
**COMPLETING PROCEDURES FOR LAND DISPUTE RESOLUTION ACCORDING
TO THE 2024 LAND LAW IN VIETNAM**

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ABSTRACT

Land is a special resource closely associated with the essential rights and interests of individuals, organizations and the State. However, during its use, land disputes remain complex, negatively affecting social order, the investment environment and state management of land. The 2024 Land Law has supplemented and amended various provisions related to jurisdiction, procedures and processes for resolving disputes, aiming to address the shortcomings of the current legal framework. Therefore, this paper focuses on analyzing the legal basis and practical application of land dispute resolution procedures under the 2024 Land Law, assessing the advancements, limitations and challenges in its implementation and thereby proposing solutions for improvement.

Keywords: land disputes, dispute resolution procedures, land law 2024 in Vietnam.

1. INTRODUCTION

Land dispute resolution under current law is implemented through many mechanisms including formal and informal institutions such as grassroots mediation, commercial arbitration or other forms of mediation. Of which, the two most commonly applied methods are administrative procedure resolution and judicial procedure. Practice shows that there are still many shortcomings in the process of resolving land disputes, not only between formal methods but also within each individual method. The 2024 Land Law in Vietnam has many important amendments and supplements related to the authority, order and procedures for dispute resolution, aiming to overcome the above shortcomings. However, in order for the new regulations to truly come into effect, ensuring feasibility, consistency and suitability with reality, it is necessary to continue to research and analyze in depth both the legal basis and practical application. Effectively resolving land disputes on the basis of clear, feasible and consistent legal provisions is not only an urgent requirement of legislative activities but also an important task to protect the legitimate rights and interests of relevant parties, maintain social order and improve the effectiveness of state management of land. Based on this requirement, the article proposes solutions to improve procedures for resolving land disputes, contributing to improving the effectiveness of law enforcement in this field.

2. AIM OF THE STUDY

He researcher focuses on the resolution of land disputes in organizations, units and individuals in Vietnam. With the aim of finding the best and most effective solutions to resolve disputes so that the parties involved can reach a consensus and limit major conflicts in land disputes. From the

2024 Land Law of Vietnam, it directly stabilizes disputes and reduces conflicts. Thereby contributing to a more stable legal society in Vietnam with better relationships between people.

3. SUBJECTS AND METHODS

The researcher focuses on the main research methods such as: Analysis, synthesis, comparison, and statistics of new provisions and details of the 2024 Land Law. Specifically, the 2024 Land Law in Vietnam is analyzed to clearly see the strengths, weaknesses, scope of regulation, applicable subjects, land users, principles of use, persons responsible to the State for land use, and prohibited acts in the land sector in Vietnam on the basis of the Law promulgated according to the legal system of Vietnam.

4. Research content

4.1 Some common issues on land dispute resolution procedures

4.1.1 Concept of land dispute resolution

According to the 2024 Land Law: “A land dispute is a dispute over the rights and obligations of land users between two or more parties in a land relationship”. This type of dispute aims to determine who has the legal right to use the land and needs to be distinguished from other types of disputes related to land such as disputes over contracts or transactions related to land use rights; disputes arising from marriage and family relationships involving houses and land; disputes over inheritance of land use rights, etc. For land disputes in the narrow sense, the law requires the parties to conduct conciliation procedures at the People's Committee at the commune level according to a certain order. Meanwhile, other disputes related to land do not always have to go through mandatory conciliation at the commune level before requesting a competent authority to resolve them.

Dispute resolution is the process of resolving contradictions, disagreements or conflicts in order to balance the rights and obligations of the parties. However, the results of this activity do not always achieve complete reconciliation, because one party's gain often means that the other party is put at a disadvantage. For land disputes, this is a dispute related to a type of property that has great economic and spiritual value for both individuals and society, so harmonizing the interests of the parties is extremely important. From that, it can be understood that land dispute resolution is the activity of competent authorities to handle disagreements and conflicts of interests, rights and obligations between subjects in land law relations.

