

# CURRENT STATUS OF IMPLEMENTING THE POLICY AND LEGAL FRAMEWORK ON THE STATE LEGAL ASSISTANCE FOR ENTERPRISES IN VIETNAM<sup>1</sup>

## ESTADO ATUAL DA IMPLEMENTAÇÃO DA POLÍTICA E DO QUADRO JURÍDICO DA ASSISTÊNCIA JURÍDICA DO ESTADO PARA EMPRESAS NO VIETNÃ

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**Abstract:** Legal assistance for enterprises is the State's implementation of its tasks to synchronously deploy legal support activities for enterprises to create fundamental changes in legal awareness, legal consciousness and the business's law compliance habits; create necessary conditions for law enforcement to support enterprises in conducting business effectively; prevent legal risks and enhance business competitiveness; contributing to improving State management by law for enterprises. In this article, the author focuses on analyzing and evaluating the current status of implementing the legal policy framework on State legal support for businesses in Vietnam. Based on this, the study points out specific problems and inadequacies and proposes some solutions.

**Keywords:** Legal assistance. Enterprises. The State.

**Resumo:** A assistência jurídica às empresas é a implementação pelo Estado das suas tarefas de implantar de forma síncrona atividades de apoio jurídico às empresas para criar mudanças fundamentais na consciência jurídica, na consciência jurídica e nos hábitos de conformidade legal das empresas; criar as condições necessárias para que a aplicação da lei apoie as empresas na condução eficaz dos seus negócios; prevenir riscos jurídicos e aumentar a competitividade empresarial; contribuindo para melhorar a gestão do Estado por lei para as empresas. Neste artigo, o autor concentra-se na análise e avaliação do estado atual da implementação do quadro político jurídico sobre o apoio jurídico estatal às empresas no Vietnã. Com base nisso, o estudo aponta problemas e inadequações específicas e propõe algumas soluções.

**Palavras-chave:** Assistência jurídica. Empresas. Estado.

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## 1. Introduction

Legal assistance for businesses, especially small and medium-sized enterprises, plays an important role in the development of the economy and society in Vietnam today and in the coming time, with the aim of synchronously implementing legal support activities for businesses. This helps to create fundamental changes in legal awareness, legal consciousness and law compliance habits of enterprises; create necessary conditions for law enforcement activities to help businesses operate effectively; prevent legal risks and enhance business competitiveness; contributing to improving State management by law for businesses. In order to concretize the views, guidelines and policies of the Party and State on enterprise development, on June 12, 2017, at the 14th session, the 14th National Assembly passed the Law on Support for Small and Medium Enterprises, which stipulates an overall definition of the State's contents and policy mechanisms in supporting enterprises, including policies on legal assistance. This is the first time the policy on legal assistance for enterprises is stipulated in a legal document, previously this policy was stipulated in Decree No. 66/2008/ND-CP dated May 28, 2008, of the Government regulating legal aid for enterprises (hereinafter referred as Decree No. 66/2008/ND-CP). Decree No. 66/2008/ND-CP specifically stipulates the form and content of legal support and responsibilities of ministries, ministerial-level agencies and provincial-level People's Committees in providing legal support to businesses, and the conditions to ensure legal support activities for enterprises. However, after a period of application, the regulations on legal support for businesses have revealed many limitations, inadequacies, problems and difficulties. Therefore, on June 24, 2019, the Government issued Decree No. 55/2019/ND-CP on legal assistance for businesses to replace Decree No. 66/2008/ND-CP (hereinafter referred to as Decree No. Decree No. 55/2019/ND-CP).

Based on the provisions of the Law on Support for Small and Medium Enterprises in 2017 and Decree No. 55/2019/ND-CP on legal assistance for enterprises, localities have simultaneously implemented many legal support programs for businesses that have achieved certain results. This helps create fundamental changes in legal awareness, the sense of understanding and complying with the law in production and business activities, contributing to enhancing the effectiveness of State management by law for businesses and improving the provincial competitiveness index. (Nam, 2019) [PCI]. However, the actual implementation of the legal support program for enterprises in localities still has several difficulties, such as the

team of attorneys, jurists, and legal advisors being deficient and the awareness of many businesses about the function and significance of legal assistance for enterprises, as well as the application of law in production and business is still limited.

