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EXPANSION OF LEGAL EDUCATION

EXPANSION - The teaching of law as legal principles of occidental conception has been organized relatively late in Vietnam: the School of Medicine was founded in Hanoi in 1905 and it was only 12 years later that the School of Law and Administration was created also in Hanoi. The purpose of the latter school, according to Order dated October 15, 1917, on its creation, was to improve general knowledge and occupational ability of the natives who wished to be employed in the French Administrative Service or in the local Mandarinate. The level of the school therefore could not be considered as an attainment of the Higher Education standard.

It has to wait until there are many youths holding the Junior High School Graduation Certificate in order to replace the above School of Law and Administration by the School of Indochinese Higher Studies. This new school only admitted students holding the Second Part of the Baccalaureat (Senior High School Graduation Certificate) for a further 4 years attendance. Its level was higher of course but its curriculum was still "not essentially law study" as that of a French Faculty/Law in those days.

The curriculum of law of a French Faculty was fully applied in Vietnam only with the creation of the Superior School of Law

which in spite of its being provided by Decree dated September 11, 1931, started functioning only in 1933 in Hanoi. Yet it could not be considered as a Faculty of Law since it only included the 3 year curriculum of the License and had no Doctorate Division, although Order dated July 21, 1935 has created a Fourth Year Course for the Certificate of Indochinese Judicial Studies. By Order dated May 30, 1939 this Fourth Year Course has changed to become the School of Administration, a preparatory center for the examinations for admission in Administration and Judicial Services.

It was only in 1941 that the Superior School of Law was transformed into a Faculty of Law by the creation of the Division of Doctorate of Law comprising a Course of Superior Studies of Private Law and a Course of Superior Studies of Economy.

As of the year of great political events of 1945 the number of its students amounted to 500 approximately. About 20 or 30 students were awarded the Licentiate's Degree each year. The total number of Licentiates of Law in Hanoi as of March 1945 was 260, in which there were 220 Vietnamese.

Later, the Faculty of Law was transferred to Saigon in the beginning of 1947. In November 1948, it was re-established in Hanoi, existing simultaneously with the Saigon Faculty, another

training center for the License of Law.

After the Geneva Agreement, the Faculty of Law and other faculties in Hanoi had to be transferred definitely to South Vietnam.

In the following year, with the Agreement of May 11, 1955 the French Government returned the Control of Higher Education to the Vietnamese Government. It may be said that henceforth Law Education in Vietnam has expanded rapidly.

- Number of students in the initial year, including those of the Proficiency-in-Law Division created previously in 1948-49: 764. As of 1966-67 academic year, the Proficiency in Law Division having been abolished, this number was 8666.

- Number of Licentiates of Law in that 12 year period: 1261.

- Number of students awarded a certificate of Superior Studies: 115.

- Number of Doctors of Law: 11.

Those data concern the Faculty of Law of Saigon exclusively.

With a view to avoiding the concentration in Saigon of all students in the country, the Faculty of Law of Hue was created 10 years ago by Decree of March 1, 1957 and a third Faculty of Law has been founded in Cantho (Phong Dinh) this very year.

## C U R R I C U L U M

### I. L I C E N S E   D I V I S I O N .

Before the transfer of the Higher Education Control to the Vietnamese Government, the 3 year curriculum of the licence of Law was fully taught in accordance with the curriculum of a French Faculty of Law, with no change, including even the History of French Law and the Roman Law. In 1937 a new subject on Judicial Institutions of the Far-east was added to the curriculum, but it was merely an optional subject of minor importance. In those days, of course, the teaching and examinations were necessarily conducted through the French language.

Since the taking in charge of its Higher Education System by the Government of Vietnam, the curriculum of the Faculty of law has been nationalized and Vietnamese has been used as the vehicle language throughout the License Division after a transitional period with a Vietnamese Language Section and a French Language Section for those students following the French curriculum. This transitional period has ended with the academic year 1956-1957.

However, the new curriculum, with its necessary reforms made according to special requirements of the country, does not much differ from the old one in the arrangement and repartition of main subjects among the 3 years of the License

Division.

Recently, in order to give the Vietnamese Licentiate a more solid background of law, the period of study at the Faculty of Law has been extended from 3 to 4 years. In fact, it has been realized that "SQUEEZING" the curriculum into a short period of 3 years did not allow either a deep study of the many important questions in the main subjects of law, or the teaching of additional necessary subjects, especially on Sociology and International Politics. Furthermore, it has been realized that an equal repartition of teaching time to each series of subjects is also necessary.