4.1.2 Authority and method of land dispute resolution

First, the method of dispute resolution by conciliation. Conciliation is a method encouraged by the State, aiming to resolve disputes based on the goodwill and cooperation of the parties. There are two forms: (i) Self-conciliation or conciliation at the grassroots level, negotiated directly by the parties or through a conciliation team, commercial conciliation... The results are not mandatory; (ii) Compulsory conciliation at the People's Committee at the commune level, applied to disputes determining who has the right to use the land. This procedure is carried out within a period of no more than 30 days, with a conciliation record and confirmation by the People's Committee of the commune; if conciliation fails, the parties can continue to request the competent authority to resolve the dispute.

Second, the method of dispute resolution at the competent authority. When the disputing parties do not have a Land Use Rights Certificate or legal documents according to Article 137 of

the 2024 Land Law, the parties may choose to submit a request to the People's Committee of the competent authority for resolution; if they do not agree with the decision, they have the right to appeal or file a lawsuit according to administrative procedures; or file a lawsuit at the People's Court according to the Civil Procedure Law. The People's Court resolves land disputes when the parties have or do not have a Certificate, disputes over property attached to land and other cases according to regulations. The conditions for filing a lawsuit include disputes under the jurisdiction of the Court, not yet resolved and having been compulsorily mediated at the People's Committee at the commune level. The procedure for filing a lawsuit includes preparing documents, submitting a petition, paying advance court fees and participating in the proceedings according to the provisions of law.

Third, the method of dispute resolution by arbitration. The 2024 Land Law has recorded a new breakthrough provision, when for the first time granting the authority to resolve land disputes arising from commercial activities to commercial arbitration. However, the introduction of the arbitration mechanism to resolve land disputes is still a relatively new issue for both law enforcement agencies and businesses. Accordingly, not all disputes related to land can be submitted to arbitration for adjudication. The 2024 Land Law clearly states: "Disputes between parties arising from commercial activities related to land shall be resolved by the Court in accordance with the provisions of the law on civil procedure or by the Vietnam Commercial Arbitration in accordance with the provisions of the law on commercial arbitration". Based on this provision, it means that arbitration only has jurisdiction in commercial disputes related to land.

4.2 New points on land dispute resolution in the 2024 Land Law and practical application of the law

4.2.1 New points on land dispute resolution in the 2024 Land Law

First, the regulation on the conditions for conciliation at the commune-level People's Committee before the competent authority resolves land disputes. Article 203 of the 2013 Land Law only generally stipulates that land disputes that have been conciliated at the commune-level People's Committee but failed will be resolved by the competent authority, leading to the understanding that all land disputes must be conciliated at the commune level first. However, the 2015 Civil Procedure Code and Resolution 04/2017/HĐTP-TANDTC clearly distinguish between disputes over land use rights (which must be conciliated at the commune-level People's Committee) and other disputes related to land such as contracts, inheritance, and division of common property (which do not require conciliation). This lack of consistency causes difficulties in practical application. To remedy this, Clause 2, Article 235 of the 2024 Land Law clearly stipulates that before requesting the Court, the People's Committee of a competent level or other agency to resolve the dispute, the parties must mediate at the People's Committee of the commune where the disputed land is located. This provision also requires the Supreme People's Court to amend Resolution 04/2017/HĐTP-TANDTC to ensure legal consistency. Article 236 of the 2024 Land Law supplements the jurisdiction of Commercial Arbitration over disputes arising from commercial activities related to land, but there is currently no clear guidance on whether these disputes must be mediated at the commune level or not. Clause 5, Article 235 stipulates that for areas where no commune-level administrative units are established, the parties may skip the mediation procedure at the commune level and directly request the competent agency to resolve the dispute, in order to suit the management characteristics of these areas.

