



The People's Ownership of Land Regime in Vietnam – History of Formation and Development

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ABSTRACT: Land ownership remains a pivotal and complex issue in Vietnam's legal and economic discourse. Unlike many other global jurisdictions, Vietnam maintains a unique "all-people ownership" regime, in which the State acts as the representative owner and uniform manager. This article examines the historical formation and evolution of this regime from the feudal era to the present day, aiming to evaluate its compatibility with a socialist-oriented market economy and international integration. Using a historical-legal analysis, the research explores how the supreme ownership of the feudal State and traditional community practices provided the foundation for contemporary land policies. The study tracks the transition through various constitutional milestones, highlighting the shift from a semi-colonial feudal economy to the absolute affirmation of universal ownership in the 1980 Constitution. It further analyses the "breakthrough" in the 1992 and 2013 Constitutions, which effectively operationalised "land use rights" as a specialised property right, allowing land to participate in market transactions through transfer, mortgage, and inheritance. The findings suggest that the current regime, rather than being a hindrance, offers a robust framework for balancing economic development with national sovereignty. The article concludes that the focus of future reforms should not be on diversifying ownership forms, but on enhancing transparency and facilitating land accumulation to meet the strategic goals of the 2021–2030 socio-economic development period.

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1. INTRODUCTION

Land ownership is always a matter of concern worldwide, and in Vietnam in particular. Unlike most countries in the world, land ownership in Vietnam has a peculiarity: land is owned by the whole people, by the State as the representative of the owner, and is uniformly managed.³ Therefore, regarding the "universal land ownership regime" in Vietnam, many questions arise about its existence and development since when? And why did Vietnam choose to recognise the universal land-ownership regime? And on that basis, the biggest question to be asked in the current period is: Is the current land ownership regime in Vietnam correct and suitable for Vietnam's market economy and international integration? This article focuses on analyzing the process of forming and developing the all-people land ownership system in Vietnam from a historical perspective, in order to answer the above questions and at the same time, reviewing this content from a historical perspective can lead to new approaches suggesting a general approach for the improvement of the regime of people's ownership of land in the socialist-oriented market economy.

2. MATERIALS AND METHODS

This study employs a historical-legal analysis and comparative archival research approach to examine the evolution of the land ownership regime in Vietnam. The methodology is structured around the systematic review of primary and secondary sources across

³ Article 53 of National Assembly of Vietnam, Constitution of the Socialist Republic of Vietnam (2013).

three distinct historical epochs: the feudal era, the transitional period (1945–1980), and the contemporary era of socialist-oriented market economy (1980–present).

The Materials analyzed in this research include: (1) Historical Legal Records: Royal decrees and codes from the Ly, Tran, Le, and Nguyen dynasties, specifically focusing on the Hong Duc Law (1483) and Gia Long Law to trace the origins of supreme state ownership. (2) Constitutional Frameworks: A comprehensive review of the five Constitutions of Vietnam (1946, 1959, 1980, 1992, and 2013) to identify the shifting legal status of "universal ownership" and "private property rights". (3) Statutory Legislation: Specific analysis of the Land Laws (1987, 1993, and 2013) and the Civil Codes (2005, 2015) to evaluate the mechanisation of land use rights as a special property right. Policy Documents: Resolution No. 19-NQ/TW and the 10-year socio-economic development strategy (2021–2030) issued by the Communist Party of Vietnam to provide context for current and future land reforms.

The Methods applied involve: Chronological Mapping: Tracing the "red thread" of land tenure changes to understand why Vietnam maintained a centralised ownership model despite global trends toward privatisation. Legal Hermeneutics: Interpreting the specific rights of the "State as the owner's representative" versus the "land use rights" granted to individuals and organisations. Synthesis and Evaluation: Assessing the compatibility of the current all-people land ownership regime with international integration and the requirements of a market-based economy.

3. RESULTS

3.1. Overview of land ownership in Vietnam from the feudal period to the August Revolution of 1945.

In Vietnam of the feudal period, the law recognized two forms of land ownership: the ownership of the whole people, which mean, the land of each village and commune and all the public property of villages and communes in the country are owned by the king (i.e. owned by the State); the Second, private ownership of land by landowners and farmers.

Agriculture to grow wet rice, the traction of buffaloes and cows appeared quite early in the territory of Vietnam. Settled life on the riverside plains has created agricultural communities, "villages" or "farms" of residents with the same origin and language. Land is cooperated and exploited by community members, therefore, according to primitive tradition, it must belong to the whole community. All community members have the responsibility to protect the common land, not allowing villages, farms and neighbors to encroach. No individual is entitled to claim permanent ownership over any specific portion of land. However, the development of production tools and farming experience allowed the village head (bodhisattva) and the "village elders" to divide the land among the members of the village for cultivation and breeding. On the contrary, when members are divided into fields, they must have obligations to the village: Fight floods, help each other when there are natural disasters, crop failures, contribute to common tasks,... When the Van Lang - Au Lac State existed, it also initially formed a concept of territory: the country under the State's common management and the affairs run by the State. That is the basis of the so-called supreme ownership of land of the State, headed by King Hung or King Thuc. However, this concept has not been clearly defined by the primitive nature of the Van Lang - Au Lac State. The land is actually under the common ownership of both communes and the commune only has to pay taxes to Lac Hau and Lac General according to the "tribute institution"⁴.