## **2. Assessing the current status of implementing the policy and legal framework on the State legal assistance for enterprises in Vietnam**

### ***2.1. Results achieved from the implementation of the policy and legal framework on the State legal assistance for enterprises in Vietnam***

Over the past years, the policy and legal framework on the State legal assistance for enterprises in Vietnam has gradually been improved, serving as an important legal basis to help legal support activities for businesses be carried out systematically and effectively, contributing to improving the competitiveness of businesses, limiting legal risks in business and strengthening State management of companies of this work. Specifically as follows:

*Firstly*, the policy and legal framework on the State legal assistance for enterprises in Vietnam has regulated relatively fully and synchronously basic issues related to legal support for enterprises.

Structurally, the policy and legal framework on State legal assistance for enterprises in Vietnam is a system of legal documents, including the 2017 Law on Support for Small and Medium Enterprises, Decree No. 80/2021/ND-CP on the elaboration of some articles of the Law on Support for Small and Medium Enterprises, Decree 55/2019/ND-CP on legal assistance for businesses, etc. These legal documents have basically created a unified legal framework for legal assistance for enterprises nationwide, including regulations on the content and form of legal support for businesses, responsibilities of relevant agencies and organizations in supporting legal aid for businesses, funding for this work and many other related issues. In other words, the basic and clear achievement is that in recent years, the State has promulgated a system of legal documents to regulate basic issues arising in legal support for enterprises, appropriate for the country's socio-economic conditions in each period. These results are expressed as follows:

First, the law has initially created a legal basis to build and organize the implementation of focused legal support plans and programs for businesses. These plans are designed to be appropriate for each stage of socio-economic development, prioritizing specific subjects of legal support for businesses, creating favorable conditions regarding policies, legal basis and resources for ministries, branches and localities to deploy legal aid

for businesses. In recent times, the Ministry of Justice has actively implemented interdisciplinary legal support programs for businesses in the period from 2010 to 2014, the 2015-2020 period and the 2021 - 2025 period (referred to as Interdisciplinary Legal Support Program). As of 2020, the Ministry of Justice, the Steering Committee, and the Interdisciplinary Legal Aid Program Management Board have issued nearly 50 documents, regulations, and plans to serve the work. Manage activities of the Interdisciplinary Legal Aid Program, financial management, inspection and supervision of progress, quality and efficiency of these activities' implementation (Justice, "Report summarizing 10 years of implementing the interdisciplinary legal support program for businesses in the period 2010-2014 and 2015-2020", 2020).

**Figure 1: Statistics on the number of localities with legal consulting networks for businesses in the period from 2013-2023** (Justice, "Summary of interdisciplinary legal support for small and medium-sized enterprises in 2022 and directions and tasks in 2023", 2023)



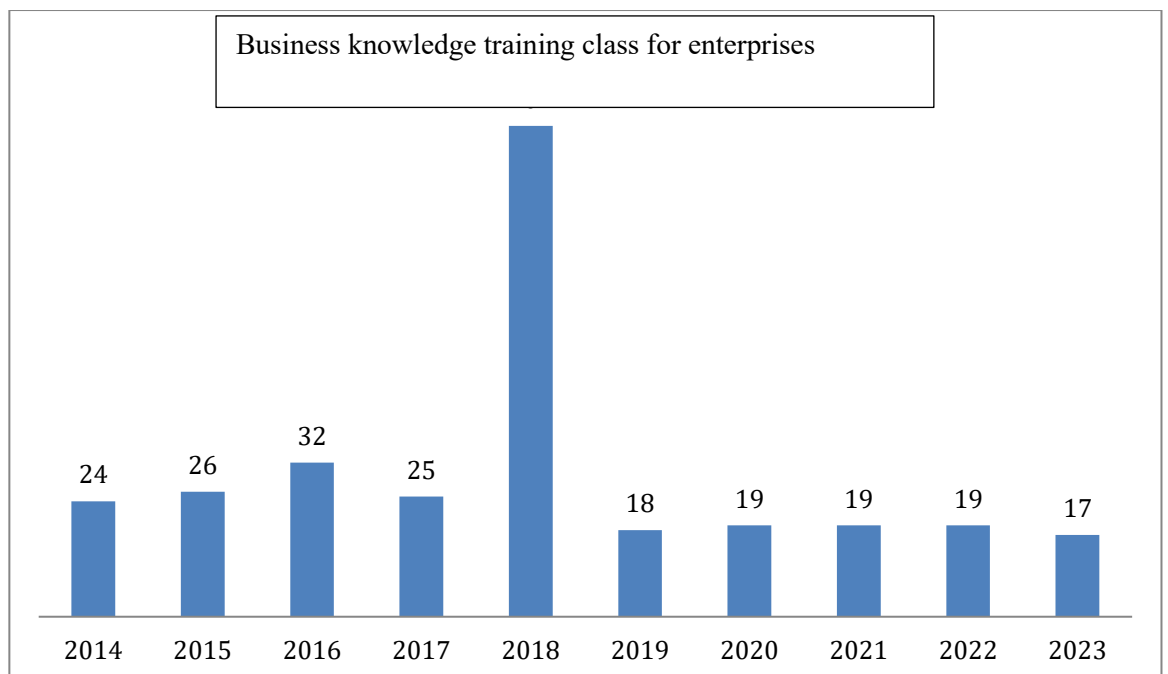
Second, the forms of legal assistance for enterprises are constantly innovated, catering to various stages of growth, socio-economic regions and specific target groups, bringing practical results for business. Among these forms, the most popular are:

