

**MINISTRY OF EDUCATION
AND TRAINING**

MINISTRY OF JUSTICE

HANOI LAW UNIVERSITY

VƯƠNG TẤN VIỆT

SUBJECT

**HUMAN RESPONSIBILITIES IN INTERNATIONAL LAW
AND VIETNAMESE LAW**

DOCTORAL THESIS IN JURISPRUDENCE

Hanoi - 2021

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Major: Constitutional Law and Administrative Law

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Supervisors:

1. Prof. Dr. Nguyễn Minh Đoàn
2. Dr. Trần Kim Liễu

Hanoi - 2021

“COMING TO THIS WORLD, EVERYONE
HAS THE RESPONSIBILITY TO MAKE IT
BETTER, THEN WE TOGETHER CAN ENJOY
THE RIGHTS AND HAPPINESS HERE”.

PhD. student Vương Tấn Việt
(Most Venerable Thích Chân Quang)

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DECLARATION OF ORIGINALITY

I hereby declare that this thesis is my own scientific research.

The results stated in the thesis have not been published in any other works. The data in the thesis is honest and clear. The origin of data is properly cited in accordance with regulations.

I take responsibility for the accuracy and truthfulness of this thesis.

Thesis author

Vương Tấn Việt

LIST OF ACRONYMS

ADRDM	American Declaration of the Rights and Duties of Man
UDHR	Universal Declaration of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights

Content

INTRODUCTION	1
1. The necessity of the subject	1
2. The purpose and tasks of the research.....	5
3. Objects and scope of research	5
3.1. <i>Objects of research</i>.....	5
3.2. <i>Scopes of research</i>.....	6
4. Methodology and research methods	6
5. New scientific contributions of the thesis.....	7
6. The meaning of theories and practicalities of the subject	7
7. The structure of the thesis	8
CHAPTER 1. OVERVIEW OF RESEARCH SITUATION RELATED TO THE THESIS	9
1.1. Overview of the research of the subject in the thesis	9
1.1.1. <i>Research situation in the country</i>	9
1.1.2. <i>Research situation abroad</i>.....	14
1.2. Comments on research situations related to the thesis subject.....	21
1.2.1. <i>General comments on the research situations and issues, which this thesis has inherited and developed.</i>	21
1.2.2. <i>The thesis needs to keep researching the issues that are related to the subject of the thesis but not yet resolved or thoroughly solved</i>.....	22
1.3. Question and hypothesis in research.....	23
1.3.1. <i>Research question</i>	23
1.3.2. <i>Research hypothesis</i>	23
CHAPTER 2. THE THEORIES OF HUMAN RESPONSIBILITIES IN THE LAW	25
2.1. The concept, purpose, and meaning of the regulation on human responsibilities in the law	25
2.1.1. <i>The concept of human responsibilities in the law</i>	25
2.1.2. <i>The purpose and meaning of the regulation of human responsibilities in the law</i>	32
2.2. The nature of human responsibilities and the relationship between human responsibilities and human rights in the law	35

2.2.1. <i>The nature of human responsibilities</i>	35
2.2.2. <i>The relationship between human responsibilities and human rights in the law</i>	38
2.3. Human obligations in international and national law	58
2.3.1. <i>Human obligations in international law</i>	58
2.3.2. <i>Human obligations in national law</i>	59
2.3.3. <i>The relationship between human obligations in national law and international law</i>	60
2.3.4. <i>Contents of some human obligations in national law and in international law</i>	61
2.4. An assured mechanism to implement human obligations in the law	67
2.4.1. <i>An assured legal mechanism to implement human obligations in the law</i>	68
2.4.2. <i>Social mechanisms to ensure the fulfillment of human responsibilities in the law</i>	73
CHAPTER 3. REALITY OF HUMAN RESPONSIBILITIES IN INTERNATIONAL LAW AND VIETNAMESE LAW	84
3.1. The reality of human responsibilities in international law	84
3.1.1. <i>The process of the formation and development of human responsibilities in international law</i>	84
3.1.2. <i>Current regulations on human obligations in international law</i>	90
3.2. Reality of human obligations in Vietnamese Law	94
3.2.1. <i>The process of formation and development of human obligations in Vietnamese law</i>	94
3.2.2. <i>Reality of regulations and implementation of some human obligations by law in Vietnam</i>	100
3.3. Comments and a general assessment of human responsibilities in international law, and Vietnamese law and outlined issues	114
3.3.1. <i>Comments and a general assessment of human responsibilities in international law</i>	114
3.3.2. <i>Comments and a general assessment of human obligations in Vietnamese law</i>	118
3.3.3. <i>There are many outlined issues of human obligations in the law</i>	123
CHAPTER 4. PERSPECTIVES AND SOLUTIONS TO PERFECTION OF HUMAN RESPONSIBILITIES IN INTERNATIONAL LAW AND VIETNAMESE LAW	131

4.1. Perspectives to perfect human obligations in international law and Vietnamese law	131
4.2. Solutions to the perfection of human obligations in international law and Vietnamese law	133
<i>4.2.1. Developing a proper, sufficient and profound awareness of human obligations in both the national and international scopes.....</i>	<i>133</i>
<i>4.2.2. Constantly developing and perfecting the laws on human obligations</i>	<i>135</i>
<i>4.2.3. Perfecting the legal mechanism to ensure the fulfillment of human responsibilities in the law.....</i>	<i>147</i>
<i>4.2.4. Building and reinforcing other social institutions, and combining with the law to perfect a social mechanism of supporting and promoting the fulfillment of human responsibilities</i>	<i>158</i>
<i>4.2.5. Proposals for the Global Declaration of Human Responsibilities</i>	<i>176</i>
GLOBAL DECLARATION OF HUMAN RESPONSIBILITIES	178
Sub-conclusion of Chapter 4	186
CONCLUSION	187
LIST OF REFERENCES	189
APPENDIX 1	200
APPENDIX 2	215
APPENDIX 3	227
APPENDIX 4	240
APPENDIX 5	246
APPENDIX 6	250
APPENDIX 7	267
APPENDIX 8	269

INTRODUCTION

1. The necessity of the subject

To simplify the theory of the law into its most basic explanation, human rights and human responsibilities are two faces of the same coin. If humans think that they have a right to enjoy benefits, it also means that they should have a responsibility to dedicate themselves to society. The responsibilities must prevail even over their rights, so society can be rationally developed. People must grow a field of rice before they have rice to cook. If people require food but only wait for it to be supplied, there will not be enough food for them, even though the right to eat is obvious. Every citizen must plant a field with rice first, then they will have the right to harvest rice and the right to eat it. That demonstrates this fact of life: "If you want to enjoy something, you must dedicate yourself to another."

In the aspect of current legal theory, the world is caught in the trend of promoting human rights; very few people are concerned about the responsibilities that people need to perform. This imbalance causes many negative consequences for society as a whole. In the presidential inauguration of 1961, the 35th President of the United States, John F. Kennedy, said, "Ask not what your country can do for you, ask what you can do for your country"¹. The U.S. is a country that always thinks of itself as a leader of freedom and human rights, but their president was obliged to recognize this same inescapable fact of life. That is, the people must take responsibility for their country.

What is the reality of life? It requires every citizen to work hard, dedicate themselves to society, responsibly develop their community, and protect their country. They should not persistently pursue their own personal interests as if they obviously had a right to them.

When we say that rights and responsibilities are inseparable, we are upholding justice. Justice motivates people to work and dedicate. During the World War II, many humans were persecuted and oppressed, so scholars were determined to fight for human rights because of this justice. Today, when human rights are prioritized, and justice is threatened, people would lose the motivation to work and dedicate. This is the time to ask for human responsibilities to find this justice.

As a matter of fact, priority for human rights has led to an issue that many people take advantage of it to claim their rights, while they refuse to fulfill their obligations. This has caused the world to run out of resources as they have to continuously create resources to ensure the people's right to pursue happiness. As a result, budgets are exhausted, so they borrow money from other countries, bringing about public debt. This causes a serious crisis

¹ See <<https://www.ushistory.org/documents/ask-not.htm>>, accessed October 25, 2021.

President Hồ Chí Minh also said the same thing at the opening ceremony of the Nhân dân Vietnam University on January 19, 1955: "**The duty of the youth is not to ask what the country has given them; but ask themselves what have they done for their country?**" (Nhân dân Newspaper, No. 326, January 21, 1955). See *Hồ Chí Minh: Toàn tập* [Hồ Chí Minh's Complete Works] (2011), National Political Publishing House, Hanoi, Vol. 9, p. 265.

for many of the world's most powerful countries. The United States, Japan, and many European countries are now turning themselves into huge debtors. Many countries are on the verge of bankruptcy because of this debt. The United States' public debt is more than 28 trillion U.S. dollars as of March 2021. In addition to massive national debt, when the rich's private properties are very lower taxes, it creates many very rich people and a large gap between the incomes of the rich and the poor in society. Behind all the glamorous and magnificent cities, there are many poor areas where workers live and work very hard to earn their living and to pay bills. Their lives are very precarious, and the rate of unemployment is high. Many people, including children, are homeless.

Heightening personal human rights heightens pleasures and selfishness, causing a decrease of moral values in society. When citizens are encouraged to enjoy these rights too much, they come to expect that they are naturally given services and help from others. Eventually, they become ungrateful to their helpers, and they are disrespectful and indifferent to others' labors while being irresponsible to their communities. Human rights, especially children's rights, are championed to the extreme, and this breaks moral standards in social relationships. Children are disrespectful to their parents. Marriages are easily broken. Students are rude to teachers. Relationships between neighbors, friends, and relatives become distant. With many negative consequences like that, humankind's continual reinforcement of personal human rights makes scholars question the rationality of the relation between human rights and human responsibilities.

During the feudal monarchy period of the early and central Middle Ages, the human condition was tragic under the rule of tyrannical kings. Human life was despised, while humans were completely dependent on the rulers' behavior. The political views of mankind have begun to change since the appearances of the United States Declaration of Independence in 1776 and the French Declaration of the Rights of Man and of the Citizen in 1791. The terms of these laws pioneered the promotion of human liberties. By the time the United Nations was born in 1945, the history of human rights entered a phase of climax with the Universal Declaration of Human Rights that was adopted in 1948. After that, many international treaties and national constitutions were designed to supplement fundamental human rights and civil rights.

The Western concept of freedom is understood as a special right, so people have the right to do anything at will. Everyone thinks that life will be worth living if they can do what they want. The world, as a whole, has actively struggled and revolted for freedom. Karl Marx fought for the working class that was exploited; Abraham Lincoln fought for the emancipation of slaves; Nelson Mandela fought against apartheid. These fights were all for the sake of human rights to freedom. While fighting for freedom, Marx, Lincoln, and Mandela used a variety of arguments that all honored rights to freedom as the greatest value.

We do not deny that human rights are an achievement of mankind's progressive civilization; we, however, should now thoroughly rethink the nature of human rights and the relation between human rights and human responsibilities. Since human rights and human responsibilities are two sides of the same coin, we cannot only promote human rights while forgetting human responsibilities. This could cause a serious imbalance in the world. Moreover, human responsibilities are a premise and a condition to help human rights be enjoyed. When people fulfill their responsibilities for building abundant resources for society, human rights will be prospectively and stably applied to practicality. This is like the person who wants to have the right to eat: he must first satisfy the responsibility to grow a field of rice.

If we research human rights and responsibilities through a mathematical view, we will clearly figure out the relation of these two factors.

First, the sum between rights and responsibilities

We must consider the difference between rights and responsibilities. Rights have a negative sign because enjoyment reduces society's resources. Responsibilities have a positive sign because dedication increases social resources.

$$\mathbf{Responsibilities + Rights = Social Resources}$$

If the end result is negative because withdrawals (the enjoyment of rights) are more than contributions (responsibilities), the society will become disadvantaged and lack the necessary resources to develop. If the end result is positive because contributions (responsibilities) are more than withdrawals (the enjoyment of rights), then social resources are abundantly accumulated for future development.

Second, the ratio between rights and responsibilities

We must consider the ratio between human rights and responsibilities. Rights are the denominator because rights are the benefits that people would love to enjoy. Responsibilities are the numerator because obligations are the part of contributions that people are able to do.

$$\frac{\mathbf{Responsibilities}}{\mathbf{Rights}} = \mathbf{Human Values}$$

We can see that the larger the numerator is, and the smaller the denominator is, then the greater the value of the fraction must be. Therefore, when people's contributions are more than their claims for benefits, they are greatly respected. If the numerator is positive and the denominator approaches zero, the value of the fraction is infinity. This reveals that those people almost live without claiming any benefits. They would love to contribute themselves to their country and humankind; their values are extreme, and they are honored by the whole world.

It is because the role of human responsibilities is such important that many people can see a dangerous imbalance appearing in both law and life if human responsibilities are disregarded, while human rights are too highly appreciated by the worldwide trend. Some scholars have warned of the bad effects of this one-sided promotion of human rights. They have also emphasized that human responsibilities are most important to build a better world. In fact, only people who contribute themselves to the world deserve to enjoy human rights.

In 1997, The InterAction Council, a non-profit group of former world leaders dedicated to recommending and encouraging positive actions around the globe, issued the Universal Declaration of Human Responsibilities to counterbalance the Universal Declaration of Human Rights (UDHR) formed by the United Nations in 1948, but the standards they developed were not impressive enough to convince the international community. Therefore, the InterAction Council's declaration was gradually forgotten. However, this organization also raised international awareness of the serious consequences that occur when people demand human rights without accomplishing their responsibilities. Previously, article 29, clause 1 of the UDHR affirmed the importance of human responsibilities: "Everyone has duties to the community in which alone the free and full development of his personality is possible." Unfortunately, the UDHR's recommendations have not been heeded or applied.

If we continue to exaggerate the importance and praise the necessity of human rights without stressing the greater importance of human responsibilities, we will cause the inevitable decline and fall of the world, from this country to that country, and from this region to that region. Currently, Vietnam is influenced by this worldwide movement toward human rights, which is Western dangerous liberalism. If we do not realize it and change it in time, we cannot predict what will happen to our country in the future.

After a long history of the human condition being despised and persecuted, people have marked the progress of civilization by eloquently proclaiming human rights to affirm the legitimacy of humanity's dignified life. However, despite this overreaction to and almost extreme acclaim for human rights, people have begun to see an imbalance between rights and responsibilities. If there were only responsibilities, but there were no rights, then people would be miserable. Contrarily, if there were only rights, but there were no responsibilities, then social resources would be exhausted quickly. It is time for us to uphold the human responsibility to a balance for society, to practice moral psychology, and to preserve social wealth to make world peaceful and happy.

Presently, the promotion of human responsibilities toward the community and humanity, both in theory and in practice, is the most important and necessary task. Understanding these importance and necessity, we chose to research the subject of "Human Responsibilities in International Law and Vietnamese Law" for this doctoral thesis. We aim to bring recognition of the importance of human responsibilities to the reader so that

people can be aware of the balanced relationship between rights and obligations. The recognition of the protection of rights is the progress, but the priority for rights over responsibilities is a human mistake. We also hope that this subject will inspire and serve as a premise for future scholars to study this issue more deeply. Moreover, we will call on countries to adopt the Global Declaration of Human Responsibilities² and to completely support it in the General Assembly of the United Nations (UN). We would love the United Nations to adopt this declaration that has a profound and convinced content.

2. The purpose and tasks of the research

The purpose of this thesis is to clarify theories and practicalities of human responsibilities in international law and Vietnamese law. Thereby, the importance of human responsibilities is affirmed by the law. Based on research, solutions are proposed to improve human responsibilities in international law, Vietnamese law and mechanisms and to assuredly implement human responsibilities.

As a scientific work, this thesis researches human responsibilities in international law and Vietnamese law in a deep, comprehensive, and systematic fashion by responsibly researching the following issues:

We will provide an overview of domestic and foreign studies of human responsibilities in international law and Vietnamese law.

We will analyze and clarify the basic theories of human responsibilities in international law and Vietnamese law, such as the concepts, purposes, and meanings of human responsibilities in the law, as well as the relationship between human responsibilities and human rights in the law.

We will study and evaluate the real regulations on human responsibilities in international law and Vietnamese law, as well as situations of the fulfillment of human responsibilities.

We will propose solutions to improve human responsibilities in international law and Vietnamese law, and we will discuss many methods to ensure the implementation of human responsibilities in the law, and we will examine which of these methods are most complete, accurate and effective. This thesis also suggests the Global Declaration of Human Responsibilities, which can be submitted to the General Assembly of the United Nations to balance the Universal Declaration of Human Rights proclaimed in 1948.

3. Objects and scope of research

3.1. Objects of research

The argument of human responsibilities in the law focuses on the concepts, characteristics, purposes, meanings, fundamental human responsibilities in the law.

² See the details of the declaration in chapter 4.

This argument includes the regulations on international law such as charter, declaration, and international treaties, and Vietnamese law such as constitution, laws, and sub-law documents, and some countries' constitutional provisions on human obligations in some important areas.

The research concentrates on the actual fulfillment of human responsibilities in Vietnamese law and on the factors that positively and negatively affect the perception and performance of human responsibilities .

The research seeks for reasonable grounds to establish the specific content of perfect solutions to the regulations and implementation of human responsibilities in international law and Vietnamese law.

3.2. *Scopes of research*

- *Scope of content:* the content includes the arguments related to human obligations through the perspective of law, ethics, religion, and social psychology. It also includes international and Vietnamese histories of human obligations, and human obligations specified in texts of Vietnamese law, international law and constitutions of some countries.

- *Scope of spaces:* Vietnam and internationality. We focused on reality in Vietnam when we analyze the actual fulfillment of human responsibilities.

- *Scope of time:* the analysis of the law and the reality of human obligations is mainly concentrated on the time from 1948, when the Universal Declaration of Human Rights was adopted, to the present.

4. **Methodology and research methods**

The methodology used to solve the problems in this thesis is dialectical materialism, historical materialism, the views of Marxism-Leninism, Ho Chi Minh's thoughts, and the views of the Communist Party of Vietnam on human responsibilities and civic responsibilities.

This thesis is approached by the study of human responsibilities from the perspective of constitutional law and administrative law. However, human responsibilities in national and international laws are the object of research in many different scientific fields. Therefore, in the process of researching on human responsibilities, this thesis is also combined with the multidisciplinary approaches and with other social sciences to consider and evaluate deeply and comprehensively the associated issues of human responsibilities. This thesis is also researched with a combination of specific research methods as follows:

- An analytical method is used to clarify the theories and practicalities of the law on human rights and human responsibilities.

- A summary method of implemented results is used to accurately assess the effectiveness of the provisions on human responsibilities to indicate a better direction for science of law.

- A general method is used to draw general conclusions, views, proposals and specific recommendations related to human rights and human responsibilities.

- A comparative method of jurisprudence is used with the aim of clarifying the similarities and differences in the current regulations of Vietnamese law and other countries' laws.

- A normatively analytic-logical method is used to detect inconsistencies in the content of the law on civil rights and civil responsibilities, and in the content of the law on human rights and human responsibilities.

- A method of exchanging information and consulting the expert is employed to propose the development of law on human responsibilities.

- A method of researching history is applied to draw the dialectical relation between human rights and human responsibilities.

- A method of sociological investigation is used to assess the civil sense of responsibility.

5. New scientific contributions of the thesis

This thesis has shown the full concept of human responsibilities in the law based on analyzing different conceptions of human responsibilities in the world and in Vietnam.

Thesis has analyzed and clarified the relation between human responsibilities and human rights.

This thesis has also analyzed and clarified the mechanisms of law and society to ensure the implementation of human responsibilities in the law.

From the outlook on constitution and administrative law, the thesis has generalized and assessed the reality of human responsibilities and the mechanism for performing human responsibilities in international law and in Vietnamese law. Thereby, this thesis has raised the issues that need to be supplemented in the law and in the performance of human responsibilities in the current law.

This thesis has tried to build a system of complete solutions to human responsibilities in international law and Vietnamese law, and the mechanism that assures the implementation of human responsibilities .

This thesis has specially shown the proposal of a draft of the "Global Declaration of Human Responsibilities." With rich, comprehensive, and convincing contents, this thesis should be submitted to the United Nations so they can adopt and promulgate the new declaration. Every country in the world should recognize it and properly act on the issue of human responsibilities in international law and national law for a happy and peaceful world.

6. The meaning of theories and practicalities of the subject

The achievement of this thesis will contribute to clarifying the theoretical aspects and the actual situation in legal science concerning the issue of human obligations in the law.

Specifically, this thesis means to elucidate the nature of human responsibilities to build the concepts and distinction between human responsibilities and civic responsibilities, to determine the purpose and meaning of human responsibilities and the relation between responsibilities and rights, to analyze the current situation of human responsibilities in international law and Vietnamese law, to point out the inadequacies of the law, and to show the methods to improve the law on human responsibilities. In addition, these solutions to improving the current law are an important foundation for the authorities to amend, implement, and perfect the law in their respective fields.

7. The structure of the thesis

In addition to the introduction, conclusion, references, and appendix, this thesis is structured into four chapters.

Chapter 1: Overview of research situation related to the thesis.

Chapter 2: The theories about human responsibilities in the law.

Chapter 3: Reality of human responsibilities in International law and Vietnamese law.

Chapter 4: Perspectives and solutions to perfection of human responsibilities in international law and Vietnamese law.

CHAPTER 1

OVERVIEW OF RESEARCH SITUATION RELATED TO THE THESIS

1.1. Overview of the research of the subject in the thesis

During the research process, the PhD student found a wide variety of domestic and foreign scientific works related to the issue of human responsibilities. However, the PhD student only selected and summarized the main points of some specific works, which were directly related to this thesis as follows:

1.1.1. Research situation in the country

The special report titled *Các báo cáo tổng kết đề tài nghiên cứu khoa học “Quyền và Nghĩa vụ cơ bản của công dân trong thời kỳ đổi mới”* [Summary reports on the scientific research topic “Fundamental Rights and Obligations of citizens during the renewal period”] was co-written by Assoc. Prof. PhD Nguyễn Niên (chairman), MSc Nguyễn Cửu Việt, Assoc. Prof. PhD Nguyễn Đăng Dung, MSc Phạm Duy Nghĩa, MSc Hoàng Thị Kim Quế, and Nguyễn Ngọc Chi, from the University of Social Sciences and Humanities of Vietnam National University, Hanoi, code QG.97.12, in 1999. In this writing, the authors include reports summarizing citizens' fundamental rights and obligations of the Innovation Period. The authors also introduce the initiation and development of citizens' fundamental rights and obligations in the constitutional histories of capitalist countries, the development of Vietnamese citizens' fundamental rights and obligations through four constitutional texts, as well as measures to ensure these civil rights and obligations.

The reference book titled *Quy chế pháp lý của công dân Việt Nam* [Legal Status of Vietnamese Citizens] was co-written by Assoc. Prof. PhD Nguyễn Minh Đoan (chief-author) and others (2010) and published by the National Political Publishing House in Hanoi. In this book, the authors fully study the legal status of Vietnamese citizens, with the content of citizens' fundamental rights and obligations stipulated in the constitutions and laws.

The reference book titled *Một số vấn đề cơ bản của hiến pháp các nước trên thế giới* [Some basic issues of national constitutions in the world] was co-written by Prof. PhD Phan Trung Lý, PhD Nguyễn Sĩ Dũng, and MS Nguyễn Văn Phúc (co-chief authors) (2012) and published by the National Political Publishing House in Hanoi. In this book, the authors clearly analyze the relation between the rights and obligations of individuals. They believe that individual obligations are perfectly represented in important documents of international law on human rights. Thereby, the authors emphasize that the international law of human rights should not make human rights absolute or ignore individual obligations. These two matters must always be regarded with the same level of importance.

The reference book titled *Quyền con người, Quyền và Nghĩa vụ cơ bản của công dân trong Hiến pháp Việt Nam* [Human Rights, fundamental Rights and Obligations of citizens

in the Constitution of Vietnam] was co-written by Prof. PhD Tạ Ngọc Tấn (content director), Phạm Văn Ba, PhD Nguyễn Thị Báo, and PhD Vũ Công Giao (co-chief authors) of the Standing Office on Human Rights and Ho Chi Minh National Academy of Politics in 2015. In this writing, the authors provide theories and practicalities of the institution of human rights, citizens' fundamental rights and obligations in the Vietnamese Constitution throughout individual historical periods. The authors also fully analyze new points in the Constitution of 2013, which was the year that new regulations on the principle of limitations of rights appeared.

The reference book titled *Tập hợp những bình luận, khuyến nghị chung của các Ủy ban công ước Liên hợp quốc* [Collection of general comments and general recommendations of the United Nations Convention Committees] was co-written by Prof. PhD Nguyễn Đăng Dung, Prof. PhD Phạm Hồng Thái, MSc Vũ Công Giao, PhD Trịnh Quốc Toàn, and MSc Lã Khánh Tùng (co-chief authors in the Vietnamese translation) (2010) and was published by the Public Security Publishing House. This book contains comments and general recommendations of the Supervisory Committees of six key UN conventions. The authors argue that human rights have been a complex issue in many aspects that are still debated. This book is an extremely valuable study of human rights and obligations. From this study, the thesis provides a basis for the research, evaluation, and proposal of human obligations in Vietnamese and international law.

