

University Autonomy in Vietnam under the 2025 Law on Higher Education: A Perspective from Administrative Law Theory

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Abstract:

University autonomy has become a central component of higher education reform in Vietnam in the context of public administration reform and the development of a socialist rule-of-law state. The 2025 Law on Higher Education introduces significant adjustments to the design and implementation of university autonomy, reflecting a shift from a model of direct administrative control to one based on decentralization, accountability, and the control of public power. This article approaches university autonomy from the perspective of administrative law, conceptualizing it as a legally institutionalized form of controlled administrative decentralization. Based on an analysis of the provisions of the 2025 Law on Higher Education, combined with policy arguments presented in the Government's explanatory reports and a comparison with the practice of legal implementation, the article clarifies the legal nature, scope, and limitations of university autonomy. Accordingly, it identifies key legal issues arising in the current governance framework of higher education and proposes several directions for legal reform aimed at ensuring a balance between granting autonomy and controlling administrative power in the higher education sector.

Keywords: university autonomy, administrative decentralization, 2025 Law on Higher Education, state management, administrative law.

1. INTRODUCTION

In administrative law, the delegation of authority from the State to entities outside the core administrative apparatus for the performance of public functions or the provision of public services is intrinsically linked to fundamental issues such as administrative decentralization, legal accountability, and mechanisms for the control of public power (Craig, 2016; Harlow & Rawlings, 2009). Higher education, as a distinctive public service sector, operates within this dual framework: it remains subject to unified state management while simultaneously requiring a certain degree of institutional autonomy to ensure the quality of teaching, scientific research, and responsiveness to socio-economic demands (Enders et al., 2013; Olsen, 2007).

In Vietnam, university autonomy has been progressively recognized and expanded in the legal system, particularly through the 2012 Law on Higher Education and its 2018 amendment (Dinh & Nguyen, 2025). However, the implementation of these legal provisions has revealed

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persistent ambiguities in delineating the boundaries between institutional autonomy and state administrative authority, especially in areas such as organizational structure, personnel management, and financial governance (London, 2011; Nguyen 2022). These challenges have constituted a key impetus for the comprehensive revision of the legal framework, culminating in the promulgation of the 2025 Law on Higher Education. The 2025 Law on Higher Education was enacted in the broader context of administrative reform, characterized by a transition toward a developmental state model emphasizing decentralization, delegation of authority, and enhanced accountability (Painter, 2003). Within this framework, university autonomy is no longer conceptualized merely as a relaxation of administrative control or a managerial solution, but rather as an institutional arrangement embedded within a system of legally structured power allocation and control.

Against this background, examining university autonomy from an administrative law perspective is both theoretically and practically significant. This approach allows for a reconceptualization of autonomy as a form of legally institutionalized administrative decentralization, thereby contributing to a more coherent understanding of its legal nature, scope, and limitations (Verhoest et al., 2004). Despite a growing body of literature on university autonomy in Vietnam, most existing studies have approached the issue from the perspectives of educational management, policy analysis, or educational science. These studies primarily emphasize the role of autonomy in improving institutional performance, enhancing educational quality, and strengthening competitiveness (De Boer et al., 2007). While some legal analyses have addressed the regulatory framework under the 2012 Law and its 2018 amendment, they often remain confined to sector-specific legal commentary.

From the standpoint of legal scholarship, particularly administrative law, the existing literature exhibits notable limitations. First, university autonomy has not been sufficiently examined within the broader structure of administrative law, where questions of authority, legal responsibility, and control mechanisms are central (Craig, 2016). Second, prior studies are largely grounded in earlier legal frameworks and therefore do not adequately capture the conceptual and institutional shifts introduced by the 2025 Law. Accordingly, a clear research gap emerges: there has been no systematic study of university autonomy under the 2025 Law on Higher Education as an administrative law institution, designed as a form of controlled decentralization linked to the legal accountability of delegated entities. Addressing this gap is essential for both theoretical advancement and practical application.

This article aims to clarify the legal nature of university autonomy under the 2025 Law on Higher Education from an administrative law perspective. It evaluates the coherence between legal provisions and their implementation in practice, and proposes directions for legal reform. To achieve these objectives, the article addresses the following research questions: 1) What is the legal nature of university autonomy under the 2025 Law on Higher Education from the perspective of administrative law? 2) How is university autonomy structured within the framework of administrative decentralization and mechanisms for controlling public power?