- (1) Organizing training programs on business law for enterprises

According to a report from the Ministry of Justice, by 2023, the Interdisciplinary Legal Aid Program has assigned agencies and organizations to conduct over 300 training

courses in provinces and cities across the country (of which, 07 Provinces as key locations: Can Tho, Hanoi, Vinh Phuc, Ho Chi Minh City, Tuyen Quang, Dong Nai, Quang Ninh), attracting nearly 15,000 delegates representing businesses to attend (with an average number of participants from 70 to 100 people/class). The main participants are business leaders, department officials, legal officers, and corporate accountants. The Topics on fostering business law knowledge for enterprises focus on some areas of law directly related to production and business activities, such as: the law on corporate governance, contracts, labor and social insurance, tax law, accounting, competition law, intellectual property, real estate business law, investment law. (Justice, "Improving the quality and effectiveness of legal support for businesses in the period 2021-2030", 2022).

**Figure 2: Statistics on the number of programs to foster business legal knowledge for enterprises in the period from 2014 to 2023** (Justice, "Legal support information page for businesses", 2023)

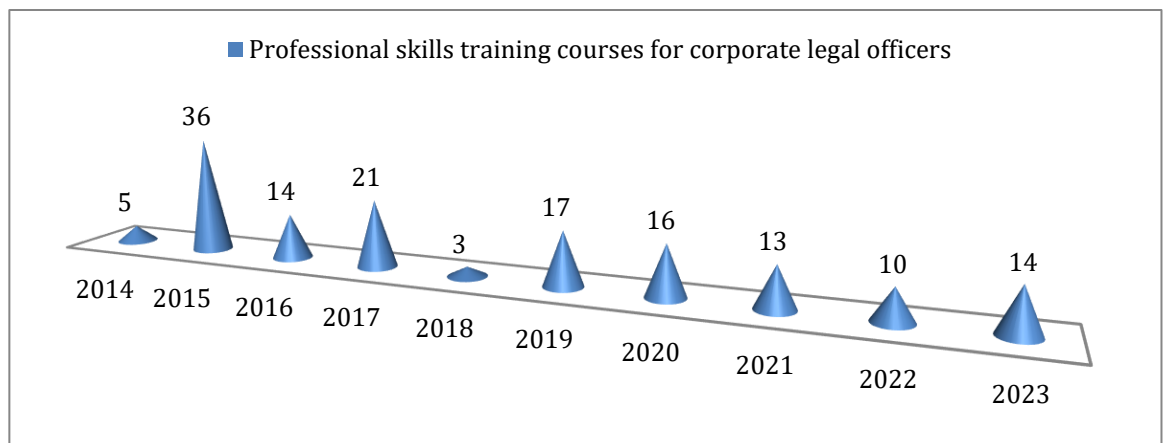


**(2) Organize skills and professional training courses for corporate legal officers**

According to a report from the Ministry of Justice, by 2023, the Interdisciplinary Legal Aid Program has selected and assigned agencies and organizations to conduct 117 training courses in provinces and cities across the country, focusing on the Central provinces of Vinh Phuc, Dong Nai, Can Tho, Quang Binh, Tuyen Quang, Hanoi, Long An, Nam Dinh, An Giang, Ninh Binh, Ha Nam, City. Ho Chi Minh, Da Nang, Thua Thien Hue, etc; attracting nearly 11,000 legal officers, lawyers, jurists, and legal advisors for enterprises to

attend (with an average participation of 70-100 delegates/class). These training courses have provided basic and in-depth knowledge of corporate legal work for legal officers in ministries, branches and localities. Consequently, these courses enhance this team's legal capacity in implementing tasks, supporting the legal consultants and legal advisors for businesses to gain more professional knowledge and skills, and ensuring the good performance of tasks assigned by business leaders (Khoa N. T., 2023).

