal documents of the Commune People's Committee (including the Ward People's Committee). Compared with these regulations, the People's Committee of the ward in a centrally run city naturally has the right to promulgate legal documents. However, Resolution No. 131/2020/QH14 does not stipulate this right of Ward People's Committees in centrally run cities. Therefore, it is recommended to amend and supplement Resolution No. 131/2020/QH14 dated November 16, 2020, on organizing urban authorities in Ho Chi Minh City on regulations on authority to promulgate legal documents. of the Commune People's Committee (including the Ward People's Committee) by the Law on Promulgation of Legal Documents in 2015 (amended and supplemented in 2020).

The People's Council includes delegates, standing bodies of the People's Council, and committees of the People's Council. (i) The number of the People's Council will be based on the principle of population and depends on the region and region (at the provincial level, the People's Council of centrally run cities has from 50 to 85 delegates, the Provincial People's Council has from 50 to 85 delegates, In Hanoi and Ho Chi Minh City alone, 95 delegates are elected. At the district level, the district People's Council has from 30 to 40 delegates; the People's Council of towns, provincial cities, and centrally run cities has from 30 to 40 delegates, the District People's Council has from 30 to 40 delegates. At the commune level, the Commune People's Council has from 15 to 35 delegates. The Ward People's Council has from 25 to 35 delegates. The Town People's Council has from 15 to 30 delegates). (ii) Standing People's Council, in rural areas, provincial level: The standing People's Council of the province includes the Chairman of the People's Council, Vice Chairman of the People's Council, and members who are Heads of the Provincial People's Council. In case the Chairman of the Provincial People's Council is a full-time delegate of the People's Council, there is a Vice Chairman of the People's Council; In case the Chairman of the Provincial People's Council is a delegate of the People's Council who operates part-time, there are two Vice Chairman of the People's Council. The Vice Chairman of the Provincial People's Council is a full-time delegate of the People's Council.

Thus, in the structure of the Provincial People's Council, there is no title of Chief of the People's Council Office. The Standing Committee of the District People's Council includes the Chairman of the People's Council, a Vice Chairman of the People's Council and members who are Heads of the District People's Council. The Chairman of the District People's Council may be a full-time delegate of the People's Council; The Vice Chairman of the District People's Council is a full-time delegate of the People's Council. The Standing Committee of the Commune People's Council consists of the Chairman of the People's Council, a Vice Chairman of the People's Council and additional members who are Heads of the Commune People's Council. The Vice Chairman of the Commune-level People's Council is a full-time delegate of the People's Council. In urban areas, the Standing Committee of the People's Council of Centrally Run Cities includes the Chairman of the People's Council, Vice Chairman of the People's Council, and members who are Heads of the People's Council of Centrally Run Cities. In case the Chairman of the People's Council of a centrally run city is a full-time delegate of the People's Council, there is a Vice Chairman of the People's Council, in the case of the Chairman of the People's Council of a centrally run city. As delegates of the People's Council operating part-time, there are two Vice Chairmen of the People's Council. The Vice Chairman of the People's Council of centrally run cities is a full-time delegate of the People's Council.

The Standing Committee of the District People's Council consists of the Chairman of the People's Council, a Vice Chairman of the People's Council and members who are Heads of the District People's Council. The Chairman of the District People's Council can be a full-time delegate of the People's Council, and the Vice Chairman of the District People's Council can be a full-time delegate of the People's Council. The Standing Committee of the People's Council of a town, provincial city, or centrally run city is composed of the Chairman of the People's Council, a Vice Chairman of the People's Council and members who are Heads of the People's Council. The Chairman of the People's Council of a town, provincial city, or centrally run city can be a full-time delegate of the People's Council; The Vice Chairman of the People's Council of a town, provincial city, or centrally run city is a full-time delegate of the People's Council. (iii) Committees of the People's Council (in rural areas and at the provincial level: Committees of the Provincial People's Council include: the Head, Deputy Head, and members. The Provincial People's Council establishes the Legal Committee, Economic-Budget Committee, and Cultural and Social Committee; where there are many ethnic minorities, an Ethnic Committee will be established. The National Assembly Standing Committee regulates the standards and conditions for establishing the Ethnic Committee specified in this Clause.

The District People's Council Committee consists of a Head, a Deputy Head, and members. The District People's Council establishes a Legal Committee and a Socio-Economic Committee, and where there are many ethnic minorities, an Ethnic Committee is established. The Committee of the Commune People's Council consists of the Head, Deputy Head, and members. The Head of the Committee is a Standing Member of the Commune People's Council. The Commune People's Council establishes a Legal Committee, an Economic-Budget Committee, and a Social-Cultural Committee. In urban areas, the Committee of the People's Council of a centrally-run city includes the Head, Deputy Head, and members, and the number of members of the Committees of the People's Council is directly under the People's Council of the city. central decision.

