LAW EDUCATION FOR NON-LAW STUDENTS IN VIETNAMESE UNIVERSITIES STATUS AND SUGGESTIONS

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ABSTRACT: Human is considered the most important resource, a decisive factor, and the centre of economic growth and social development in every civilized society. To build a high-quality workforce, Education remains the essential key. In Vietnam, the thinking that young people should study hard to apply for a good and stable job in a government agency or a big corporation has long been established as a success model for students. However, finding a job is not the only path for students after their graduation. Some students with ideas and financial support tend to open their own businesses. Although the failure rate is quite high recently, there are successes that contribute directly to the development of society and the country. Encouraging and equipping students with whatever necessary for opening and managing a business is becoming an urgency for an early but worth encouraging departure. However, managing a business is never an easy task. It requires not only major knowledge but also knowledge on establishing and managing companies and handling legal issues arising from the business operation. Law education at the tertiary level is perhaps the main key to address the demand. In Vietnam, law education is not only a mandatory legal requirement but it has been proved by the fact that it is extremely important to every learner regardless of which career they choose. However, how to make the legal education at the tertiary level effective, useful, and interesting is still not a simple question and the way to address the demand varies from university to university. From the experience of teaching laws to non-law students of the authors, the article hopes to share a view and contribute some ideas for improvement of the effectiveness and usefulness of the teaching activities.

Keywords: Law education, non-law student, Vietnamese university.

I. CURRENT SYSTEM OF LEGAL TRAINING FOR NON-LAW STUDENT IN VIETNAMESE UNIVERSITIES

Legal training for non-law students in Vietnam is always considered as a critical element to ensure comprehensive education for students to join the high quality workforce after their graduation. Only when young people understand the law they can protect their legal rights and interests and respect those of the others.

On that understanding, the Ministry of Education and Training stipulated in Circular No. 07/2015/TT-BGDĐT dated April 16, 2015, that: “graduates at each level of higher education shall satisfy the following required capacity:

a) Knowledge:

Have in-depth theoretical knowledge in the field of training; master the techniques and have the practical knowledge to be able to handle complex tasks; accumulate a background knowledge of the basic principles, natural and social laws in the field of training to develop new knowledge and be able to continue studying at a higher level; have knowledge of management, administration, legal knowledge and environmental protection related to the studying field”.

Thus in all Vietnamese universities, law subjects are included in the learning programs in different ways as it is a mandatory requirement of the Law on Education and the Ministry of Education and Training. In general, law education at universities is designed as follows:

A. General Law

The subject of General Law appears in most curriculums of all majors. With the aim to introduce the basic legal norms, principles and raise the legal compliance awareness of all students, it is undeniably important, not only for students with entrepreneurship but also for students of all major. However, in most universities, the learning period is only from 30 to 45 sessions (around 45 minutes/one session). While the information amount that needs to be delivered in the course is huge. It does not only include the overview of the Vietnamese laws and Vietnamese government but also cover the branches of the laws of different areas (including constitution law, civil law, criminal law, commercial law, family and marriage law...). Therefore law lecturers in Vietnamese universities usually do not have enough time to appropriately convey such a huge amount of information to their students. Fortunately, due to the requirement of the Law on Education and the increasing number of learners at the university level in recent years, many universities have built their own learning material including textbooks and other studying guides to serve the teaching and learning of General Law.

* Article 5, Clause 1(a) of Circular No. 07/2015/TT-BGDĐT dated April 16, 2015 of the Ministry of Education and Training
Besides, another issue with General Law is that because of the limited number of classrooms, the number of students per lecturer is significantly high. In some cases, there are more than a hundred students in one class with only one lecturer. It can not be denied the fact that in many cases, the General Law is being seen as a mandatory condition for students to graduate and for schools to meet the requirements of the laws rather than a necessary learning unit for their future living and career.