Second, regulations on the Court's authority to resolve land disputes. As a judicial body with a team of professionally trained judges, the People's Court continues to be recognized by the 2024 Land Law (Article 236) as having the authority to resolve land disputes as prescribed in the 2013 Land Law. Accordingly, the Court resolves: (i) disputes over property attached to land; (ii) land disputes when the parties have a Certificate or one of the documents specified in Article 137; (iii) disputes where the parties do not have a Certificate or valid documents but choose to resolve them at the Court according to the civil procedure law. Compared to before, the 2024 Land Law clarifies the types of valid Certificates, including documents issued under the land law over the periods, helping to clearly identify the competent authority, avoiding the situation of evasion or shirking responsibility. However, the law does not currently specify how to handle the situation when one party chooses the Court and the other party chooses the People's Committee, causing difficulties for the coordination mechanism in practice.

Third, regulations on the authority to resolve land disputes of People's Committees at all levels. According to Article 236 of the 2024 Land Law, if the disputing parties do not have a Certificate or valid documents according to Article 137, the parties can choose to resolve the dispute at the competent People's Committee. In which (i) disputes between households, individuals, and residential communities are under the authority of the Chairman of the District People's Committee; (ii) disputes in which one party is an organization, religious organization, overseas Vietnamese, or foreign-invested economic organization are under the authority of the Chairman of the Provincial People's Committee. Decree No. 151/2025/ND-CP dated June 12, 2025 of the Government, effective from July 1, 2025, stipulates the division of authority between local authorities and the decentralization and decentralization in land management. In Section I, Part VIII, Appendix I of this Decree, the content of the procedures for resolving land disputes under the authority of the Chairman of the People's Committee at the commune and provincial levels is specifically regulated. The 2024 Land Law supplements the right to file a lawsuit or appeal against the settlement decisions of the People's Committees at all levels within 30 days from the date of receipt of the decision; after this period, the decision takes effect. After 30 days from the date the decision takes effect, if the disputing party fails to comply, the Chairman of the People's Committee at the commune level where the land is located will issue and organize the implementation of the enforcement decision. These regulations contribute to enhancing the responsibility of the People's Committee and ensuring that the settlement of disputes by administrative mechanisms is thorough.

Fourth, regulations on the jurisdiction of Commercial Arbitration to resolve land disputes. Clause 5, Article 236 of the 2024 Land Law for the first time recognizes the jurisdiction of Commercial Arbitration to resolve disputes arising from commercial activities related to land. Accordingly, these disputes can be resolved by the Court under civil procedure or by the Vietnam Commercial Arbitration in accordance with the provisions of the law on arbitration. This provision reflects the suitability with reality, when commercial activities related to land are increasingly diverse. However, the new Law has not yet clearly defined what is considered a "dispute arising from commercial activities related to land", leading to the risk of difficulty in determining jurisdiction. Therefore, there is a need for detailed guidance documents to clearly distinguish the types of disputes within this scope.

4.2.2 Practical application of law on land dispute resolution

The implementation of the 2024 Land Law in the practice of resolving land disputes has brought about many positive results. The legal framework has been improved more comprehensively than before through the addition, amendment and specification of regulations on the order and procedures for mediation, the authority to resolve as well as the time limit for processing records. These reforms have contributed to increasing transparency, ensuring consistency in the application of the law, and at the same time limiting arbitrariness or contradictions in understanding and implementation between localities. Mediation activities at the grassroots level have been promoted and achieved effectiveness. Many disputes have been resolved right at the People's Committees of communes, wards and towns, thereby significantly reducing pressure on superior agencies and the People's Court system. The rate of successful mediation in some localities has improved, contributing to maintaining social order and security and strengthening community relations. Dispute resolution time is shortened thanks to stricter regulations on time limits at each stage of processing, helping to overcome the situation of prolonged cases and increase the initiative of both the resolving agency and the parties involved. The application of information technology in receiving, searching and managing records also creates favorable conditions for people to monitor the progress of settlement, saving time and costs, while improving the efficiency of state management agencies. In parallel, the synchronous implementation of propaganda and dissemination of the 2024 Land Law has raised people's legal awareness. Thanks to a better understanding of their rights and obligations, people are more proactive in protecting their legitimate rights and actively cooperating in the process of conciliation and dispute resolution.