2. METHODOLOGY

This study adopts a qualitative legal research approach grounded in administrative law theory. It conceptualizes university autonomy as a legal institution embedded within the broader

framework of administrative decentralization, delegation of authority, and mechanisms for controlling public power (Craig, 2016; Harlow & Rawlings, 2009). By situating the analysis within administrative law, the study seeks to move beyond descriptive policy analysis and provide a systematic legal interpretation of university autonomy under the 2025 Law on Higher Education.

The research is designed as a doctrinal legal study, focusing on the interpretation and evaluation of legal norms governing university autonomy. Doctrinal legal research is widely used in legal scholarship to analyze statutory provisions, case law, and legal principles in order to clarify their meaning and coherence within a legal system (McConville & Chui, 2017; Hutchinson, 2018). The analysis centers on the provisions of the 2025 Law on Higher Education, with particular attention to rules relating to decision-making authority, organizational autonomy, financial governance, accountability, and state supervision. To ensure analytical depth, the study also incorporates a contextual dimension by examining policy rationales underlying the legislation, as reflected in official government explanatory reports and legislative documents (Smits, 2012).

The study relies primarily on secondary legal sources, including: 1) Statutory documents, particularly the 2025 Law on Higher Education and preceding legal instruments (2012 Law and 2018 amendments); 2) Official policy documents, such as Government submissions and explanatory reports; 3) Relevant academic literature on university autonomy, administrative law, and public governance (Verhoest et al., 2004; Enders et al., 2013). In addition, selected practical insights from the implementation of higher education autonomy policies in Vietnam are used to illustrate and contextualize the legal analysis.

This study focuses on the legal dimension of university autonomy under the 2025 Law on Higher Education, without conducting empirical fieldwork or quantitative analysis. While references to implementation practice are included, they serve primarily as illustrative examples rather than as systematic empirical evidence. Accordingly, the findings are limited to doctrinal and theoretical insights, which may be complemented by future empirical studies examining the practical impact of the legal framework (McConville & Chui, 2017).

3. FINDINGS AND DISCUSSION

3.1. University autonomy under the 2025 Law on Higher Education as an institution of controlled administrative decentralization

3.1.1. University autonomy as a legally institutionalized administrative right

The 2025 Law on Higher Education marks a significant shift in the approach to university autonomy by legally institutionalizing it as an administrative right conferred upon higher education institutions within the framework of unified state governance. Unlike earlier stages, where autonomy was often perceived as a degree of “relaxation” of administrative control or merely a managerial solution, the 2025 Law establishes autonomy on a normative legal basis, linked to the legal status, authority, and clearly defined responsibilities of the empowered entities.

From the perspective of administrative law, the legal codification of autonomy is decisive for ensuring both its stability and enforceability. Once established by statute, autonomy no longer

depends on the unilateral administrative will of superior authorities but becomes an integral part of the legal order, governed by general principles of public administration, including legality, transparency, accountability, and control of public power. This represents a clear manifestation of a model of controlled administrative decentralization in the higher education sector.

This argument is also consistent with the legislative intent reflected in the Government's explanatory report, which emphasizes a transition from direct administrative control to governance based on legal norms, standards, and ex post supervision, alongside enhanced autonomy coupled with accountability.

3.1.2. Subjects of autonomy and legal accountability under the 2025 Law on Higher Education

A legally significant feature of the 2025 Law on Higher Education is the clear identification of the subjects exercising autonomy and the corresponding mechanisms of legal accountability. Under the Law, public higher education institutions are recognized as the primary entities vested with autonomy in legally defined domains, while the heads of these institutions are held accountable to the State for the exercise of such autonomy.

From an administrative law perspective, this design reflects a trend toward the individualization of legal responsibility in the exercise of delegated authority. Whereas earlier governance models often diffused responsibility across collective bodies or multiple actors, the 2025 Law emphasizes the role and legal accountability of the institutional head as a specific administrative subject. This facilitates the effective application of accountability mechanisms, including reporting obligations, inspection, supervision, and liability enforcement in cases of violations.

Practical experience further indicates that clearly identifying the responsible subject is a critical condition for the effective functioning of university autonomy. As higher education institutions are granted increasingly broad decision-making powers in areas such as organization, personnel, and finance, the absence of a clearly accountable entity may lead to risks of abuse of power or evasion of responsibility. In this respect, the 2025 Law represents a significant advancement in refining the legal design of university autonomy.

3.1.3. Scope and legal limits of university autonomy

The 2025 Law on Higher Education defines university autonomy across key dimensions, including academic autonomy, organizational autonomy, financial autonomy, and personnel autonomy. However, from an administrative law perspective, the issue extends beyond the scope of autonomy to encompass its legal limits.