More than 1000 years of Northern colonisation have left a deep imprint on the land ownership regime of the Vietnamese people. Villages with collective ownership of land are maintained, but on top of that is a mature government apparatus with a lot of experience in solving land problems. At the same time, in the Northern colonial period in Vietnam, there were also some new forms of land ownership, namely, supreme state ownership and private ownership, but they were not yet popular. The collective ownership of the village is still absolutely dominated by the need to consolidate the community to respond to the invading forces, turn the village into "green fortresses", and a place to maintain the traditional values of the nation. From the 10th century, Vietnam restored national independence, entering the era of building feudal dynasties. The feudal ownership of land in each period has its own characteristics, but in general, there are 2 main forms: State ownership with public land and private ownership, in which the State's ownership system always dominates. The feudal state, represented by the king as the supreme owner of the land, has dominated most of the different parts of the land, but that dominance depends on each historical period, and the degree of dominance is not the same⁵. It can be seen very clearly from the beginning of the eleventh century to the end of the fourteenth century that the State ownership of land has always held a dominant position. This is the main economic basis of the State, the foundation for the State to promulgate a series of policies on land. The common feature of the Ly - Tran - Ho dynasties (1010 - 1407) is the imposition of the supreme ownership of the State covering all types of public land of villages and communes and all types of private ownership, considering it the most important basis of the centralised regime. The legal system, with the Criminal Code (Ly Dynasty) and Criminal Law (Tran Dynasty), has covered many complex land relations with the basic characteristics of encouraging private ownership and limiting communal public funds. In the last years of the fourteenth century, the rapid development of private ownership of land with the expansion of large aristocratic estates gradually became a danger to the centralized feudal State model. And Ho Quy Ly's "land limit" policy as an inevitability both abolished large private ownership of land and affirmed the role, power and supreme ownership of the State that could interfere with any type of land ownership.

⁴ Nguyen, Duc Kha. *History of Land Management*. Hanoi: Hanoi National University Publishing House, 2003, 146

⁵ Phan, Huy Le. *Land Regime and Agricultural Economy in the Le So Dynasty*. Hanoi: Van Su Di Publishing House, 1959, p. 10

The fifteenth century was the prosperous period of the centralized feudal state with the "Le So model" and culminated in the reign of King Le Thanh Tong (1460 - 1497). The Hong Duc Law promulgated in 1483 has 59 articles regulating land, which focuses on protecting the State's supreme ownership regime through tax collection and land management; strictly protect the public land regime; protect the private ownership regime of land and property, especially large ownership of nobles and landowners. Under the Le dynasty, state ownership of land held an inclusive and dominant status⁶. On the basis of confiscation and statistics of land sources, the State has established the ownership and enforcement of the Loc Dien policy to grant land to high- ranking officials and princes of the imperial court. The Le Dynasty implemented the policy of granting land to princes and officials, but also prohibited them from setting up private estates or farms, and private ownership of land slowed down due to the strong pressure of a strong centralised institution. In addition to the policy of granting land to officials, the Le So State also implemented the policy of Military Land to distribute land to the people of villages. This shows the trend of nationalising land, thereby affirming the State's supreme ownership of land. Entering the sixteenth century, the weakening of the central feudal state and the strong development of private ownership of land affected the policy of military land. Nevertheless, in the following centuries, this policy was maintained and remained the main economic support of the central feudal state. Meanwhile, the private ownership of land developed rapidly and by the beginning of the nineteenth century, it accounted for over 80% of the country's land area. However, the supreme ownership role of the feudal state was not lost because private fields were still confiscated by the state, and the imperial court could order the abolition of ownership of most farms. In the nineteenth century, with the nature of a highly centralised feudal state, the Nguyen dynasty court made efforts to restore and consolidate its land ownership. That is reflected in a series of policies, such as establishing land registers and promulgating Gia Long military land permits, ... The land law of the Nguyen Dynasty in the Gia Long law protects public fields, and at the same time protects private fields. However, in fact, the Nguyen dynasty solved the problem of land ownership in the direction of nationalisation, closely associated with restrictions on private ownership. Minh Mang's pilot land reform in 1840 in Binh Dinh is a typical example. During the Nguyen Dynasty, the process of differentiation and natural privatisation of land took place very slowly. It is noteworthy that in the South, with the policy of donating private land and successfully transferring plantations, and especially with the success of Nguyen Tri Phuong's "hamlet plantation" project since 1853, public land has increased rapidly.