The reference book titled *Luật quốc tế về Quyền của các nhóm người dễ bị tổn thương* [International Law on the Rights of Vulnerable Groups] owned by the Faculty of Law - Vietnam National University in Hanoi, and was published by the Labor and Social Publisher Company Limited. Although the content of this book focuses on the analysis of human rights and certain mechanisms that supervise the implementation of these rights, it also includes outlines of obligations of member nations, social organizations, and individuals that ensure the enforcement of human rights for the vulnerable through international treaties and documents.

The reference book titled *Chế định Quyền và Nghĩa vụ cơ bản của công dân ở một số nước trên thế giới* [Regulations on fundamental Rights and Obligations of citizens in some countries around the world] was written by Vũ Kiều Oanh (2012), Institute of Social Science Information, and published by the Social Science Publishing House. In this book, the author studies the citizens' fundamental rights and obligations of individuals in the constitutions of numerous countries. From his analysis, the author shows the united principles of rights and obligations.

The textbook named *Giáo trình Lý luận và Pháp luật về Quyền con người* [Theory and Law of Human Rights] owned by the Faculty of Law - Vietnam National University in Hanoi, and was co-written by Prof. PhD Nguyễn Đăng Dung, PhD Vũ Công Giao, and

MSc Lã Khánh Tùng (2011) and published by the Vietnam National University Press in Hanoi. The authors point out the balance between rights and obligations by citing clause 1, article 29 of the UDHR, 1948. Additionally, they provide the regulations of individual obligations written in the preface of both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) conventions in 1966. The authors conclude that individual rights and obligations should always go together and should be equally important.

The doctoral thesis titled *Sự phát triển chế định Quyền và Nghĩa vụ cơ bản của công dân qua lịch sử lập hiến Việt Nam* [Institutional Development of Fundamental Rights and Obligations of Citizens Through the Constitutional History of Vietnam] was presented by Trần Văn Bách (2002) in the Institute of State and Law. Trần Văn Bách affirms the importance of regulations for fundamental civil obligations and analyzes the close and tight relationship between rights and obligations. These rights and obligations are incorporated to form a united system, showing the legal relationship between citizens and states. Therefore, implementing rights associated with fulfilling obligations is essential for the development of society.

The doctoral thesis titled *Giáo dục Nghĩa vụ đạo đức cho sinh viên các trường Đại học công lập hiện nay* [Educating Moral Obligations for Students of Current Public Universities] was presented by Nguyễn Thị Thanh Hương (2017) in the Graduate Academy of Social Sciences. In this thesis, the author raises many issues: a theory of human moral obligation as the origin of obligation, a concept of moral obligation in history, Marx's view on moral obligation, a relation between moral obligation and other moral categories, a classification of obligations, and the distinction between customary, moral, humanistic, and legal obligations. The author analyzes the importance of education on moral obligations and points out the causes and the reality of society, then proposes basic solutions to improvement of the educational effectiveness of moral obligations for students.

The master thesis named *Quyền con người được sống trong môi trường trong lành theo Hiến pháp nước cộng hòa xã hội chủ nghĩa Việt Nam năm 2013* [Right to live in a healthy environment according to the Constitution of the Socialist Republic of Vietnam 2013] was presented by Vũ Tú Linh (2018) at Hanoi Law University. The author analyzes regulations on human rights and obligations and the inseparable relation between human rights and obligations to protect the environment in Vietnamese and international law. The author also points out the lack of responsibility for environmental protection. Next, the author proposes some solutions to states, organizations, and individuals to raise awareness for protecting the environment.

The article titled *Một số ý kiến về việc nghiên cứu Nghĩa vụ pháp lý của công dân ở nước ta hiện nay* [Some Opinions on the Study of Citizens' Legal Obligations in Our

Country Today] was written by Assoc. Prof. PhD Nguyễn Văn Động (2006) and published in the Hanoi Law Review³. In this writing, the author supposes that there have been few scientific studies on citizens' legal obligations. The author also points out a great imbalance between civil rights and obligations. This article shows that the amount of conferred human rights is bigger than the amount of expected human obligations written in each constitution that has reduced the balance, harmony, and inseparability of civil rights and obligations in the united dialectic method.

The article titled *Nguồn gốc của Nghĩa vụ và phân loại loại Nghĩa vụ* [The Origin of Obligations and Different Classifications of Obligations] was written by PhD Ngô Huy Cương (2008) and published in the Legislative Studies Magazine.⁴ It can be found on the website of the Journal of Civil Law Information.⁵ The author points out that for obligations, there were many different classifications and levels of legal binding based on the ancient Roman Code, German Civil Code, and the laws of France, the United States, Japan and many European countries. This article draws a comparison between those codes and the Civil Code of Vietnam in 2005. The author classifies different obligations based on their effectiveness, origins, objects, levels, sanctions, and forms. Additionally, this article provides details about many other jurists' different classifications of obligations, such as moral obligations, natural obligations, and civil obligations. In these classifications, moral obligation is not based on legal effectiveness, but is merely a conscience obligation.

The article titled *Nghĩa vụ của con người, công dân và những vấn đề đặt ra trong việc sửa đổi, bổ sung Hiến pháp 1992* [The Obligations of People, Citizens and Issues Raised When Amending and Supplementing the 1992 Constitution], was written by Prof. PhD Hoàng Thị Kim Quê (Sep. 2012) from the Department of Law at Hanoi National University, and it was published by the Legislative Studies Magazine. The author states that the nature of obligations is related to rights and freedoms of humans and citizens, in which obligation is considered as a condition to protect and ensure rights and freedoms of humans and citizens, and it is simultaneously considered a condition to ensure social development. According to the article, defining obligations is meant to determine the balance between rights and obligations, between freedom and responsibility, between the interests of individuals, and of state and society. The author also mentions the concept of fundamental human obligations decreed in the constitution, and she analyzes and clarifies individual responsibilities toward society, state, and other people.

The article titled *Quyền con người không tách rời Nghĩa vụ công dân* [Human Rights Are Inseparable from Civil Obligations] was written by Nguyễn Văn and published (2013)

³ No. 2

⁴ No. 8

⁵ See <<https://thongtinphapluatdansu.edu.vn/2008/06/12/05/13/126008/>> accessed January 13, 2021

in the National Defense Electronic Journal.⁶ In this article, the author cites the international documents on human rights that have specific regulations on civil rights, limited conditions of human rights, absolute rights, and restricted rights.

The article titled *Biểu hiện đặc trưng của sự vô cảm trong gia đình ở trẻ vị thành niên* [Characteristic manifestations of family apathy in minors] was written by Assoc. Prof. PhD Phan Thị Mai Hương (2016) and published by the Journal of Psychology.⁷ This article focuses on researching and pointing out the insensitivity of adolescents in their performance of family obligations. This issue is currently considered one of the most important factors related to the implementation of human obligations in the law. The author shows that social obligations and responsibilities that children will shoulder in the future first develop from performing duties for the family.

The article titled *Thực hiện chế định Quyền và Nghĩa vụ của con người với môi trường, giải pháp nâng cao hiệu quả công tác bảo vệ môi trường* [Implementing Regulations on Human Rights and Obligations to the Environment and Solutions to Improving the Efficiency of Environmental Protection] was written by Hoàng Văn Sao (2017) and was published by Natural Resources And Environment Magazine.⁸ According to the author, regulations on human rights and obligations toward the environment is an important legal basis because it ensures the implementation of the right to live in a healthy environment. In the article, the author shows that the Constitution of Vietnam in 2013 specifically stipulated human rights and obligations toward the environment. This constitution also shows the state's concern about protecting and promoting human rights and obligations toward the environment.

The article titled *Giáo dục, rèn luyện Nghĩa vụ đạo đức cách mạng cho đảng viên - một nội dung quan trọng của xây dựng Đảng về đạo đức* [Educating and training on revolutionary moral obligations for Party members - This is important content for building the Party's morality] was written by Assoc. Prof. PhD Đoàn Minh Huấn (2018) and published by the Communist Review.⁹ In this article, the author analyzes obligations from the perspective of obligations associated with morality. The author also emphasizes the role in building moral obligations for people in general and for party members in particular.

The article titled *Nghĩa vụ của quan lại đối với nhà vua dưới triều Gia Long và Minh Mệnh: Một số giá trị kế thừa* [The duties of mandarins to their king in Gia Long and Minh Menh dynasties: Some inheritance values] was written by MS Phạm Thị Thu Hiền (2018)

⁶ See <<http://tapchiptd.vn/vi/phong-chong-dbbh-tu-dien-bien-tu-chuyen-hoa/Quyền-con-nguoi-khong-tach-roi-nghĩa-vu-cong-dan/4432.html>> accessed January 13, 2021.

⁷ No. 8

⁸ No. 12 (338)

⁹ No. 2

and published by the Journal of Social Science Information.¹⁰ Based on the analysis of historical documents on regulations under King Gia Long and Minh Menh, the author proves the theory that under the King Gia Long and Minh Mệnh dynasties and the monarchy, mandarins needed to fulfill their obligations toward the king and the people, along with the benefits they were given. These regulations are still valid obligations for current senior executives.

1.1.2. Research situation abroad

The African Charter on Human and Peoples' Rights of the Organization of African Unity was adopted at the 18th Conference of state and National Leaders in Nairobi, Kenya in 1981. This continent-wide international treaty is well-known because its content was groundbreaking and quite progressive. It set up three articles, Article 27 through Article 29, including many clauses, that stipulate human obligations.

The reference book titled *Human Duties and the Limits of Human Rights Discourse* was written by Eric Robert Boot (2015) and published by the Netherlands Organization for Scientific Research. In this book, the author taxonomically defines the concepts of rights, obligations, and their relationship. According to the author, human rights must come from the foundation of obligations and basic moral values. In fact, human rights have been propagated too much. The promotion of these rights has been exaggerated while the promotion of human obligations has been overlooked. This caused many dire consequences, such as unreasonable claims on human rights and the reduction of the original value of the concept of human rights. The author affirms the necessity of enhancing the role of human obligation. He supposes that moral values would be a great complement to legal loopholes and would bring many benefits to the community. He also believes that human duties must be globalized and not be limited in a nation. Besides all this, the author proposes two human obligations: human obligations toward others' survival needs, and human obligations toward the social community and civic ethics.

The reference book titled *Cosmopolitan Responsibility* was written by Jan-Christoph Heilinger and Walter de Gruyter GmbH (2020) in Germany. The authors emphasize the moral responsibility of individuals who have financial advantages and/or power in society. These privileged individuals need to act on global problems such as climate change, trade fraud, trade injustice, social injustice, and poverty. Through reconsidering values, rules, and the appropriate standards of moral principles, the author proposes the definition of individuals' responsibilities and raising the requirements for advantaged individuals' morality in society.

The book titled *The Individual's Duties to the Community and the Limitations on Human Rights and Freedoms under Article 29 of the Universal Declaration of Human Rights: A*

¹⁰ No.1

Contribution to the Freedom of the Individual under Law was written by Erica-Irene A. Daes, a United Nations Special Rapporteur (1983), and it was published by the United Nations Publication.¹¹ The author focuses on explaining the meaning of the terms of individual and community, and the relationship between them. This book clarifies the individual duties and responsibilities for communities and other people. The author also compiles a list of provisions on individual duties and responsibilities that are published in global documents.

The book titled *On the Duty of Man and Citizen According to Natural Law* was written by Samuel von Pufendorf, who lived in the 17th century. This book was later edited by James Tully (1991) and published by Cambridge University Press. The author and the editor deeply analyze the obligations of man and citizens under the natural law. Typically, people and citizens must uphold the moral responsibilities of not being greedy for other people's property, fulfilling their promises, and being strict with offenders. People and citizens also have obligations in marriage; parents have obligations toward children; and owners have obligations toward slaves. These obligations must be based on basic standards of morality.

The book titled *Taking Duties Seriously: Individual Duties in International Human Rights Law - A Commentary* was published by the International Council on Human Rights Policy in 1999. The author talks about moral obligations, legal obligations, and religious obligations. The author also examines the limits of the rights and freedoms of individuals as well as the issue of individual obligations and responsibilities, which was given less attention. Although the intention was to create an international human rights treaty after the Cold War ended, the world has not yet attained order, peace, or prosperity.

The book titled *On Human Rights* was written by James Griffin (2008) and published by Oxford University Press. In this book, the author enquires, "My Rights: But Whose Duties?" This book analyzes the negative and positive obligations of authorities to responsibly protect and promote human rights. Therefore, the author argues that it is crucial that organizations initiate the assumption of obligations.

The book titled *Introduction to Human Rights and Duties* was written by PhD T.S.N. Sastry (2011) and was published by the University of Pune Press. In this book, the author introduces the basic terms of human rights and duties. The author also divides the provisions of the 1998 Declaration of Human Duties and Responsibilities into groups: the state's obligations, the individuals' obligations toward the community, the role of law, the impact of obligations on society, and the rights and protections for human rights defenders. In Chapter II of the book, the author characterizes the different types of obligations and clarifies the relationship between human rights and obligations.

The book titled *The Philosophy of Human Rights - Contemporary Controversies* was written by Gerhard Ernst and Jan - Christoph Heilinger (chief-author) (2012) and was

¹¹ Issue E.82.XIV.1

published by Walter de Gruyter GmbH & Co. KG, of Berlin/Boston, Germany. The authors analyze human rights and the relationship between rights and obligations in correspondence. The authors also give many different perspectives on human obligations or individual responsibilities.

The book titled¹² “The Edicts of King Ashoka - An English rendering” by Ven. S. Dhammika, published by Buddhist Publication Society, in Sri Lanka, in 1993 recorded the content of 33 decrees of King Ashoka. These decrees were carved on stone pillars throughout India in the 3rd century BC. These decrees were actually the instructions of King Ashoka in morality and responsibilities, which all classes such as kings, mandarins, clergies, and the people must obey. The reason why King Asoka taught people these moral obligations was because he loved and respected Buddhism. He wanted to use the Buddha’s teachings to govern the country. He was also raising the sense of responsibility and morality in the entire population.

These examples of the King’s decrees are as follows:

- Kings must be diligent to work, and love the people.
- Officials could not arrest anyone without a reason.
- Magistrates must diligently teach the people morality.
- No one could be killed for sacrifice.
- Sick people or animals must be given a good treatment.
- Young people must respect their parents and the elderly.
- People must respect the clergies.
- People must be thrifty, honest, and tolerant.
- People must care for the elderly and the weak.
- People must study and practice the Buddha's teachings.
- People should diligently give alms and help the poor.
- People must respect everyone's right to freedom of religion.

The doctoral thesis named *Perfect and Imperfect Rights, Duties and Obligations: From Hugo Grotius to Immanuel Kant* was presented by Abdallah Salam at Merton College in 2014. In this thesis, Abdallah Salam recounts the views of Immanuel Kant and Hugo Grotius on perfect and imperfect obligations. He also analyzes many aspects of the types of human obligations.

The doctoral thesis named *Human Rights, Interests, and Duties* was presented by Marinella Capriati at the University of Oxford in 2015. In this thesis, the author argues that different obligations must correlate with different rights. This doctoral thesis also mentions the concept of general obligations belonging to the community; each individual action is a

¹² Ven. S. Dhammika (1993), *The Edicts of King Asoka - An English rendering*, Buddhist Publication Society, Sri Lanka.

link to implement those obligations. The author shows the view that the existence of rights requires the existence of related obligations.

The doctoral thesis named *The Place of Individuals' Duties in International Human Rights Law: Perspectives from the African Human Rights System* was presented by Mumba Malila at the University of Pretoria, South Africa, in 2017. The author argues that theories and current legal regulations focus too much on human rights. By analyzing the close relationship between rights and obligations, the author affirms that rights would be meaningless unless people perform obligations to merit these rights. If there are no obligations, rights are unfeasible, unfair, and unjustified. The author also shows some important aspects of obligations: the concept of obligations, distinguishing between duty, obligation, and responsibility, the origin of rights, the classification of rights, and the relationship between rights and obligations. The author concludes that human obligations are extremely important in all aspects of social life. He proposes that there should be an international charter of human duties written parallel to the UDHR; an International Council on Human Duties should be set up as well.

The article titled *Should 'Duties' Play a Larger Role in Human Rights? A Critique of Western Liberal and African Human Rights Jurisprudence* was written by Annemarie Devereux (1995) and published by *New South Wales Law Review*.¹³ In this article, the author studies the differences between the West and Africa concerning their perceptions of obligations. She first clarifies the concepts of duties, obligations, and responsibilities. She also presents the scope of the obligations and the relationship between rights and obligations.

The article titled *The Dark Side of Human Rights* was written by Onora O'Neill (2005) and published by the *International Affairs Review*.¹⁴ The author says that the provisions for human rights in the declarations and international treaties on human rights are only ideals, aspirations, and calls to action. Whoever wishes to enjoy rights must correspondingly fulfill obligations. Without corresponding obligations, rights would not be certain to be supplied. Simultaneously, the author points out that giving rights to a person means imposing and allocating obligations on others.

The article titled *What's Wrong with Rights? Rethinking Human Rights and Responsibilities* was written by David Flynn (2005) and published by the *Journal of Australian Social Work*.¹⁵ In this article, the author talks about the relationship between social work and human rights. The author considers that human obligations are the most important element in social work; it is, however, seldom referred to documents of human rights. This article develops a new model of human rights and obligations to affirm the equal

¹³ Vol. 18, No. 2, pp. 464 – 482

¹⁴ Vol. 81, No. 2, pp. 427 – 439

¹⁵ Vol. 58, No. 3, pp. 244 - 256.

importance between individual rights and collective obligations. The author also confirms the accuracy of the model that was applicable to the theory and practice in social work.

The article titled *Human Rights and Human Responsibilities: A Necessary Balance?* was written by Mia Giacomazzi (2005) and published by the Santa Clara Journal of International Law.¹⁶ The author highlights the efforts of the InterAction Council's proposal of the Declaration of Human Duties in 1997 to balance the previous Universal Declaration of Human Rights in 1948. This article highly praises the many philosophers around the world who supported the Declaration. The author admits that the concept of protecting individual rights was great progress; those individuals always connect to the community, so they should bear responsibility for the community's needs and happiness. The author concludes that there should be a balance between human rights and human obligations.

The paper titled *Human Rights without Foundations* was written by Joseph Raz (2007) and published by Oxford Legal Studies Research Paper.¹⁷ In this paper, the author points out unreasonable factors in human rights theory. The author believes that human rights must come from this fundamental principle: a person's rights should include obligations to others, civil rights should include obligations to the state, and morality must be the basis for all.

The article titled *Human Responsibility Movement Initiatives: A Comparative Analysis* was written by Sue L.T. McGregor (2013) and published by the Journal of Peace Education and Social Justice.¹⁸ In this article, the author researches the subject of universal human responsibility. The central idea is that human rights are improved when people are responsible to others, including responsibilities to local, regional, national, and global communities, according to article 29 of the UDHR. The author also briefly describes the four outstanding declarations of obligation from 1993-2003, proposed by the InterAction Council, UNESCO - Valencia, the Parliament of the World's Religions, and the Commission on Human Rights; it is now called the Human Rights Council.

The article titled *Rights vs. Duties: Reclaiming Civic Balance* was written by Samuel Moyn, (2006) and published by the Boston Review Journal, available on the Boston Review website: <http://bostonreview.net/books-ideas/samuel-moyn-rights-duties>. The author affirms the view that the value of obligations to others has been misunderstood and lost in the flow of history, but people must regain an appreciation for these obligations. This article criticizes people's misunderstanding of human rights in today's society; people have forgotten that human rights should be guaranteed by their fulfillment of obligations. When regarding human rights, people have only thought about protecting individual

¹⁶ Vol. 3, No. 2.

¹⁷ No. 14

¹⁸ Vol. 7, No. 1.

interests, but the majority would enjoy more benefits if they fulfilled their obligations to others. These benefits must be a necessary factor for the development of society. The author states that it is time to bring the historical value of human obligations to light and make it a premise to put human obligations in its right position.

The article titled *On The Meaning and Scope of Individual Human Duties and Obligations in the American Declaration of the Rights and Duties of Man of 1948* (ADRDM, 1948) was written by Francesco Seatzu (2019) and published by Edición Especial Journal, Italy.¹⁹ In this article, the author presents the arguments related to the provisions of human obligations in Chapter II, ADRDM. Seatzu points out the legality of human obligations in ADRDM, emphasizing the content and conditions for the implementation of human obligations.

The declaration called the *American Declaration of the Rights and Duties of Man* of the Inter-American Commission on Human Rights (IACHR) was adopted by the 9th International Conference of American States in Bogotá, Colombia in 1948. This declaration is both the first intergovernmental declaration of human rights and the first international declaration that describes both the rights and obligations of the individual. The declaration contains 28 articles on civil, political, economic, and social rights and 10 articles on human obligations.

The declaration called the *Declaration Toward a Global Ethic* was adopted by the Parliament of the World's Religions in Chicago, USA, in 1993. From the perspective of history and religion, the declaration states that the provisions of the law were inadequate because humankind needs the sense of responsibility and the morality of each person to contribute to the protection of the world's justice and peace. It affirms that the development of human rights could not last long without an ethical element; everyone has their own limitations and shortcomings. The declaration, thus, redefines universal principles of conduct and responsibility that direct people to goodness and morality. This declaration identifies four basic principles: i) a culture of non-violence and respect for life; ii) a culture of solidarity and a just economic order; iii) a culture of tolerance and honest life; and iv) a culture of equality of rights and relations between men and women.

The declaration called *A Universal Declaration of Human Responsibilities* was adopted by the InterAction Council Organization in 1997; the members, nearly 40, were former leaders of many countries and international organizations. This document was submitted to the United Nations General Assembly for adoption as a counterweight to the UDHR. The group of authors propose 19 articles on human obligations to protect the noble and moral values of humanity.

¹⁹ Vol. 13

The declaration called the *Declaration of Responsibilities and Human Duties* (DHDR, also known as the Valencia Declaration) was issued by the city government of Valencia, Spain, and adopted by UNESCO in Valencia, Spain, in 1998. This declaration, consisting of 12 chapters and 41 articles, was meant to commemorate the 50th anniversary of the adoption of the UDHR Declaration. It outlines the obligations and responsibilities of human rights and the basic freedoms enshrined in the UDHR and other international human rights documents. In its content, there is a requirement that all member nations, global intergovernmental organizations, nongovernmental organizations, and individuals who were members of the human family must share the obligation of respect, promotion, and implementation of human rights and basic freedoms.

The report named *Human Rights and Human Responsibilities* was written by Miguel Alfonso Martínez, a UN special rapporteur in the UN Economic and Social Council in 2003. The author states that in the current international context, many countries only try to focus on human rights but completely ignore human obligations toward society. For that reason, human responsibility is only briefly mentioned in the UDHR and in the two International Conventions (1966) on human rights. Martínez asserts that every right should be associated with some legal obligation or moral obligation. The author also drafts the Declaration on Human Social Responsibilities, which includes 29 articles of quite variant obligations that individuals must perform towards society. In addition to the general provisions of obligations, the author added more specific obligations, which require each individual to implement based on social and ethical conduct. According to the author, these obligations, however, are not governed by law; they are only set up based on social and ethical conduct (Article 3).

The report named *The Relationship Between Rights and Responsibilities* was published by the Department of Justice of the United Kingdom in 2009. This report analyzes several important aspects of human obligations and the relationship between rights and obligations. It states that the exaggerated praise and promotion of human rights have produced many negative effects in society over time. The report provides three appendices, which cite the provisions of human obligation, which are responsibilities in international documents, unofficial declarations, and national constitutions. However, this report does not illuminate all aspects of the relationship between human rights and human obligations. It is possible that the reporter was afraid that the regulation of obligations might weaken human rights and supposed that human rights deserved this primary focus.

The report titled *A Universal Declaration of Human Responsibilities, Report on the Conclusions and Recommendations* was created by a High-level Expert Group Meeting in Vienna, Austria, (20-22 April 1997) and chaired by Helmut Schmid. The report shows conclusions and recommendations for the draft of the Universal Declaration of Human

Obligations of 1997. This report affirms that the InterAction Council's call for a Universal Declaration of Human Obligation was timely, because the world needed a Declaration of Human Obligation more than it ever had. It also presents many arguments to convince the community to fight for the enhancement of human responsibility and obligations, just as they once fought for freedom and human rights.

1.2. Comments on research situations related to the thesis subject

1.2.1. General comments on the research situations and issues, which this thesis has inherited and developed.

Firstly, this thesis has approached the number of plentiful works related to this subject from many aspects and different levels of research. These sources are very important for the PhD student to study, compare, and complete thesis. Essentially, these materials provide an important amount of knowledge of the concepts of human responsibilities, the relation between human rights and human responsibilities, the importance of promoting human responsibilities in national and international law, and the recommendations and measures to raise public awareness of human responsibilities.

Secondly, the number of national materials directly related to the thesis subject is not large and so is almost approached in a narrow scope.

Thirdly, the international materials related to the subject of this thesis are more diverse and more plentiful than national materials. The level of research of international materials is therefore deeper and broader than that of the national materials. Those materials show the relationship between human rights and human responsibilities and the necessary balance between these rights and responsibilities. Additionally, they indicate that human responsibilities are an essential complement to guarantee human rights; individual moral responsibilities play an important role to make the world better and more peaceful. Legally, a number of studies have more or less mentioned human responsibilities in international legal documents. However, when studying these authors' researches, we that many things related to this subject have not been studied yet; therefore, we can inherit, supplement, and develop these researches to complete this thesis.

A theoretical aspect: Most of the national and international works show a strong consensus in the awareness of the important role of human responsibilities and the inseparable relationship between human responsibilities and human rights. Some scholars argue that in this relationship, human rights must be developed from a foundation of human responsibilities and basic moral values.