University autonomy must be exercised within the framework of law and in alignment with overarching objectives of educational policy and national human resource development. Legal limits are reflected in requirements for compliance with operational conditions, quality assurance standards, financial discipline, public asset management regulations, and accountability obligations before competent state authorities. These constraints do not diminish the essence of autonomy; rather, they constitute essential elements ensuring the legality and legitimacy of administrative decentralization.

In practice, certain difficulties in implementing university autonomy have arisen from the lack of clear delineation between institutional autonomy and state administrative authority, resulting either in excessive administrative intervention or, conversely, insufficient oversight. The 2025 Law has made initial efforts to address this issue by clarifying the legal boundaries of autonomy. However, its effectiveness will largely depend on implementing regulations and the manner in which the legal framework is operationalized.

3.1.4. University autonomy within the model of indirect administrative governance

University autonomy under the 2025 Law on Higher Education should be understood within the broader context of an indirect administrative governance model. In this model, the State does not directly manage the day-to-day operations of higher education institutions but instead governs through the establishment of legal frameworks, standards, operational conditions, and appropriate supervisory mechanisms.

The continued use of regulatory instruments such as licensing regimes, quality assurance systems, inspection and supervision activities, and enforcement measures demonstrates that the State does not relinquish its governance role in higher education. Rather, it reflects a transformation in the mode of governance, aligning state management practices with the autonomy of higher education institutions. In this context, the State shifts away from direct administrative intervention through command-and-control measures toward governance through legal instruments and ex post oversight mechanisms. This approach enables a balance between expanding institutional autonomy and maintaining necessary state supervision to safeguard public interests and the quality of the education system.

From an administrative law perspective, this model reconciles two seemingly competing imperatives: ensuring sufficient autonomy for higher education institutions while preserving the effectiveness of state governance and the protection of public interests. Accordingly, university autonomy under the 2025 Law on Higher Education should not be understood as a “withdrawal” of the State, but rather as an expression of controlled indirect administrative governance, consistent with the requirements of administrative reform and the development of a modern rule-of-law state in Vietnam.

3.2. Controlling university autonomy under administrative law: Legal instruments and enforcement mechanisms in the 2025 Law on Higher Education

3.2.1. Control of university autonomy through the legal framework

In administrative law, the legal framework constitutes a foundational instrument for controlling public power, characterized by its general applicability and relative stability. With respect to university autonomy, control is primarily exercised through legal provisions that clearly define the scope, conditions, and limits of the delegated powers. This represents a form of ex ante control, embedded at the stage of institutional design.

The 2025 Law on Higher Education approaches university autonomy by legally codifying the domains in which autonomy is granted, while linking its exercise to mandatory legal standards such as operational conditions, quality assurance requirements, financial discipline, and accountability obligations. From an administrative law perspective, this mode of governance enables the State to exercise control over public power in a more indirect and institutionalized

manner. Rather than relying on specific administrative commands to directly intervene in the activities of empowered entities, the State establishes general legal norms that define the framework and boundaries for the exercise of autonomy. Based on this normative system, competent authorities are able to assess the legality of decisions and actions taken in the course of exercising autonomy. This approach not only ensures flexibility for institutions in their professional activities but also maintains effective control of power through general legal standards.

The clear establishment of legal limits on university autonomy is also essential for upholding the rule-of-law principle. When such limits are explicitly prescribed by law, higher education institutions can anticipate the boundaries of lawful conduct, while state authorities are constrained in their interventions, thereby preventing arbitrariness and administrative overreach.

3.2.2. Control through licensing mechanisms and operational conditions

In addition to the legal framework, licensing mechanisms and the maintenance of operational conditions constitute important instruments of administrative law in controlling university autonomy. In the context of public administration, licensing should not be understood merely as a formal administrative procedure. Rather, it is a legal instrument through which the State assesses both the legal capacity and the practical capability of entities before allowing them to undertake or continue activities that may significantly affect public interests. Through licensing, competent authorities not only establish entry conditions for participation in specific sectors but also ensure that delegated powers are exercised only by entities meeting the necessary standards for the protection of societal interests.

In higher education, the establishment of institutions, authorization to provide training, program accreditation, and the maintenance of operational conditions are all subject to legal requirements concerning academic staff, infrastructure, curricula, and quality assurance. These requirements enable the State to exercise selective *ex ante* control, ensuring that delegated authority is entrusted only to qualified institutions.