Today the time of study allocated to the three series of subjects are as follows:

- Private Law Series .....16 half-year Courses
- Economics Series.....16 "
- Politics Series.....16 "

That makes in all 48 half-year courses in 4 years of study of 12 half-year courses each, one half-year course comprising from 35 to 40 of theory and 5 hours of practice and seminar, or a total of 500 school-hours in 32 weeks of study per year (20 weeks being for holidays and summer vacation). So the student has to work 15 hours a week or

3 hours a day. The curriculum of the Faculty therefore may be considered as a fairly complete one.

This 4 year programme has been applied since the 1965-1966 academic year for the FIRST YEAR and the SECOND YEAR of the Licence Division. As to the THIRD YEAR of this Divisions the old programme is still applied. Today while awaiting the FOURTH YEAR of the Licence Division to be opened in next academic year, the subjects taught in the 3 years of the Licence Division are:

FIRST YEAR OF LICENCE

- |                                  |                  |
|----------------------------------|------------------|
| - Civil Law.....                 | Full year course |
| - History of Law .....           | -id-             |
| - International Public Law ..... | -id-             |
| - Economics .....                | -id-             |
| - Constitutional Law .....       | -id-             |

The above five subjects are taught in the Vietnamese language. Two subjects for compulsory written examinations shall be selected from them by drawing lots.

- |                             |                  |
|-----------------------------|------------------|
| - Legal terminology.....    | Half-year course |
| - Economic terminology..... | -id-             |

The above 2 subjects are for oral tests only.

SECOND YEAR OF LICENCE

- Civil Law ..... Full year course
- Administrative Law ..... -id-
- Criminal Law ..... -id-
- Economics ..... -id-
- Finance ..... -id-
- (half-year in the old regim)
- International relations..... Half year course  
(newly added subject)

The above 6 subjects are taught in Vietnamese. Two subjects for compulsory written examinations shall be selected from them by drawing lots.

- Legal terminology ..... Half year course
- Economic terminology ..... -id-

The above 2 subjects are for oral tests only.

THIRD YEAR OF LICENCE

- Civil Law ..... Full year course
- Commercial Law ..... -id-
- Economics ..... -id-
- Economy of Vietnam ..... -id-

- History of Political Doctrines ..... Half year course
- International Private Law ..... -id-
- Civil Procedure..... -id-
- Repartition of Incomes ..... -id-

(newly added subject)

Two subjects for written examinations shall be selected from among the above 7b subjects by drawing lots. Besides these 7 subjects, the candidate undergoing oral examinations shall select 1 of the 4 following optional subjects:

- Technology of the Budget ..... Half year course
- Insurance Law ..... -id-
- Banking Operations ..... -id-
- Labor Law ..... -id-

Oral examinations include 2 more subjects:

- Economic Terminology ..... Half year course
- Political Terminology ..... -id-

Oral examinations at the end of THIRD YEAR comprise 2 separate tests. The candidate has to pass both of them successfully in order to be awarded the Licentiate's Degree.

In addition to that theory part, the Licence Division comprises also a practice part enabling the student to familiarize with the research work and the application of legal principles to various cases, conducted under the direct

guidance of a professor. Thus the teaching staff has an opportunity to get closer contact with students. In this practical training, the Faculty has applied to lawyers and judges for cooperation in order to give the student the experience of their occupation of everyday life.

The organization of this practical training is elastic so that students may attend according to their personal convenience, though they are full-time students or part-time students who may be civil servants, employees of private firms or servicemen. For the purpose, training sessions are divided among various groups working in office-hour sessions, non office hours sessions at the end of each academic year.

## II. THE BAR PRE-ADMISSION TRAINING DIVISION.

Within the scope and purpose of the above practical training, it should be mentioned the Bar Pre-Admission Training Division the organization of which has been entrusted to the Faculty of Law by the Legislator.

Act No. 1/62 dated January 8, 1962, providing for Lawyer Status, has instituted the Certificate of Qualification for the Bar required of all probation-lawyers.

The training for this certificate includes a one-year curriculum with courses on lawyer functions, practicing rules

and professional ethics, and lectures and practice on civil, criminal and administrative procedures. The teaching staff is composed of 2 Law Faculty professors, 2 judges of the Court of appeal and 2 lawyers, thus emphasizing on its practice specialized nature and realizing the desire of the drafter of the program who wants this Division to be "a bridge leading the student from the University to the Court."

This system is good in principle and has helped many bar-qualified licentiates by making them less embarrassed at the beginning of their probationary period.

In fact, however, the system constitutes a barrier to the progress of the young licentiate inclined to the Bar and who wishes to learn a profession and earn a living at the same time. It is perhaps in compensation for that drawback that the same Act No. 1/62 has provided the abolition of the Graduation Examination, thus allowing the probation lawyer to automatically become a titular lawyer after the normal probationary period of 3 years or after 4 years in case of extension of the probationary period due to insufficient assiduity and negligence.