A practical aspect: Some studies describe the reality of the regulations on human responsibilities in the constitutions of some countries and the implementation of human responsibilities in life. To some extent, many studies show the imbalance between human rights and responsibilities.

These studies also show that responsibilities are a matter of conscience and responsibility, while rights are a matter of human instincts. Therefore, human responsibilities have not been studied as much as human rights have been. From that reality, there has appeared an excessive demand for freedom and the abuse of freedom from many individuals without fulfilling any responsibilities. These problems have caused severe consequences in many fields and in social life.

Proposals and recommendations: Because of the importance of human responsibilities, the proposed solutions are aimed at completing and effectively implementing regulations on human responsibilities. Many studies suggest that the law of human responsibilities should be considered to complement national and international legislation. Many scholars have drafted or proposed to draft declarations of human responsibilities; many of them expressed support for submitting the declarations to the United Nations General Assembly for adoption of a universal declaration of human responsibilities to balance the 1948 UDHR. If so, an international council on human responsibilities must be set up. In addition to the enforced mechanism of the law, some scholars have proposed a system of strong moral education to improve self-awareness in the performance of human responsibilities.

1.2.2. The thesis needs to keep researching the issues that are related to the subject of the thesis but not yet resolved or thoroughly solved.

Theory

Firstly, although national and international studies talk about the concept of human responsibilities, they are only sketches. Based on the inheritance of theoretical foundations from previous studies, this thesis will clear up the nature of human responsibilities, concepts, purposes, and the meaningful regulations concerning human responsibilities in the law.

Secondly, many studies have more or less mentioned the relationship between human rights and responsibilities in the law, but they have not analyzed it fully and deeply. This thesis will build on these analyses and continue to analyze these relationships more thoroughly.

Thirdly, most of the international studies have only added to the responsibilities of governments, collectives, and NGOs, but individual responsibilities have not been clearly discussed. Additionally, some scholars are afraid that recommending the observance of human responsibilities might weaken and hinder human rights. In this thesis, there will be analyses and demonstrations to clarify the fundamental and essential role of human responsibilities related to human rights, as well as the role of individual responsibilities in the development of society.

Fourthly, most studies have only focused on the regulations and assured mechanisms of human responsibilities through the expression of civil responsibilities in the national

law. This thesis will continue to research comprehensive theories of regulations and assured mechanisms of human responsibilities in international and national laws (Vietnamese law).

Real situation

Many studies have only worked on theories without making a complete survey of the reality of human responsibilities in Vietnamese and international laws. Therefore, deploying real surveys will help this thesis make more accurate comments and assessments about the actual situation of human responsibilities in international and Vietnamese law.

Views, solutions, and recommendations

The results related to the subject of human responsibilities show that although many solutions have been proposed, in fact, the issue of individual responsibilities has not been paid appropriate attention. A lack of essential regulations on human responsibilities is clearly shown in national and worldwide legal systems.

Based on the theories and the practicalities, the PhD student will give opinions to improve the human responsibilities in the law. Hence, this thesis will recommend immediate solutions and long-term solutions to perfect the regulations on human responsibilities in Vietnamese and international systems of laws. This thesis will also offer solutions to improve the assure mechanism and promote human responsibilities in the law. It is time for humankind to fight for human responsibilities as we fought for human rights before.

1.3. Question and hypothesis in research

1.3.1. Research question

Firstly, are human responsibilities the foundation of human rights? Do people only fully enjoy their rights when they fully perform their responsibilities? What is the role of human responsibilities for the society's existence and development?

Secondly, have international laws and Vietnamese laws been sufficient and consistent on human responsibilities yet? If they have not yet been consistent, how should they be supplemented and improved?

Thirdly, how is the reality of the implementation of human responsibilities in Vietnamese law?

Fourthly, what are the solutions to assuring the fulfillment of human responsibilities in the law?

1.3.2. Research hypothesis

Firstly, human responsibilities play a decisive role in the society's existence and development; simultaneously, it is also the root and premise for human rights to be enjoyed.

Secondly, there have been no balanced regulations between human rights and human responsibilities in international law and Vietnamese law. The written methods of fulfilling human responsibilities are incomplete.

Thirdly, the current situation is that many researchers and professors in the world have raised the importance of human responsibilities. However, the importance of human responsibilities has not been cared by governments or international organizations.

Fourthly, the perfect regulation of human responsibilities combined with moral education is the one most effective measure to solve the above situation.

CHAPTER 2

THE THEORIES OF HUMAN RESPONSIBILITIES IN THE LAW

2.1. The concept, purpose, and meaning of the regulation on human responsibilities in the law

2.1.1. The concept of human responsibilities in the law

2.1.1.1. The notion of human responsibilities

People can use social norms of laws, ethics and customs to adjust social relations or human behaviors. In each situation, there are some methods that can impact human behavior: allowances (allow to execute or allow to benefit); compulsions (compel to do, or compel to obey orders); prohibitions (prohibit doing, or prohibit enjoying); rewards (reward for good behavior) and sanctions (adverse consequences, or punishment for bad behavior). Of these four methods that impact human behavior, compulsion, and prohibition shape responsibilities. According to the Vietnamese Dictionary published by the Institute of Linguistics, the term “responsibility” is understood as “*something that is required by law or morality to do for society and people.*”²⁰ The term “responsibility” is also understood as: 1. *A task that is assigned to a person, or considered to be assigned to a person, which must be fulfilled; if the results are not good, that person must be blamed for consequences;* 2. *A tie between a person’s words and actions that must be complete and correct; if they are wrong, that person must be blamed for the consequences.*²¹ Sometimes, the term “responsibility” is understood as “*assignments that must be done based on common ethics, such as responsibilities of children or citizens.*”²²

In English, there are many words indicating responsibilities such as obligation, duty, onus, liability, trust, charge, boundness, obligatoriness, function, and mission.²³ There have been arguments over what words to use for the concept of responsibility in international documents or scientific documents, but the words responsibility, duty, and obligation are most commonly used interchangeably. The Oxford Dictionary defines these words as follows:

- The term “obligation” is understood as, 1. “*The state of being forced to do something because it is your duty, or because of the law, etc.*” 2. “*Something which you must do because you have promised or because of the law.*”²⁴ 3. “*Things that are obligatory to perform by agreements.*” (the civil law)

²⁰ Prof. Hoàng Phê (2012), *Từ điển Tiếng Việt* [Vietnamese Dictionary], Institute of Linguistics (Vietnam), Vietnam Encyclopedia Publishing House, p. 875.

²¹ Prof. Hoàng Phê (2012), *ibid*, p. 1304.

²² Prof. Hoàng Phê (2012), *ibid*, p. 120.

²³ Consult the Thesaurus.com dictionary of synonyms and antonyms.

²⁴ A.S. Hornby (2006), *Oxford Advanced Learner’s Dictionary*, 7th Edition, Oxford University Press, p. 1045.

- The term “duty” is understood as, “1. *Something that you feel you have to do because it is a moral or legal responsibility.* 2. *The work that is your job.* 3. *Tasks that are part of your job.*”²⁵

- The term “responsibility” is understood as, “1. *A duty to deal with or take care of somebody/something, so that you may be blamed if something goes wrong.* 2. *Blame for something bad that has happened.* 3. *A duty to help or take care of someone because of your job or position, etc.*”²⁶

In many international documents, scholars use the word “duty” to refer to human responsibilities.²⁷ Erica-Irene A. Daes, the founding chairperson and special rapporteur of the United Nations Working Group on Indigenous Population, also used this word with the meaning, “*Any action or course of action which is regarded as morally or legally incumbent.*”²⁸ Similarly, PhD Eric Robert Boot, who appears to be an award-winning Public Law, Jurisprudence, and Legal History professor for Tilburg University, used the word “duty” to say, “*An action to which one is bound.*”²⁹ Philosopher – ethicist Samuel von Pufendorf used two words “duty” and “obligation” and defines “duty” as, “*Human action in conformity with the commands of law on the ground of obligation.*”³⁰ The authors of the report *The Relationship between Rights and Responsibilities*³¹ bring up all three words: responsibility, duty and obligation. The text *Valencia Declaration of Human Duties and Responsibilities* interchangeably uses these three terms: responsibility, duty and obligation. Specifically, the text says, “*Duty means an ethical or moral obligation (a); responsibility means an obligation that is legally binding under existing international law (b).*”³²

However, PhD T.S.N. Sastry, who is the Vice Chancellor at Tamil Nadu PhD Ambedkar Law University, officially uses “duty” to refer to responsibility, stating that “*duties arise from legal norms or requirements.*”³³ PhD Mumba Malila, who is a Supreme Court judge in Zambia, argues that although there is a slight difference, the three words

²⁵ A.S. Hornby (2006), *ibid*, p. 477.

²⁶ A.S. Hornby (2006), *ibid*, p. 1294.

²⁷ Such as Clause 1, Article 32 of The American Convention on Human Rights (1969); Clause 1, Article 29 of the UDHR (1948); Preamble, Articles 27 and 28 of The African Charter on Human and Peoples' Rights (1981); Preamble of the two 1966 international conventions (ICCPR and ICESCR); scholar Miguel Alfonso Martínez, etc.

²⁸ Erica - Irene A. Daes (1983), *The individual's duties to the community and the limitations on human rights and freedoms under article 29 on the universal declaration of human rights*, United Nation Publication, chapter I, p. 38.

²⁹ PhD. Eric Robert Boot (2015), *Human Duties and the Limits of Human Rights the Discourse*, Netherlands Organisation for Scientific Research, p. 55.

³⁰ Samuel von Pufendorf (author), James Tully edited (1991), *On the Duty of Man and Citizen According to Natural Law 1682*, Press Syndicate of the University of Cambridge, p. 17.

³¹ Liora Lazarus, Benjamin Goold, Rajendra Desai and Qudsi Rasheed, University of Oxford (2009), *The relationship between rights and responsibilities*, Ministry of Justice (UK) Research Series 18/09, section 1.4, pp. 4-5.

³² See Article 1, *Valencia Declaration of Human Duties and Responsibilities* - commonly known as the Valencia Declaration. This document was adopted by UNESCO and the City Council of Valencia – Spain, in 1998 on the occasion of commemorating the 50th anniversary of the UDHR (adopted by the United Nations General Assembly in 1948).

³³ PhD. T.S.N. Sastry (2011), *Introduction to human rights and duties*, University of Pune Press, p. 18.

“responsibility, duty and obligation” basically mean, “*what one is obliged to do by morality, law, a trade, a calling, conscience, etc.; inner voice urging one to behave in a certain way.*”³⁴

In Vietnamese legal books, all authors say that, “Responsibility *should be forced to fulfill; the necessity of conduct of this subject is to meet the rights of another subject.*”³⁵

Thus, all the authors think that responsibility is a behavior or an action that a person or an organization must do. The behavior or action can be positively or negatively³⁶ expressed as to care for, worry for, and help others (in a small scope); in a larger scope, the behavior or action is to devote, contribute, serve, and protect people and communities without doing harm to them. A conduct or an action of a person is considered a responsibility if and only if it benefits other people, **at least it benefits one person**. If a conduct of a person only benefits himself or herself, it cannot be considered a responsibility.

Regarding motivation for implementing responsibilities, most scholars point out two main motives; the first is demands from outside sources such as organizations, communities, and individuals; the second is from a person’s own conscience, which finds it necessary to perform responsibilities.

The implementation of responsibilities will bring legitimate rights and benefits to others and the community. These benefits can be material (such as money, products, or items), spiritual (like educational words or works of art), or these benefits could involve services or personal freedom. Then those benefits will bring society material abundance, prosperity, and spiritual progress.

The “human” subject in responsibilities can include a natural person, a group of people, an organization (with or without legal entity), a class, a nation, or a government (special legal entity). However, the main subject of human responsibilities that this thesis aims at is INDIVIDUAL. To exist and develop well, it is often best that everyone sticks with certain communities and organizations in society. These communities and organizations will support, protect, and facilitate the individual to exist and develop. However, depending on degrees and conditions, each individual ought to perform certain

³⁴ PhD. Mumba Malila (2017), *The place of individuals’ duties in international human rights law: perspectives from the African human rights system*, University of Pretoria, pp. 142-157.

³⁵ See Hanoi Law University (2018), *Giáo trình lý luận chung về nhà nước và pháp luật* [Textbook on General Theory of State and Law], Judicial Publishing House, Hanoi, p. 393; Faculty of Law - Vietnam National University, Hanoi (1988), *Giáo trình lý luận chung về nhà nước và pháp luật* [Textbook on General Theory of State and Law], Vietnam National University Press, Hanoi, p. 401; Assoc. Prof. PhD Nguyễn Minh Đoàn, chief editor (2010), *Quy chế pháp lý của công dân Việt Nam* [Legal Status of Vietnamese Citizens], National Political Publishing House, Hanoi, p. 36; Assoc. Prof. Hoàng Thị Kim Quế, chief editor (2005), *Giáo trình lý luận chung về nhà nước và pháp luật* [Textbook on General Theory of State and Law], Vietnam National University Press, Hanoi, p. 419; Hồ Chí Minh National Academy of Politics and Administration (2011), *Lý luận chung về nhà nước và pháp luật* [General Theory of the State and Law], Political - Administrative Publishing House, p. 268.

³⁶ A *positive responsibility* is a responsibility that one is required to do (must do). A *negative responsibility* is a responsibility that one is prohibited to do (must not do, refrain from doing).

responsibilities toward himself, other individuals, the whole community, and the organization. Thus, human responsibilities should be understood as responsibilities of an individual, who represents human responsibilities as a whole.

From the above analysis, human responsibilities can be generalized as follows:

Human responsibilities include human behavior in work and acts. People are forced to behave appropriately, or people are not allowed to behave improperly by regulations of the law, or by requirement of social ethics, or by promotion of moral conscience. The proper behavior aims to bring benefits, happiness, and morality to others and the community.

Currently, in the world and in Vietnam, many different human responsibilities exist in various fields. Prof. Saul Takahashi, Professor of Human rights and Peace Studies at Osaka Jogakuin University, in Osaka Japan, believes that there are two basic types of human responsibilities: legal responsibilities and moral responsibilities. The Professor says, “A duty can be a legal obligation - to pay taxes, or to perform military service. A duty can also be an ethical obligation, for example a duty to tell the truth, or to be faithful to one’s spouse.”³⁷ Philosopher Samuel von Pufendorf and Prof. PhD Hoàng Thị Kim Quế also had the same opinion.³⁸

PhD Nguyễn Thị Thanh Hương names three types of responsibilities: customary responsibilities (specified by local habits and customs), moral and humanistic responsibilities (children must be filial to their parents; spouses must be faithful to each other), and legal responsibilities (regulated by law and by the constitution)³⁹.

Assoc. Prof. PhD Đoàn Minh Huân believes that there are many types of human responsibilities: civic responsibility, daily duty, social responsibility, international community responsibility, and mandarin obligations⁴⁰. The Universal Declaration of Human Responsibilities⁴¹ outlines at least four types of human responsibilities: responsibilities toward oneself, toward others, toward the country, and toward the planet.

PhD Eric Robert Boot argues that there are two types of human responsibilities: perfect duties (responsibilities that consist of corresponding benefits), and imperfect duties (responsibilities that do not consist of corresponding benefits)⁴². Perfect duties would be

³⁷ International Council on Human Rights Policy (1999), *Taking Duties Seriously: Individual Duties in International Human Rights Law - A Commentary*, International Council on Human Rights Policy, p. 13.

³⁸ See Prof. PhD Hoàng Thị Kim Quế (2012), Nghĩa vụ của con người, công dân và những vấn đề đặt ra trong việc sửa đổi, bổ sung Hiến pháp 1992 [The Obligations of People, Citizens and Issues Raised When Amending and Supplementing the 1992 Constitution], *Legislative Studies Magazine*, No. 18 (226), section 2, p.14.

³⁹ See Nguyễn Thị Thanh Hương (2017), *Giáo dục Nghĩa vụ đạo đức cho sinh viên các trường Đại học công lập hiện nay* [Educating moral obligations for students of current public universities], Doctoral thesis in philosophy, Graduate Academy of Social Sciences, p. 44.

⁴⁰ See Assoc. Prof. PhD Đoàn Minh Huân (2018), Giáo dục, rèn luyện Nghĩa vụ đạo đức cách mạng cho Đảng viên - một nội dung quan trọng của xây dựng Đảng về đạo đức [Educating and training on revolutionary moral obligations for Party members - This is important content for building the Party’s morality], *Communist Review*, No. 2.

⁴¹ The Universal Declaration of Human Responsibilities published in 1997, including 19 Articles, was proposed by the Interaction Council to the United Nations General Assembly to counterbalance the UDHR, but didn’t succeed.

⁴² PhD Eric Robert Boot (2015), *ibid*, section 2.1, pp. 55-82.

considered legal obligations because the subject is defined by the law, which also approves the rights corresponding to these obligations. Imperfect duties are similar to moral responsibilities because the subject voluntarily performs responsibilities that the law does not oblige them to do; therefore, there are no corresponding legal rights to imperfect duties.

Lawyer Abdallah Salam says that perfect duties and imperfect duties correspond to legal obligations and moral obligations (by Immanuel Kant), or justice obligations and non-justice obligations (by Hugo Grotius)⁴³. PhD T.S.N. Sastry and PhD Mumba Malila divide obligations into several categories: natural obligations and acquired obligations, positive duties and negative duties, perfect duties and imperfect duties, and fundamental obligations and many others also considered as obligations⁴⁴.

Based on the motivation of human responsibility, the PhD student believes that there are three types of human responsibility⁴⁵:

- Human responsibilities prescribed by law
- Human responsibilities required by social ethics
- Human responsibilities motivated by moral conscience

i. Human responsibilities prescribed by law; it can be called “obligations”

In national laws, the norms on human obligations are stipulated by governments in their constitutions and other legal documents. They are firmly implemented by the strong power of governments. These regulations can exist in the form of instructions: what to do, how to do (positive obligation); what to not do, and how to not do (negative obligation).

In international laws, human obligations exist in many international documents, international habits, and international customs. Some examples of human obligations in international documents are listed below:

- *It is the duty of every person to cooperate with the state and the community with respect to social security and welfare, in accordance with his ability and with existing circumstances*⁴⁶.

- *Everyone has duties toward and within the community, in which alone the free and full development of his or her personality is possible*⁴⁷.

- *The individual shall also have the duty: To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society*⁴⁸.

⁴³ See Abdallah Salam (2014), *Perfect and imperfect rights, duties and obligations: from Hugo Grotius to Immanuel Kant*, Merton College, University of Oxford.

⁴⁴ PhD T.S.N. Sastry (2011), *Introduction to human rights and duties*, University of Pune Press, p. 19; PhD Mumba Malila (2017), *ibid*, pp. 274-281.

⁴⁵ The term *responsibility* is used by the thesis for human obligations when expressed with a general, unclassified meaning.

⁴⁶ See Article 35 ADRDM.

⁴⁷ See Clause 1, Article 18 The 1998 Declaration on Human Rights Defenders.

⁴⁸ See Clause 6, Article 29 The 1981 African Charter on Human and Peoples' Rights.

ii. Human responsibilities required by social ethics; it can be called “duties”

Moral codes are “*the rules of moral relationships between this person and that person in society*”⁴⁹. Thus, social ethics is the moral rules that communities accept. It is a “soft” law that is used to guide and encourage people to morally behave toward others. Social ethics helps people have harmonious relationships that form orderliness in society. Its sanctionative power is criticism. Fearing criticism but liking praise, people try to fulfill duties required by social ethics.

Social ethics is formed by a culture of community. It is traditional; it is noted in writing and unwritten. The people in that community have tacitly accepted the moral codes that have been handed over from generation to generation. For example, when a student meets a teacher, he must respectfully greet the teacher. When attending a funeral or seeing a funeral passing, people cannot smile or talk; they ought to take off their hats and silently respect the dead. When listening to the national anthem, citizens must solemnly and respectfully stand in contemplation. When seeing the elderly, the disabled, orphans, or pregnant women, people should help if it is needed. When someone shows cleavage, wears scanty clothes, or talks nonsense, people should cleverly remind them or give that person some advice. People ought to be polite, friendly, and hospitable toward foreigners to keep the nation’s appearance beautiful, and to maintain harmony between nations. Those are the morals that the community requires.

iii. Human responsibilities motivated by moral conscience; it can be called “onus”

Morality is “*humans’ good qualities cultivated from moral standards*”⁵⁰, and “*a sense of moral conscience is the self-judgment of one’s valuable actions*”⁵¹. To extend this meaning, “*morality is people’s inner good tendencies, which create the outer words and actions that make others better, happy, and advantaged*”⁵². Thus, morality is consciousness, virtue, and an internal tendency, and this controls their outer behavior and speech. Whoever is moral will have thoroughly good judgment and the self-awareness to behave well toward others so that they can contribute benefits, happiness, and morality to others and to the community. The self-awareness of good behavior is called human responsibilities motivated by moral conscience (onus).

The three types of responsibilities are the responsibilities regulated by law, the responsibilities required by social morality, and the responsibilities motivated by moral conscience. Among these three types of responsibilities, there are some responsibilities that can satisfy all the three types of responsibilities; the others can satisfy only one or two of these types. For example, a child's responsibilities to respect and care for his or her parents

⁴⁹ Prof. Hoàng Phê (2012), *ibid*, p. 760.

⁵⁰ Prof. Hoàng Phê (2012), *ibid*, p. 380.

⁵¹ See Trần Đức Huynh (1966), *Đạo đức học* [Ethics], Ra Khoi Publishing House, p. 57.

⁵² See Thích Chân Quang (2004), *Tâm lý đạo đức* [Moral Psychology], Tôn Giáo Publishing House, p. 7.

can meet the regulations of the law, the requirements of social morality, and the motivation of moral conscience.

When the three types of responsibilities are combined so a responsibility is motivated by legal regulations, social ethics, and moral conscience, then the performance of human obligations will be absolutely effective in practice. For example, the responsibility to take care of the elderly who are alone is the duty of social ethics and moral conscience, but when it is regulated by the law, the implementation would be complete and effective. The responsibilities of military service and taxes are prescribed by the law, however, when the law is combined with social ethics and moral conscience to force these responsibilities to fulfill, the responsibilities would be completely effective.

Human responsibilities apply to everyone as everyone is a human. Human responsibilities are expressed on at least four levels:

- When people have responsibility for the family, they call it the family members' responsibilities.
- When people have responsibility for the community, people call it the community members' responsibilities.
- When people have responsibility for their country, people call it the citizens' responsibilities (civic obligations).
- When people have responsibility for the world, people call it the global citizens' responsibilities.

All the four levels are human responsibilities. The scope of human responsibilities covers from the family to the community, and from the nation to the world.

Thus, civic obligations are human responsibilities that are slightly adjusted to conform to each nation's laws. When the nations' civic obligations are compared, all of them show similarities. No matter where citizens live, they must fulfill their obligations: defense of the country, military service, tax obligations and labor obligations. Therefore, human responsibilities in this thesis include civic obligations.

2.1.1.2. The concept of human responsibilities in the law

In the paragraphs above, human responsibilities are formed from requirements of the organization such as the community (external), or they are formed from requirements of the moral conscience of each person (internal). Such requirements can be passed through unilateral orders or normative orders such as morality, religious dogma, organizational regulations, conventions of the community, and the law. Among the normative orders, the law plays the most important role.

In the law, responsibilities are described in two ways. First are **personal** obligations in civil law and contracts, such as labor, purchase and sale, transfer, and recruitment.

Second are **public** obligations by law. Human responsibilities in this thesis will only be discussed in the second manner – fundamental human responsibilities in the law.

*Based on the notion of human responsibilities and the type of human responsibilities regulated by law, we can define that **Human responsibilities in the law** include human behavior in work and acts. People are forced to behave appropriately, or people are not allowed to behave improperly to make society order, to create resources for the nation and to underpin human rights to be implemented.*

Unlike ethic duties or moral onus, human responsibilities in the law (legal obligations) include the following basic characteristics:

Firstly, human legal obligations are specifically, clearly, and closely recognized by national and international law in both content and form.

Secondly, human legal obligations are valid and effective worldwide; citizens who go abroad still must comply with the laws of their nationality. The subjects who observe these legal obligations are all people living in the nation and its citizens. Legal obligations are prescribed by governments, so they are often propagated by national systems of government agencies.

Thirdly, human legal obligations are exacting because they are secured by coercive methods that are stricter than other social measures.

Fourthly, if the subject fails to perform or improperly performs human legal obligations, he or she should be held legally liable, including potential detainments, fines, or public service.

Human obligations in the laws can be divided into many different categories. According to the constitution and many law sets, which include many fields of social life, there are economic obligations, political obligations, civil obligations, cultural obligations, social obligations and environmental obligations.

The other classification of human obligations in the law includes fundamental obligations prescribed in the constitution and detailed obligations regulated in other law documents. The fundamental obligations are obligations to defend the fatherland, to pay taxes, and to protect the environment. The detailed obligations are obligations to obey the speed limits, drive on the right lane.

Depending on issuers, the scopes of impact on human obligations in the law are included in national law and in international law.