However, unlike the North and Central Vietnam, the trend of privatisation of land in the South developed very strongly; by the middle of the nineteenth century, there were places where the proportion of private land accounted for 86.5%, even reaching 97.4%.⁷ In parallel with the process of maintaining and strengthening the supreme ownership of land, the State also seeks to intervene more and more deeply in the commune public land, or in other words, the feudalised commune public land is becoming more and more powerful, although in each period it is named differently. According to Truong Huu Quynh, in the Ly - Tran period, "public land in communes, although owned by the State, was still managed by the village. That is the reason why it is named "quan dien", "quan dien commune"⁸. The name Quan Dien has shown the State's ownership of the commune's public land, but since the Le Dynasty, this part of the land has also been named "commune of public land". Public land in communes and villages, in addition to being under state ownership, is also the land of "each commune and village, divided among the people in the commune to cultivate and pay for rice and that's why it is also named as above". Until the Le Dynasty, this part of the land was still dominant, existing on a fairly wide range compared to private land. This can be considered as one of the reasons for the Le dynasty to only calculate taxes on private land. The strong development of private ownership and ownership of land has had a strong impact on contemporary forms of public ownership, first of all, commune public land, further narrowing this part of land.

By the nineteenth century, the proportion of public land was generally shrunk to the point that "this type of ownership no longer plays an important role in the economic life of the country". Thus, throughout the history of Vietnam's feudal system, the general trend for communal public land is to shrink more and more to make way for the increasingly developed private land system. However, the existence of the commune public land division not only ensures the main source of income of the communes but also the economic and political basis of the State from the perspective of land ownership. In principle, the commune public land is also under the supreme ownership of the State. Therefore, the policy of most feudal dynasties was to maintain, protect and expand communal public land. Thus, in principle as well as in practice, both the State and the commune try to maintain and protect the commune's public land, trying to show their role there. Although the State holds the dominant power, in fact, the real right to use this part of the land belongs to the residents of the village. This is a manifestation of "the king's defeat in the village". But on the other hand, the power of the village is reflected in this part of the land, although there are times when it is superior, in the whole historical process, basically, the village is still under pressure to dominate the law of the central state. Therefore, although "the king's rule is inferior to the village rule", the "village rule" does not break the "king's rule". Even for private property, the State can intervene at any time when it feels that a threat exists to the centralized central government.

⁶ Nguyen, Huy Anh. *The Process of Formation and Development of Property Law in Vietnam*. Hanoi: National Politics Publishing House, 1998, p.30

⁷ Tran, Thi Thu Luong. *The Regime of Land Ownership and Cultivation in the South in the First Half of the Nineteenth Century*. Ho Chi Minh City: Publishing House Ho Chi Minh City, 1994, p.206.

3.2. The regime of people's ownership of land in Vietnam in the period from the 1946 Constitution to before the 1980 Constitution

3.2.1. Constitution of 1946

The Democratic Republic of Vietnam was founded on September 2, 1945, based on the victory of the August Revolution of 1945, Vietnam had the first of constitution in 1946, From a legal standpoint, in this Constitution did not address land ownership directly, but rather served as a general political declaration reflecting the national context at the time, aiming to establish a new political regime and rally the people in the fight against threats to the nation. Therefore, the 1946 Constitution established the foundation for the State apparatus but did not provide provisions on the principles of the economic system in general, nor on land ownership. The 1946 Constitution states in Article 12: "Private property rights of Vietnamese citizens are guaranteed". With such a regulation, it can be seen that the land ownership relationship has four main characteristics as follows:

Firstly, the owners are very diverse. At this time, there are different economic sectors with equal legal positions. Besides some state-owned or nationalised economic establishments, private enterprises already exist and participate in economic relations.

Secondly, the objects of ownership are very diverse. The owner is not restricted in terms of the object of the ownership relationship.

Thirdly, the land ownership relationship was influenced by the feudal colonial ownership regime. This is explained by the peculiarities of the agricultural economy, in which most of the property relations formed are related to land, except for a few large cities with industrial facilities and commercial activities and production.

Fourth, the nature of the ownership regime is very diverse. In addition to state ownership, capital ownership, collective ownership, community ownership; Private ownership of the dominant land in this period was a characteristic of Vietnam's semi-colonial feudal economy.

The 1946 Constitution in general was once highly valued when it first affirmed the status of the Vietnamese people with land ownership - the basis of private ownership in the highest law of the State. On the basis of the 1946 Constitution, the State of the Democratic Republic of Vietnam has also promulgated a number of legal documents to protect the legal property rights of citizens. For example, the Decree of May 22, 1950 amending a number of regulations and institutions in the civil law and the Decree of February 20, 1952 promulgating regulations on procedures for registration of purchase, sale, donation and exchange of houses and land.