However, practical experience indicates that if licensing mechanisms and operational conditions are poorly designed or implemented, they may become barriers to the effective exercise of university autonomy. The objective, therefore, is not to eliminate licensing, but to standardize and enhance the transparency of legal requirements, ensuring that they serve the purpose of controlling public power in the public interest rather than becoming instruments of excessive administrative intervention.

3.2.3. Control through inspection, supervision, and enforcement

Inspection, supervision, and enforcement constitute typical *ex post* control mechanisms in administrative law with respect to the exercise of delegated authority. In the higher education sector, these instruments enable the State to monitor the exercise of autonomy after powers have been granted, thereby facilitating the timely detection and sanctioning of legal violations.

The 2025 Law on Higher Education reaffirms the role of educational inspection and sector-specific supervisory mechanisms in ensuring the legality of higher education activities. From an administrative law perspective, inspection and supervision are not intended to replace

institutional decision-making autonomy, but rather to ensure that such autonomy is exercised in accordance with its intended purpose, within the scope of authority, and in compliance with legal limits.

In practice, the effectiveness of these mechanisms largely depends on clearly defining their scope and methods of application. Inspections that intrude excessively into professional activities or are conducted in a merely formalistic manner may undermine the essence of autonomy. Conversely, when based on clear legal criteria, they become effective tools for ensuring administrative discipline and accountability in higher education governance.

3.2.4. Control through responsibility and accountability mechanisms

A defining feature of modern administrative law is the control of public power through mechanisms of responsibility and accountability. In the context of university autonomy, this is reflected in obligations of transparency, information disclosure, institutional accountability, and, in particular, the personal legal responsibility of institutional leaders.

The 2025 Law on Higher Education emphasizes the linkage between autonomy and accountability, considering the latter as a necessary condition to prevent the abuse of autonomous powers. From an administrative law perspective, accountability should not be viewed solely as a political requirement or an ethical norm of public service. Fundamentally, it also constitutes a form of legal responsibility prescribed by law and enforced through corresponding sanctioning mechanisms. Where entities exercising delegated powers fail to comply with accountability obligations or commit violations in the course of their duties, administrative sanctions may be imposed to ensure legal compliance and maintain administrative discipline. This demonstrates that accountability, within the framework of administrative law, serves both as a requirement of transparency and public responsibility, and as a legal mechanism associated with concrete legal consequences in cases of non-compliance.

Strengthening responsibility and accountability mechanisms allows the State to control university autonomy without expanding direct administrative intervention. This represents a clear manifestation of a model of controlled indirect administrative governance, consistent with the requirements of administrative reform and the development of a rule-of-law state in contemporary Vietnam.

3.3. Evaluating university autonomy and implications for legal reform

3.3.1. Interpreting the effects of controlled administrative decentralization

The findings of this study indicate that the 2025 Law on Higher Education has introduced a meaningful shift toward a model of controlled administrative decentralization in the governance of higher education. The legal institutionalization of university autonomy has contributed to clarifying the legal status of higher education institutions within the administrative system, thereby reducing reliance on ad hoc and discretionary decisions by supervising authorities.

From an administrative law perspective, this transformation reflects a transition from personalized administrative control to rule-based governance. By embedding autonomy within a statutory framework, the law enhances legal certainty and predictability, enabling institutions

to exercise their powers within a defined legal order. This shift is particularly significant in a context where public service provision requires both flexibility and accountability.

Furthermore, the explicit identification of responsible actors, especially the institutional head, represents an important development in strengthening legal accountability. This aligns with broader trends in administrative law toward the individualization of responsibility, which facilitates the effective operation of oversight mechanisms such as inspection, supervision, and sanctioning. In practice, this has enabled some institutions to demonstrate greater initiative in organizational restructuring, personnel management, and financial decision-making, thereby improving operational efficiency and adaptability.

At the systemic level, the move toward indirect administrative governance (based on legal norms, standards, and ex post control) appears better suited to the complex and dynamic nature of higher education. It reduces the need for direct administrative intervention while preserving the State's capacity to regulate and supervise the sector.

3.3.2. Persistent tensions between autonomy and administrative control

Despite these positive developments, the analysis reveals persistent tensions inherent in the design and implementation of university autonomy under the 2025 Law.

First, the boundary between institutional autonomy and state administrative authority remains insufficiently delineated in several key domains, particularly organizational structure, personnel management, and financial governance. In practice, this ambiguity allows for continued administrative interference in areas formally designated as autonomous, thereby undermining the substantive meaning of autonomy. This finding suggests that legal codification alone is insufficient without precise normative boundaries and consistent interpretation.