2.1.2. The purpose and meaning of the regulation of human responsibilities in the law

There are many methods to regulate social relationships, including laws and a number of other methods such as conventions, internal regulations, school rules, family rules, party charters, religious dogma, habits, and morality. No method is considered to be multipurpose, but all of the methods must support one another to help adjust human behavior in social

relationships for the best result. Concerning the adjustment of social relationships, Prof. Nguyễn Minh Đoan said, “*Social management methods must always rely on each other and support each other to coexist and develop for the order and stability of society and community life, which need to be developing toward the truth, goodness and beauty.*”⁵³ However, the law is still considered the leading and most effective method. Therefore, key, fundamental human responsibilities, which have a great influence on the stability and development of society, cannot be only adjusted by extra-legal methods, but they also must be necessarily provided by the laws for the following purposes and meanings.

Firstly, affirming the importance and universality of human responsibilities

The government promulgates the laws and ensure them to be fulfilled. The promulgation of laws is carried out through strict procedures with the participation of competent government agencies, so the law is therefore scientific and highly objective. The law is not spontaneous, or unreasoned, or derived from a single case; the law is a synthesis of many common cases in society. The regulations in the law are typical models for its subjects to implement. The law has a large scope of impact: “*Where there is the presence of the government, there is the impact of the law.*”⁵⁴

The law applies to all subjects. It has an ability to affect all individuals and organizations in society, and it has an ability to affect all regions and territories under the management of the government. Additionally, when human responsibilities are stipulated in international documents, the scope of impact extends beyond a nation’s borders. Its effect can even be worldwide if many nations sign the agreement. Therefore, the regulation of human responsibilities in the law is the establishment of the importance and universality of human responsibilities in life and society, which is different from other human duties that exist only in local customs and habits, or in a personal sense of morality.

Secondly, increasing enforcement on the implementation of human responsibilities

The law is compulsory and guaranteed to be implemented by governments by using various measures, such as propaganda, education, persuasion, and coercion. Of these measures, coercion is the most important. In any society, a large number of individuals exist who lack self-awareness and refuse to obey the law. For such citizens, the measures of propaganda and education do not always work. The government must use coercive measures to keep social order. The law has this power from the power of its government, which is specialized and professionally coerces citizens into order.

⁵³ PhD Nguyễn Minh Đoan (2009), *Vai trò của pháp luật trong đời sống xã hội* [The Role of Law in Social Life], National Political Publishing House, Hanoi, p. 25.

⁵⁴ Hanoi Law University (2016), *Giáo trình lý luận chung về Nhà nước và pháp luật* [Textbook on General Theory of State and Law], Judicial Publishing House, Hanoi, p. 241.

Therefore, when human responsibilities are stipulated, all citizens must strictly and unconditionally abide by the law, despite their willingness or unwillingness to do so. This enforcement of the law actually contributes to creating justice and equality for the individual performance of human responsibilities. Meanwhile, most of extra-legal methods have no professional institutions to force citizens to implement human responsibilities. Even if a professional institution exists to encourage adherence to responsibilities, it is not as strong or as strict as the government's methods of coercion.

Thirdly, raising the sense of responsibility of individuals toward the community

When laws are promulgated openly and widely, it is imperative that all citizens observe them. No citizen is exempted from legal liability because of ignorance of the law. The role of the law is to guide citizens' thoughts and behaviors, thereby compelling individuals to form habitual legal thoughts and actions respectfully comply with the law. Compared with many unofficial measures, the measures in the law strongly affect citizens' consciousness; thereby human behaviors are more effectively adjusted.

Therefore, the regulation of human responsibilities obligations in the law will contribute to elevating the awareness of individuals' responsibility toward the community. Through these regulations, all citizens will know exactly and specifically which actions they are required to perform and which actions they are prohibited from performing, so they can fulfill their responsibilities. Then, based on the law, citizens choose to act appropriately. In addition to coercive measures that create a strong deterrent to non-fulfillment of the law or to irresponsible acts, **rewards** given by the law are also effective measures that encourage citizens to perform their obligations actively and voluntarily. However, in practice, rewards are used less often than sanctions.

Fourthly, creating a balance in reality between enjoyments (rights) and dedications (responsibilities)

The regulation of human responsibilities in the law is enormously significant in its role to create a balance between enjoyment of human rights and fulfillment of human responsibilities in both the individual and community life. The law protects human rights and creates conditions for individuals to enjoy human rights. Simultaneously, the law must also specifically regulate the implementation of human responsibilities to create the legal foundation so that people can fulfill their responsibilities completely and fairly. Only when people completely fulfill their responsibilities can society's resources be plentifully created. Human rights can only be assured when society's resources are plentiful.

Rights must always accompany responsibilities. Any citizen who enjoys rights must also fulfill responsibilities. Governments only play the role of a coordinator between human rights and human responsibilities. Governments do not provide human rights or impose human responsibilities on its citizens. Individuals who want to enjoy many rights must perform many

responsibilities, so resources in society can be plentifully created and not exhausted. The governments play the intermediary role in coordinating these resources and transforming these resources into benefits for both citizens and communities. In short, human rights are determined by human responsibilities. Governments should have the responsibility to create opportunities for people to fulfill their responsibilities so nobody is useless. Governments should also have the responsibility to provide human rights to their citizens in justice.

Fifthly, creating opportunities for each citizen to promote their ability; then they can affirm their own value through fulfilling human responsibilities

The fact that human responsibilities are clearly and specifically defined in the law will create a mechanism to promote individuals' capacity for labor and production. The government and the community will be responsible for creating beneficial opportunities for individuals to best perform their responsibilities. It is the performance of responsibilities that makes people valuable in life. President Hồ Chí Minh once said, "*Work is a glorious, joyful, and heroic career.*"⁵⁵ His saying reflects his opinion of the necessity of human responsibilities. Work creates the crystallization of material and spiritual values. Individuals' dedication is the material to build life and society. The development of society is built on the fact that citizens must dedicate themselves to society more than they enjoy the benefits from society. Many individuals are willing to dedicate themselves to fulfilling responsibilities beyond the requirements of the law. For example, many people carefully protect the environment and voluntarily participate in activities to collect and recycle waste; they also plant more trees to create forests. This dedication makes their value greater. These people will always receive esteem from the community.

2.2. The nature of human responsibilities and the relationship between human responsibilities and human rights in the law

2.2.1. The nature of human responsibilities

Human responsibilities include human behavior in work and acts. The proper behavior aims to bring benefits, happiness, and morality to others and the community. The essence of human responsibilities lies in its citizens' dedication, which consists of altruism to the community and to society. A positive responsibility would involve the dedication of the citizens' time, effort, energy, and intelligence to the community. A negative responsibility would involve the citizens' self-limitation of actions, desires, and interests so as to not harm the community's interests. However, whether citizens fulfill positive or negative responsibilities, the nature of human altruistic tendencies are clearly displayed. The citizens' contributions make up for the benefits they enjoy from society; simultaneously, their contributions are essential resources for the survival and development

⁵⁵ Hồ Chí Minh: *Toàn tập* [Hồ Chí Minh's Complete Works] (2011), *ibid*, Vol. 7, p. 418.

of society. The citizens' self-limitations of demands help keep society's order and stability.

The altruistic tendency in the nature of human responsibilities is also shown when human responsibilities are analyzed from a historical perspective and from formative motivations. By researching the origin of history in primitive times, we can see that when society was not organized, people lived by instinct. At that time, people worked hard to look for food in vast forests. People were **free** to take everything from nature. They always fought for everything for themselves such as food and other benefits. However, they instinctively knew how to take care of and protect their families and relatives. This was **a natural origin** of rights and responsibilities (See Article 3.1.1). Rights are to enjoy benefits, so these rights are selfishness, while responsibilities are to take care of others, so these responsibilities are selflessness.

When the community grew larger, and the population became crowded, the conflicts about exploitation and possession of natural resources started to happen. At that time, people needed the law that could adjust the freedom of possession. Human rights began to be regulated by law. Because the community grew larger while people's sense of responsibility was only for their families, the tribal leaders forced them to develop their sense of responsibility for the community. Human responsibilities began to be regulated by law. The law balanced human rights and human obligations by narrowing human rights and widening human obligations.

Today's society is extremely crowded and complex, so we cannot consider human rights as natural as it was in the old time. It is unreasonable if we apply human rights from the old time in today's society. Like that, it must be a serious mistake if we let people be responsible for their own families only.

When examining the motivations that form responsibilities, we can see that responsibilities were initially formed by families that instinctively loved one another. People were first responsible for taking care of their families because they loved each other. This is human natural psychology. The love of mother, of siblings, and between husband and wife is a great motivation that motivates the family members to **take actions because of their people's benefits** (fulfilment of obligations)⁵⁶. When the community grew larger, virtuous persons likewise increased their love for others to bear responsibilities for the community. Responsibilities toward the community had been initially formed from true altruism. Once the community grew so large that it became a nation, virtuous people no longer had any opportunity to interact with others who were so far away. Love could not keep up with the development of community, so people lost their sense of responsibility for others and for their community. However, in the largest community known as society, many people still had invisible interactions with each other and shared benefits with each other. As a result, they were forced to take responsibility for each other even though they

⁵⁶ See Nguyễn Quang Uẩn (2007), *Giáo trình tâm lý học đại cương* [Textbook on General Psychology], University of Education Publishers, p. 162.

were not aware of that responsibility. It appears that the law then adjusted regulations to force people to take greater responsibility for their awareness and morality in society. We call these responsibilities in the law.

Thus, we have the following sources of responsibilities:

- Responsibilities due to the instinctive love for family
- Responsibilities due to morality to the community
- Responsibilities prescribed by law

Additionally, a person who is not fulfilling his responsibilities to the community must behave responsibly toward the community if he wants to avoid **criticism**. In this case, the motivation to fulfill responsibilities is required by social ethics. Therefore, we can divide responsibilities to the community into two categories: one required by social ethics and the other motivated by a moral conscience.

If the responsibility to the community is motivated by one's internal moral conscience, then an altruistic tendency is evident. In this case, people fulfill their responsibilities voluntarily, completely, and even exceed their responsibilities by their motivation to bring benefits to others.

If the responsibility to the community is required by social ethics, or the fear of being criticized, implementing this responsibility will also help harmonize relationships in the community and still create discipline and stability in society.

If the responsibility to the community is prescribed by law, then the implementation of this obligation will be universal, comprehensive, and powerful enough to protect the common interests of all nations, people, and in fact, the whole world⁵⁷.

However, history shows that, especially in the eras of totalitarian monarchy, many legal obligations were used to benefit the ruling class. People had to work very hard to benefit kings and mandarins. When society advanced toward democratic civilization, obligations in the law did not exist to benefit the ruling class, but instead created resources to serve the interests of the people. When that occurred, governments played the role of coordinating its citizens' rights and obligations.

New global issues such as climate change, natural disasters, pandemics, extremist ideologies, terrorism, and war have appeared in today's era. These new issues mean that people are required to take on greater responsibilities and that the law must be adjusted, supplemented, and perfected to expand human obligations to meet these new demands. At the same time, people's awareness and morality must also advance to meet the need.

Increased demand means that the law and the promotion of the morality of human responsibilities need development. It is not a task that aims to develop one community or

⁵⁷ Hanoi Law University (2016), *Giáo trình lý luận chung về Nhà nước và pháp luật* [Textbook on General Theory of State and Law], Judicial Publishing House, Hanoi, p. 257.

one nation, but this task aims to benefit the whole world. Governments should regulate human obligations in accordance with this global trend, and each individual must build the spirit of universal responsibility to create a peaceful and happy world.

2.2.2. The relationship between human responsibilities and human rights in the law

2.2.2.1. Human rights are inseparable from human responsibilities

Much of the world holds the standard view that human rights are natural, innate, inherent, and independent from any individual's will, class, community, or government⁵⁸. However, scholars from all over the globe believe the supposition of these natural rights is irrational, and they voice their disagreement. Among them, the prominent philosopher Jeremy Bentham (a British jurist) said, "*Natural rights are terrorist languages*"⁵⁹.

In this thesis, we suppose that human rights are **natural** or **prescribed by law** depending **on different perspectives**. The perspective on natural rights came from people's subconscious in the old time. In this old time, the population was sparse; resources were abundant; forest was vast; and people were free to possess resources without conflicts. When the community developed, and the population increased, people could no longer freely do what they wanted. At that time, people had to obey the general regulations of the law to avoid conflicts. The concept of human rights must be defined by law, and it was not as natural as it was in the past.

Furthermore, in the scientific perspective, nothing appears naturally. For example, if we want to have a vast green steppe, we must first have many conditions such as soil, water, moisture, seeds and good weather to grow well. Likewise, if we want to form human rights, we must base on society's situation. We are not in a primitive society, so we must form human rights based on today's developed society. We also need many conditions to implement human rights; human responsibilities and a legal system are these conditions. The thinking of human rights and human responsibilities being inseparable is people's mature thinking on laws.

i. A person's right is another's responsibilities

People always have interactions with peers and the community, which forms a correlation that one's rights depend upon another's obligations. If one person enjoys comfort and pleasure, another must work hard to provide care and service. If citizens have the right to enjoy a happy and prosperous life, then armed forces such as the police and the army must work hard night and day to keep its citizens safe. Therefore, to enjoy human rights, citizens must first fulfill human obligations.

⁵⁸ Faculty of Law - Vietnam National University, Hanoi (2011), *Giáo trình Lý luận và Pháp luật về Quyền con người* [Textbook on Theory and Law of Human Rights], Vietnam National University Press, Hanoi, p. 39.

⁵⁹ See George H. Smith, *Jeremy Bentham's attack on natural rights*, website: <<https://www.libertarianism.org/publications/essays/excursions/jeremy-benthams-attack-natural-rights#:~:text=Natural%20rights,%20according%20to%20Bentham,to%20laws,%20and%20revolution%20against>> accessed January 27, 2021.

There are conditions to ensure citizens legitimate rights. They are the government's responsibilities to take care of the citizens' life, and to coordinate rights and responsibilities for the citizens while the citizens must completely fulfill their responsibilities. When individuals demand human rights, they must realize that they are simultaneously forcing others to fulfill obligations. Often, others must even devote their lives to meet that individual's claim for human rights. Therefore, any citizen must be very cautious about demanding benefits; instead of an excessive demand for personal rights, each citizen should be willing to fulfill human obligations to reduce the burden on others. They should do this because "*human rights must impose duties on individuals, for otherwise states would have no reason for enforcing them.*"⁶⁰

ii. The beneficiary of rights must fulfill obligations that are equivalent to those rights

According to the basic theory of law, human rights and human obligations are two sides of the same coin. Each individual is entitled to certain rights and benefits, but at the same time, each individual must also fulfill their respective obligations. The fulfillment of these obligations is a prerequisite for securing their rights. It is said, "*If citizens want their rights to be secured, they must fulfill their obligations. Rights and obligations must always go along together.*"⁶¹ In an article from International Affairs Magazine, Philosopher Onora O'Neill said, "*Claiming rights without specifying counterpart obligations is an unacceptable deception.*"⁶² The implementation of human obligations creates resources for society; thanks to those resources, people can enjoy benefits (rights). Mahatma Gandhi once affirmed, "*The farce of everybody wanting and insisting on ... rights, nobody thinking of ... duty.*"⁶³

In life, no one can exist independently; everyone must be protected and nurtured by the community. Therefore, besides fulfilling obligations to enjoy rights, each individual should be responsible for contributing to the establishment and development of the community. Those who enjoy rights must have responsibilities commensurate with these rights. For example, people have a right to live in an affluent society as they desire, so they must have a responsibility to work hard. For example, people have a right to live in a healthy environment, so they must have a responsibility to protect this environment. People have a right to **freedom**, so they must have a **responsibility to this freedom**.

The right to freedom is one of the most important human rights. Freedom means that people can do what they want. When people can do what they want, they feel happy. Because freedom is a factor to create happiness, it must be guaranteed by law, both national

⁶⁰ Gerhard Ernst and Jan - Christoph Heilinger (2012), *The Philosophy of Human Rights - Contemporary Controversies*, Walter de Gruyter GmbH & Co. KG, Berlin/Boston, Germany, p. 75.

⁶¹ Hanoi Law University (2016), *Giáo trình Luật hiến pháp Việt Nam* [Textbook on Vietnamese Constitutional Law], The Public Security Publishing House, pp. 257-258.

⁶² Onora O'Neill (2005), The Dark Side of Human Rights, *International Affairs*, Vol. 81, No. 2.

⁶³ Samuel Moyn (2016), *Rights vs. Duties: Reclaiming Civic Balance*, *Boston Review*, website: <<http://bostonreview.net/books-ideas/samuel-moyn-rights-duties>> accessed January 13, 2021.

and international laws. For example, the right to freedom is solemnly enshrined in many declarations in the world such as the 1776 United States Declaration of Independence, the 1789 Article 1 of the French Declaration of the Rights of Man and Citizens, and the Article 1 of the Universal Declaration of Human Rights of the United Nations.

The right to freedom brings up many positive meanings. People are free to earn for living, to pursue proper personal hobbies, to study and invent new things, to do good deeds and to contribute to society. On the contrary, the right to freedom also has its disadvantages. Because people are free to act at will, they can easily harm the community. As a matter of fact, many violators of the law make use of the name of freedom to commit crimes.

As we have mentioned above, human rights are not separate from human responsibilities. However, people praise the right to freedom too much but pay attention to human responsibilities too little. This makes people unaware of repaying what they enjoy and causes unfairness and negative consequences for society. People need their right to freedom to live happily, but people also need their **responsibility to freedom** to prevent society from a danger of the disadvantage of the right to freedom.

Because people have their right to freedom, they can do what they want. Therefore, people must also have their responsibility to control their doings that should always be in accordance with the law and with social ethics, and in moral conscience so that they will not harm others, the community, their country or humanity. For example, parents must carefully teach their children to not freely do what they want. People must obey the rules of their community, and they cannot freely do what they want. Meanwhile, highly moral people are able to control their own will to not do evil things, but they only do good things for others.

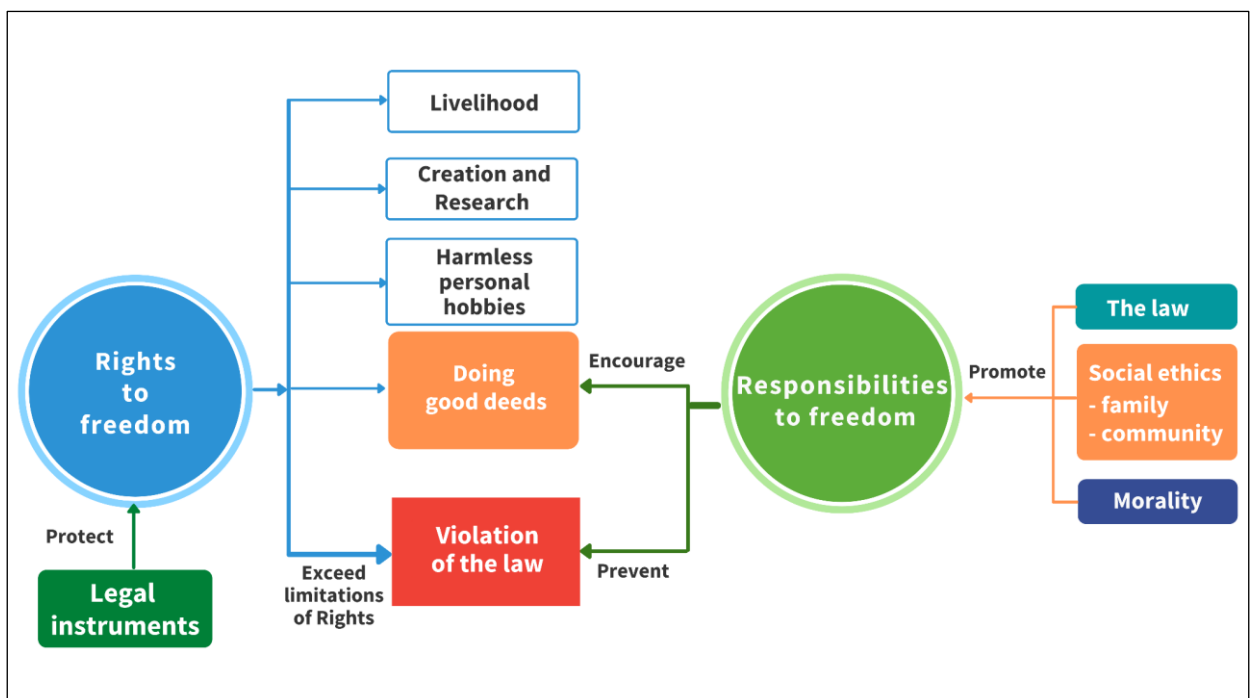


Figure 1 - Right to freedom

Human rights cannot be unlimited, and they must be in the framework of the law, social ethics and moral conscience⁶⁴. Human rights must be limited so that responsibilities to respect for others' legitimate rights and benefits can ensure the balance between individual rights and collective rights (people, community and nation), and between individuals⁶⁵. If everyone demands rights, but they do not fulfill their responsibilities to respect the others' rights, then conflicts of benefits between individuals, and between individuals and groups will happen. In order to avoid these conflicts and to ensure the enjoyment of human rights, each individual's right must be limited and correlated with human responsibilities to respect for others' legitimate rights and interests.

The limitation of rights is secured in various ways: legal provisions, moral regulations, religious beliefs, organizational disciplines, and community habits and customs. The limitation of each individual's rights and the fulfillment of each individual's responsibilities ensures the benefits of human rights.

Additionally, human rights and human responsibilities are interrelated when the degree of one citizen's enjoyment of rights and freedoms depends on that citizen's sense of responsibility and morality. In reality, the concept of *humans* is complex. There are many different types of humans: the poor, the rich, the talented, the incompetent, the moral, the cruel, the capable, the incapable, the dedicated, the lazy, the passive, and the active. According to fairness, people who do good things must be rewarded, people who do bad things must be punished, and people who do nothing will be forgotten. Those who are evil, selfish, greedy, lazy, or those who take no responsibility for their families and social communities cannot enjoy the same rights as persons who dedicate their whole lives to others. A murderer cannot enjoy the same human rights that a virtuous person enjoys. After all, "*The concept of liberty is centered around responsibility or duty...*"⁶⁶, and the enjoyment of rights must be based on standard ethical criteria and a sense of responsibility.

Furthermore, "*People acting responsibly will create an environment where it is less likely their rights will be violated.*"⁶⁷ Human rights will not have infrastructure, resources, and conditions for citizens to enjoy if citizens do not fulfill their respective responsibilities. For example, if all citizens obey the law, considerably fulfill their obligations, and dedicate themselves to creating abundant resources, then all of them and the community will enjoy living in a safe, prosperous and powerful country.

⁶⁴ See Clauses 2 and 3, Article 29, UDHR.

⁶⁵ Prof. PhD Tạ Ngọc Tấn (director of content), Phạm Văn Ba, PhD Nguyễn Thị Báo, PhD Vũ Công Giao (co-editor) (2015), *Quyền con người, Quyền và Nghĩa vụ cơ bản của công dân trong Hiến pháp Việt Nam* [Human rights, fundamental rights and obligations of citizens in the Constitution of Vietnam], Standing office for Human Rights and Ho Chi Minh National Academy of Politics, p. 53.

⁶⁶ PhD T.S.N. Sastry (2011), *ibid*, p. 4, 25.

⁶⁷ Sue L.T. McGregor (2013), Human Responsibility Movement Initiatives: A Comparative Analysis, *Journal of peace education and social justice*, Vol. 7, No. 1, pp. 1-2.

Human rights are not inherent, but they exist under certain conditions. This proves that “*Human rights will be better protected or ensured when people assume their duties to each other and to the local, regional, national, and global communities.*”⁶⁸ In fact, the principle that *human rights are inseparable from human obligations* is important for constitutions and national laws. This principle enables them to guide legal activities and build their citizens’ sense of responsibility when they enjoy human rights. With clear and specific provisions, the principle of human rights is inseparable from human obligations; this principle can be used to educate citizens to be aware of the source of these rights. When citizens enjoy their rights, they should think about the obligations they need to fulfill to obtain these rights. In many nations’ constitutions, this principle is explicitly stated as follows:

- *Citizens' rights are inseparable from citizens' obligations*⁶⁹.
- *Every citizen enjoys the rights prescribed by the constitution and other laws, and at the same time, every citizen must fulfill the duties prescribed by the constitution and other laws*⁷⁰.
- *Every citizen shall enjoy the rights and be subject to the duties enshrined in this Constitution*⁷¹.
- *The fundamental rights and freedoms also comprise the duties and responsibilities of the individual to the society, his/her family, and other individuals*⁷².
- *The exercise and enjoyment of rights and freedoms is inseparable from the performance of duties, and obligations*⁷³.

Human rights being inseparable from human obligations is a progressive principle in a progressive constitution. That means that the constitution must clearly stipulate the rights that people can enjoy, and the obligations that people must fulfill. These stipulations can help people understand their rights and obligations, and the government can show their leadership of justice and insight.

In constitutions of many countries, rights are plentifully provided, while obligations are seldom or never regulated. The provision of more rights than obligations in those constitutions is a policy to win their people’s support. People are happy to vote for any candidate who promises to give them rights rather than asks them to fulfill responsibilities. As a matter of fact, the constitutions do not stipulate obligations, but the laws stipulate obligations in detail. For example, the United States Constitution does not stipulate an obligation to pay taxes, but this obligation is thoroughly stipulated in the tax law with strong sanctions.

⁶⁸ Sue L.T. McGregor (2013), *ibid*, pp. 1-2.

⁶⁹ Article 15, The 2013 Constitution of Vietnam.

⁷⁰ Article 33, The 1982 Constitution of China.

⁷¹ Article 12, The 1976 Constitution of Portugal.