During this period, Vietnam's socio-economic nature was wartime economy, in which the rural economy was the mainstay. Due to ownership, other economic and civil rights, for example, business rights, the right to participate in transactions, and inheritance rights arise. Therefore, the State allowed the free purchase, sale, and transfer of land, creating conditions for landowners to effectively exploit and use their land⁸. By the end of 1953, the National Assembly passed the "Land Reform" law as the legal basis for implementing the slogan "Ploughmen have fields" and for gradually implementing land reform in the North. In July 1956, the Land Reform was basically completed. It can be said that the Constitution's ownership regime to this point has focused on ensuring private land ownership, but private land ownership exists and dominates for only a very short time.

3.2.2. Constitution of 1959

Following the Dien Bien Phu victory and the liberation of North Vietnam, the people of the North began to build a solid rear to support the South with manpower and resources to continue the national and democratic revolution in South Vietnam. In order to create a legal basis for subjects of all economic sectors to be assured of production, the State has recognised and protected the ownership rights of individual workers as well as capitalists to the means of production that they are allowed to use in production and business. In 1954, after the North was completely liberated from French colonial rule, the Vietnamese State implemented land reform, redistributing land confiscated from feudal landlords and colonialists to farmers. Not long after that, in 1957– 1958, the State continued to implement socialist-oriented agricultural reform, mobilizing small capitalists and individual farmers to participate in cooperatives. As a result, in Vietnam, two main forms of ownership of the means of production, including land, were formed: state ownership (also known as ownership by the entire people) and collective ownership (ownership by cooperatives). In addition, private ownership of land continued to exist among farmers and individuals. This provision was enshrined in the constitution of 1959. Article 12 of the 1959 Constitution stipulates: "Minerals, rivers, forests, mountains, wastelands and other natural resources that are prescribed by law to be owned by the State are owned by the whole people". Starting from the Constitution of 1959, the right to universal ownership of land has been established in the Constitution. However, because the practical situation at that time required the unity of the whole nation in the struggle against US, liberation of the South, and reunification of the country, the 1959

⁸ Truong, Huu Quynh. *The Land Regime in Vietnam*. Hanoi: Science and Technology Publishing House, 1983, p.15.

⁹ Nguyen, Minh Doan. "Regime of Ownership." *Vietnam Law and Legal Forum*, 2011. Accessed March 1, 2026. <https://vietnamlawmagazine.vn>.

Constitution still recorded in Article 11 the right to private ownership of land and other means of production: "In the transitional period in the Democratic Republic of Vietnam, the main forms of ownership of the means of production are now state ownership, that is, ownership of the whole people; cooperative ownership, specifically collective ownership of employees; ownership rights of each employee; and the ownership of national capitalists." Farmers, craftsmen and other laborers are encouraged and facilitated by the State to establish cooperatives through the contribution of land and means of production to build and develop the collective economy on the basis of collective ownership. Article 13 records: "The cooperative economy is collectively owned by the working people. The State shall especially encourage, guide and help the cooperative economy to develop." Thanks to the above regulations, by the end of 1960, the North had completed agricultural cooperativeization with 85.8% of peasant households and 73% of the ¹⁰land area in cooperatives. For capitalists, the State offered a model of public-private cooperation, supporting them to develop their economy along the socialist path. Although social prejudice against private entrepreneurs was prevalent during that period, their ownership of the means of production and property was still protected by law. The 1959 Constitution clearly stipulates in Articles 14, 15, 16, 18 and 19 that the State of Vietnam protects the ownership of land, other means of production, lawful property and income, and the lawful right to inherit property according to the law of farmers, craftsmen, individual labourers, etc., national capital, citizens, ... However, the law strictly prohibits taking advantage of the ownership of private property to disrupt the economy and undermine the State's economic policies.

Although the 1959 Constitution clearly stipulates that the State protects the private ownership of people's land, in the process of mobilising farmers to go into collective business, carry out agricultural cooperativeization and carry out socialist reform of the national economy, basically, the land in Vietnam has been gradually fully socialised."¹¹ Unlike the 1946 Constitution and the laws of the 1945-1954 period, the 1959 Constitution advocates the abolition of the private ownership regime of the means of production and, at the same time, supports the public ownership regime in two forms: ownership by the whole people and collective ownership. However, such provisions in the 1959 Constitution could not be realized. In the period 1954-1975, the country was divided into two different political regimes. To implement the policy of great national unity in the resistance war against US imperialism, the State has not yet implemented the regime of absolute ownership of the means of production. but still protect the ownership of land and means of production of individual farmers, households and other individual workers. That spirit is not only expressed in the 1959 Constitution but also in other legal documents such as the Decree dated June 29, 1960 of the Government Council on the policy of renting private houses in provinces, cities and towns; Decree of July 29, 1964 of the Government Council prescribing the rules for renting houses in cities and towns; Circular guiding the strict implementation of the law on private ownership of means of production in rural areas dated June 3, 1963; Circular No. 48/TTg dated June 1, 1963 of the Prime Minister promulgating guidelines on the strict observance of the law on ensuring the right to private ownership of means of production in rural areas, punishing crimes of infringing upon citizens' private property.