B. Specialized law subjects

Every faculty of universities in designing their learning programs all take into account the need to include legal subjects of relevant areas into their curriculum. For example, students of business management major may need the knowledge of company law, commercial law, or even intellectual property law (IP law). This is considered an indispensable part of a comprehensive learning programs. A student of Business Administration major needs to master the skill of managing a company but managing a company in a strict compliance with legal regulations is even more important to ensure the long-term interests and security of the company and the society in general. However, there are also problems relating to the teaching of specialized law subjects to non-law students.

Universities always try to build legal learning programs suitable for learners and usable after their graduation. However, not all universities have law department and enough resources to build a programs solely for every single learning major. As a result, subject designers usually use the closely identical learning programs that apply to law students and use the same learning methods used at law universities. That is where problems with legal education at the tertiary level arise. The learning programs are usually too heavy while the learners do not have the background legal knowledge to absorb the information delivered. Another problem perhaps is the lack of learning materials specialized designed for non-law students. Learning materials used for non-law students are usually designed for law students. They are considered too heavy. Non-law students may care about how to behave properly in cases of an intellectual property infringement against him/her but will probably not care about the history or the different theories of IP Law. The program may focus on aspects that are irrelevant or unnecessarily complicated compared to what young people may need for his/her start-up projects. As a result, learners usually find it difficult to understand and easily and quickly lose the motivation to study. The learning unit ends up a waste of time and money.

C. Other forms of legal training

In universities, the Youth Organization, Student Union and the faculties sometimes organize training programs in form of workshops, seminars or even competitions, game shows focusing on activities aiming to foster entrepreneurial mindsets, attitudes and skills and covering a range of aspects such as idea generation, start-up, growth and innovation for students. With the participation of experienced people such as CEO, CFO and experts of businesses, they have created many high quality programs for students and ignite the fire of entrepreneurship in a number of people. However, the programs that focus on legal aspects of start-up projects are very limited. Perhaps when starting a business, young entrepreneurs tend to focus on the business opportunities and the bright future of their projects but easily ignore legal problems on the path to success.

II. THE STATUS OF LEGAL EDUCATION AT VIETNAMESE UNIVERSITIES AND THE AFFECTING FACTORS

Although the legal education at tertiary level has been improved under the policy of the Government and the increasing awareness of the importance of laws in almost every aspect of life. The fact still poses difficulties for educators to make law education really effective and attractive to students. This part will assess the situation of legal education at the tertiary level in Vietnam in the following categories:

A. Facilities

The quality and effectiveness of the legal education for non-law students depend heavily on the facilities of the education institutions. Facilities here include physical conditions and means of teaching, practising, learning and living. Fortunately different from natural science subjects that usually requires expensive and modern equipment and facilities, law education only requires basic equipment such as speakers, projectors, blackboards….. Thus in recent years, with the strict supervision from the Ministry of Education and Training and under an increasingly competitive environment, the law education in Vietnamese universities has been improved significantly in term of teaching facilities. However, there is a fact that the number of student in one class is still too high. Perhaps because of the limited number of classroom in education institutions and also the thinking that law education is only a mandatory political requirement rather than something really necessary for students’ development, there is a tendency to put as many students in one law class as possible. This tendency in turn limits the interaction between lecturers and students during classes and restrict the quality of law lessons, makes them boring and useless in the eyes of students. Law subjects are always considered complicated with many difficult and unfamiliar norms and principles, when students show no interest in the subjects and do not pay an appropriate attention in classes, it is only a waste of time no matter how hard the lecturers try.
B. Learning syllabus and studying materials

As result of economic development, social relations are becoming increasingly complex in Vietnam and the fact shows the necessity for universal legal training for everyone (not only for law students). However, the current reality on legal education at universities shows that the teaching of law subjects in non-law universities have not been organized and implemented in a regular and uniform manner throughout the country. Each university uses different syllabuses and different learning materials for law subjects. Some universities even invite outside teachers to teach law subjects, the content totally depends on the invited teachers so the lectures are not systematic, patchy, discrete; They often teach practical law topics related to the training major while paying little attention to the general theory of the State and law, so students find it difficult to absorb and not interested in studying law.