Second, the system of control mechanisms lacks coherence and coordination. The coexistence of multiple instruments, ranging from legal norms and licensing requirements to inspection and supervision, without a clearly integrated design creates risks of both overlap and regulatory gaps. Such fragmentation may result in excessive control in some areas while leaving others insufficiently regulated, ultimately weakening the effectiveness of administrative oversight.

Third, although accountability is formally emphasized in the legal framework, its implementation remains uneven. In several cases, transparency and reporting obligations are treated as procedural formalities rather than substantive legal duties. This gap between formal regulation and actual practice indicates that accountability mechanisms have not yet been fully internalized as enforceable components of administrative responsibility.

These limitations can be attributed to both legal and institutional factors. From a legal standpoint, certain provisions of the 2025 Law retain a framework-like character, requiring further specification through implementing regulations. The absence of detailed legal guidance contributes to inconsistent interpretation and application across institutions and administrative bodies. From an institutional perspective, the persistence of traditional administrative mindsets continues to influence the exercise of state authority. Reluctance to fully relinquish direct control, combined with a tendency toward risk aversion, often leads to the maintenance of interventionist practices that are inconsistent with the logic of decentralization. Additionally,

disparities in governance capacity among higher education institutions further complicate the implementation of autonomy. Where institutional management capacity and legal compliance awareness are limited, the exercise of autonomy may become ineffective or even problematic, reinforcing the perceived need for continued administrative oversight.

3.3.3. Implications for legal reform

The above analysis suggests that further legal reform is necessary to consolidate the model of controlled administrative decentralization in higher education.

First, the legal framework should be refined to more clearly delineate the boundary between institutional autonomy and state authority. This requires not only clearer statutory provisions but also detailed implementing regulations that ensure consistent interpretation and application.

Second, control mechanisms should be systematically redesigned to ensure coherence between *ex ante* and *ex post* instruments. Rather than expanding control, the emphasis should be placed on rationalizing and coordinating existing mechanisms to prevent both redundancy and regulatory gaps.

Third, accountability must be strengthened as a central pillar of autonomy. This entails enhancing legal requirements for transparency, improving enforcement mechanisms, and ensuring that violations of accountability obligations lead to concrete legal consequences. Particular attention should be given to reinforcing the legal responsibility of institutional leaders as key actors in the governance framework.

Overall, these reforms are essential to achieving a sustainable balance between autonomy and administrative control. From an administrative law perspective, university autonomy under the 2025 Law should not be understood as a withdrawal of the State, but as a reconfiguration of state power through legally structured, accountable, and controlled decentralization.

4. CONCLUSION

University autonomy under the 2025 Law on Higher Education reflects a fundamental shift in the State's approach to governing higher education in Vietnam, moving from a model of direct administrative control toward a model of controlled administrative decentralization designed and safeguarded by law. From an administrative law perspective, university autonomy should not be understood merely as a managerial solution or an educational policy, but rather as a legal institution intrinsically linked to the allocation of authority, the establishment of legal responsibility, and the organization of mechanisms for controlling public power.

Based on an analysis of the theoretical foundations, substantive content, and implementation mechanisms of university autonomy under the 2025 Law on Higher Education, this article demonstrates that the legal codification of autonomy has clarified the legal status of higher education institutions within the system of state administration, while providing a legal basis for enhancing institutional initiative and accountability in governance and operation. Nevertheless, practical implementation reveals several persistent limitations, particularly concerning the delineation between institutional autonomy and state authority, the lack of coherence among control mechanisms, and the uneven effectiveness of accountability enforcement.

From a legal scholarship perspective, the contribution of this study lies in conceptualizing university autonomy as a concrete manifestation of administrative decentralization within the context of building a rule-of-law state. In doing so, it elucidates the relationship between the delegation of authority and the control of public power in the higher education sector. This approach enables a more comprehensive understanding of university autonomy as embedded within the broader structure of administrative law and aligned with the imperative of safeguarding public interest.

Looking forward, further legal reform and institutional implementation of university autonomy should be situated within the broader agenda of administrative reform oriented toward a developmental state, with a focus on strengthening accountability and ensuring the control of public power through law. Only by maintaining an appropriate balance between expanding institutional autonomy and preserving administrative discipline can university autonomy fully realize its role in enhancing the quality and effectiveness of Vietnam's higher education system.

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