⁷² Article 12, The 1982 Constitution of Turkey.

⁷³ Article 41, The 1992 Constitution of Ghana.

In summary, from theories and practices to legal recognition, human rights do not exist independently but closely correlate with human responsibilities. **Where the right is, there must be responsibility to be fulfilled.** It must be that the citizens who enjoy the rights are the persons who must fulfill the responsibilities. Sometimes others fulfill responsibilities because of a motivation from human love, human compassion, and human gratitude, or because of a civic contract or legal force. Regardless of whose responsibility it is, each citizen must be accordingly responsible to repay for the rights he or she enjoys and for the resources he or she consumes.

iii. The three approaches to provide other legitimate benefits besides human rights

The principle of human rights as inseparable from human obligations is understood: if anyone does not fulfill obligations, then he or she should not enjoy human rights. It should be pointed out that there are many people who are lazy and unwilling to help others. They are completely healthy, conscious, knowledgeable, and able to fulfill human obligations, but they refuse to do that. Instead, they try to receive welfare from the government. If they have jobs, they do not accomplish their jobs well. Their contribution is not adequate to their enjoyment of rights. In this case, the principle of inseparability between rights and obligations must be strictly imposed on these unenthusiastic people to force them to live a just life.

On the other hand, there are many people who are not too lazy to work, but they are unable to contribute to society by fulfilling obligations. They are the elderly, the disabled, and children. We cannot say they are not entitled to human rights based on their inability to fulfill their obligations. We will harm those people if we apply the principle of human rights and human obligations to them. Humanity does not allow such harm to happen. Everyone must live and enjoy life, and have opportunities to contribute themselves to life, even if their contributions are very small. Thus, citizens and governments can replace human rights by using humanitarian resources with human compassion. At this time, besides an approach of human rights, people can use the other approaches to provide benefits, which are human compassion (social charity), human gratitude (the community's gratitude), and human love (the family's love), to ensure the safety, security, and comfort of those who are unable to fulfill obligations.

The specific details are as follows:

- **Human Love:** The natural human instinct is that when we love someone, we take care of that person. The loved one can be our blood or not. Because of our love and care for each other, we call this an approach of human love (as defined in this thesis). This human love is necessary as a supplement to the approach of human rights. For example, the rights that children enjoy from their parents are given because of human love, not because of human rights. Even though children cannot fulfill their obligations, they are still raised by their

parents until they are able to take care of themselves. Because they cannot work, children are considered to be borrowers as they live and develop. However, children should be taught to fulfill some duties appropriate to their physical and cognitive abilities, such as respecting their parents, being good to their parents, and obeying their parents to avoid causing their parents much stress or unhappiness. In addition, children need to be gradually taught a sense of responsibility for the community. When they are adults, they will be aware, moral, and able to contribute enough to make up for what they enjoyed in childhood.

- ***Human Gratitude***: Human gratitude is an approach to provide citizens with legitimate benefits derived from society's gratitude to people who made a lot of contributions to society while they were young. These citizens, such as retired people⁷⁴, or wounded and sick soldiers, have now grown old or weak. Although they are unable to contribute to society and do not receive benefits from human rights, they should receive preferential treatment because of the community's gratitude. It is called the approach of human gratitude.

However, even old, weak, or sick people who cannot work much should still bear a sense of responsibility to the community. They can be a moral example to obey the law, and they can use their knowledge and experience to instruct the young in some skills; thus, their dignity can remain intact.

- ***Human Compassion***: Human compassion is an approach of benefits derived from people's charity toward one another. The approach of human compassion can replace the approach of human rights to provide benefits to those who are legally unable to fulfill their obligations. For example, the disabled cannot take care of themselves, nor can they fulfill their obligations toward the community. According to the legal principle, they cannot receive benefit from an approach of human rights. They are the disadvantaged in society. Even though the disabled's human rights are regulated by law, it is only a formality. Few feel motivated and obligated to provide benefits to them. In this case, the disabled's benefits depend on society's humane treatment, that is, people's compassion. The higher the human compassion in a society is, the better the disabled live. Certainly, the community should try to keep the disabled from becoming completely useless. Governments and society always help the disabled, at the same time, they should also encourage them and create opportunities for them to contribute to life. Even though their contribution is small, they can still keep their dignity.

⁷⁴ Pension is understood as follows: while still working, we deduct our salary into the insurance fund. This money is not for us but is contributed to paying someone's pension. Later, when we retire, those who are still working also contribute to the insurance fund, which will turn into our pension. The same goes for health insurance funds. When we pay the health insurance fund, it is not for ourselves, but we are paying for someone in need of medical expenses. Later, if we become sick, the health insurance money that others pay will support our medical expenses. (See Vương Tấn Việt (2020), *Implementation of Health Insurance Laws in relation to citizens' obligations in Vietnam: facts and recommendations*, the International Science Conference Proceedings: "German and Vietnamese Health Insurance Law - An approach to comparative perspective and Recommendations for Vietnam", Hanoi Law University and the Friedrich Ebert Stiftung Institute).

Other disadvantaged subjects are orphans, or victims of natural disasters, epidemics, or wars. These people are not old, weak, or disabled, but they are in a temporarily difficult situation. They also deserve to receive humane treatment from society.

While receiving benefits from human compassion of society, disadvantaged people should try to share their benefits with other disadvantaged ones though it is very little. A small sharing can also help all of them overcome difficulties together. When their situation is better, they must try to contribute to the community to compensate for what they took from society's resources.

Those who lost their jobs were no longer able to pay their monthly mortgage, and mortgage companies would confiscate their houses. This situation often happens in many Western countries. Those people became homeless and would live under bridges. They could be considered disadvantaged people. In these cases, the justice of the law did not guarantee human rights to live or to reside. At this time, they really need help from the approaches of human love, human gratitude and human compassion, which can provide them with a basic living condition.

If human rights laws are the only approach to provide benefits to people, then only law enforcement agencies are capable of implementing human rights. In fact, government and society have set up many other organizations to ensure citizens' legitimate rights and interests. There are national committees to benefit the elderly, the disabled, and children. In addition, many associations have been created to help the elderly, the disabled, victims of natural disasters, wars, the poor and so forth, like the Red Cross and other charitable associations. There is the World Food Program, which is part of the U.N., Doctors without Borders, Action Against Hunger, and so forth. These organizations responsibly use the approaches of **human compassion, human gratitude, and human love** to provide benefits to citizens when the law of human rights is inadequate to provide enough benefits.

By explaining the **four** approaches of legitimate benefits to humans, we can see that human rights are not the only source of benefits. For a long time, human rights activists have mistakenly brought all **four** approaches into the single approach of the law of human rights, making legal theory flawed.

In short, rights and obligations must always coexist. Subsequently, only people who fulfill their obligations can receive their corresponding legal rights. Besides human rights, intelligence and morality of humanity creates the three other approaches that provide other legitimate benefits to the disadvantaged people. These approaches are human love, human gratitude, and human compassion to ensure the disadvantaged people's basic needs. However, these disadvantaged people who receive benefits from the three approaches should also try to fulfill their responsibilities with their own limited capacity to enhance their dignity, and to contribute to the community.

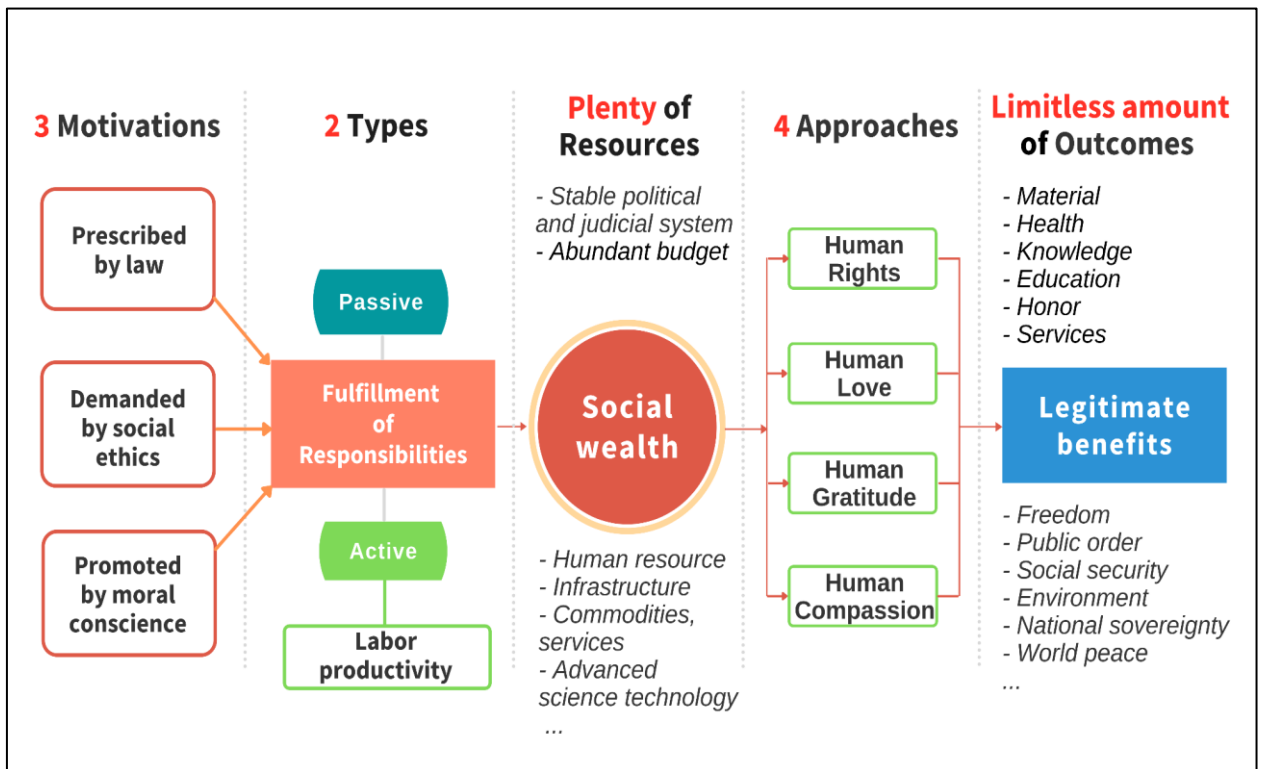


Figure 2 - The process of the fulfillment of responsibilities

2.2.2.2. Human responsibilities are the foundation of human rights

Until today, scholars from all over the world have hotly debated whether human rights are the basis of human responsibilities, or if human responsibilities are the basis of human rights. Many scholars believe that rights are fundamental because rights bring happiness to people. However, many others oppose this and argue that responsibilities are the foundation of rights, because responsibilities are the guaranteed source for rights to be enjoyed.

- Clause 1, Article 29 of the UDHR says, “Everyone has duties to the community in which alone the free and full development of his personality is possible”. Through this statement, UDHR has affirmed that everyone has a responsibility for the community. No one can live separately but must be a part of the community, depending on the community for their survival and development. An imbalance will happen in society if people overemphasize personal rights and interests but ignore responsibilities. PhD Eric. R. Boot says, “This imbalance between rights and duties, between freedom and responsibility, results, they maintain, in an unbridled individualism which could lead to conflict and discord”⁷⁵. This provision of responsibilities in the UDHR encourages each individual to carefully fulfill his or her obligations and duties, creating an abundant resource for society’s development and a premise for human rights to be guaranteed. We can affirm that responsibilities are the foundation of rights.

⁷⁵ PhD Eric Robert Boot (2015), *ibid*, p. 17.

In addition, Clause 2, Article 29 of the UDHR explains that personal rights of freedom must be limited to assure others' freedom; simultaneously, personal rights should not be contrary to society's morality or detrimental to the community's benefits. That is, while enjoying rights of individual freedom, humans must have responsibilities to avoid conflicting with others' interests. Humans cannot oppose society's moral standards or impair their community's benefits.

The implementation of responsibilities assures human rights so that humans enjoy an affluent and just society. In other words, human rights are a result of each individual's fulfillment of responsibilities. If everyone demands rights but refuses to fulfill responsibilities and disregards their community's interests, society will be degraded and chaotic. It is clear that although the UDHR is an eloquent statement of human rights, it does not ignore the role of responsibilities. The UDHR acknowledges that responsibilities are the foundation to create resources for people to enjoy their legitimate rights.

In totalitarian political systems, people were bound by too many obligations without receiving equal rights. The human condition was very miserable. Honoring human rights was the greatest revolution in human history; it freed the human condition from unreasonable oppression.

However, human rights are promoted excessively in today's civilized and democratic society, causing an imbalance between rights and obligations and causing insecurity and immorality in individuals, in families, and in society. Philosopher Giuseppe Mazzini has expressed his view on this issue: *"I merely say that such rights can only exist as a consequence of duties fulfilled, and that we must begin with the latter in order to achieve the former. Hence, when you hear those who preach the necessity of a social transformation declare that they can accomplish it by invoking only your rights, be grateful to them for their good intentions, but distrustful of the outcome"*⁷⁶.

The view that responsibilities must be fulfilled before rights enjoyed is reasonable. In fact, those who have rights can enjoy interests from others' service and caring. They can satisfy their own pleasures and do what they want to do without prevention; meanwhile, those who take the responsibility to serve others can do so without preventing others from enjoying rights. Thus, human rights are the **enjoyments**, and human obligations are the **devotions**.

We are usually in one of two states: enjoyment or devotion. The time when people are working and serving others is considered devotion. On the other hand, the time when people are eating, resting, and entertaining is considered enjoyment. It is also possible to be in both states at once. These two states are intertwined and changeable. Sometimes, we are in a state of enjoyment, but other times, we are in a state of devotion. No one can only experience devotion without enjoyment, and no one can only experience enjoyment

⁷⁶ Samuel Moyn (2016), *ibid*.

without devotion. Devotion is necessary before enjoyment. In fact, many others were devoted in the past, so now they deserve to enjoy. Devotion is truly a source of enjoyment. PhD Mumba Malila wrote in his doctoral thesis of jurisprudence, “*The fulfilment of duty by each individual is a prerequisite to the rights of all*”⁷⁷. From the above considerations, we believe that responsibilities are the foundation of rights.

More importantly, a human is not independent outside society, but an element to build the whole human community. The decision whether people choose rights or obligations to be their foundation makes a significant difference to the future of humanity. The overemphasis of rights has led to an overabundance of human enjoyment, and this is depleting the earth's resources.

It is time for human responsibility to be considered the foundation of human rights, so people know how to limit their personal enjoyment of benefits in favor of rebuilding the earth's invaluable resources for future generations. The implementation of responsibilities has created conditions for the enjoyment of human rights, it has served as the foundation of rights, and it has inseparably coexisted with rights. When human responsibilities accompany human rights to be fulfilled, the principle of inseparability between rights and responsibilities is appropriate to the theory of law, social ethics, and human conscience.

Instead of asking, “What are my rights?” people should first ask themselves, “What should I do?”⁷⁸. Understanding that would rebalance the relationship between human rights and human responsibilities. We agree with what attorney Mia Giacomazzi says, “*A world in which everyone demands rights but does not accept responsibilities will be an unequal and even dangerous and discordant world*”⁷⁹.

In the letter to Huxley, leader Mahatma Gandhi called for prioritizing responsibilities, “*Duties are at the core of a worthy citizenship of the world*”⁸⁰. When humanity moves to a higher level of civilization, very few people will demand rights, but everyone will love to fulfill responsibilities so they can build a peaceful world together – a lovely realm. According to Auguste Comte, humanity in a civilized and moral world should realize that “*There is only one right, and that is to do our duty*”⁸¹. However, it is not enough for each person to fulfill only legal obligations; it is necessary to think about **additional** onuses. **Additional** onuses are non-mandatory, highly moral, and motivated by a moral conscience. Thanks to morality and wisdom, people are aware that it is morally proper to do good for their communities, but they are not under pressure from the law or social morality. Since

⁷⁷ PhD Mumba Malila (2017), *ibid*, p. 97.

⁷⁸ See PhD. Eric Robert Boot (2015), *ibid*, p. 215.

⁷⁹ Mia Giacomazzi (2005), Human Rights and Human Responsibilities: A Necessary Balance?, *Santa Clara Journal of International Law*, Vol. 3, No. 2, pp. 6-7.

⁸⁰ Samuel Moyn (2016), *ibid*.

⁸¹ Samuel Moyn (2016), *ibid*.

there is no claim for rights, these **additional** onuses will create abundant resources for the development of society.

In short, the implementation of human responsibilities will create resources that will assure the enjoyment of human rights. Responsibilities play such an important role because they can affirm the foundation of rights, so human responsibilities should be paid appropriate attention.

2.2.2.3. The characteristics of the correlation between human rights and human responsibilities

i. From the perspective of space

- Where there are rights, there are also responsibilities. The responsibility is contained in the right and in each individual.

Rights and responsibilities go hand in hand. This is a principle in law and in life. Those who want to enjoy legitimate rights and benefits must fulfill their obligations accordingly. Putting oneself in accountability while enjoying rights shows a high sense of responsibility for the community and society. As it has been said, “One’s enjoyment is another’s dedication.” If a person wants more enjoyment, that person should be more devoted and more diligent. Consider a flat plot of land: to build a mound with soil, one must make a hole in another place to get that soil. Soil does not come from nothing or disappear; it must be moved from one place to another place. Thus, here there is the right, and there appears the responsibility in another place, and vice versa. Hence, being responsible while we enjoy rights is fair, and that can help reduce the burden on society.

Therefore, obligations should coexist with rights that are provided for every citizen based on the citizen’s implementation of obligations. Except for the weak and disabled, every individual in society must be responsible for the society. If human rights are granted unconditionally, society will easily sink into recession. So, where the right is, the obligation is also. This principle is particularly exhibited in the following environments.

In the family, all members have the right to enjoy complete happiness; they also have a duty to nurture and care for everyone in the family and a duty to keep a harmonious atmosphere to avoid harmful conflicts. Parents must love and raise their children to be good persons, children must absolutely respect their parents, grandparents should love their grandchildren, and grandchildren must take good care of their grandparents. A wife must be virtuous, a husband must have a high sense of responsibility for the family. Spouses must be faithful to avoid divorces, which cause many negative consequences for society.

In the neighborhood, citizens have the right to live in a community with a clean environment, civilized neighbors, and good security. Citizens also have an obligation to keep the environment green, treat one another gratefully, and help neighbors in need so no one suffers from poverty. Each citizen must try to keep the neighborhood secure, take care

of the elderly, and watch and educate children in the community. Actually, people have responsibilities for the family; they are not much responsible for the community. However, those who willingly take more responsibility for the community will receive respect and love from the community. Their efforts can bring good to the whole society.

At school, students have the right to use equipment and facilities for learning and scientific research; they also have the right to participate in specialized forums and clubs. In return, students should respect teachers and staff. They also need to avoid wasting utilities like water or power. Students should get along with their classmates and mutually support one another in study and in practice. To put it broadly, people have the right to receive a progressive education to achieve necessary knowledge in a civilized society, but they also have the responsibility to contribute their knowledge to an advanced education. They should dutifully respect teachers, share their valuable knowledge and skills with society, and help their friends in need.

At the workplace, every employee has the right to work and be paid corresponding to their degrees and skills. They also have the right to security, health, social welfare, or a pension. Along with the right to work in good conditions, employees also have an obligation to fulfill labor contracts, accept discipline, observe labor regulations, respect employers, and obey instructions. If an enterprise is in a difficult time, employees should accept lower payment, but still work hard to help the enterprise and their colleagues; they should also show loyalty by working hard to help their company overcome their difficult time. This dedication helps the business remain sustainable, and it contributes to the national budget, but it also keeps their interests secure.

In a country, citizens have the right to enjoy advanced production, abundant products and services, visionary and just leadership, and the care and protection of the government. In return, citizens have the obligation to work, study, unite, be patriotic, and create a good government for their country. Citizens also have an obligation to elect talented leaders and support the government's management activities. They should respect the government and civil servants, observe the law, save natural resources, and protect the environment.

On this planet, many problems affect the whole world, so human obligations are considered global. It is time for the law to make people responsible for the whole world. Although everyone is not moral enough to keep up with the level of humanity's morality, people can still do their best to dedicate their efforts to humanity's peace. A love for humanity should prevail over their love for their country. They can dream of the only nation of the world. From now on, people have to develop their own morality to love the whole world and fulfill their obligations through their love.

- Fulfill responsibilities here but enjoy benefits elsewhere

As an example, when a soldier fulfills his duty at his unit on an island or across a border, he can enjoy benefits when he returns to the mainland or town. When soldiers suffer from diseases that the military hospital cannot treat, they can be sent to a better hospital in a big city for treatment, and the medical cost will be paid by their military unit. When soldiers retire, they will receive benefits from the local government, such as housing and schooling⁸², etc.

To look at the bigger picture, there is a possibility that the fulfillment of obligations could take place in one country, but benefits could be given in another country. For example, there are scientists who have had a successful research career while working abroad, which results in a good reputation worldwide. When they return home, they are welcomed and honored by their people and their government. The government can provide many privileges to ensure their continued dedication to the country.

- Dedication in enjoyment and enjoyment in dedication

There are many cases in which enjoyment and dedication exist simultaneously: enjoyment is in dedication, while dedication is in enjoyment.

Dedication in enjoyment

Firstly, when people spend money shopping (enjoying their rights), they unknowingly help by consuming goods, stimulating production, and paying taxes (implementation of obligations). This example shows that dedication is in enjoyment. Receiving medical treatment, going to the cinema, or going on vacation are all part of enjoying rights and benefits. Simultaneously, enjoying these things certainly helps create jobs. That is why being too frugal is not always good.

Secondly, when we perform a lot of good deeds, we are honored and praised (which is an enjoyment of rights), but we also unintentionally create a good example for others to follow and strive for progress (which fulfills a responsibility).

Thirdly, while we dress up to go to a ceremony (an enjoyment of rights), we unintentionally create solemnity for the ceremony (which fulfills a responsibility).

Enjoyment in dedication

While dedicating (fulfilling an responsibility), we can enjoy a service from someone that we cannot see.

Firstly, a farmer who is working on the farm **is happy** (dedication), a worker is busy working in his factory (dedication); but they are protected by a secure system of law in government (enjoyment).

⁸² Refer to Article 39-40, The 2015 Law on professional servicemen and women, national defense workers and officials.

Secondly, a teacher who is teaching in a class (fulfilling an obligation) is also receiving respect from students (enjoyment) and the support of the school (enjoyment).

Thirdly, the officers in charge of running the country (fulfilling an obligation) also have the right to make decisions and receive the respect of many people (enjoying rights).

ii. From the perspective of time

The relationship between rights and responsibilities can be considered in three ways: rights are enjoyed before responsibilities are implemented, rights and responsibilities are simultaneously accomplished, or responsibilities are implemented before rights are enjoyed.

- *Rights are enjoyed before responsibilities are implemented:* this means that people can receive rights first, then they will fulfill their responsibilities later. For example, students can cover their expenses of study and living from the student loan. Citizens can buy goods from credit cards. Vietnamese can use mobile phone services from two ways of prepaid or postpaid. Typically, children are the persons who receive benefits first when they are young and raised up by their parents. They will fulfill responsibilities later when they are grown up.

Children do not have an awareness or physical development to fulfill responsibilities; therefore, the law does not usually obligate children to have many responsibilities. Because they are not able to fulfill human responsibilities, children are not considered to be complete beneficiaries of human rights, which are based on the principle of inseparability between human rights and human responsibilities. At this time, children are provided with the approach of human love. They are loved by their families and parents, taught by school and society, and protected by the government so they can live and develop. Human love is flexible and moral, but human love can be regulated tougher by law. If the subjects such as parents and teachers cannot completely love or teach children, they must be punished by the law. It shows that the law can also protect citizens' benefits through the approach of human love. This is also a protection of values of national morality.

Depending on their awareness and health, children can only manage a few duties such as hard studying, respecting parents and grandparents, helping their parents with housework, respecting teachers, being polite to adults, and being honest to friends. When they grow up, they must fulfill adult responsibilities; gradually, they will enjoy corresponding rights and be able to repay the human love that they received in childhood.

- *Rights and responsibilities are simultaneously accomplished:* Rights and responsibilities go together. This principle is mostly applied to adults when they reach legal capacity in terms of age, health, and cognition. For adults, the principle in the law that *rights and obligations must go together* needs to be thoroughly applied. Adulthood is the age that is most important to society as it is the age when people have the most to contribute

to society. Moreover, adults should recognize that they must dedicate more than they currently receive to make up for what they received in childhood; they must also prepare resources for old age, when they are unable to fulfill their responsibilities.

- ***Responsibilities are implemented before rights are enjoyed:*** The elderly are not capable of fulfilling human responsibilities anymore. The elderly receive rights for the responsibilities they fulfilled for society when they were young. Not many elderly people still have good health and the ability to work; most of them are weak, unhealthy, or amnesiac. Most of the elderly can only survive by receiving a pension, care from their children and grandchildren, and protection from their friends and neighbors. Wounded soldiers are not retired, but national policies ensure that society always takes good care of them.

However, the elderly should still try to fulfill some responsibilities: they can live morally, they can teach the young to keep national traditions, they can carefully obey the law, and they can share their valuable knowledge, skills, and experience with the young⁸³. Even if they are not able to fulfill many responsibilities, they can fulfill some responsibilities, and they are still valuable to the community.

iii. From the perspective of interaction

Interaction demonstrates that one person's rights will be attached to others' responsibilities and vice versa. The following are some of the interactions of rights and responsibilities between subjects.