In summary, it can be concluded that the 1959 Constitution established the principle of people's ownership of land, although not in absolute terms, and recognised other forms of land ownership, namely collective ownership by cooperatives and private ownership held by some peasant households. Although there are still limitations due to historical circumstances, the regulations on the land ownership regime in this period are still an important and effective legal tool for the State to implement the policy of gradually abolishing the form of private ownership of the means of production and establishing the regime of public ownership of the means of production according to the the viewpoint set out in the Resolution of the Third and Fourth Party Congresses is "both building and renovating; in constructive renovation". Legal documents on land ownership in this period have made money important for enforcing land policies in the next period.

3.3. The Regime of the people's ownership of land in Vietnam in the period from the 1980 Constitution to the present

3.3.1. People's ownership regime in the 1980 Constitution

By 1980, the picture of land ownership in Vietnam had undergone a major change. The right of the whole people to land was declared absolute in the 1980 Constitution. After the victorious resistance war against US imperialism, Vietnam was reunified, and the whole country moved towards socialism. In the newly liberated South, the socialist reform of the private sector was carried out quickly and thoroughly. The ownership regime in Vietnam during this period was codified in the 1980 Constitution, which unequivocally affirmed land ownership by the entire people. The 1980 Constitution has determined the scope and nature of the people's ownership of land, which has not been fully stipulated in previous Constitutions. Article 19 stipulates: "Land, forests, mountains, rivers and lakes, mines, natural resources in the ground, seas and continental shelf, industry, agriculture, forestry, fishery and enterprises shall be managed by the State, banks, industry and trade. Insurance organisations, public works, railways, roads, rivers, seaways, airways, dikes and important waterway works, defence service establishments, communication systems, radio and

¹⁰ Institute of Economics. *45 Years of Vietnam's Economy (1945-1990)*. Hanoi: Publishing House of Social Sciences, 1990.p. 39 and p. 43

¹¹ Nguyen, Van Thao, and Nguyen Huu Dat. *Some Problems of Ownership in Our Country Today*, 2004, p. 176.

television, cinematography, scientific and technical research agencies, culture, social works and other assets prescribed by law as belonging to the State are all owned by the whole people." Private ownership of land is recognized as a fundamental right of citizens by the 1959 Constitution, while the 1980 Constitution only stipulates private ownership of lawful income, means of daily life and means of consumption in Article 27: "The State shall protect the ownership rights of citizens in terms of lawful income, property for savings, houses, lawful means of production of daily activities and means of production used in cases where individual labor is permitted. The law protects the right to inherit property of citizens." According to the 1980 Constitution, individuals and households are not allowed to own land, but they may use, exploit, and transfer land-based assets. If there is no property on the land, the land use right cannot be transferred, including by inheritance. In case the person assigned land dies, the land use right shall be transferred to another person who is directly using such land with the deceased person for further use. During this period, the State allocated land to cooperatives and production groups, but not to individuals and households. Therefore, civil transactions related to land have been banned. Moreover, under the socialist reform policy in South Vietnam, individuals and households are grouped into production corporations or cooperatives and the assets owned by households are very limited, mainly the means of production. Therefore, civil transactions in this period are largely aimed at meeting the basic needs of individuals and households.

In order to implement the provisions of the 1980 Constitution concerning the ownership regime, the State of the Socialist Republic of Vietnam has promulgated a number of specific legal documents such as the Decision of November 6, 1982 of the Council of Ministers on the promotion of land allocation, allocating forests to collectives and people to plant trees and create forests; The Ordinance on Protection of Industrial Property was approved by the State Council (now the Standing Committee of the National Assembly) on February 11, 1989, the 1987 Land Law, the Ordinance on Inheritance dated September 10, 1990, and the Ordinance on Housing dated March 26, 1991. In January 1988, based on the 1980 Constitution, the 1987 Land Law – the first Land Law of Vietnam was promulgated, recognising and concretising the regime of universal ownership of land. Article 1 stipulates: "Land is owned by the whole people and is uniformly managed by the State. The State allocates land to farms, forestry farms, cooperatives, agricultural production groups, forestry enterprises, people's armed forces units, state agencies, social organizations and individuals - hereinafter referred to as land users - for stable and long-term use..." Thus, in the 1980 Constitution, there is only one form of land ownership: land owned by the entire people and managed uniformly by the State. The State shall exercise unified management of land based on overall planning to ensure its rational, economical, and efficient use. Also, during this period, the State implemented socialist reforms targeting private capital and individual peasant households (primarily in the newly liberated South), whereby private ownership of land and other key means of production was not recognised, though private ownership of lawful income and means of subsistence was acknowledged

3.3.2. The system of land under the ownership of the whole people in the 1992 Constitution and 1992 Constitution (amended and supplemented in 2001)

In line with the Resolution of the Sixth Congress of the Communist Party of Vietnam, the comprehensive renovation in Vietnam has achieved significant initial results. In order to further accelerate the process of renewal, the National Assembly of the Socialist Republic of Vietnam decided to adopt the new constitution of Vietnam on April 15, 1992.