In case the Head of the Committee of the People's Council of a centrally run city is a full-time delegate of the People's Council, the Committee will have a Deputy Head; In case the Head of the Committee of the People's Council of a centrally run city is a delegate of the People's Council who operates part-time, the Committee has two Deputy Heads. The Deputy Head of the People's Council of a centrally run city is a full-time delegate of the People's Council. The People's Council of the centrally run city establishes the Legal Committee, the Economic-Budget Committee, the Cultural-Social Committee, and the Urban Committee. The District People's Council established a Legal Committee and a Socio-Economic Committee; The People's Council of a town, provincial city, or centrally run city is composed of a Head, a Deputy Head, and members. The People's Councils of towns, provincial cities, and centrally run cities establish a Legal Committee and a Socio-Economic Committee. In towns and provincial cities with many ethnic minorities, an Ethnic Committee will be established. The Ward People's Council consists of a Head, a Deputy Head, and members. The Ward and Town People's Councils established a Legal Committee and a Socio-Economic Committee.

The People's Committee has members of the People's Committee and specialized agencies of the People's Committee. (i) Number of members of the People's Committee: In rural areas, Members of the Provincial People's Committee<sup>0</sup> include the Chairman, Vice Chairman and members. The People's Committee of type I provinces has no more than four Vice Chairmen, and the People's Committee of type II and III provinces has no more than three vice chairmen. Members of the District People's Committee include the Chairman, Vice Chairman, and members. People's Committees of Class I districts have no more than three Vice Presidents, and Class II and Class III provinces have no more than two Vice Presidents and members of the District People's Committee. including members who are heads of specialized agencies under the district People's Committee, military commissioner, and police commissioner. Members of the Commune People's Committee include the Chairman, Vice Chairman, Military Commissioner, and Police Commissioner. Commune People's Committees of type I and II have no more than two Vice Chairmen; Class III communes have a Vice Chairman. In urban areas, members of the People's Committee of centrally run cities include the Chairman, Vice Chairman, and members. Hanoi City and Ho Chi Minh City have no more than five Vice Chairman of the People's Committee and members of the People's Committee. Other centrally run cities have no more than four Vice Chairmen of the People's Committee, members of the People's Committee of centrally run cities, including members who are heads of specialized agencies under the People's Committee of centrally run cities. central government, a Commissioner in charge of military affairs, Commissioner in charge of public security. Members of the District People's Committee include the Chairman, Vice Chairman, and Commissioners. The District People's Committee type I has no more than three Vice Chairman; Class II and Class III districts have no more than two Vice Presidents and Members of the District People's Committee, including Commissioners who are heads of specialized agencies under the District People's Committee, Military Commissioners, and Assistant Commissioners. blame the police.

Members of the People's Committees of towns, provincial cities, and centrally run cities include the Chairman, Vice Chairman, and members of the People's Committee of the town, provincial city, and city.

Class I centrally-run cities have no more than three Vice Presidents; Towns, provincial cities, Class II and III centrally-run cities have no more than two Vice Presidents and Party Committee members. People's Committees of Towns, provincial cities, and centrally run cities include members who are heads of specialized agencies under the People's Committee of Towns, Provincial Cities, and Municipal Cities. directly under the central government, the Commissioner in charge of military affairs, Commissioner in charge of public security. Members of the Ward People's Committee include the Chairman, Vice Chairman, Military Commissioner, and Police Commissioner. The People's Committee of Class I wards has no more than two Vice Chairman, Class II, and Class II wards. III has a Vice President. Thus, it is stipulated that members of the People's Committee at the provincial and district levels include the Chairman, Vice Chairman members who are heads of specialized agencies under the committee, members in charge of military affairs, and members of the People's Committee. in charge of the police to ensure that the People's Committee's collective working principle can cover all areas in the locality, and at the same time create favorable conditions for the People's Council to perform its supervisory function. and get votes of confidence from the heads of specialized agencies under the People's Committee and local police and military agencies. (ii) Organization of the People's Committee: Specialized agencies under the People's Committee are organized at the provincial and district levels, serving as an advisory body and helping the People's Committee perform state management functions in sectors and fields. local areas and perform tasks and powers according to the decentralization and authorization of superior state agencies; Specialized agencies under the Provincial People's Committee include Departments and department-equivalent agencies; Specialized agencies under the District People's Committee include: Departments and department-equivalent agencies.

According to the Law on Local Government Organization 2015 (amended 2019) and Clause 4, Article 1 of Resolution No. 131/2020/QH14 of the National Assembly: Organization of Urban Government in Ho Chi Minh City "*Organization of Government*" Local authorities in districts, cities, communes, and towns of the City are implemented by the provisions of the Law on Organization of Local Governments. Decree No. 33/2021/ND-CP of the Government: Detailed regulations and measures to implement Resolution No. 131/2020/QH14 dated November 16, 2020, of the National Assembly on the organization of urban government in the City Ho Chi Minh City "*The number of deputies of the heads of specialized agencies under the People's Committee of Ho Chi Minh City is considered and decided by the People's Committee of Ho Chi Minh City, but the number No more than 03 people.*" (Clause 3, Article 15), currently the People's Committee of Thu Duc City has 03 Vice Chairman of the People's Committee, 13 specialized agencies, no more than 03 Deputy Heads of Department, and 01 Vice Chairman of the People's Council. Many experts' opinions have suggested that Thu Duc City should have 02 Vice Chairmen of the People's Council, 04 Vice Chairmen of the People's Committee, specialized agencies and public service units under Thu Duc City, and other agencies. Vertical branches at the same level have no more than 04 deputy-level personnel, and the workload of leadership positions at the People's Committee and People's Council has increased due to increased workload and downsizing of staff. Not only Thu Duc City, but other district-level administrative units are also facing similar problems, the number of deputies and specialists are overloaded with a lot of work and resignations of officers.