**Figure 3: Statistics on the number of skills and professional training courses for corporate legal officers in the period from 2014 to 2023** (Institute for Legislative Studies, 2023)



**(3) Organize seminars and foster legal knowledge, skills and expertise for officers performing legal assistance for enterprises**

According to a report from the Ministry of Justice, by 2023, the Interdisciplinary Legal Aid Program has assigned agencies and units to organize 36 seminars and 135 classes to foster legal knowledge, skills and expertise for officers. The Ministry has carried out legal support for businesses, focusing on provinces and cities with many needs, such as Hanoi, Quang Binh, Tuyen Quang, Ho Chi Minh City, Can Tho, Bac Lieu, Nha Trang, Da Nang, etc. These activities attracted more than 16,000 delegates from officials working in legal support for businesses (with an average number of attendees ranging from 60-100 delegates/class). The content focuses on solving specific problems of businesses, corporate legal officers and officials providing legal support for businesses. Training documents are evaluated and approved before being printed and distributed to businesses. These are considered handbooks for each field for officials providing legal support to businesses to refer to and apply effectively in practice (Dong, 2023).

**Figure 4: Statistics on the number of classes to foster legal knowledge, skills, and expertise for officers performing legal assistance for enterprises in the period from 2014 to 2023 (Dong, 2023)**

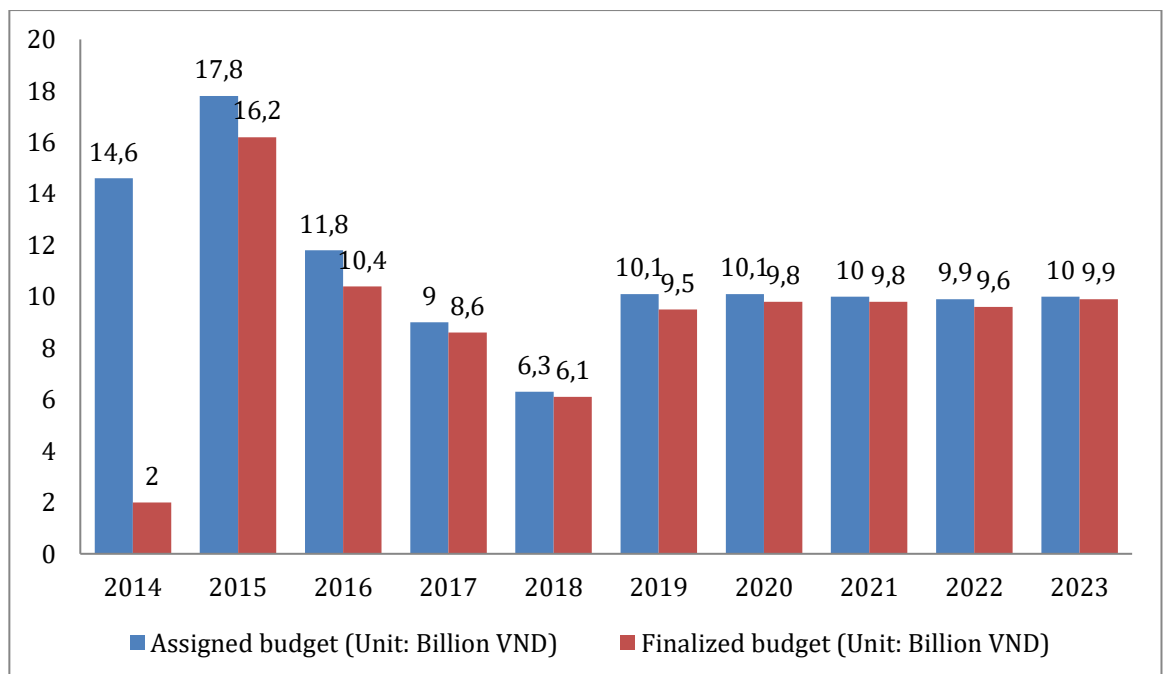


*Secondly, the policy and legal framework on the State legal assistance for enterprises in Vietnam is implemented in practice, contributing to effectively protecting the legal rights and interests of businesses.*