Despite many positive results, the application of the 2024 Land Law in dispute resolution practice still has some limitations. The rate of unsuccessful conciliation remains high in many localities for disputes related to boundaries, long-term land use rights, inheritance rights, cases often associated with historical factors and complex emotional conflicts. The quality of conciliation is uneven among localities. In some places, conciliators are not fully equipped with legal knowledge and professional skills, leading to incorrect guidance for the parties, even prolonging the settlement time. Delays in dispute resolution still occur, mainly due to the large volume of work, complicated records, and lack of effective coordination among relevant agencies. Many cases are pending, lasting for many years, negatively affecting people's rights and reducing trust in the administrative apparatus. The overlap of jurisdiction between administrative agencies and the Court in some cases has not been completely resolved, causing people to have to travel many times or cases to be delayed. Land records and documents in some areas have not been fully and accurately updated, causing difficulties in verification, evidence collection and conclusion.

5. COMPLETE SOLUTION FOR LAND DISPUTE RESOLUTION PROCEDURES UNDER THE 2024 LAND LAW

First, perfect the regulations on land dispute mediation at the commune-level People's Committee. Clause 2, Article 235 of the 2024 Land Law continues to stipulate mandatory mediation at the commune-level People's Committee before bringing the land dispute to the competent authority. However, to improve efficiency, the law needs to supplement the handling mechanism when the commune-level People's Committee fails to organize mediation on time or fails to make a record of unsuccessful mediation, in order to help the parties quickly file a lawsuit.

In this case, the receipt of the request for mediation can be used as the basis for filing a lawsuit. At the same time, the mediation period should be shortened to about 15-20 days from the date of receipt of the request. Regarding the composition of the Conciliation Council, it should be streamlined to only the Chairman of the Council, judicial officers and commune-level land officers, instead of maintaining the same structure as the 2013 Land Law. In addition, there should be guidance on receiving conciliation requests, ensuring that the applicant has a clear basis for the dispute (such as documents on land use rights), avoiding arbitrary disputes that affect the legal rights of others.

Second, improve the adjudication capacity of the Court system. It is necessary to enhance professional training for Judges and People's Assessors on land law knowledge, trial management skills and situation handling. Promote the application of information technology in the process of resolving cases, build a unified database on land use rights and digitize all dispute records to improve transparency, speed and accuracy strengthen the effectiveness of civil judgment enforcement related to land. There must be strict measures to deal with individuals and organizations that do not comply with judgments or decisions that have come into legal effect, including applying measures to seize assets to ensure enforcement. At the same time, strengthen the capacity of civil judgment enforcement agencies, ensure human resources, funding and necessary means to effectively perform their tasks.

Fourth, raise people's awareness of the law. Promote propaganda and dissemination of land laws to help people understand their rights, obligations and dispute resolution procedures. Encourage all transactions related to land use rights to be carried out in accordance with regulations, limit the situation of transferring and buying and selling by handwritten documents, causing legal risks.

Fifth, promote the role of social organizations and legal support forces for people. Increase the participation of grassroots mediation organizations, unions and professional associations in resolving land disputes. Encourage experts, lawyers and legal consulting organizations to support people in the process of negotiation, mediation and protection of legitimate rights.

6. CONCLUSION

Land disputes are complex and sensitive legal issues that directly affect the rights and legitimate interests of land users and social order. The 2024 Land Law has made an important step forward in perfecting the legal basis with many new points to increase transparency, feasibility and practicality. However, implementation is still limited, so it is necessary to continue reviewing, supplementing regulations and improving implementation; at the same time, improving the quality of human resources, strengthening legal propaganda, applying technology and closely monitoring. In the process of perfecting documents guiding the implementation of the 2024 Land Law, it is necessary to clearly and fully stipulate the settlement of land disputes. Thereby, it is necessary to prevent negative impacts on society, protect the rights and legitimate interests of people in the process of land use, and at the same time ensure consistency in state management in this field.

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