- ***Rights and obligations between the government and citizens***

In the relationship between the government and citizens, rights and obligations are clearly and legally set forth for each side. The degree of rights and obligations on each side is dependent on the type of government. We can divide governments into three types by considering the relationship between the rights and obligations of the government and its citizens.

Firstly, the feudal state is a type of government in which a nation's power and property belong to the ruling class, especially to the king. The king's willpower is absolutely imposed on the nation's destiny and the people's status. In feudalism government, people have few human rights, if any, and a heavy burden of obligations imposed on them because they are oppressed.

Secondly, the democratic state is a type of government in which a nation's power belongs to its citizens, who can decide the destiny of the nation, rule their own status directly or through elections, and select representatives for Congress. These members of Congress represent the people's wishes to lead the nation, promulgate the rules, and force the government to carry out the law that the citizens desire. In this type of government, the

⁸³ See Clause 2, Article 3, The 2009 Law on the Elderly.

people's human rights are recognized, focused, and protected by the law, while the government has the obligation to provide, guarantee, and promote these human rights. A disadvantage of this type of government is that the people demand their unilateral rights. Meanwhile, the government is expected to meet this demand for rights without knowing where to get the resources. As a result, society is vulnerable and in disorder.

Thirdly, the coordinating state is an advanced type of government which humanity needs to move toward. In this type, the government does not decide the people's status, (like in the feudal state), nor does the government provide unilateral rights to the people (like in the democratic state). This third type of government has the obligation to skillfully coordinate rights and obligations for the people in the most reasonable, fair, and humane way. That is, the government creates opportunities for people to fulfill their obligations while the people create social resources. The government will use the resources to provide legitimate rights and benefits to the people in return.

By law, the government specifically prescribes and guides people to fulfill their obligations as well as recognizes and creates opportunities for them to enjoy their rights and benefits legally and equally. It is the citizens' strict implementation of obligations that helps create abundant resources for the nation. The government can only play a coordinating role by turning these resources into rights to provide to the citizens. This is a good cycle of human obligations and human rights. Some Vietnamese law experts say, "*The government guarantees the citizens' legal rights and requires every citizen to strictly implement obligations*"⁸⁴. Many powerful nations in the world became strong because of their citizens' great dedication to their countries. Karl Marx's socialist ideal is to focus on people's prosperity and happiness, and he says, "*From each according to his ability, to each according to his needs.*" The ideal is formed from people's contributions and society's great labor productivity.

The meaning of the coordinating state is to create opportunities for people to fulfill their obligations and to make sure that nobody is unemployed. This meaning is so great. Therefore, if the government does not create opportunities for its citizens to fulfill their obligations, then the government is irresponsible. Additionally, when resources are abundant and the government does not turn them into rights for the people, then the government becomes exploitative. Thus, the progressive state's obligation is to skillfully coordinate rights and obligations for the people so that they can fulfill their obligations and enjoy their rights fairly and harmoniously.

⁸⁴ Hanoi Law University (2016), *Giáo trình Luật hiến pháp Việt Nam* [Textbook on Vietnamese Constitutional Law], *ibid*, p. 258.

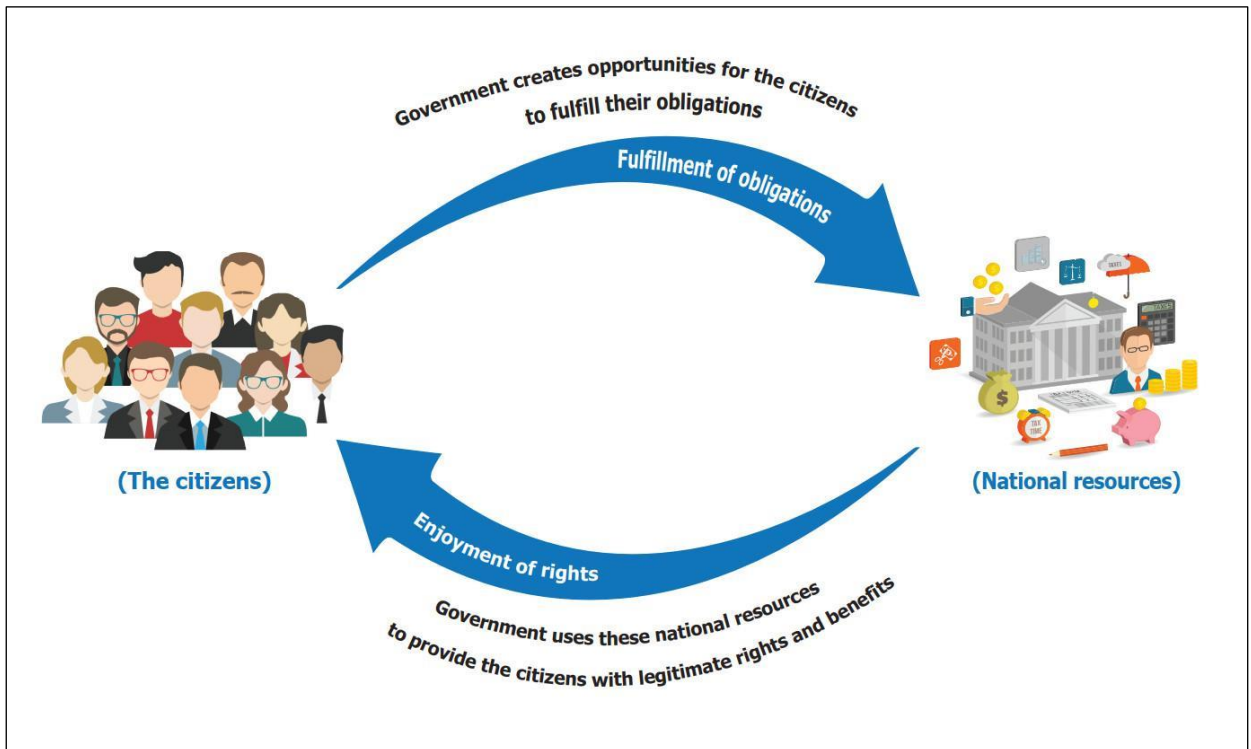


Figure 3 - The role of government on coordinating human rights and obligations

- This generation's responsibilities can strengthen the next generation's rights

The world we live in today is still unstable. Besides the rich, an enormous number of poor people live in such extreme poverty that many of them die from unsanitary conditions. Others die from curable illnesses because they lack money for treatment. Moreover, oppression and exploitation still exist, people are excluded from making decisions that affect their lives, and the overconsumption of fuel sources leads to resource depletion and climate change⁸⁵.

These global incidents cause negative impacts on people's lives today and in the future. Therefore, each individual should not only fulfill *responsibilities* to the community and country, but also fulfill additional *responsibilities* to ensure future generations' rights and benefits. We love our children, so we must do many things to give them a healthy ecological environment, a stable political economy, an advanced legal system, and a happy, humane society.

- One person's dedication is another's enjoyment

One person's dedication is another's happiness. For example, to fully satisfy an employer, an employee must work hard; to make good roads for travel, many officers, workers, and engineers must work hard to build these roads; to give the people peaceful life, the entire military system must work hard to keep the country safe.

⁸⁵ See Jan-Christoph Heilinger (2020), *Cosmopolitan Responsibility*, Walter de Gruyter GmbH, Berlin/Boston, Germany, p. 1.

In some cases, one person's happiness is another's suffering; one person's right is another person's excessive suffering. For example, karaoke is legitimate entertainment for people. However, performing karaoke and listening to karaoke are two different things. A person may happily sing karaoke while his or her neighbors miserably listen to it. For some, listening to karaoke can cause intense psychological frustrations that lead to murder. This is a case where one person's happiness causes another's suffering. For another example, a couple that feels they cannot live together has the right to divorce so that they can get free from each other. However, divorce causes great trauma to their children as they cannot live together with their parents or receive full care from their parents. For another example, the excessive demand for wood causes deforestation. The destruction of forests reduces the greenery that protects the earth's life. This causes an increase in the earth's temperature, more frequent storms and floods, widespread droughts, less water in rivers and streams, increasing saline levels in the seas which penetrate deeply into rice fields, endangered species, and the destruction of biodiversity. All of these negative effects are consequences of deforestation.

Understanding this, each of us must cultivate a sense of responsibility for the community every time we enjoy rights. We must think about corresponding responsibilities when we receive joyfulness. We must think of others' suffering when we receive benefits. We must think of the possible serious consequences for our future descendants if we enjoy rights too much. While enjoying rights, we must control ourselves to avoid infringing on others' rights so that our enjoyment does not cause pain for others.

Rights and responsibilities between the poor and the rich

Some religions believe in a god who controls everything, Buddhism believes that the law of karma controls everything, and others simply attribute everything to luck. All these beliefs try to explain the imbalance between wealth and poverty in society. Throughout history, there has never been an equal division of property for everyone. Differences between the rich and the poor are evident; these differences even exist in societies that really want to fight for the complete equality of property. It is a fact: the rich have more opportunities to do what they want than the poor.

According to the law, people are equal in terms of rights and obligations; practically, the opportunities for the rich and for the poor are quite different. The rich can enjoy more rights and also pay more taxes; they can open businesses to create more jobs for society. As owners, they can determine what their employees should do, how much they are paid, and whether to hire or fire their employees.

The poor have few opportunities to enjoy rights. If they must fulfill their obligations, they do very little, based on their ability. There are many people who are so poor that they cannot support themselves but need help from the better-off. Sometimes, the unremitting demand for help frustrates nice people. We do not hope that the poor can fulfill obligations;

however, one's dignity will be diminished if he or she cannot fulfill obligations in the community.

The poor need help to better their lives; they also need opportunities to fulfill obligations in their communities. The government's role and skills are particularly important in this situation. The government must take care of the poor and find opportunities for them to fulfill their obligations. The rich must share this responsibility with the government to create as many jobs for society as possible. When the poor have jobs that pay a living wage, the poor have opportunities to enjoy rights and to fulfill obligations.

iv. From the perspective of nature

Besides interactions between people, humans also interact with the natural environment. However, in this interaction with nature, humans benefit from exploitation rather than growth. The interaction between man and nature is unfair. Humans enjoy a good environment given by nature such as land, forests, mountains, seas, rivers and streams, air, light, mineral resources, the sun, and the moon.

To repay those special benefits, humans need to create a fair interaction with nature. Humans should have responsibilities to control their needs and keep their lives simple and un wasteful. They should not only avoid creating a negative impact on the environment; they should also do something to make up for what they take from the environment. Humans must be aware of their responsibilities to protect nature on this planet. This is to protect forests and the green. This also protects water sources and keeps the atmosphere clean. This keeps an environment quiet and away from noise or unreasonable lights. This can work out trash treatment and even prevent environment from trash. It means that we hope the world will advance toward an un wasted place.

International communities also recognize that people have the right to live in a healthy environment, but at the same time they have obligations to protect the environment. This is enshrined in the Principle 1 of the Stockholm Declaration in 1972: "*Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations*".⁸⁶ Article 7 of A Universal Declaration of Human Responsibilities (UDHRe) of 1997 notes, "*All people have a responsibility to protect the air, water and soil of the earth for the sake of present inhabitants and future generations*". The right to live in a healthy environment on this planet is one of the special human rights. Humans have a

⁸⁶ In 1972, the "*United Nations Conference on the Human Environment*" was held in Stockholm, Sweden, with the participation of 113 countries around the world. The Conference adopted the Stockholm Declaration (*Declaration of the United Nations Conference on the Human Environment*) on June 16, 1972. The Declaration consists of 7 points and 26 important principles, laying the basis for a global policy on protecting and improving the human living environment.

responsibility for repaying this right by protecting the earth's ecosystems, including flora, fauna, water, resources, air, materials, and topographic structures. This protection also includes the preservation of good living conditions for now and the future.

Through analyzing the relationship between human rights and human responsibilities, we should realize that human rights must always accompany human responsibilities; but the fulfillment of human responsibilities should take priority. This perception leads to the following conclusions:

- Whoever fulfills many responsibilities deserves to enjoy many rights; on the contrary, whoever fulfills few responsibilities deserves to enjoy few rights. Those who contribute a lot to society are highly valuable to society. Those who contribute a little to society are minimally valuable to society. This is social justice.

- Because each person has his or her own contributive capacity, there must be unequal rights among people. Society ought to accept the superior as well as the inferior.

- When citizens talk about their human rights, they should first talk about their human obligations. When governments talk about their citizens' obligations, they first need to point out their human rights. This can create a balance of life and a balance of administration in a nation.

- Those who have force majeure for not fulfilling their responsibilities should receive a reduction in rights; however, society has responsibility for creating other resources or benefits to provide them with necessities. These are human love, human gratitude, and human compassion.

- Those who fulfill no responsibilities and cause much harm to society cannot have human rights. They will be deprived of a number of human rights through imprisonment, losing the right to vote, or losing the ability to pursue happiness.

2.3. Human obligations in international and national law

2.3.1. Human obligations in international law

Human obligations in international law are prescribed by international organizations (at regional and global levels) in treaties and declarations. The main and common subjects that regulate human obligations in international law are inter-national and international organizations (at regional and global levels). For example, The United Nations specified human obligations in the *UDHR* in 1948, in the *Stockholm Declaration on the Environment* in 1972, or the Organization of African Unity (OAU) stipulated personal obligations in the *African Charter on Human and Peoples' Rights* in 1981.

Human obligations in international law often originate from a nation's environment and real circumstances. Then, international organizations agree and formulate these laws into international legal norms. These activities usually take place in two ways: firstly, through declarations or equivalent documents, the international organizations declare and

affirm the views, stances, and principles of human obligations; secondly, through treaties or equivalent documents on human obligations, the member nations sign or accede to perform the regulation of human obligations.

Since it starts from human obligations in national law, human obligations in international law usually prescribe the most common obligations, ones that are generally suitable for most countries of the world. However, human obligations in international law are quite diverse. Some fundamental obligations can be listed: respect for others' legitimate rights and interests, respect and protection of communities' interests, respectful compliance with the constitution and law, preservation of the world's peace and security, protection of the environment, contribution of finances to communities (paying taxes), work for creating affluence and prosperity for society, study for cultivating knowledge and skills, practice of morality, and the establishment of harmony between nations, peoples, and religions (see Appendix 4).

To ensure the implementation of the international legal provisions on human obligations, international organizations must develop mechanisms to bind and monitor the membership of nations. The member nations should encourage their citizens to fulfill their individual obligations (both citizens and foreigners living in the nation). International organizations should have mechanisms that can support or intervene in any country where its government cannot control its citizens' severe violation of law on human responsibility. This is not a negative intervention, but this is a positive support to help that country improve its resources. These resources will bring its people a better life.

2.3.2. Human obligations in national law

Each nation prescribes human obligations in the law, constitutions, and other documents depending on that nation's relationship with its citizens. Within the scope of a nation, the government directs and prescribes the law because it is responsible for managing all domestic and foreign affairs. The regulations of human rights and human obligations are included in this scope. The provisions of human obligations are mainly contained in the constitution and legal documents and are often recognized through a rigorous constitutional process of democracy and science. From there, these legal documents can illustrate fundamental human obligations in a more detailed and clear way so individuals can fully understand which acts are required to perform or which acts are prohibited. By its powers and through its agencies, the government compels individuals to fully comply with their obligations in the law. Those who violate obligations will be penalized; those who do not voluntarily fulfill obligations will be coerced.

In national constitutions, fundamental human obligations are usually expressed in three forms as follows:

Firstly, civil obligations are fulfilled by the citizens of the nation. Usually, these obligations include the military service, the defense of the fatherland, studying, and

working, etc. For instance, Article 59 of the Russian Constitution in 1993 says, "*Defense of the Fatherland shall be the duty and obligation of a citizen of the Russian Federation*". Article 50 of the Constitution of Timor-Leste in 2002 states, "*Every citizen, regardless of gender, has the right and the duty to work and to choose freely his or her profession*".

Secondly, foreigners' obligations are fulfilled by the foreigners who reside in the country (ones who are citizens of foreign countries or ones who are stateless). For instance, Article 48 of the Vietnamese Constitution in 2013 states, "*Foreigners residing in Vietnam must obey the constitution and law of Vietnam*".

Thirdly, *universal human obligations* are fulfilled by individuals who reside, live, and work in their own nations, and these obligations are also fulfilled by citizens who live and work in other nations. These kinds of obligations usually consist of complying with the law, paying taxes, protecting the environment, taking care of one's health, and respecting others' legitimate rights - interests. For instance, Article 61 of the Timor-Leste Constitution of 2002 states, "*All have the right to a humane, healthy, and ecologically balanced environment and the duty to protect it and improve it for the benefit of the future generations*". Article 57 of the Russian Constitution of 1993 says, "*Everyone shall be obliged to pay legally established taxes and levies*". Article 83 of the Constitution of Poland of 1997 says, "*Everyone shall observe the law of the Republic of Poland*". (see Appendix 6).

2.3.3. *The relationship between human obligations in national law and international law*

Human obligations in national law and international law are not identical because they differ in the subjects of regulations, the order of formation, and the assured measures of implementation. However, they have a close relationship, and they are not completely independent of each other. Specifically, human obligations in international law are derived from human obligations in national law. These national laws are agreed upon and formulated to become norms of international law. Additionally, human obligations in international law are standards, orientations, and key principles that countries internalize or refer to develop complete regulations on human obligations in their national laws. Many countries recognize the provisions of international law of human obligations and directly observe them. In this case, human obligations in international law are also human obligations in national law. Other countries only recognize, internalize, and implement some human obligations in international law, those obligations which are appropriate to their countries' conditions. Other countries add human obligations to fit their particular circumstances. For example, some countries stipulate military service for both men and women, but other countries only stipulate military service for men.

Thus, we can affirm that human obligations in national law and in international law are always closely related; they are basically consistent with each other, but it does not mean that they are identical. Despite certain differences, human obligations in national law

and in international law are humans' good behaviors. These behaviors bring benefits, happiness, and morality to individuals who fulfilled the obligations, to others and to the communities. This also shows that when we study human obligations in national law, we should also study human obligations in international law and vice versa.

2.3.4. Contents of some human obligations in national law and in international law

While living, people must recognize their responsibility to others. People's sense of responsibility ensures the existence and development of society. Simultaneously, this sense of responsibility, known as obligation, ensures that people are eligible to enjoy rights and dignity in their communities. Therefore, national law as well as international law must stipulate human obligations as follows:

i. An obligation to defend the fatherland

A nation is the people's noblest and most sacred community because they have the same history, territory, language, culture, legal system, and administration system. The ties between a government and its people are both emotional and obligatory. A nation's strength or losses affect the status of its people. When the fatherland is in danger or under invasion, the people's responsibility for protection of their fatherland is especially critical. At that time, the people's rights to life must be considered inferior, while the people's obligations to defend the fatherland must be considered superior. That is, the people should devote their lives to fight for their fatherland.

ii. An obligation to maintain peace for the world

Currently, the Earth is still divided into nations or territories. Many of these nations never stop competing. Other nations cooperate sometimes, but they compete against one another at other times. Many times, they compete so intensely that war breaks out, which causes the loss of lives, the loss of property, and incalculable suffering. A nation's president or congress makes the decision to go to war based on its constitution. However, every person living on this Earth must bear the obligation for protecting world peace because it is a noble and sacred obligation. Sometimes we can do very little; at other times, we can do a great deal. Whether little or much, all of us must contribute something to maintain peace for the world.

In 272 - 231 BC, the ancient India under the rule of King Ashoka the Great also appeared progressive peaceful ideas. King Ashoka observed that the superiority, division and rivalry between nations led to mutual conquests and only brought people suffering and extreme resentment. **Conquering people's hearts with morality** was the true triumph⁸⁷. This conquest

⁸⁷ The cause stems from the bloody conquest of Kalinga. Witnessing the killing and tragedy of the people after the battle, he was very emotional and regretted what he had done. After the war, King Asoka met Buddha's doctrine and became enlightened with the spirit of harmony and love for people; he issued a Dharma edict: "My sons and great-grandsons may not consider making new conquests, or that if military conquests are made, that they be done with forbearance and light punishment, or better still, that they consider making conquest by Dhamma only" (See Ven. S. Dhammika (1993), *The Edicts of King Asoka - An English rendering*, *ibid*, RE XIII, p. 28). The Dharma that King

of morality would change human souls better and help these federal nations be peaceful together. This was the great progressive peaceful idea that no emperor had ever talked about. If today's humanity inherits and develops King Ashoka's idea, the world would become a happy paradise because everyone knows how to live and treat each other with morality.

iii. An obligation to pay taxes

Citizens bear an obligation to pay taxes because taxes contribute money to the national budget, which enables governments to run and develop the nation. Every qualified person is obligated to pay taxes⁸⁸. Therefore, the obligation of paying taxes is particularly important, as recognized in the constitutions of most nations⁸⁹. When citizens pay taxes, they have a right to enjoy the benefits that the government provides from tax revenue. Tax payments ensure social safety and the nation's development and prosperity. Tax payments help provide citizens with public benefits such as healthcare, education, culture, insurance, and social security⁹⁰. A citizen's obligation to pay taxes fulfills his or her responsibility for society and the country, and it brings benefits to others. Contrarily, individuals or organizations that violate tax laws should be fined. They are penalized and forced to fulfill their tax obligations according to each nation's laws⁹¹.

iv. An obligation to protect the environment

People must enjoy a high level of civilization to raise the question of protecting the ecological environment. In the lowest states of civilization, the obligation to protect the environment cannot be clearly perceived.

However, in human history, the world recorded a special case when an obligation to protect the environment was early mentioned. In the third century BC in India, King Ashoka was imbued with the Buddhist idea of compassion, so the King ordered people to carve many progressive obligations into the stone pillars to remind kings, mandarins and people of moral obligations. There was also an obligation to protect the environment carved into the stone pillars. The king banned people from burning forests without a sufficient reason, or with a reason to kill animals. The court also noted many wildlife species in the protection list. This is similar to the International Union for Conservation of Nature Red

Asoka mentioned here includes the noble moral qualities such as: doing good, avoiding evil, benevolence, generosity, truthfulness, kindness and goodwill among people (See Ven. S. Dhammika), *ibid*, PE II, p. 36); be kind to slaves and employees, respect parents; be generous to friends, companions, relations, Brahmans and ascetics, and do not kill living beings (See Ven. S. Dhammika, *ibid*, RE XI, p. 24).

⁸⁸ Hanoi Law University (2017), *Giáo trình Luật thuế Việt Nam* [Textbook on Vietnam Tax Law], The Public Security Publishing House, pp. 12-13.

⁸⁹ As Article 30, The 1946 Constitution of Japan and Article 38, the 1948 Constitution of Korea stipulates that all citizens must pay taxes according to the law. Article 31, the 1978 Constitution of Spain stipulates that everyone must pay taxes in proportion to his or her ability;...

⁹⁰ Hanoi Law University (2017), *Giáo trình Luật thuế Việt Nam* [Textbook on Vietnam Tax Law], *ibid*, pp. 11,13.

⁹¹ Clause 3, Article 200 of the 2015 Vietnam Criminal Code stipulates that the most severe penalty for "tax evasion" is seven years in prison and a fine of 4,5 billion VND (approximately 198,000 USD).

List of Threatened Species. Clearly, King Ashoka was 2,300 years ahead of the world.⁹² (See also Appendix 3, item 2)

At present, the protection of the environment is hotly debated all over the world because the increase of pollution directly harms people's health, quality of life, and the human right to live in a clean environment. Moreover, forest areas are shrinking, rivers are drying up, water sources are disappearing, lands are gradually becoming barren, and many species of wild animals are becoming extinct. This is a serious threat to the world and to future generations. Therefore, these actions of environmental protection, forest protection, and especially afforestation are becoming humans' most important and urgent task. People have a right to live in a healthy environment, and at the same time they also have an obligation to protect the environment for present and future generations. Many countries in the world recognize this environmental protection in their constitutions and national legal systems⁹³. Environmental protection is not only an obligation of a particular nation or an organization, but it is also a transnational obligation of all people living on this planet.

v. An obligation to protect health

Each person's good health is a precious asset to themselves and to the whole society. A healthy person has the ability to enjoy rights and fulfill obligations. The activities of caring, protecting, and improving human health are so important that the entire world considers them their most important task. Of course, when people have healthy lives, the nation's human resources are guaranteed to meet the demands of a high quality of national development. On the contrary, if citizens are not healthy, medical expenses grow,⁹⁴ and the nation is compelled to spend national resources on health services.⁹⁵

An obligation of protecting health is to keep oneself and one's relatives healthy. This obligation also supports the health system of a whole society. Many countries worldwide recognize protection of health in their constitutions as each citizen's obligation. Thereby, people must have the obligation to strictly observe their nation's regulations.⁹⁶ They also must bear a sense of responsibility for protecting and improving their health for themselves,

⁹² See Ven. S. Dhammika, *ibid*, PE V, pp. 39-40.

⁹³ As Article 41, the 2015 Constitution of Congo stipulates that everyone has an obligation to protect the environment; Article 61, the 2002 Constitution of Timor-Leste stipulates that citizens have the obligation to protect, preserve and improve the environment for future generations; etc.

⁹⁴ In 2018, global spending on health reached \$8.3 trillion, or 10% of global GDP. See WHO (2020), Global Report "Global spending on health: Weathering the storm", p. 1.