Since 2017, the Interdisciplinary Legal Aid Program has built and put into operation the Legal Assistance Page for businesses on the Information Portal of the Ministry of Justice at <https://htpldn.moj.gov.vn/Pages/TrangChu.aspx/>. Some ministries and branches have also built legal databases, developed and published newsletters related to business activities to promptly update information about newly issued documents as well as research, comments, and exchange of relevant legal documents related to business operations (Phong, 2023). Besides, according to data from the Ministry of Justice from 2014 to the end of 2021, the Interdisciplinary Legal Aid Program has compiled and issued 24,000 copies of the "Legal Assistance Bulletin for Enterprises" distributed free of charge to businesses across the country; developed and publish legal handbooks for businesses: "Handbook of legal support for enterprises"; "Business law handbook for businesses Volume 1, Volume 2", etc, with 6,000 free copies for businesses; organized 120 discussions/dialogues, attracting 13,000 delegates to attend. Besides, within the framework of the program, 90 skills and professional training courses were also organized for nearly 10,000 business legal officers to attend; Organize 85 training classes/discussions for nearly 9,000 officials working on legal support

for businesses at ministries, branches, localities and organizations; Develop and broadcaste nearly 900 "Business and Law" topics on the Voice of Vietnam (VTV2) and more than 240 topics on Vietnam Television (VOV); Build and maintain a legal consulting network for businesses in 30 provinces and cities across the country; Support legal aid for enterprises in specific cases (Tuan N. N., 2021). In addition, the budget implementation of the Interdisciplinary Legal Aid Program ensures the principles of economics, efficiency, and compliance with the law, based on regular inspection and supervision of the Ministry of Justice. In the period from 2010 to 2014, the average annual budget of the settled interdisciplinary Legal Aid Program was 7.4 billion VND and 9.1 billion VND in the period from 2015 to 2020 (The average is 8.3 billion VND/year in the period from 2010 to 2020) (mainly assigned to central and local agencies and organizations, organizations representing businesses to implement through operational bidding) (Duyen, 2021).

**Figure 5: Statistics of State budget funding sources to implement the policy framework on the State legal assistance for enterprises in Vietnam in the period from 2011 to 2020 (Duyen, 2021)**



**2.2. Some obstacles and inadequacies arising from the current status of implementing the policy and legal framework on the State legal assistance for enterprises in Vietnam**



Besides the achieved results, the policy and legal framework on legal assistance for enterprises in Vietnam also reveal certain weaknesses. This is specifically shown in the following points:

*Firstly*, the policy and legal framework on the State legal assistance for enterprises in Vietnam still has some unclear regulations. Therefore, it is difficult to apply in practice.

For example, in the response of State agencies to legal problems of enterprises, Article 8 of Decree No. 55/2019/ND-CP (replacing Decree No. 66/2008/ND-CP) stipulates Decree: " The Ministries, ministerial-level agencies, and provincial-level People's Committees are responsible for responding to legal problems for businesses in the general application of laws within the sectors, fields, and localities under their management within 15 working days from the date of receipt of the request; In case of complex problems, responses can be made within a maximum of 30 working days from the date of receipt of the request. The responses of State agencies specified in this Article do not apply to requests from enterprises regarding specific cases related to the enterprise's production and business activities. In this case, the ministries, ministerial-level agencies, and provincial People's Committees shall notify the enterprise so that it can use the legal consultant network as prescribed in Article 9 of this Decree." This regulation, in fact, is inherited from the provision in Article 10 of the previous Decree No. 66/2008/ND-CP, which means that ministries, ministerial-level agencies, and provincial-level People's Committees are not responsible for responding to legal questions about specific cases related to the enterprise's production and business activities. Nonetheless, the primary requirement of enterprises is to get information on certain legal issues about their operations and manufacturing. The regulation "... does not apply to requests from enterprises regarding specific cases related to the enterprise's production and business activities" compared to the regulation that only has " Responsibility for responding to legal problems for businesses in the general application of laws within the industry, field and locality under their management " is also quite challenging to differentiate between "general application" and "specific case" in certain situations because there are no specific criteria to determine. This causes difficulties for ministries, ministerial-level agencies, and provincial-level People's Committees in applying this regulation to businesses. This regulation is also the "ground" for ministries, ministerial-level agencies, and provincial-level People's Committees to refuse to respond to legal problems in "specific cases" for businesses. Meanwhile, State management agencies such as tax and customs still have to issue written responses to "specific cases" for businesses (Son, 2020).

**Secondly**, some current legal provisions are inconsistent with practice, discouraging entities from participating in legal assistance activities for enterprises.

For example, the level of support for legal consulting costs specified in Decree No. 55/2019/ND-CP is low compared to the actual costs and needs of enterprises. Specifically, as regulated at Points a, b, c, Clause 3, Article 9: "Micro-enterprises are supported 100% of legal consulting costs according to the written agreement on providing legal consulting services between legal and business consultants, but not more than 03 million VND per year; Small-sized enterprises are supported up to 30% of legal consulting costs according to the written agreement to provide legal consulting services between the legal consultant and the business, but not more than 05 million VND per year. Medium-sized enterprises are supported a maximum of 30% of legal consulting costs according to the written agreement to provide legal consulting services between the legal consultant and the enterprise, but not exceeding 10 million VND per year." Low legal consulting costs have limited the participation of enterprises (Le Thanh Hoa, Pham Dinh Tuyen, 2023).

