



**ROSA
LUXEMBURG
STIFTUNG**
SOUTHEAST ASIA
HANOI OFFICE

SOUTHEASTERN PERSPECTIVES

Vol. 1 No. 02/2025

Vu Cong Giao

Breakthrough in Vietnam's Land Law

Legislative changes to benefit common people and ethnic minorities

This article analyzes the benefits ordinary land users in Vietnam will enjoy when the 2024 Land Law comes into effect, compared with its 2013 predecessor. In this article, the concept of ordinary land users refers to individuals and legal entities to whom the state allocates or leases land and recognizes land use rights in Vietnam. These users are the primary beneficiaries of the changes brought about by the new Land Law.

The historical development of Vietnam's land ownership regime reflects the socio-economic transformations of the country and political ideologies over the centuries. Prior to 1858, the monarchies of Vietnam's feudal ruling families (e.g., the Ly, Tran, and Nguyen dynasties) were the primary owners of land. Large tracts were distributed to nobility, landlords, and temples, forming a feudal land tenure system. Peasants made up most of the population and worked on communal or privately owned land, paying rent or taxes to landowners or the state. Wealthy landlords could own private land, and social inequalities were pronounced, with landlords exerting significant power. In the French colonial period (1858–1954), the French colonial administration introduced and implemented private land ownership. This resulted in the concentration of land

in the hands of French settlers, Vietnamese elites, and landlords. Large plantations were established for export crops like rubber, coffee, and tea. This process displaced thousands of poor peasants, forcibly turning them into plantation or factory workers.

Since gaining independence in 1945, Vietnam's land management practice has changed several times. In 1949, President Ho Chi Minh signed a decree on rent reduction and issued a directive to divide land from ownerless plantations and hamlets for farmers. In 1953, the National Assembly of the Democratic Republic of Vietnam issued the Land Reform Law, encouraging farmers in Northern Vietnam to contribute their respective land to agricultural cooperatives in accordance with the socialist cooperativization policy, grounded on collective ownership of the

means of production and collective labor. This process was completed in the North after a few years and expanded nationwide after the country's reunification on April 30, 1975. The first Land Law of now-unified Vietnam was issued in 1987, asserting that: "Land belongs to the entire people, under the unified management of the State". Accordingly, the state designated land resources for long-term and stable use by farms, forestry farms, enterprises, people's armed forces units, state agencies, social organizations, and individuals. From 1959 to 1987, private land ownership was gradually phased out, replaced with the ownership of the entire people.

However, in practice, the public land ownership regime exhibited numerous shortcomings, failing to stimulate economic production capacities. Consequently, the Politburo – the standing sub-unit of the supreme Central Committee of the Communist Party of Vietnam (CPV) – issued Resolution No. 10-NQ/TW in April 1988 on innovation in agricultural economic management, granting farmers nationwide the right to use land and long-term contracts. Later, this land use right was further specified and extended in subsequent Land Laws (1993, 2003, and 2013). According to these laws, land belongs to the entire people, and land use rights belong to land users including organizations, households, and individuals.

On January 18, 2024, the National Assembly of Vietnam passed Land Law No. 31/2024/QH15 (hereafter known as the Land Law 2024), with significant changes for ordinary land users. The law still states that land is owned by the entire people, with the state as the representative owner. This is because the orthodox concept in Vietnam holds that it is "...necessary and important to maintain [the] political and social stability

of the country, and ensuring livelihood[s] for farmers" (Vu Van Phuc 2024). However, the issuance of this law is an important event marking innovations in land policies and regulations in Vietnam, enhancing people's ownership rights to land. Compared to its predecessor, the 2024 Land Law includes several breakthrough provisions. In particular, ordinary land users will benefit from market-based land valuation and fairer compensation, greater clarity on land rights, flexible and accessible land use, and improved land use rights for ethnic minorities.

Benefits of the 2024 Land Law for Common Land Users

Compared to the 2013 Land Law, the 2024 version introduces numerous benefits for local land users by addressing long-standing challenges in land management and enhancing legal protections for land users.

Firstly, the law creates fairer compensation for land recovery. It has abolished the outdated "land price framework", released by the government every five years, and replaced it with annually updated land price tables. This market-based land valuation ensures that landowners and land users receive compensation consistent with the actual market value of their land. Land recovery is permitted only after compensation and resettlement plans are finalized, thereby further safeguarding the rights and livelihoods of affected land users. By abolishing the fixed land price framework and replacing it with an annually updated land price list, the law guarantees the rights of and fairer compensation for families affected by land acquisitions.