Another fact is that universities are struggling to identify the scope of law education and training. The scope of learning, the syllabus should not be too heavy for students without law educational background but still effective and useful for them. In Vietnam, due to the shortage of teaching staff, many universities when teaching law subjects to non-law students use the syllabuses identical to those specially designed for law students. This is significantly inappropriate because the syllabus includes too much information in which the majority is too theoretical and a non-law student will easily forget immediately after the learning period. Moreover absorbing knowledge requires students to have solid knowledge from other law subjects that they have ever been taught. For example, to study the subject of International Commercial Contract requires students to be familiar with contract law, international law, civil law ... . They may be all unfamiliar concepts to everyone without attending law schools. Therefore, it is necessary to compile separate textbooks, ensuring scientific reasoning and practicality and better suitable with students not majoring in law.

C. Human Resource

Human resource is the most precious capital that any organization must strengthen and develop. For universities, teaching staff is the core element, creating the success and value of education and training activities. Lecturers of the law subjects must be exemplary people in complying with the law and must have in-depth knowledge of laws. In addition to the requirements of the Law on Education, Law on Higher Education stipulates, law lecturers must have practical experience. They must have the ability to guide students on what to learn, how to learn, and how to choose a right career. The combination of learning and practicing requires not only theoretical knowledge, but also extensive experience and practical skills from teachers. Practical knowledge and experience perhaps a necessary set of information that students not only those with an entrepreneur mindset but also all students will need for their future plan. Besides, the reputation and experience of the lecturers will surely be attractive to students who are recently very eager to learn things from practice. However, in fact, only a part of lecturers at universities really have practical knowledge. Thus some universities begin to attract people with practical experience (such as lawyers, judges, notaries or entrepreneurs) to be part-time lecturers but the modest level of salary is not attractive enough to people really practicing law and having experience and legal requirements for university lecturers are partly hinder the solution.

D. Learning Attitude

Legal training at universities is a two-way process. The effectiveness of the process depends on both the effort of lecturers and the learning attitude of students. Many students and even graduates are very eager to pay for legal trainings designed by law professional organizations (law firms, notary offices, consulting companies ...). The question here is quite clear “why students study law in a very reckless way at universities and then willing to pay a lot of money for the same training after their graduation”. There are probably two answers to the question:

- Firstly only after graduation, students can understand the necessity and have a real motion to study laws toward their career. It is quite a traditional problem as the recent years witness not much improvement in career-oriented activities. As young people in Vietnam at the age of 18 -20 usually do not have the necessary information and the serious attitude to decide a suitable career and understand what is needed for them in the future.

- Secondly: the legal training at university is not practical enough to attract “clients”. As the outside programs are being designed and delivered by law practitioners, not to mention the opportunities to apply the knowledge in real cases. Therefore the law training programs in non-law universities need to increase the amount of practice by including the factual information from real, famous cases thus attract the attention of students better.

† ThS. Vũ Thị Hồng Vân (2011) – Phương pháp giảng dạy môn học pháp luật trong các trường đại học không chuyên luật; Tạp chí Khoa học công nghệ Vol. 5 (2011) [online] Available at: https://www.hau.edu.vn/media/26/ufpdf26984.pdf
‡ ThS. Vũ Thị Hồng Vân (2011) – Phương pháp giảng dạy môn học pháp luật trong các trường đại học không chuyên luật; Tạp chí Khoa học công nghệ Vol. 5 (2011) [online] Available at: https://www.hau.edu.vn/media/26/ufpdf26984.pdf
III. SOLUTIONS FOR BETTER LEGAL TRAINING SYSTEM FOR NON-LAW STUDENTS

On understanding the real situation of legal education at Vietnamese universities, to improve the quality of the legal education, some suggestions can be made as follows:

A. Maintaining the teaching of General Law but unifying the learning scope and clarifying the aims of teaching General Law