**Thirdly**, the sanctions are insufficient, reducing the effectiveness of legal support activities for businesses.

Current regulations on inspection, examination, and sanctions for failure to carry out responsibilities in legal support activities for businesses are not strong enough to meet the requirements for effective implementation of legal support activities for enterprises. For instance, Decree No. 55/2019/ND-CP requires businesses to respond to legal inquiries, but it does not specify penalties for noncompliance. As a result, there are frequently situations in which ministries, ministries-level agencies, and People's Committees at the provincial level do not have a written "response" to requests from businesses to respond to legal inquiries.

The regulation on responsibilities of ministries, ministerial-level agencies, and Provincial People's Committees in developing, approving and implementing the Legal Support Program for businesses (Article 12 of Decree No. 55/2019/ND-CP) also does not have sanctions to apply responsibility. Consequently, several ministries, agencies at the ministerial level, and People's Committees in the provinces are not interested in developing and implementing programs that would provide legal assistance for enterprises in Vietnam in recent times.

Legal support for enterprises currently has several limitations stemming from legal regulations on duties, powers and sanctions for not performing the duties of legal support workers for businesses. Because there are no sanctions for implementation, many officials

and civil servants are "indifferent and insensitive" to the legal problems of businesses and do not respond to legal problems for businesses to overcome difficulties in law implementation. Besides, legal support activities for businesses are only considered "part-time work", not the primary task of officials and civil servants of the Justice sector.

In addition, the legal regulations on coordination mechanisms in legal support for enterprises are not strict and specific, leading to a lack of proper awareness of the mechanism's position, role and implementation. These provisions have created inadequacies that reduce the effectiveness and efficiency of legal support for businesses. Under Vietnamese law, many different agencies still govern and implement legal assistance activities for enterprises. For example, the judicial agency (Ministry of Justice, Department of Justice) is assigned the focal point and carries out business legal support activities. However, in reality, planning and investment agencies ( The Ministry of Planning and Investment and the Department of Planning and Investment) have deployed various forms of business support, including legal support for businesses. Due to unclear legal regulations within the judicial agencies (Department of Justice), the assignment of legal support work for businesses is also being distributed to different departments (Le Thanh Hoa, Pham Dinh Tuyen, 2023).

### **3. Some recommendations to improve the policy and legal framework on the State legal assistance for enterprises in Vietnam**

#### ***3.1. Improve legal regulations on the entities responsible for providing legal assistance activities for enterprises***

In order for the State legal assistance for enterprises to be carried out promptly and effectively, it is necessary to have a clear assignment of powers, responsibilities and close coordination between State agencies in the process of implementing legal aid forms.

In fact, the implementation of the State legal assistance for enterprises in recent years has been limited and inconsistent, partly due to this reason. The weakness in the operations of these agencies and organizations not only seriously affects the interests of businesses but also increases legal cases, business disputes as well as complaints and lawsuits. The report negatively affects the investment and business environment of enterprises. Therefore, it is necessary to clearly and fully stipulate the powers, obligations and responsibilities of State agencies in providing State legal support to businesses, especially in providing accurate and timely information about legal information for enterprises; providing legal answers to

businesses and receiving and processing recommendations from enterprises on improving the legal system in general and business law in particular.

Among State agencies, the Ministry of Justice plays the most important role in providing State legal assistance for enterprises. Therefore, in the near future, there needs to be a solution to further enhance the role of the Ministry of Justice in this field. The Ministry of Justice, in the coming time still needs to have the main responsibility for State legal support for businesses in Vietnam. With this role, the Ministry of Justice must focus on implementing the following key tasks:

- Research and improve forms of the State legal assistance for enterprises in new, modern, effective, targeted, and significant ways;
- Synthesize, evaluate and report on the State legal assistance for enterprises nationwide;
- Organize and consolidate the State's legal support focal point for enterprises from central to local (provincial level);
- Invest in facilities to serve State legal assistance for enterprises;
- Build and operate the State's legal assistance information system for enterprises with one focal point, meeting the needs of businesses for accurate and timely legal information, periodically disclosing information, and conducting statistics on the results of State legal support for businesses and its effectiveness.