Since 1986, Vietnam has begun to carry out the renovation and construction of a socialist-oriented market economy, a rule of law state and a civil society. In the new circumstances that have emerged many new realizations, the ownership regime stipulated in Vietnamese law has undergone a fundamental change. This has been reflected in the 1992 Constitution, the Constitution of the renovation period and in other legal documents, is specifically in Article 17, 1992 constitution. Accordingly, Article 17 reaffirms the principle previously established in the 1980 and 1959 Constitutions, namely that land is not subject to private ownership but constitutes the collective property of the entire people. The State is entrusted with the unified authority to manage all land within the national territory, including land-use planning, allocation, expropriation, land assignment, leasing, the granting of land use rights, as well as inspection and enforcement against violations. In the 1992 Constitution, the State still maintains the constitutional right to land owned by the whole people with the State as the representative owner. But in fact, land users have the right to donate and transfer land use rights, which means that the State has allowed people to dispose of land assets in a limited way, within the framework of the law. The land management mechanism has also been renewed, meeting the requirements of renewing land policies, creating conditions to ensure the interests of the people. Land users shall be granted land use right certificates, recognized by the State, enjoy the fruits and results of investment in the land allocated, converted, transferred, leased, inherited, mortgaged, guaranteed, contributed capital with land use rights for production, business. Land users are obliged to use land for the right purposes, protect the land, protect the environment, pay taxes, fees and land use levies, be compensated when the State recovers land and land users must return the land to the State when there is a decision on land recovery. With this provision of the 1992 Constitution, land use rights are officially defined as a type of property right or a type of civil right and are allowed to participate in civil exchanges in the market through the following forms: conversion; Transfer; lease and inheritance of land use rights; mortgage and capital contribution with land use rights. Based on the 1992 Constitution, the 1993 Land Law passed by the National Assembly on July 14, 1993, has overcome the shortcomings of the 1988 Land Law, by amending and supplementing a number of articles that are no longer suitable to solve important issues in land management and use. The 1993 Land Law stipulates the "land use right" regime as a special type of

property right. Thus, people do not own land, but have the right to use land stably, long-term and protected by law, almost like ownership.

This is the third breakthrough in the land issue. For the first time since the collectivization of agriculture in the North in the years 1958 - 1960, the slogan "Ploughmen have fields" has acquired a practical meaning for farmers: Although the land is still owned by the State, farmer families are assigned land to be used stably for a long time. have the right to lease, mortgage, convert, transfer and inherit according to specific conditions prescribed by law. In pursuit of the policy aimed at building a prosperous people and a strong nation, as well as to better address the material and spiritual needs of the population, the State has established a legal and institutional framework that enables the development of multiple economic sectors. These include the state economy, the collective economy, the private economy, the private capitalist economy, the state capitalist economy, and the foreign-invested economy. Each of these sectors is encouraged to realize its developmental potential through various forms of organization and operation. The Constitution amended in 1992 is also the first legal basis for the development of a multi-sector market economy in Vietnam. Article 15 of the 1992 Constitution has declared: "The State develops a multi-component commodity economy according to the market mechanism with the management of the State in the socialist orientation. A multi-component economic structure with diverse forms of production and business organization based on the regime of universal ownership, collective ownership, and private ownership, in which national ownership and collective ownership are the foundations." This has been further concretized in Article 16 and Article 25 of the above-mentioned Constitution, specifically, the 1992 Constitution establishes a multi-sectoral economic structure based on diverse forms of production and business organizations, grounded in collective, state, and private ownership, with collective and state ownership as the foundation. It emphasizes mobilizing all productive capacities across various economic sectors, including state, collective, individual, private capitalist, state-capitalist, and foreign- invested economies, operating through flexible organizational forms. Furthermore, the State encourages foreign investment by safeguarding the lawful rights and interests of foreign entities and individuals, explicitly prohibiting nationalisation of foreign-invested enterprises, while facilitating overseas Vietnamese to invest in their homeland.

It can be said that the red thread running through the State's land legal documents is the continuation of the improvement of the regime of universal land ownership as stipulated in the 1980 Constitution.

