

Information on Doctoral Thesis of Nguyen Manh Thang

Application of customary law for commercial disputes resolution in Vietnam

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2. Sex: Male
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4. Place of birth: Ha Noi
5. Admission decision number: 4035/QĐ-ĐHQGHN 5. Dated: November 7th, 2013
6. Changes in academic process: None
7. Official thesis title: “Application of customary law for commercial disputes resolution in Vietnam”
8. Major: Economic Law
9. Code: 62 38 01 07
10. Supervisors: Assoc. Prof. Dr. Ngo Huy Cuong, Faculty of Law, National University of Hanoi
11. Summary of the new findings of the thesis:

This thesis researches profoundly, comprehensively, and systematically the theoretical and practical issues on the application of customary law for commercial disputes resolution in Vietnam. The new findings of the thesis are the building up the theoretical model and the making careful study of the historical legal environment and the present laws environment for the application of customary law for commercial disputes resolution in Vietnam, and then presenting suggestions for law reform. It is very useful in commercial life in the Sovietique Law country. In Vietnam, customary law has been grown for centuries. Conversely, nowadays its application is not really effective and identical throughout Vietnam. Hence, the thesis would show that it is necessary to upgrade legal system for applying efficiently customary law for commercial disputes resolution. To do that, the problem will be solved in two steps. First of all, the thesis gives an overview about the aspect of legal systems as well as commercial usage in Vietnam over historical period. By the way, we can make clear the rich of commercial practices in Vietnam. Secondly, the thesis analyzes the main current legislative documents regulating the use of customary law. They are the Civil Code (2005), the Commercial Act (2005), and the Civil

Procedure Code (2011), as well as some other legal documents. Thereby, there is the fact that the legal base for applying customary law is a big gap of Vietnamese laws. Finally, the thesis concludes that there should be an official theoretical model to ensure the establishment of a current legal environment related to the application of customary law for commercial disputes resolution. Simultaneously, the thesis suggests the policy, the orientations and the concrete solutions to ensure the application of customary law for resolving well commercial disputes in Vietnam.

12. Practical applicability: The researching results of the thesis have the great theoretical and practical significance. The thesis can be a highly valuable reference material in researching, teaching, law building, and judicial practicing.

13. Further research directions: Succeeding to the thesis' researching results, the successive researching direction is to improve the model of customary law application in Vietnam in the globalization perspective.

14. Thesis – related publications:

(1) Nguyen Manh Thang, "The role of customary law and the principles of the customary law application in commerce", *State and Law Journal*, No. 9 (293)/ 2012, pp. 432 – 438.

(2) Nguyen Manh Thang, "The relation between commercial custom and other sources of law", *Legislative Research Journal*, , No. 18 (226)/2012, pp. 59 - 64 .

(3) Nguyen Manh Thang, "Legal Environment of commercial usage application in Viet Nam", *Journal of US-China Public Administration*, (Vol 10, No.4)/2013, pp. 432 - 438.

(4) Nguyen Manh Thang, "The principles and techniques of commercial custom application", *Legislative Research Journal*, 1 (297)/2013, pp. 49 - 55.

(5) Nguyen Manh Thang, "Legal environment relating to commercial custom application in Vietnam", *Legislative Research Journal*, , No. 2+3 (234+235)/2013, pp. 111 - 116.

(6) Nguyen Manh Thang, "The concept and necessity of commercial custom application", *Legislative Research Journal*, , No. 15 (271)/2014, pp. 29 – 32 & 18.

(7) Nguyen Manh Thang, "Proving the commercial custom", *State and Law Journal*, No. 8 (316)/2014 pp. 36 – 39 & 45.

(8) Nguyen Manh Thang, "Some shortcomings of commercial customs application in Vietnam today", *State and Law Journal*, 12 (320)/2014 pp. 42 – 49 & 59.

(9) Nguyen Manh Thang, "The method of the proving custom", *Control Journal*, 19/2014, pp. 40 - 44.

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