In addition, with the assigned functions and tasks, the Ministry of Justice needs to pay more attention to evaluating and summarizing the results of the State's legal support activities for businesses annually and every 5 years/January on a national scale (not only domestically but also abroad, businesses and foreign investors in Vietnam still need forms of legal support from the State such as transparent information on legal policies law for enterprises). Moreover, it is required to focus on researching and implementing ministerial-level scientific projects on legal theory and practice of the State's legal assistance for enterprises in order to research and improve the legal regulations in these activities. At the same time, uniformly and effectively deploy the State legal assistance activities for enterprises across the country, meeting the needs of businesses for legal support in Vietnam.

In Vietnam, as well as in the world, legal support for businesses is not a State monopoly. Associations, organizations representing businesses, federations, and Bar Associations also play an equally important role in this field (for example, the toll-free business consulting hotline 19006199 operated by a number of companies; Several Law firms such as Viet Luat Law Company; Vietnam Business Association regularly organizes free legal support for member businesses through dialogues, seminars, and business law training classes organized annually). However, the practice shows that the activities of organizations representing businesses in our country in recent times still have many limitations. According to statistics from the Vietnam Association of Small and Medium-sized Enterprises, by 2022, the country will have about 93,425 Associations, including 571 Associations operating nationwide and 92,854 Associations operating locally, of which about 35% are Associations representing businesses and economic organizations (Khoa N. T., 2022). However, in reality, currently, only more than 30% of organizations representing businesses are operating effectively; the rest are operating moderately (many organizations still maintain and operate thanks to the support of the Government) and have not fully promoted their role in representative activities for member businesses. Meanwhile, according to reports of business associations, the role of supporting member businesses is Providing legal support to protect members' rights is an important task in meeting the needs of businesses participating in the association. Many organizations representing businesses consider this task the top task and focus of their organization's activities, such as the Vietnam Chamber of Commerce and Industry, Vietnam Business Association, Vietnam Cooperative Alliance, Business Legal Club, etc (Viet, 2020). The difficult operating situation of organizations representing businesses, especially in the State's legal support for their member businesses, has many causes, including very important reasons. The material conditions for these organizations are still very weak and deficient. Therefore, in order to strengthen the role of organizations representing businesses in the State's legal support for businesses, the State needs to have legal regulations to encourage and create conditions for organizations to support enterprises through the following ways: Signing contracts assigning State legal support for businesses to organizations representing businesses so that these representative organizations have financial conditions to establish and maintain legal consulting center; Providing legal support for its member businesses; periodically organizing training courses and dialogue conferences to collect opinions from member businesses; Carrying out surveys and collect opinions from

the business community on information, indicators, and feedback for State agencies to refer to, serving the effective management of the economy (Toan, 2018).

### ***3.2. Improve legal regulations on forms of legal assistance for enterprises***

One of the issues that businesses are very interested in is the forms of legal support the State provides them. In essence, this issue is most concerned by enterprises; therefore, this is also the issue that the State needs to pay the most attention to solving. However, reality shows that although the law (Law on Support for Small- and Medium-sized Enterprises 2017 and Decree No. 55/2019/ND-CP) recognizes the content and implementation measures, in general, these forms of legal support have not yet promoted their role and effectiveness in practice, and have not met the expectations of businesses. Therefore, this is also an issue that the State must continue to pay attention to solving so that the rights of businesses (the right to access legal information, the right to receive legal answers, and the right to dialogue with regulatory agencies) are ensured that are not just written down but also put into practice (Tuan B. B., 2021).

**Firstly**, regarding legal information for businesses, the Law on Support for Enterprises only has one provision regulating information and State legal assistance for businesses (Clause 3, Article 14); regarding the document under the Law, there is a Government Decree issued on this work (Decree No. 55/2019/ND-CP). However, the actual implementation in recent times shows that the effectiveness at the level of the Decree document has not been paid attention to implementation and enhance the responsibility of State agencies for the State's legal support for businesses and the implementation of the Law by businesses. Therefore, it is necessary to complete the regulations on State legal support for businesses in the Law on Support for Enterprises (Clause 3, Article 14) and the Decree on State legal support for businesses by specifying the responsibilities of State agencies in providing State legal support to businesses.

International experience shows that (especially in the European Community countries) supporting businesses through providing legal information is an effective form of legal support that has been implemented in recent times and needs to be further strengthened shortly in Vietnam as our economy is developing and integrating into the international economy (Hue, 2018).