⁹⁵ The average annual cost of medical examination and treatment per capita in some countries is as follows: US 10,966 USD, Switzerland 7,732 USD, Germany 6,646 USD, etc. See Peterson Center on Healthcare (2019), Health System Tracker. Website: <<https://www.healthsystemtracker.org/chart-collection/health-spending-u-s-compare-countries/>> accessed 16 June 2021.

⁹⁶ As Article 38, the 2013 Constitution of Vietnam stipulates that everyone has the obligation to comply with regulations on disease prevention, medical examination and treatment; strictly prohibit acts that threaten the life and health of others and the community. Article 57, the 2002 Constitution of Timor-Leste stipulates that citizens have an obligation to care for and protect everyone's health.

for their families, and for the community. Especially when pandemics occur, an individual's lack of responsibility causes much danger to the country and even to the planet because the spread of the disease is boundless. Today, when the people of each country are closer together than ever before, and every single act of an individual potentially affects the whole world, the obligation to health must be the global obligation. This obligation can help make this world a safe and happy place for all humans.

vi. An obligation to education

Education is the activities of teaching and learning. Each person has obligations to education with diligent study, and to use knowledge to teach and help one another. This could help all people progress to contribute to society and create a human resource of high-quality for the country. Many powerful countries such as the United States, the United Kingdom, Germany, and Japan have advanced systems of education. The most prestigious universities in the world belong to these countries.⁹⁷ German philosopher Gottfried Leibniz says, "Make me the master of education, and I will undertake to change the world". Indeed, education plays an important role in the formation of each person's personality and morality. Education gives people knowledge and skills so that they can progress and contribute to the prosperity of the community. For a country, education is a vital key and a motive for its socio-economic development. Education is the continuation, inheritance, accumulation, and promotion of knowledge handed over from generation to generation through teaching and learning. Education leads countries and humanity to progress and civilization.⁹⁸ Without education, people are unvaluable and society is left behind. With such an important meaning, the civil obligation to education is enshrined in the current constitutions of many countries around the world.⁹⁹ Everyone has an obligation to learn and accumulate a certain level of education for themselves, depending on their own abilities, conditions, and the support of their families, society and government. Because education is especially important to the country's development, the role of teachers should be emphasized.

vii. An obligation to work

Labor, also known as work, is understood as the use of physical or mental strength to support oneself and one's community. Thanks to work, people gradually develop their value and attain the civilized life enjoyed today. A society where everyone loves to work is stable and developing. On the contrary, a society where people only enjoy living, but

⁹⁷ Like Massachusetts Institute of Technology (USA), University of Oxford (UK), University of Tokyo (Japan), Technical University of Munich (Germany), etc. See more at <[https://www.topuniversities.com /student-info/choosing-university/worlds-top-100-universities](https://www.topuniversities.com/student-info/choosing-university/worlds-top-100-universities)> accessed June 16, 2021.

⁹⁸ See Thích Chân Quang (2017), *Đạo Phật và Xã hội* [Buddhism and Society], Ho Chi Minh City General Publishing House, Vol. 1, pp. 7-13.

⁹⁹ See Article 39, the 2013 Constitution of Vietnam; Article 38, the 1993 Constitution of Russia; Article 26, the 1946 Constitution of Japan; Article 30, the 1947 Constitution of Italy; Article 31, the 1945 Constitution of Indonesia; Article 29, the 2015 Constitution of Congo; etc.

dislike to work, will be ruined. "A society that stops working is like a body whose heart stops beating – a society dies, a body dies".¹⁰⁰ Aware of this importance of labor, many countries in the world recognize that labor is not only a right but also a responsibility (an obligation) of each citizen.¹⁰¹ Therefore, everyone must have the obligation to work to feed themselves and their families, to contribute to creating material and spiritual wealth for society, and to stabilize and develop the country.

Hard work is not enough to develop society. To develop society, each citizen must work to increase labor productivity. The higher the labor productivity is, the more abundant society's resources are. These resources will be used to provide citizens with plentiful legitimate interests in return for their effective work. The labor productivity to be low or high depends on five main factors: spirituality of enthusiastic working, personal abilities (health, knowledge, skills), levels of science and technique, mutual supports at work, and a progress of laws.

In many countries, their labor productivity is very high, and their contributions to the country are great, so their citizens can enjoy many legitimate rights and interests.

On the other hand, labor productivity in Vietnam is very low. According to the data of the World Bank, Vietnam's labor productivity in 2019 was only 7.64% compared with that of Singapore, 19.53% compared with that of Malaysia, 37.92% compared with that of Thailand, 45.56% compared with that of Indonesia, 56.88% compared with that of the Philippines,; and 88.05% compared with that of Laos. In Southeast Asia, Vietnam's labor productivity is only 1.6 higher than that of Cambodia.¹⁰²

Vietnam's labor productivity in 2020 was 10 years behind Thailand's, 40 years behind Malaysia's, and 60 years behind Japan's.¹⁰³

The data in 2017 showed that labor productivity per hour in the United States was 65.51 USD, in Germany was 66.71 USD, in Northern Ireland was 99.13 USD, and in Vietnam was 4.82 USD.¹⁰⁴

Labor obligations and labor productivity have a very close relationship, but because the scope of this thesis is limited, we do not analyze more the issue of labor productivity.

¹⁰⁰ Ph.D. Bùi Ngọc Thanh (2016), *An sinh xã hội và lao động - việc làm trong Hiến pháp năm 2013* [Social Security and Labor - Employment in the 2013 Constitution], Magazine of Labour and Social Affairs, website: <<http://laodongxahoi.net/an-sinh-xa-hoi-va-lao-dong-viec-lam-trong-hien-phap-nam-2013-1303412.html>> accessed March 26, 2021.

¹⁰¹ As Article 42, the 1982 Constitution of China stipulates that citizens have the right and obligation to work; Article 27, the 1946 Constitution of Japan stipulates the rights and obligations to work for everyone; etc.

¹⁰² See Tường Vi (2021), *Thực trạng năng suất lao động tại Việt Nam* [Current situation of labor productivity in Vietnam], <People's Army online Newspaper. Website: <https://www.qdnd.vn/Kinh-te/cac-van-de/bai-1-thuc-trang-nang-suat-lao-dong-tai-viet-nam-650759>> accessed July 27, 2021.

¹⁰³ See M.P (2021), *Việt Nam nỗ lực cải thiện năng suất lao động* [Vietnam strives to improve labor productivity], The Communist Party of Vietnam Online Newspaper. Website: <<https://dangcongsan.vn/Kinh-te/viet-nam-no-luc-cai-thien-nang-suat-lao-dong-579443.html>> accessed July 27, 2021.

¹⁰⁴ Linked to <<https://ourworldindata.org/grapher/labor-productivity-per-hour-pennworldtable?tab=table>> accessed July 27, 2021.

Labor helps the body's metabolism to be efficient and keeps the body and mind healthy. Many retired people get sick quickly because they have nothing to do.¹⁰⁵ It is clear that labor is each person's sacred obligation and the source of living and happiness.

viii. An obligation to respect others' legitimate rights – interests

The International Bill of Human Rights and the current constitutions of many countries share the same principle. When people demand their legitimate rights - interests, they must not infringe upon others' legitimate rights – interests.¹⁰⁶ When each individual enjoys his or her legal rights, he or she must also fulfill corresponding obligations to respect and protect others' legitimate rights - interests, and respect social order and the community's interests.¹⁰⁷ Respecting others' legitimate rights – interests is each citizen's fundamental obligation.

As a matter of fact, there are many cases that this person enjoying rights is infringing upon another's legitimate rights - interests. If everyone insistently demands their own rights, they will cause conflicts of interests to relationships of people. While enjoying rights, everyone needs to restrain and control their enjoyment so that they will not harm others' and the community's legal rights – interests. People's restraint and control will keep society order, safe and stable. The fact is that when we respect others' rights, we also protect our own rights. Mutual protections of rights will create good reciprocity in society.

ix. An obligation to support the others' fulfillment of obligations

In the inseparable relationship between rights and obligations, there appears a prerequisite for us to enjoy legitimate rights - interests. This prerequisite requires each person to completely fulfill obligations. However, depending on each person's awareness and conditions of health, intelligence and skills, people's fulfillment of obligations will be different. To completely fulfill obligations, each person needs to support others' fulfillment of obligations with their abilities so that all people can contribute to the community together. Our fulfillment of obligations will create abundant resources for society, which is the foundation that every citizen can enjoy legitimate rights – interests. When we help others fulfill obligations, we are helping them keep their dignities, and we are also creating good interactions in the community. For example, we can provide poor students with school fees and facilities for study so that they can continually go to school to fulfill their

¹⁰⁵ Research by Dhaval Dave, Inas Rashad and Jasmina Spasojevic (US National Bureau of Economic Research) on the impact of retirement on health status has shown that: complete retirement leads to a 5-16 percent increase in difficulties associated with mobility and daily activities, a 5-6 percent increase in illness conditions, and a 6-9 percent decline in mental health. See Dhaval Dave, Inas Rashad and Jasmina Spasojevic (2006), *The Effects of Retirement on Physical and Mental Health Outcomes*, *NBER Working Paper*, National Bureau of Economic Research, No. 12123, p. 28.

¹⁰⁶ See Clause 2, Article 15, the 2013 Constitution of Vietnam; Article 5, the 1982 Constitution of China; Article 17, The 1993 Constitution of Russia; etc.

¹⁰⁷ See Hanoi Law University (2016), *Giáo trình lý luận chung về Nhà nước và pháp luật* [Textbook on General Theory of State and Law], *ibid*, p. 275.

obligation to education. We can also find jobs for the unemployed so that they will fulfill their obligation to work. We can organize activities to pick up trash and plant trees, and call for people to join us so that they can fulfill their obligation to protect the environment.

x. An obligation to observe the law and to propose the perfection of the law

Law is a tool to regulate human behavior and help people live in an orderly and stable society. In that stable society, people are entitled to enjoy rights and fulfill obligations. Thus, when we observe the law, we help make our society orderly and stable.

Legislation includes major issues, such as the provisions of the constitution, and some minor issues, such as legal provisions and the provisions of the sub-law documents. Legislation is relative because it can still be modified according to changing circumstances and times. However, we must still strictly abide by the current of our era.

It is difficult for citizens to observe the law because no one can fully perceive the nation's entire legal system. Without knowing the law, citizens easily violate the law. There are many people who live their entire lives only knowing the one rule that they should drive on the right side of the road. To help citizens observe the law, we need to create more opportunities for them to learn the laws from schools and social communities.

Today's humanity's cognitive development and obligations to observe the law expect that people should responsibly propose the perfection of the law. The obligation to propose the perfection of the law is each citizen's high sense of responsibility for the country. We obey the law in our country, and we are responsible to propose the perfection of the law if there are still unreasonable regulations in the law. If the law is perfect, the society is safe and stable to be developed. In addition, the perfect law can create a solid legal basis to ensure people's legitimate rights and interests in the society.

We also clearly distinguish between the obligation to propose the perfection of the law and an act of abusing the law. Some people take advantage of rights to freedom of speech to speak ill against the law. The obligation to propose the perfection of the law is people's contribution that is constructive towards the community's benefits. The acts of taking advantage of speech freedom to abuse the law is destructive because it incites division, and exaggerates shortcomings of the law to destroy the country. Proposing the perfection of the law accompanying observing the law is extremely necessary and significant. This proposal for perfecting the law should be considered as important as human obligations so that everyone can be aware of it, and respectful and responsible for perfecting the law.

2.4. An assured mechanism to implement human obligations in the law

Mechanism is a term that can be understood in many different ways, depending on the context and field. According to the Vietnamese Great Dictionary, "A mechanism is an

organizing way to make a direction and a ground for implementation.”¹⁰⁸ In this thesis, the assured mechanism to implement human obligations in the law is understood as a perfect whole that consists of institutions and society’s regulations. They are closely related to each other to ensure that human obligations are properly and effectively implemented in practice.

This assured mechanism to implement human obligations in the law is often divided into two groups: legal mechanisms (government mechanisms) and social mechanisms. These two mechanisms are closely related and support each other so that the implementation of human obligations in the law is accurate and effective.

2.4.1. An assured legal mechanism to implement human obligations in the law

An assured legal mechanism to implement human obligations in the law is understood as a way of arrangements and activities of institutions established by government to ensure that citizens fulfill their obligations by law. The assured legal mechanism to implement human obligations is basic legal provisions on human obligations, including international treaties related to human obligations. In these international treaties, the government joins with many other nations in the world to sign and internalize these basic legal provisions on human obligations into national law. With the above concept, the assured legal mechanism to implement human obligations in the law contains the following basic characteristics:

- The assured legal mechanism to implement human obligations is an overall unification consisting of the legal system and government organizations. This mechanism is very complex, including regulations (constitutions, laws, sub-law documents) and institutions (agencies and organizations established by government); all of them are related to the fulfillment of human obligations.

Among the assured mechanisms to implement human obligations, the legal mechanism is considered to be the most effective. All agencies, organizations, and individuals involved in the implementation of human obligations must strictly comply with the legal provisions on human obligations.

In the perspective of the law, each obligation, no matter if it is minor or major, needs to be specified by law to avoid abstraction so that its implementation is effective. By law, this obligation must be related to other obligations. Therefore, when formulating a law of human obligations, we must make sure that the entire legal system is consistent, non-conflicting, complementary, and mutually supportive so that when citizens fulfill this obligation, they have more grounds to fulfill other obligations. For example, if we establish a group to pick up trash on the street (an obligation to protect the environment), we also help reduce government’s expenses (an obligation to contribute to the nation's budget).

¹⁰⁸ Nguyễn Như Ý (1999), *Đại từ điển Tiếng Việt* [Vietnamese Great Dictionary], Culture - Information Publishing House, Hanoi, p. 464.

- *The assured legal mechanism to implement human obligations is dynamic, flexible, constantly developing, and comprehensive.* It is the result of a process of developing awareness about the law. It is also a long fight for the community's benefit; it is a careful selection from experience in developing society.

Each nation, depending on its stage of development and particular situations, develops specific assured legal mechanisms to implement human obligations. These mechanisms require agencies to legislate, enforce, and handle violations of laws regarding human obligations.

i. Legislation of human obligations

The legislation of human obligations is the act of promulgating legal documents on human obligations. Fundamental human obligations are recognized in the constitution. However, the provisions in the constitution are general principles; government agencies, officials, and individuals cannot immediately fulfill them. Therefore, these fundamental obligations continue to be detailed and expanded in the law. Each type of obligation is specified in different specialized legal documents. Vietnam is one of many countries influenced by civil law; there are many sub-law documents such as decrees and circulars in Vietnam.

The acts of legislation on human obligations need the following requirements:

- It requires to conduct strict, close and scientific procedures, and especially with regard to the provisions on human obligations in the constitution.

- It requires to timely abolish inappropriate regulations, amend incomplete regulations, and supplement appropriate regulations to meet the requirements for changing human obligations of society in each situation and each period of time.

- It requires to accompany practical review activities to assess the feasibility and suitability of legal regulations to continually perfect the law and effectively improve legislative activities on human obligations.

- It requires expert, moral and impartial officials who should listen to people's opinions so that they can completely draft the applicable contents of legal documents.

- It requires legal documents to be promulgated by governmental agencies. The contents of the legal documents of subordinate agencies cannot be contrary to those of the superior agencies.

ii. Law enforcement of human obligations

After the law is effectively promulgated, it must be implemented in practice. Legal documents on human obligations are always published in the mass media. However, not everyone fully understands the law or observes it by themselves. Therefore, while making the law, the government must carry out other activities to help the citizens access, grasp, and observe the law on human obligations.

Firstly, many measures can be used such as the propagation and legal education of human obligations to help citizens be aware of their fulfillment of obligations. Effective propagation and legal education will contribute to reducing the breach of human obligations.

Secondly, government agencies and officials that organize the law enforcement of human obligations must fully guide citizens through the process of fulfilling these obligations. In fact, many people are well aware of their obligations but do not know how to fulfill them. For example, in tax law, many people are aware of their obligation to pay taxes but do not know when to pay, where to pay, or how much to pay. Thus, government agencies and officials need to provide assistance so citizens can fulfill their obligations. They should be able to register for tax returns online, register for residency on the phone, and make medical appointments on mobile apps.

Thirdly, inspection and investigation are important to detect and promptly handle violations of human obligations. The inspection force for violations is mainly a specialized government agency. In addition, all citizens have an obligation to report any violation of human obligation that they discover to the police. In Vietnam, the Law on Handling of Administrative Violations, clause 3, Article 14 stipulates, “*Individuals, organizations have responsibility to detect, denounce and combat, prevent and oppose administrative violations.*”¹⁰⁹ The Criminal Code also stipulates the crime of “*Misprision.*”¹¹⁰

Today’s advanced technology effectively helps the government detect violations of the law on human obligation. For example, closed-circuit television (CCTV) camera systems of households, shops, and traffic control cameras support the investigation agency tremendously. The increased use of professional technical means and equipment makes people afraid of violating the law. Many times, thieves return items they steal and leave the area when they see they are captured by CCTV.

To effectively implement human obligations, we need to meet demands as follows:

- The propagation and legal education of human obligations must be timely and widely deployed in all communities. The content and form of education must be suitable for each type of citizen so that everyone in the community can be fully aware of their obligations.

- Legal procedures must be clear and convenient for citizens, and appropriate to the conditions of the country.

- The quantity and quality of those who enforce human obligations in the law must be ensured. They must be experts in law and they must strictly implement human

¹⁰⁹ In Vietnam, Law on Handling of Administrative Violations, clause 3, Article 14, in 2012 (amended and supplemented in 2020)

¹¹⁰ Article 390, Criminal Code in 2015 (amended and supplemented in 2017)

obligations. They must also be flexible and creative so they can properly handle unpredictable cases.

- Increasing the use of modern high-tech equipment is important to help detect violations and shortcomings in implementing human obligations quickly.

- The reward for those who fulfill their human obligations with excellence is necessary to balance the strict sanctions that the law imposes on those who fail to fulfill their human obligations.

iii. Handling violations of the law on human obligations

The law stipulates a liability for violators with full legal capacity (adults, or those who do not have mental illness). Likewise, anyone who violates the laws on human obligations must also bear legal responsibility for their violations.

Depending on the behavior and the level of the violations, violators may be penalized for criminal responsibility, administrative responsibility, or civil responsibility of national law. Violators may also be penalized or disciplined according to their organization's regulations. Citizens with full legal capacity that commit illegal civil acts, failing to fulfill human obligations and civil obligations, may be face a variety of punishments such as reprimands, warnings, fines, non-custodial reforms, deportation (if they are foreigners), term imprisonment, life imprisonment, or even the death penalty (which is abolished in some countries).

When handling violations of the law on human obligations, some points should be noted as follows:

Violators must bear responsibility for the consequences of damages that they cause

Violators must be responsible to compensate for the damage that they cause; if they cannot pay for damages, they must be legally penalized in other ways to remedy the damage. Voluntary remedies and compensations for damage can mitigate the violators' administrative violations or criminal trials. In criminal law, these voluntary acts are even considered a necessary condition for judges to exempt violators from criminal liability if their violations are trivial.

In Vietnam, The Law on Handling of Administrative Violations stipulates, "*The violators have prevented or reduced harms done by the violations or volunteered to overcome the consequences, pay compensations.*"¹¹¹ The Criminal Code stipulates, "*The offender voluntarily makes rectification, pays damages or relieves the consequences.*"¹¹² This is one of the mitigations of penal liability.

Handling juvenile delinquents

¹¹¹ Article 9 in Law on Handling of Administrative Violations in 2012 (amended and supplemented in 2020)

¹¹² The Criminal Code, Point b, Clause 1, Article 51 – in 2015

Governments always have special policies applied to juvenile delinquents because they are not yet fully developed physically and mentally, so they have a limited awareness of right and wrong. The laws of many countries often have provisions that limit the age of responsibility and reduce the penalty for juvenile delinquents. When enforcing the law on juvenile delinquents, the authorities also need to handle it appropriately, based on violators' cognitive abilities, causes, and circumstances. Besides stipulating penalties, lawmakers often prescribe other methods to educate and help juveniles correct themselves to become useful citizens in society. Those methods are created to correct juvenile delinquents on-the-spot, reprimand them for their bad behaviors, manage and educate them at home, or send them to reform schools.

Government coercion for handling violations

Government coercion demonstrates the power of the nation and forces its citizens to strictly fulfill their legal responsibilities when they violate the law. Government coercion is very important to preserve the strictness of the law on human obligations. Essentially, punishment enforces criminal liability. For other responsibilities, individuals are only coerced if they do not voluntarily comply with a decision to penalize their behavior. Then, the authority must make additional decisions to enforce penalties.

Those who handle violations of the law on human obligations must ensure the following requirements are met:

- The law must ensure that violations are handled with proper authority, exactly according to the law, and solidly based on the law so violators are penalized in the most appropriate way.

- The principle of fairness must be certain. Lawmakers try to create legal fairness on human obligations; therefore, while handling violations, officials must make sure that fairness is reflected in reality. There must be severe punishment for objections to the law or for qualified violations of the law, but leniency should be used for violators who confess, truthfully report, repent, voluntarily compensate for damages, and remedy the consequences that they cause.

- The principle of rationality must be certain. In fact, there are many cases when individuals violate the law on human obligations because of difficult circumstances or hidden causes. Government agencies need to apply the law flexibly and handle these cases reasonably to show both the rigor and humanity of the law.

The story of the trial of 96-year-old Victor Colella illustrates this. The old man was charged for speeding in a school zone. At the court, he presented the reason why he drove too fast. He had to take his handicapped 63-year-old son to the hospital for a blood test every other week because he had cancer. After the hearing, Judge Frank Caprio was so

touched with the old father's heart that he canceled punishment and honored the old man Victor Colella.¹¹³

Through this story, we realize that there are three human values:

+ *Firstly*, although he was old, the 96-year-old father still fulfilled his obligation to take great care of his child. This is a very strong spirit of obligation coming from the love for children (human love).

+ *Secondly*, it was precious for the old man to accept a traffic violation to help his son overcome his illness. The judge did not stick to the law but handled the case with proper principles. This is another precious thing (human compassion).

+ *Thirdly*, the court was a place to impeach or acquit someone, but after knowing the reason why the old man broke the traffic law, the judge did not accuse him. Instead, he honored the 96-year-old man. This was a momentous occasion because it was the only time of the world where a trial became special. The court became a place where a good father was honored for his noble duty (human gratitude).

- The process of handling violations should be appropriately handled to prevent violators from negative consequences before the facts are heard.

- Respect and the protection of human rights and human values must be fairly regulated. We should never humiliate violators.

- Proper education should always accompany the process of handling violations to prevent repeat offenses. Officials ought to hold classes to disseminate legal information for violators as they do not understand the law. Additionally, moral education should be provided for those who lack a sense of observance of the law. It is necessary to give prisoners moral education so that prisoners do not commit repeat offenses after returning to the community.

- Handling violations should always be accompanied with many procedures such as summarizing the types of violations, analyzing the causes of violations, and providing data for the authorities to perfect legal regulations and improve law enforcement on human obligations.

2.4.2. Social mechanisms to ensure the fulfillment of human responsibilities in the law

The main purpose of the state's legal mechanism is to ensure the fulfillment of human responsibilities in the law. However, besides this legal mechanism, social mechanisms also play an important role in supporting the implementation of human responsibilities. The social mechanism to ensure the fulfillment of human responsibilities is a whole that includes social regulations and non-governmental institutions. The social mechanism is

¹¹³ See Kim Kalunian (2019), Devoted Johnston dad, 96, is a viral sensation after court date with Caprio, website: <https://www.wpri.com/dont-miss/devoted-johnston-dad-96-is-a-viral-sensation-after-court-date-with-caprio/> accessed Nov, 11, 2021.

only supportive to the legal mechanism in ensuring the implementation of human responsibilities, and it is not as strong as the legal mechanism. Mostly, social regulations and non-governmental institutions mainly require their members' sense of responsibility to observe the laws, so they are a great support for citizens to fulfill their obligations in the law. If these citizens do not fulfill their human responsibilities in the law, they will be charged by social mechanism that is not as strict as the law. The social mechanism to ensure the fulfillment of human responsibilities is very complex, which includes various institutions such as morality, principles, charters, internal rules, conventions, and family ethics. All of these are based on organizations and communities to ensure the fulfillment of human responsibilities. Among these institutions, that the social mechanism is used to ensure the fulfillment of human responsibilities, morality, religious beliefs and regulations of non-governmental organizations are the most important. Therefore, this thesis is focused on studying the three groups of these institutions.

2.4.2.1 Morality in ensuring the fulfillment of human responsibilities

As concluded, rights and responsibilities are always closely related to each other, but responsibilities are a basic and leading foundation of rights (responsibilities come first, then rights come later), or responsibilities are a return to rights (rights are given first, then responsibilities come later). Because of these reasons, sometimes people must fulfill their responsibilities before they can get benefits. However, sometimes people enjoy their rights first, then they dedicate themselves throughout life to make up for benefits they already received. In principle, human rights and human responsibilities are inseparable in order to create a balance between them. In this relationship, if people can perceive that the rights they receive are due to others' hard work, they have good awareness. If people try to fulfill their responsibilities to compensate for the rights they enjoy, they are moral.

i. The four levels of awareness and morality to promote the implementation of human responsibilities

The first level is awareness that the enjoyment of rights is due to others' hard work

This awareness is an initial step, but it is very important for the following levels of awareness and morality. It presents the understanding that human rights do not naturally exist, but human rights are built from many conditions and from people's fulfillment of responsibilities. For example, human rights such as medical treatment, education, and the ability to walk safely in the park seem to be simple. In fact, these rights require a great effort from the government system involving officials, soldiers, and employees. The significant fact is that governors always want to protect their people's interests.