Therefore, students and the Bar Association wish the return of the old probation regime according to which the Licentiate may immediately become a probation lawyer, counting

on his practice to train his qualifications provided that these qualifications be certified by the Graduation Examination at the end of the 3 year probation period. This old probation regim has been re-established by Decree-Law dated July 7, 1966, abolishing the Examination for the Certificate of Qualification for the Bar, and the Bar Pre-Admission Training Division has been also abolished since the 1966-1967 academic year.

### III. THE SUPERIOR STUDIES DIVISION.

This Division has courses of study for 3 Certificates on Private Law, Public Law and Economics. To emphasize on the specialization of this Division the old regim has been abolished which required the student to have 2 out of the 3 Certificates of Superior Studies, each certificate requiring one year of study, before the presentation of his thesis for the Doctorate of Law. Starting from 1957-1958 academic year, the students of this Division has to select at the time of their matriculation one of these 3 subjects, each with 2 grades, to study for 2 years.

The subjects now taught at this Division are:

#### I. SUPERIOR STUDIES OF PRIVATE LAW.

##### a. JUNIOR GRADE

- Civil Law (General and thorough study).

- Commercial Law (thorough study).
- Criminal Law (general and special).
- International private law.

Optional subjects:

- Administrative procedure.
- American Jurisprudence, taught in English.

b. SENIOR GRADE

- Civil Law
- Commercial Law
- Criminal Law
- Civil liability
- Civil procedure

II. - SUPERIOR STUDIES OF PUBLIC LAW

a. JUNIOR GRADE

- Detailed Administrative Law.
- Detailed Constitutional Law.
- Doctrine of International public law.
- Question of liability in Civil Law.
- Foreign political and administrative doctrines.

b. SENIOR GRADE

- Detailed International public law.
- History of political doctrines.
- International political matters.
- Administrative and civic science.

OPTIONAL SUBJECTS:

- Politics
- International organizations

III - SUPERIOR STUDIES OF ECONOMY

a. JUNIOR GRADE:

- Detailed economics
- Mathematics for economists
- National Book-keeping
- History of economical doctrines

OPTIONAL SUBJECTS:

- Rural economy
- Demography

b. SENIOR GRADE:

- Economic theory
- Statistics
- Economic and financial problems
- Money and banks
- Corporate finance

OPTIONAL SUBJECTS:

- Economic industry
- Economic geography

S T A N D A R D

while turning out Licentiate of Law under the French curriculum and through the French language, the Faculty of Law of

was considered a section of the University of Paris and all diplomas were conferred by the same University. Therefore, the standard of these diplomas were the standard of a French one.

After the school becomes the Vietnamese Faculty of Law, this standard remains unchanged for its teaching staff is composed of professors holding their "Agregation" awarded in France or their Doctorates mostly obtained in France, who have attended many International Conventions on University Law Education. As far as the students are concerned their curriculum is most complete and their selection for passing from one class to a higher one is very strict, as shown in the comparative list as follows:

LIST OF SUCCESSFUL CANDIDATES AS COMPARED WITH MATRICULATED STUDENTS

OF THE FACULTY OF LAW OF SAIGON EXCLUSIVELY, FROM 1954-55 to 1965-66

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1955-56 : 1956-57 : 1957-58 : 1958-59 : 1959-60 : 1960-61 : 1961-62 : 1962-63 : 1963-64 : 1964-65 : 1965-66

:	:	:	:	:	:	:	:	:	:	:
0/6	2/5	3/18	4/15	4/25	6/45	7/40	12/35	4/33	6/44	3/41
0/15	3/28	12/46	11/51	6/59	7/29	5/27	7/37	10/52	8/76	10/123
0/35	2/26	3/22	6/28	5/28	8/44	4/44	7/46	8/59	13/99	15/112
:	:	:	:	:	:	:	:	:	:	:
146/482	103/699	116/632	183/907	170/1365	262/1600	276/1825	374/2035	359/3015	401/2831	455/4285
61/104	58/180	86/217	92/221	70/279	95/358	188/485	132/486	171/700	328/730	262/764
33/57	63/79	52/75	69/108	68/128	89/134	87/135	108/229	186/253	207/328	273/440

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Therefore, the French Government has officially recognized the Licence of Law conferred by Vietnamese Faculties to be equivalent to the French Licence of Law for attendance at a division of Doctorate of Law (B. O. E. N. Oct. 12, 1963, page 2481).

The faculty of Law of Saigon has a bright prospect to enter into relation and to progress along side, with Law Universities of other countries, for it does not apply the "Closed Door Policy". With open arms it will welcome professors from other countries willing to assist, in order for its students to gather new opinions on Law, Economy, and Politics, from friendly universities.

Last year, the Faculty enjoyed the assistance of 3 American Professors and one French Professor at the Doctorate Division, one in Private Law and the 3 others in Public Law.

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