**Secondly**, building and exploiting information on the State legal assistance for enterprises (based on Clause 3, Article 14 of the Law on Support for Enterprises and Decree No. 55/2019/ND-CP on legal support for businesses) should be regulated in the direction

of designing an official information page or portal on State legal support for businesses. In this way, enterprises can easily update and refer to legal information, which has been removed, avoiding the fragmented situation where all agencies have functions to perform this work. Still, it is very difficult for businesses to access and collect. Completing and promoting this page/portal to businesses must also be done systematically and regularly to create a habit for enterprises to access and use. The experience of supporting businesses of countries in the European Community supporting the provision of legal information for businesses is the responsibility of the State towards businesses. (Cong, 2018).

*Thirdly*, the legal answers for businesses in the State's legal support activities for enterprises (Article 8 of Decree No. 55/2019/ND-CP) need to be improved in the direction of relevant agencies. The State must answer legal questions for businesses in applying the law (similar to what tax and customs authorities are still doing). In fact, enterprises' requests for legal answers are mainly related to specific cases arising in the enterprise's production and business activities. Therefore, it is necessary to pay attention to building and operating the legal consulting network for businesses managed by the Ministry of Justice in the coming time. According to the provisions of Decree No. 55/2019/ND-CP, businesses can access the network of legal consultants according to the management fields of ministries and ministerial-level agencies through the posted list of legal consultants based on that ministry's or ministerial-level agency's information portal. After agreeing on legal consulting services with an appropriate legal consultant belonging to the legal consulting network as prescribed in the Decree, the enterprise sends the application via postal service or electronically to ministries and ministerial-level agencies requesting support for legal consultation costs on cases and problems (Cong, 2018). Within 10 working days from the date of receipt of complete application documents according to regulations, the ministry or ministerial-level agency shall consider and notify in writing whether to agree or not to support legal consulting costs for the applicant according to prescribed principles. In case the above agencies do not agree to support costs, they must clearly State the reason. If the Ministry or ministerial-level agency agrees to support legal consulting costs and after receiving a legal consulting document from a legal consultant, the enterprise will send a dossier requesting payment of legal consultation fees for cases and problems to be supported.

Research on plans to build and operate a legal consulting network for businesses according to Decree No. 55/2019/ND-CP in the direction of supplementing the State's financial support for legal consulting activities of a network of consultants, solving legal



problems for businesses with specific conditions and procedures; Ministries and ministerial-level agencies are interested in accelerating the formation and implementation of professional legal consulting networks to advise businesses on law enforcement. The legal consultant network is part of the consultant network under the 2017 Law on Support for Small and Medium Enterprises, including lawyers, law-practicing organizations, legal consultants, and consulting centers, which are legally qualified to practice legal consulting according to the provisions of law, voluntarily announced participation and publicly announced by ministries and ministerial-level agencies to provide State legal support for businesses. In addition, it is necessary to clearly stipulate that the Provincial People's Committee promotes legal dialogue for enterprises through organizing periodic public legal dialogues at least twice a year with the business community and newspapers to promptly grasp and remove difficulties for local businesses, limiting pressure on the central government. Besides, consolidate and improve the hotline and online Q&A on the official portal/website of the State's legal support for businesses to receive feedback and provide legal guidance and answers to businesses (Hung, 2018).

Fourthly, collecting comments from businesses to improve legal documents for businesses needs to be regulated into a specific, clear organizational and implementation process, with continued feedback stating whether accept or not, reasons; summarize, evaluate and check to further improve the effectiveness of this work. In the near future, there also needs to be legal measures to enhance the role, position and function of the Ministry of Justice in soliciting opinions from agencies and organizations in building and perfecting regulatory documents related to the production and business activities of the enterprise. Current regulations are unclear, and the funding is not guaranteed, causing many difficulties for the Ministry of Justice in collecting opinions from businesses on the content of draft documents for which the Ministry of Justice is responsible for building, commenting and evaluating.

#### **4. Conclusion**

Legal assistance for enterprises is an appropriate policy of the Party and State, which has been affirmed not only in theory but has been proven by the practice of production and business activities of the enterprises in Vietnam in recent times (Huong, 2018).



Therefore, the National Assembly's promulgation of the Law on Support for Small- and Medium-sized Enterprises in 2017 and the Government's issuance of Decree No. 55/2019/ND-CP dated June 24, 2019, on legal support for businesses has proved that legal support activities will certainly have feasible conditions to be carried out in practice. Therefore, the practical activities of many relevant organizations and individuals are needed to implement legal assistance for enterprises effectively. However, no matter how good the policies and laws are, they will be ineffective to businesses if there is a weak enforcement system and insufficient funding to support legal support activities; as a result, all Party and State policies towards enterprises will be ineffective.

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