Ministries tend to increase more and more, so almost all district levels propose to increase the number of deputies and district-level specialists.

The organizational structure of agencies in Thu Duc such: (i) specialized agencies under the People's Committee, according to regulations, Thu Duc city will have 13 affiliated specialized agencies including the Office of the People's Council People and People's Committee; Interior room; Judicial departments; Financial planning office; Department of Labor, War Invalids and Social Affairs; Department of Culture and Information; Urban management office; Department of Natural Resources and Environment Department of Education and Training; District Inspector; Economic room; Public health station; Department of Science and Technology. The establishment and operation of the Department of Science and Technology is the first department-level model in the country. There is still much confusion regarding operating regulations, functions, and tasks, as well as financial mechanisms, so they have not yet been established. To truly promote effectiveness, more guidance and support is needed from specialized departments of Ho Chi Minh City; (ii) Public service units, Thu Duc city currently has 07/8 established service units including: Political Center, Children's House, Construction Investment Project Management Board in Thu Duc area Germany, Site Clearance Compensation Board, Sports Center, Cultural Center, Vocational Education Center - Continuing Education; and the Educational Training Schools are waiting for dissolution procedures; (iii) Central vertical agencies have decided to establish: Congress, Civil Judgment Enforcement Branch, State Treasury, Bank for Social and Security Policies, Military Command, Court People, People's Procuracy, Social Insurance, Tax Department, Thu Duc City Statistics Department; (iv) Vertical agencies directly under the City, departments and branches: 06/09 units have decided to establish: Thu Duc City Hospital, Le Van Thinh Hospital, Le Van Viet Hospital, Medical Center Thu Duc City, Thu Duc City Area Inspection Team, Thu Duc City Land Registration Office Branch. For Public Utility Services Company Limited: this is a type of State-owned enterprise, under the authority of the Government, and is undergoing equitization procedures, so it still maintains 03 District Public Service Company Limited. : 2, 9, Thu Duc; (v) Ward-level administrative units: According to Resolution 1111/NQ-UBTVQH14, the total number of ward-level administrative units arranged in the Thu Duc area has 04 units (Thu Thiem and An Khanh wards). , Binh An, Binh Khanh), forming 02 new wards: Thu Thiem and An Khanh wards. After arrangement, Thu Duc city has 34 wards.

## Conclude

The article studies theoretical issues about the organization, functions, and tasks of local governments according to current law. It is worth noting that the regulations on new administrative units are "cities under centrally run cities and special administrative-economic units". Have an overview of the actual organization, functions, and tasks of the Thu Duc government, and from there have a good strategy for developing new administrative unit models and appropriate planning of the central government. for each specific locality. These strategies and plans must originate from legal regulations on the organization of territorial administrative units and be consistent with population characteristics and human resources, promoting each region's strengths to meet the needs of each region. indispensable for national socio-economic development in the new period, meeting innovation requirements for integration and sustainable development, contributing to improving the quality of people's lives./.

## References

1. Constitution 2013.
2. Law on Local Government Organization 2015
3. Law amending and supplementing several articles of the Law on Government Organization and the Law on Local Government Organization dated November 22, 2019.
4. Law on Supervision Activities of the National Assembly and People's Councils 2015.
5. Law on Supervision Activities of the National Assembly and People's Councils 2015 and Resolution No. 594 /NQ-UBTVQH15 dated December 19, 2022, on guidelines for supervision activities of the People's Council, Standing Committee of the People's Council, Committee of the People's Council, Delegate Group of the People's Council and delegates of the People's Council.
6. Communist Party of Vietnam, Documents of the 13th National Congress.
7. Resolution No. 131/2020/QH14 of the National Assembly dated November 16, 2020, regulates the organization of urban government in Ho Chi Minh City.
8. Decree No. 33/2021/ND-CP of the Government: Detailed regulations and measures to implement Resolution No. 131/2020/QH14 dated November 16, 2020, of the National Assembly on the organization of urban government in the City of Ho Chi Minh.
9. The project proposes to the National Assembly to promulgate mechanisms and policies to develop Thu Duc City in Ho Chi Minh City.
10. Tran Thi Dieu Oanh, "Local government in the 2013 Constitution, Law on Organization of Local Government and Resolution of the 13th National Congress of the Party".