3.3.3. *Ownership regime for the whole people in the 2013 Constitution period*

The 2013 Constitution builds upon the 1992 Constitution's goal of developing a socialist-oriented market economy in Vietnam. This affirms the development of a socialist-oriented market economy with many forms of ownership and a multi-sectoral economic structure; all economic sectors shall be treated equally in cooperation and competition in accordance with law. The policies of the Party and State of Vietnam have also introduced many innovations aimed at implementing a multi-component market economy, unleashing society's full potential to develop the country's economy¹². However, the 2013 Constitution continues to recognize and protect forms of universal ownership of land. According to Article 53 of the 2013 Constitution, "Land is a special resource of the country, an important resource for national development". The 2013 Constitution: From the constitutional principles in the 2013 Constitution, since then, the 2013 Land Law specifically stipulates the State's rights to the role of the owner's representative on land: "The rights of the owner's representative on land:

1) Decide on the land use planning and land use plan. 2) Decide on land use purposes. 3) To prescribe land use limits and land use durations. 4) Decision on land recovery or land requisition. 5) Decide on land prices. 6) Decision on granting land use rights to land users. 7) Decide on financial policies on land. 8) Stipulating the rights and obligations of land users"¹³. The rights of representatives of the State's land owners are prescribed by law in the 2013 Land Law, including: "The competence of the National Assembly (promulgating laws and resolutions on land; decide on national-level land use plans and plans; exercising the supreme right to supervise the management and use of land nationwide); competence of the People's Councils at all levels; competence of People's Committees at all levels". Specifying the State's rights as a representative of land owners in the 2013 Land Law is a new point, affirming the role of the State in a specific way, and at the same time clarifying the State's powers. The State shall exercise the right to represent the owner of land by promulgating decisions on land use planning and plans, land allocation, regulations on land use purposes, decisions on land prices, decisions on land recovery and expropriation, and decisions on land-related financial issues. On the other hand, the State exercises the right to land ownership through agencies from the central to local levels, performing their functions in the field of land. The State is the representative of the landowner; in principle, the State will have all three rights to possess, use and dispose of land. But land is a special type of property; the State does not exercise its rights over it in the same way as other property. The State exercises its ownership of land in a special way by making decisions on land-use planning, land allocation, land leasing, etc. Thus, it can be affirmed that the regulation of land owned by the whole people and by the State as the owner's representative is fully consistent with the actual conditions of Vietnamese and international law in protecting the integrity of national sovereignty and territory. It is such regulations that give the State full authority over the national territory, being able to

¹² Phuong, Thu. "Ownership Regime Supposed to Be Suitable for the Reality." News, February 10, 2015. Accessed March 1, 2026. <https://baotintuc.vn/phap-luat/cac-hinh-thuc-so-huu-phu-hop-voi-thuc-tien-20150210221836690.htm>

decide on all necessary measures to protect every inch of the sacred land of the Fatherland¹⁴. On the other hand, the State grants land use rights to land users by decisions on land allocation, land lease, and recognition of land use rights. Land users will exercise their rights to land use within the prescribed time limit. And, according to the provisions of the 2013 Land Law, land users are entitled to exercise the rights to convert, transfer, lease, sublease, inherit, donate, mortgage and contribute capital to land use rights. The 2013 Constitution and the 2013 Land Law have different points compared to previous documents as follows: Firstly, stipulating the rights of land owner representatives to create a legal corridor for the State to properly exercise its powers and responsibilities for the role of land owner representatives; at the same time, increase the roles and responsibilities of cadres, civil servants and public employees for exercising the right to represent land owners in the name of the State. Secondly, the regulations on the exercise of the right to represent landowners have clarified the responsibilities and powers of each agency in exercising that right. Thirdly, the regulation of the rights to convert, transfer, lease, sublease, inherit, donate, mortgage and contribute capital to land use rights in the 2013 Land Law, on the one hand, recognises the legal rights of land users, on the other hand, to protect the lawful land use rights of land users. Currently, as well as in the current period, there are many views that are consistent with the concept of universal ownership of land, as well as with the concept of state ownership of land, thus almost trivialising the concept of universal ownership of land in the economy and defence. As analysed from the theoretical and practical bases, as well as the process of formation and development of this system throughout the long history of Vietnam's constitution, "ownership of the whole people" - an objective inevitability in socialism, is trivialised by the concept of "state ownership"¹⁵. That is also the reason the Civil Code 2015 took a step forward to clarify the form of ownership of the whole people. Specifically, while the 2005 Civil Code stipulates "Assets in the form of State ownership include land..."¹⁶, the 2015 Civil Code stipulates "Land, water resources, mineral resources, resources in the sea, airspace, other natural resources and assets invested by the State, management means public property owned by the whole people and managed by the State on behalf of the owner and uniformly."¹⁷ Given that these two forms are interpreted similarly, the shift from state to national ownership has clarified the content and nature of this type of ownership.