A successful start-up project must first be managed by people understanding laws and having a high level of legal compliance awareness. This is to ensure the long-term interest and the security of the project and the society in general. As the Law on Education 2019 requires universities to include law subjects into their learning programs, the Ministry of Education and Training should unify the teaching content to be the framework for the universities to design the syllabus for General Law. Moreover, when the amount of information to be conveyed is high and the teaching duration is limited, the governing body needs to clearly define the aims and focus of teaching General Law at universities. Perhaps the main goals of teaching General Law unit should remain:

- To equip students with basic legal principles, definitions, and basic understanding of law and government. The knowledge will be the ground for further study on specialized law subjects and also understand the social phenomena happening in practice.
- To raise the legal compliance awareness of Vietnamese students.

B. Strengthening learning materials for law subjects

The lack of adequate learning materials for non-law students is a real problem that needs to be addressed. The learning materials on law subjects at Vietnamese universities should be strengthened both in terms of number and quality. Each university should have its own system of legal learning materials for non-law students, suitable for each faculty and learning field. The majority of learning materials used for non-law students are specially designed for law students. Those universities already have internal learning material for law subject should improve the scientific, pedagogical and logic value so that the universities can publish the works as textbooks for general use of non-law student.

On the other hand, the fast economic development and the dynamic character of start-up activities have dramatically changed the legal nature of many social relations in practice and pose new legal risks. For example, the structure of a start-up business may be more complicated than the concepts we already know such as joint venture, limited liability company or joint stock company thus the learning content and materials should also be tailored to meet the demand of the fast-changing nature of start-up activities.  

C. Improving the number and quality of law teaching staff of Vietnamese universities

As the legal education is mandatory and also necessary to the future career of learners, Vietnamese universities should invest to increase the number and quality of the law teaching staff (both full-time and part-time). Even non-law universities should also employ lecturers with a legal education background to be responsible for teaching law and designing law training programs for non-law students. Furthermore, a high and stable income will be the foundation to ensure effective dedication of lecturers. In addition, the Law on education and universities should create favorable conditions to attract people who are practicing laws in reality such as lawyers, judges, notaries with a practical set of skills to participate in teaching activities thus improve the quality of legal education.

D. Optional course of Law for entrepreneurship

Another suggestion to be made is that universities should create an optional special training course on legal aspects of entrepreneurship targeting future business owners. In designing the learning program for this special unit, the following principles should be maintained:

- The unit content should focus on the practical aspects of opening and managing a business. Besides the unit may also cover a wide range of legal aspects of different areas including company law, labour law, commercial law, Intellectual laws …. But the learning content should only cover legal issues relating to the operation of a business on a regular basis.
- Invite people with practical knowledge and experience such as lawyers or entrepreneurs to participate in teaching activities at universities. The information from factual cases and the reputation of the lecturers will attract more students to attend law classes.
- The subject should be optional because as mentioned in this Article finding a job or opening a company is not the only option for students after their graduation.

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IV. CONCLUSION

As law education is needed for students with entrepreneurship firstly as a precedent condition to graduation and also great preparation for their first departure, the structure and content of legal education at the tertiary level must be taken into serious consideration by the educators. The legal education structure used in most Vietnamese universities should be maintained but the aims of each learning unit should be clearly determined while the teaching content and learning materials should be strengthened to better suit the learners. While an optional learning subject of law on legal aspects of entrepreneurship might be an idea for improvement of the legal education structure targeting future entrepreneurs.

On the other hand, the practice of those dynamic and active star-up businesses will also require an adaption from the laws. The laws - the factor with a resistant and stable character will have to adapt to meet the speed of society’s development will full of creativity and innovation. Not only the university need to adapt to the start-up trend but also the laws need to change to create favourable conditions for start-up activities.

V. REFERENCES

Legal Regulations

[3] Circular No. 07/2015/TT-BGDDT dated April 16, 2015 promulgating the regulation on minimum amount of knowledge, required capacity of graduates at each training level of higher education and procedures for establishment, appraisal and issuance of training program for university level, master’s level and doctorate level.

Articles