Secondly, the law provides greater clarity on land rights and dispute resolution. By providing clearer definitions of land use rights, ownership,

and transfer processes, it helps to reduce ambiguity and disputes in land management. It enhances the protection of land use rights for ordinary people (small-scale farmers, ethnic minorities, etc.) who are often disadvantaged in the land-acquisition process. Under the new law, they – as land users – can now securely use, lease, transfer, or inherit land. In addition, the law creates efficient dispute resolution. By enhancing legal frameworks and simplifying the resolution of land disputes, the law provides land users with more apparent processes and quicker outcomes. From another angle, more transparent processes also help to improve transparency, reduce corruption and arbitrary decisions, and create a fairer system for land users in dispute resolution.

Thirdly, the law introduces flexible and accessible land use: Land users, renting land from the state, now have the choice of lump-sum (a one-time payment) or annual payment options. This flexibility of land use helps reduce financial burdens for land users. In addition, the law helps to improve agricultural productivity and rural development by curbing land speculation and underutilization while also expanding the limits on agricultural land transfers. These combined changes enable land consolidation for larger and more efficient farming production, benefiting farming households.

Lastly, the law guarantees the land use rights of ethnic minorities, who comprise about 15% of the country's population, but, according to the UNDP, account for 90% of those considered 'extremely poor'. Ethnic minorities and rural populations, who rely primarily on agriculture to make a living, will now have better access to land resources owing to special policies stipulated in the Land Law 2024. These policies aim to ensure equitable land use and reduce

poverty among these groups. The law, in particular, more precisely clarifies land allocation guidance for residential use, community living land, and agricultural land for individuals and ethnic minority communities. Furthermore, the law explicitly establishes a mechanism for creating land funds to implement land policies for ethnic minorities. This is the fundamental legal foundation that enables local authorities to overcome challenges in allocating land for disadvantaged ethnic minorities.

Concluding Remarks

To summarize, the 2024 Land Law transforms Vietnam's land management system by emphasizing fairness, efficiency, and transparency. Ordinary land users, including farmers and ethnic minority communities, benefit through fairer compensation, enhanced legal protections, improved access to land, and increased assistance for marginalized social groups. The law is the outcome of lessons learned from unsuccessful land management models over past decades. Although it still states that "land is owned by the entire people, with the State as the representative owner", the law is considered as an effort to promote social justice in the land sector. The enforcement of the Land Law 2024 will not only foster economic growth but also ensure social equality and stability by offering enhanced legal protection for ordinary land users, who are often at a disadvantage in the land acquisition process.

Vu Cong Giao is a law professor at the University of Law at Vietnam National University in Hanoi.

The article is based on a comprehensive study by Prof. Giao titled "Land Law in Vietnam: History, Current Situation and Prospects" published in November 2024. Rosa-Luxemburg-Stiftung supported the research.

References

- Government of Vietnam, "Early implementation of the Land Law into life: What benefits do people get?" *Government e-newspaper*, May 12, 2024.
- H. Kim, Can Van Luc, et al., "Report on rapid assessment of the impact of the revised Land Law (2024) and some recommendations", *CafeF*, 2024.
- Huu Tri, "Land Law 2024 will have positive impacts on people and businesses", *Binh Thuan Provincial Information Portal*, May 9, 2024.
- MD "10 new points of the Land Law and their impact on people, businesses, and the economy", *Finance and Monetary Magazine*, February 7, 2024.
- Ministry of Natural Resources and Environment, *Report on assessing the policy impact in the draft Resolution of the National Assembly amending and supplementing Clause 1, Article 252 of the Land Law No. 31/2024/QH15*.
- Ministry of Natural Resources and Environment, *Supplementary Report on Policy Impact Assessment of the Draft Law on Land (amended)* (Report No. 61/BC-BTNMT, dated May 27, 2023).
- Nguyen Nhat Duong and Vu Trung Thanh, "Positive impacts of the new Land Law and Real Estate Business Law on M&A Activities", *Legal Electronic Magazine*, August 4, 2024.
- Nguyen Thuy Han, *18 new points of the 2024 Land Law*, 2024.
- Truong Quoc Can, Land Law 2024 and the opportunity to realize land policies for ethnic minorities, *Environment Magazine*, March 6, 2024.
- Phi Huyen and Bach Mai, Resolving difficulties in agricultural land accumulation, *Hanoi Moi Newspaper*, June 3, 2024.
- Vu Van Phuc, "The regime of ownership of land by the entire people with the State representing the owner in Vietnam", *Propaganda Magazine*, May 3, 2022.
- National Congress of the Vietnamese Communist Party XI, Charter of the Communist Party of Vietnam, January 11, 2011.
- UNDP Viet Nam, Digital solutions empower ethnic minority women in Vietnam, 2023.

Published on March 31, 2025, by Rosa-Luxemburg-Stiftung Hanoi Office

Imprint

South Eastern Perspectives

Rosa-Luxemburg-Stiftung Hanoi Office

Hanoi, Vietnam

E-Mail: hanoi@rosalux.org

Website: <http://www.rosaluxhanoi.org>