The evolution of Vietnam's land tenure system has reached a pivotal stage with the transition from the Land Law 2013 to the Land Law 2024. While the 2013 legislation established the foundational framework for the State's role as the "owner's representative", the 2024 Law serves as a sophisticated successor designed to harmonise the "all-people ownership" regime with modern market dynamics. A central pillar of this transition is the comprehensive reform of land valuation mechanisms; by replacing the rigid, five-year "land price frame" with an annually updated "land price list" based on actual market principles, the 2024 Law enhances the State's capacity to exercise its representative rights with greater transparency and equity. This shift directly addresses long-standing issues of compensation and land-related disputes that were prevalent under the previous administration. Furthermore, the Land Law 2024 significantly expands the substantive rights of land users, particularly by standardising land-use rights for Vietnamese citizens residing abroad and facilitating conversions of land-use purposes. It introduces more flexible regulations for land recovery and resettlement, ensuring that the "State's recovery of land" is strictly tied to socio-economic development for national and public interests while guaranteeing that displaced persons have living conditions equal to or better than their previous ones. By refining the decentralisation of authority and digitalising land administration through a national database, the 2024 Law ensures that the regime of universal ownership does not remain a static legal concept but becomes a dynamic economic tool. This legislative advancement ensures the continued protection of national territory and sovereignty while providing a robust legal framework that safeguards the lawful interests of all stakeholders in the new era of international integration.

4. DISCUSSION

Currently, there are views that land ownership must be diversified, private ownership of land must be recognised, and private ownership of land will solve many problems in society, such as long-term lawsuits, mass lawsuits, denunciations related to violations in land management of the State, etc. ...

With the current political, economic and social context of our country as well as the construction and consolidation of a socialist-oriented market economy with the existence of many forms of ownership of means of production and many economic sectors in our country, it does not mean that multiple ownership of forms of land ownership is not synonymous. On the contrary, the current land ownership system in our country has revealed its strengths in balancing land relations with economic development. People's ownership of land is no longer a mere legal institution; it must be embedded in an economic, practical system that stimulates economic interests in land use and effectively protects it. Renewing land management policies as set out in the Party's orientation in

¹³ Article 13, 21 of National Assembly of Vietnam. *Land Law No. 45/2013/QH13*, 2013

¹⁴ Article 4 of National Assembly of Vietnam. *Land Law No. 45/2013/QH13*, 2013

¹⁵ Nguyen, Tien Lap. "The Regime of Universal Ownership and Land Ownership (Phase I)." *Tia Sang*, Hanoi. Accessed March 10, 2026. <http://tiasang.com.vn/-dien-dan/che-do-so-huu-toan-dan-va-van-de-so-huu-dat-dai-ky-i-3571>

¹⁶ Article 200, National Assembly of Vietnam. *Civil Code No. 33/2005/QH11*, 2005.

¹⁷ Article 197, National Assembly of Vietnam. *Civil Code No. 91/2015/QH13*, 2015.

Resolution No. 19-NQ/TW is: "Renewing land management policies to encourage and facilitate the accumulation of agricultural land, strongly develop the land use right market. Renovate and implement the regime of management of agricultural land use purposes in a more flexible way; abolishing the limits on subjects eligible for agricultural land transfer, increasing the term of land allocation and lease of agricultural land. Publicity and transparency in the management and use of public land". This is an important orientation and direction throughout the 10-year socio-economic development strategy (2021-2030) of the Communist Party of Vietnam on land and land management.

5. CONCLUSION

The historical and legal analysis of land ownership in Vietnam reveals that the "all-people ownership" regime is not a static concept but an evolving institution rooted in the nation's long-standing tradition of community-based agriculture and centralised state management. From the feudal era's supreme royal ownership to modern constitutional affirmations, the core principle has consistently aimed to balance national sovereignty with social stability. Through the various constitutional stages, several key conclusions can be drawn: Historical Inevitability: The formation of the current regime is an objective outcome of Vietnam's history, reflecting the need to maintain communal cohesion and national security throughout centuries of development. Adaptability to Market Mechanisms: While maintaining the principle of universal ownership, the Vietnamese State has demonstrated flexibility by recognising "land use rights" as a special type of property right. This allows land to participate effectively in the market economy through transfers, mortgages, and capital contributions, ensuring the interests of both the State and land users. The Role of the State: Under the 2013 Constitution and the 2015 Civil Code, the State's role has been clearly delineated as the representative of the owners, exercising management through planning, pricing, and specialised administrative decisions rather than traditional ownership. This distinction is crucial for maintaining territorial integrity while fostering an environment for international integration. Future Orientation: To meet the demands of the 2021-2030 socio-economic development strategy, the regime must continue to be improved by enhancing transparency, facilitating land accumulation for high-tech agriculture, and strictly regulating public land management. In conclusion, the all-people land ownership system remains the most suitable foundation for Vietnam's current political and economic context. Rather than diversifying ownership forms, the focus should remain on perfecting the legal corridor to stimulate economic interests, ensure social justice, and protect the country's most valuable resource.

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