In principle concerning international trade relations, enterprises of many countries in the same trade agreement have equal legal status, fair negotiations, and the establishment of commercial contracts. If a dispute occurs, the parties can solve it based on agreement

and settlement mechanisms such as commercial arbitration, judicial mechanisms, consultations, and negotiations. However, to fairly solve the problem and avoid losses, enterprises must also depend on their countries' position, prestige, and strength. If the country's position and reputation is low, the enterprise's advantage in business in the dispute is certainly affected.

We must understand that our success and enjoyment of rights are due to others' hard work that may not be visible. Recognizing this is the first stage of motivation for each one to fulfill responsibilities in life.

The second level is awareness that responsibilities are fulfilled in return for the enjoyment of rights

At the first level of awareness, people develop gratitude toward others because they depend on the help of others. In this second level, people are more aware of the duties and responsibilities that they must fulfill to compensate for the rights they enjoy. However, this awareness only exists in the form of motivation and the urge to contribute, but it does not progress to real actions.

The third level shows that if we live irresponsibly, we become useless to humans

In this world, we must force ourselves to be responsible for making the world better so that we can enjoy rights and happiness together. This world can prosper or decline depending on whether people build it up or destroy it. The value of each person increases or decreases depending on whether that person is responsible or irresponsible for society, or useful or useless in life. Because we are aware of this, we always endeavor to fulfill our responsibilities. We even do that more than the law requires.

The fourth level shows that a life of dedication is a life of happiness

The fourth level is a very advanced level of awareness and morality. At this level, our responsibility is our enjoyment of life. The more we serve the community, the happier we are. The happier we are, the more we love to fulfill our responsibilities. Overfulfilling responsibilities brings the community more happiness. When the community is happy, our happiness is more stable. At this moment, we can have an answer for the question "What's the meaning of life?" The answer must be "To serve people."¹¹⁴

ii. The five degrees of the fulfillment of human responsibilities on the basis of awareness and morality

To fulfill human responsibilities, citizens need to understand the relationship between rights and responsibilities very well. Reality proves that no matter how strict the regulations are, the law still has loopholes. If citizens are not moral enough and are fully aware, they may tend to take advantage of these loopholes to avoid fulfilling their responsibilities.

¹¹⁴ The slogan of the Phật Quang Youth Association: "What's the meaning of life? - To serve people."

However, if citizens have the correct perception and morality, they have the sense of self-discipline to voluntarily fulfill their responsibilities. They may even do much more than the law and society require them to do. Therefore, depending on the level of human awareness and morality, we divide the fulfillment of these responsibilities into these five degrees as follows:

The first degree is to not fulfill responsibilities and to even harm society

In society, there exist many immoral people who only demand rights but not fulfill responsibilities. Instead of diligently dedicating to society and fulfilling their responsibilities commensurate with benefits they enjoy, these wicked people defy the provisions of the law to commit crimes, infringe upon others' legitimate rights and interests, and harm many families, society and national security. Their crimes such as violation of public order, cheat, theft, robbery, drug dealing and murder do not fulfill responsibilities because they harm the community and reduce society's resources.

The reason why these immoral people do not fulfill their responsibilities is that they are influenced by an immoral and indulged lifestyle of a part of young people. Lack of education from their families and the community causes them to have no sense of responsibility to fulfill their responsibilities. Today's overestimation of human rights is one of the reasons that make these people depraved. They cannot control themselves or have a sense of responsibility for the community and their own acts. These people are always implicit dangers to the community, and they mostly cause confusion and anxiety to people. Their doings always leave society disastrous consequences.

The second degree is to not fulfill or incompletely fulfill responsibilities

Except for the disadvantaged in society, it is not difficult for us to find capable individuals who do not fulfill or incompletely fulfill their human responsibilities. When considering the relationship between human rights and human responsibilities, we can see that those individuals only want to enjoy rights but do not want to fulfill responsibilities. The reason for avoiding the fulfillment of human responsibilities can be attributed to the lack of perception of the relationship between rights and responsibilities, the lack of personal morality, or the lack of both. A person who is not moral enough has no sense of responsibility, but this person is not as evil as the people in the first degree. Today's society highly appreciates human rights, but this causes many people to be unaware of the relationship of cause-and-effect between responsibilities and rights. They think that the benefits they receive are natural; the government and society must provide them with those rights because they are humans, and they are unconditionally entitled to these rights.

These individuals are taking a high risk of breaching their responsibilities. Their fulfillment of responsibilities is not voluntary as they have no motivation. They always

tend to take advantage of the loopholes in the law and an imperfect enforcement of the law to avoid fulfilling their obligations.

For example, lowering the sale price of a property in a contract avoids paying taxes. This has become normal. While traveling on roads, people tend to break traffic laws if they do not see police watching or cameras surveying. People are ready to throw trash in rivers to reduce cost of trash service when they see nobody watching. They take every opportunity to gain any advantage. In other words, many people only think about their own interests without caring about the community's interests.

Individuals who do not fulfill their responsibilities find that there are some responsibilities that they cannot avoid fulfilling. They only fulfill these responsibilities because they are forced to, and these efforts are flawed. These flawed efforts lead to an imperfect fulfillment of human responsibilities. In military service, for example, some individuals only fulfill their compulsory term of service without paying attention to study and practice. They only fulfill responsibilities by the letter of the law and not in the spirit of the law. They have no ideal to protect their fatherland. They cannot achieve defense abilities, military skills, or a disciplined spirit without study and practice. They only pretend to fulfill their responsibilities because they fear the penalty of the law.

Many individuals even do not care about breaking the law; they do not want to pay taxes, contribute money, or contribute labor to their community. Their selfishness and laziness make them find any way to avoid fulfilling responsibilities. If the number of individuals who like to enjoy rights without fulfilling responsibilities increases, then society cannot be developed, but it is even degraded, because the government would be forced to spend its resources to detect and punish these people.

The third degree is enough to fulfill responsibilities

At the third degree, individuals are aware of compliance with the law. Moreover, many of them have a good perception of the relationship between rights and responsibilities. They understand that what they enjoy is not natural, but it is created by their own work and others' hard work. When they are aware of this, they are grateful to people. Gratitude is both moral psychology and noble sentiment. This noble sentiment will motivate them to voluntarily fulfill their responsibilities in return for the rights they receive.

They also understand that the responsibilities prescribed by law are not only to meet their own interests but also to meet the community's interests. For example, when paying taxes, people fulfill their obligations to financial contribution to the nation's resources. The government will expend these resources on the national activities of administration, defense and social welfares. The benefits from these activities clearly provide to taxpayers, children, the weak and elderly, and the whole community.

Because of their sense of compliance with the law, these individuals are not likely to violate the law on human responsibilities. They voluntarily fulfill their responsibilities with their high sense of responsibility. The presence of these individuals at the third degree contributes to making life better and more balanced.

The fourth degree is to fulfill responsibilities beyond requirements

People at the fourth degree have a deeper awareness of the importance of responsibilities than people at the third degree. They understand that the fulfillment of responsibilities is in return for rights they receive. Moreover, they know that if each individual endeavors to fulfill responsibilities more than they enjoy rights, then society's resources will be abundant enough to develop the country. It means that they consider the community's interests as prevailing over their own interests. Because citizens at the fourth degree are able to realize this, their morality is at a high level while their altruism is overwhelming. They fulfill their responsibilities with pleasure.

People who reach this level of awareness and morality fulfill more responsibilities than the law requires. They devotedly and passionately work for others without thinking about receiving any benefit for themselves. Their enthusiasm spreads to people around them with positive attitudes that help increase sympathy, harmony, and love in the community.

Our society today contains many examples of people who have reached the fourth degree of the fulfillment of responsibilities. They are officials who try to help people solve problems and finish their tasks by working overtime without extra pay. They are teachers who dedicate extra time without extra pay to teach their students who cannot understand the lesson in class. They are workers who effortfully work faster to accomplish their jobs and give their bosses many initiatives to increase productivity without asking for extra pay. When the government requests to widen the roads, many citizens voluntarily contribute their land to widening the roads without asking for compensation. Many households in financial difficulty voluntarily abstain from receiving aid because they do not want to be a burden on society. Their efforts help poorer people receive benefits from the government. Whether within the family, society, the nation, or the world, if each person lives to dedicate and sacrifice themselves to communities and fulfill responsibilities, then the whole planet must be prosperous.

The fifth degree is to fully dedicate themselves to social charity of their own willingness

People at the fifth degree have a very high level of awareness for others' needs and extraordinary moral qualities. People at the previous degrees dedicate themselves to a certain regulation of the law or other institutions while people at this degree dedicate themselves without legal regulations or institutional constraints. These are charitable activities. They set their own responsibilities and determine to fulfill them. They do not want to receive any benefits from those charitable activities. In other words, they

completely ignore their own interests to fulfill the interests of their communities. This action comes from a very high level of moral conscience. They are sometimes willing to sacrifice their rights to help their community.

They are ready to go anywhere to help families in misery. Although their selfless acts vary from one person to another, all of these acts come from their kindness and sense of responsibility. They forget themselves to contribute to society and life. Their pleasure is doing social charity. The more they do for charity, the happier they feel and the harder they work. People at the fifth degree are happy when they help others and beautify life, and this motivates them to dedicate more and more of their life. While people at the fourth degree fulfill responsibilities beyond the requirements, which brings society prosperity, people at this fifth degree bring society lots of fun, benefits, and resources. This joyfulness does not only come to givers and receivers, but it also comes to people around them.

People at this degree are an outstanding model of morality that others should follow. No society is perfect; the rich and the poor exist in the same community. Therefore, charitable activities are always noble and valuable in any society or any era.

The goal of charitable activities is to bring community material and spiritual values. The benefactors' kindness is a comfort for the miserable, giving them the encouragement to trust life.

Their charitable activities contribute to spreading a great value of kindness to the community and keeping this kindness forever.

The government uses social resources through the approach of human rights prescribed by law to provide people with benefits, and happy and prosperous lives. However, the government should not only provide rights to people, but the government should be also responsible to guide people to a highly meaningful goal that is to build a greatly moral life. When people are influenced with the profound ideal of a moral life, they will happily and voluntarily fulfill their responsibilities. When citizens enjoy benefits, they should set a goal to improve themselves so that they can reach awareness of the fourth level. This is a high sense of responsibility of these citizens who live morally and selflessly, and consider dedication their happiness.

2.4.2.2. Religious dogma in ensuring the fulfillment of human responsibilities

Throughout the developing history of human society, religious beliefs have always been the most important factor to adjust human behaviors along with the law. (In some Muslim countries, laws depend on their beliefs.) Religions have different interpretations of the world, so their belief systems are also different. The similarities between the belief systems of many religions include *“theories about gods and worldviews (which may be different according to the religion), human outlooks (ethics of living), regulations on the duties of believers (responsibilities), the rights of believers (promise a good life in the*

future or in another world to believers), rituals, and essential behavior that every believer needs to do in their religious life."¹¹⁵

We also require that, from now on, religious doctrines need to be adjusted so they can be in close relationship with the provisions of the law. Believers' responsibilities in religions (of both the monastic and lay followers) need to be compatible with human responsibilities in the law. The religious charters should stipulate that believers' responsibilities must be similar to human responsibilities, including the responsibilities of obeying the law, of patriotism, of protecting world peace, of respecting the rights and freedom of others' beliefs, of protecting the environment, of contributing to the community, of volunteer activities, and of cultivating morality.

When joining a religion, believers will be guided by the specific rules of that religion and taught their duties (responsibilities) for their religion and community. Those rules help newcomers integrate their religious environment and keep close to their community. Such fulfillment of responsibilities helps increase the prestige of that religion and contribute to the community's well-being.

To supervise believers' performance of religious responsibilities, all religions can establish associations to assign dignitaries the task of supervising and managing believers.¹¹⁶ They can also assign representatives the task of supporting local believers and dignitaries in each community. Religious associations should also set up specialized agencies to supervise the management of followers. In Vietnam, Vietnam Buddhist Sangha has the Department of Central Supervisory Board which supervises the observance of the Charter and Regulations of the Sangha's activities, while the Department of Legal Central Institution monitors the situation and urges the implementation of the normative documents of the Vietnam Buddhist Sangha.

Besides this organizational mechanism, religions also have a reward and discipline mechanism to establish order and promote the fulfillment of their followers' responsibilities. A commendation is mainly carried out to honor followers who are good at study and religious practices and do lots of social charitable work. Disciplines consist of many forms. One special form is that believers confess their own mistakes and show repentance. Buddhism has a form of confession on 14th and 30th in every lunar month; Catholicism has a form of confession every weekend.

In addition to the mild discipline of repentance, religions have serious punishments that involve reprimanding or warning believers for serious violations. When the monastic (monastic believers, such as monks, nuns, and priests) commit sin, they are forced to return to a normal life, or they are even expelled from their religious organization. If their

¹¹⁵ See PhD. Nguyễn Minh Đoan (2009), *ibid*, p. 226.

¹¹⁶ Ngô Văn Nhân (2012), *Xã hội học pháp luật* [Legal Sociology], Hồng Đức Publishing House, Hanoi, p. 208.

violation is also a violation of law, the religious organization must report it to a government agency for handling it.

Besides the rewards and disciplines of organizations, most religions prescribe another factor that is greatly effective in motivating followers to fulfill their religious responsibilities. This is belief. Believers often have a belief in the theory that if they observe their religion's rules and regularly do good deeds, they will receive some reward from gods or from an invisible law. On the other hand, if believers commit sins, they will be correspondingly punished. The beliefs in reward and punishment influence the believer's thoughts and behavior, motivating them to fulfill their legal responsibilities such as obeying the law, defending their fatherland, and voluntarily fulfilling other responsibilities, such as giving alms or doing charity work. These responsibilities can contribute to creating more resources for society's stable development.

Thus, to social mechanisms, religious dogma play the important role in ensuring and promoting the fulfillment of human responsibilities. All supervision, discipline, and beliefs in rewards and punishments are necessary to complement the legal sanctions on human obligations.

2.4.2.3. Regulations of non-governmental organizations in ensuring the fulfillment of human responsibilities

Regulations of non-governmental organizations are internal rules and codes of conduct to regulate social relations within those organizations. Members' responsibilities are clearly defined and mandatory. Some responsibilities are the same as legal human obligations: keeping schools or workplaces clean (obligation to protect the environment), observing government guidelines and policies (obligation to observe the law), working on time (obligation to work), studying and completing homework in schools (obligation to education), and teaching students knowledge and professional skills (obligation to education).

Members must comply with the regulations of the organization. Some regulations may be difficult to understand, so members must be thoroughly trained, taught, and fostered to implement those regulations. Important regulations should be also compiled into rule books and posted at headquarters and workplaces to remind their employees regularly. Each organization, depending on its type and size, has different ways to require its people to fulfill their responsibilities to ensure the organization's effective operation.

Regarding the mechanism of supervision to fulfill responsibilities, most organizations are based on the principle of decentralization. The members cross-monitor and report each other's mistakes to their superiors. Larger organizations often assign this task to a special department. Technical means such as surveillance camera systems and artificial intelligence software are quite commonly used to detect violations of the organization's responsibilities.

To ensure and promote the members' fulfillment of responsibilities, many organizations priorly set a form of reward-discipline which is always an indispensable part of the regulations. Rewards can be material or spiritual and disciplines are imposed by those organizations; however, disciplines must be appropriate to the provisions of law and not harm members' honor, dignity, health, or lives. Disciplinary forms often contain many levels such as reprimanding, warning, and expelling violators from the organization.

If a breach of obligations results in damage to the organization or other members, that person is not only disciplined but also liable for compensation. It should also be noted that if violations of obligations in organizations are also violations of the law, those organizations must report them to government officials so they can handle that.

Besides the government mechanism, the organization's regulations have contributions to ensuring and promoting the fulfillment of human obligations in practice. Organizations' regulations are necessary to bring human obligations to life by law and to help better the fulfillment of human responsibilities. An organization's regulatory mechanism may improve some aspects of human obligations that the law does not. The organizations' disciplinary measures which are imposed when a member violates their rules are a very important complement to the legal sanctions on human obligation.

Conclusion of chapter 2

Rights and responsibilities are two sides of the same coin. If a person has rights to enjoy, then that person should fulfill responsibilities based on his or her possible situation. Both human rights and human responsibilities need to be clearly and fully recognized in national and international law. Human rights and human responsibilities in the law are closely related and inseparable. Although rights and responsibilities are both important to human life, responsibilities should be paid attention to first to create resources for society's development. Human responsibilities should be the basis that guarantees that people receive human rights.

Human obligations in law exist in two systems: national and international. Ensuring and promoting the fulfillment of human obligations in the law is mainly done by the legal mechanism. Besides the legal mechanism, other social mechanisms such as ethics, religious dogmas and beliefs, and organizations' regulations also play an extremely important role. Government and society need to perfect the legal mechanism as well as social mechanisms, especially to improve citizens' moral quality and personal awareness of human responsibilities. If these mechanisms are perfected, it will ensure that each individual does not feel forced to fulfill human responsibilities, but instead will feel happy to fulfill human responsibilities. If citizens find happiness while fulfilling responsibilities, they will do more than is required. Their fulfillment of responsibilities creates abundant resources that help society develop sustainably.

Through the theory of human responsibilities, this thesis affirms that human responsibilities contain the following specific characteristics:

- *The foundation and the premise relating to human rights*: Responsibilities are a basis to create resources and conditions for rights. It means that dedication creates resources of enjoyment.

- *Equity*: Every citizen must fulfill responsibilities. Those who fulfill many responsibilities deserve to enjoy many rights and have dignity in life. On the contrary, those who avoid fulfilling responsibilities do not deserve to receive many rights, and they lower themselves.

- *Wisdom and morality*: Wisdom is an understanding of the relationship between human rights and human responsibilities. A thorough understanding of human rights means to know that one's enjoyment comes from another's hard work. Responsibilities are the recompense of rights. If wisdom is deeper, the fulfillment of responsibilities is more thoughtful and detailed.

- *Communality*: The fulfillment of the responsibilities shows the spirit of altruism to benefit the community.

- *Universality*: Human responsibilities exist in all of space, in all of time, in all subjects, and in all social relations.

- *Conditionality*: Human responsibilities stem from three conditions: the binding of law, the requirement of public opinion, and the force of internal conscience.

CHAPTER 3

REALITY OF HUMAN RESPONSIBILITIES IN INTERNATIONAL LAW AND VIETNAMESE LAW

3.1. The reality of human responsibilities in international law

3.1.1. *The process of the formation and development of human responsibilities in international law*

The international law on human responsibilities should be a strong domain in today's jurisprudence. Even if its foundations were formed very early in the history of human civilization, human responsibilities have not been paid a good attention. Throughout all time, the perception of the role of responsibilities has enormously changed. A study of the formation and development of the international law on human responsibilities is greatly significant to determine the true value and importance of responsibilities for society. This study is also a premise to build a standard and an appropriate obligation system to meet today's advances.

In the dawn of humanity, the most basic human community was the family: husband, wife and children. With a natural instinct, humans managed to earn for living, and they always tended to obtain as many benefits (rights) for themselves (such as animals, fruits, water sources, and land) as possible. However, love simultaneously promoted a sense of responsibility (obligations) to care for their family members. This was the natural origin of rights and responsibilities.

Before that, many human races lived together on Earth such as (Homo) Erectus, Habilis, Rudolfensis, Neanderthalensis, Heidelbergensis and Sapiens. However, more than 40,000 years ago, those human races almost were extinct, only Homo Sapiens have existed until today. It is because they have possessed the special gene that has made them of a sense of responsibility. Many scientific studies show that Homo Sapiens have a higher sense of responsibility than other human races. They know how to take care of each other, share food with each other, raise up children, help the disabled, and cooperate with the others who are even not their relatives.¹¹⁷ In particular, the genetic structure (DNA) of Homo Sapiens have 267 genetic codes that have never appeared in other human races. These genes closely relate to their sense of responsibility.¹¹⁸ Other human races did not possess the gene of responsibility, so they were exterminated. Homo Sapiens have the sense of responsibility, so they have survived in a harsh environment of primitive times and

¹¹⁷ Zwir, I., Del-Val, C., Hintsanen, M. et al. (2021), *Evolution of genetic networks for human creativity*. Mol Psychiatry, published April on 27, 2021. Website: <<https://doi.org/10.1038/s41380-021-01097-y>>, accessed September 6, 2021. PDF version: <<https://www.nature.com/articles/s41380-021-01097-y.pdf>>, p. 2, approved March 31, 2021.

¹¹⁸ Zwir, I., Del-Val, C., Hintsanen, M. et al., *ibid*, pp.14-16.

developed their race all over continents. At this point, we can see that the sense of responsibility (obligation, duty, onus) plays an indispensable role in maintaining humanity's existence.

However, as the community grew up into tribes and countries, people's love did not keep up with this larger environment; therefore, there appeared many contradictions and fights in their communities, they even killed each other because of their own interests. At that time, there must be a leader who could promulgate laws to maintain community order. That leader could impose obligations on people and force them to be more responsible for the community. Thus, man's natural responsibilities to families were motivated by human love, while responsibilities to the community were forced by law.

When the sense of responsibility is not enough to compel people to fulfill their obligations to the community, the law inevitably appears and intervenes to force the fulfillment of these obligations. If a community does not have a law to force people to fulfill their obligations to the community, then that community is ruined. We can argue that the reason the world has existed and developed until today is just because communities have created the laws on human obligations.

The first form of law was simply the chieftains' orders. Later, those orders evolved into written codes. From the ancient ages to the current civilized age, besides written codes, human responsibilities have been based on many different sources: religion, morality, and philosophy.¹¹⁹ In Ancient Greece and Rome, human responsibilities were built on the theory of natural law.¹²⁰ An example of this idea is the ethics textbook *On Duty* (*De Officiis*), written by the philosopher Cicero (106 - 43 BC). Throughout centuries, this textbook made responsibilities the central framework of Western moral philosophy for centuries.¹²¹ In Europe, natural law had been the dominant and basic ideology for human responsibilities throughout the Middle Ages (V – XV centuries).

In particular, in ancient India, King Ashoka based on the law of karma (known as the law of cause and effect) to build many progressive responsibilities. The law of karma is also understood to be the universe's natural law of justice. The King taught these responsibilities to his people by promulgating the decrees that were carved into stone pillars. The King's acts helped the Indian society be prosperous, and its people were happy.

During the Scientific Revolution of the 16th-17th centuries and Age of Enlightenment in the 17th-18th centuries, the philosophy based on reason and empirical evidence

¹¹⁹ See Appendix 3.

¹²⁰ According to Aristotle (384-322 BC), Natural law is understood as the laws that existed in nature, in the natural characteristics of things, and determined by the gods. It has fair or just characteristics, exists objectively and independently of human will, and is valid everywhere at all times.

¹²¹ Samuel Moyn (2016), *ibid*.

dominated European thought.¹²² Therefore, the ideas of human responsibilities were also influenced by this philosophy. One of the revolutionary theories of human responsibilities during that period was the philosopher Immanuel Kant's theory (1683 - 1746). He considered responsibilities a categorical imperative grounded on reason itself.¹²³ During that time, the book "*Leviathan*" by Thomas Hobbes (1651), *Two Treatises of Government* (1690) by John Locke, *The Social Contract* (1762) by Jean Jacques Rousseau all heightened human responsibilities in theories of social contract. Citizens joined into the contract based on an agreement on principles of conduct. Such a contract included limitations of freedom and the fulfillment of responsibilities to respect other people. Jean Jacques Rousseau argued that it would be an injustice if individuals claimed rights without fulfilling their responsibilities. If this injustice spread, it would destroy politics.¹²⁴ At this time, many other influential philosophers also emphasized the core role of responsibilities in forming a peaceful and harmonious society. In the book *On Rights of Man* (1792), Thomas Paine said, "*Whatever is my right as a man, is also the right of another; and it becomes my duty to guarantee, as well as to possess.*"¹²⁵ In addition, individual responsibilities were prominently featured in the theories of liberalists, of communitarians, and socialists as well as in Adam Smith's theory of market economy.¹²⁶

Since then, these theories upholding the role of responsibilities have influenced many countries' constitutions. For example, the 1795 French Constitution included many references to the individual obligations of citizens. This constitution included 22 rights and 9 obligations. In addition, the 1812 Spanish Constitution also upheld obligations alongside rights.¹²⁷ The 1917 Mexican Constitution prominently stipulated obligations such as military service, and obligations to educate children¹²⁸. Many other countries were also influenced by the perspectives of the three constitutions of France, Spain, and Mexico when drafting their own constitutions.

- *The founding milestone of international law on human responsibilities*

The first international legal document to recognize individual obligations is "The American Declaration of the Rights and Duties of Man in 1948 (ADRDM)."¹²⁹ In this

¹²² See <https://plato.stanford.edu/entries/enlightenment/> (Section 1.2 Empiricism and the Enlightenment).

¹²³ See Fernando Berdion Del Valle và Kathryn Sikkink (2017), *(Re)discovering Duties: Individual Responsibilities in the Age of Rights*, Minnesota Journal of International, No. 26, p. 203.

¹²⁴ See Ministry of Justice (UK) (2009), *Rights and Responsibilities: developing our constitutional framework*, pp. 14-15, <<https://www.gov.uk/government/publications/rights-and-responsibilities-developing-our-constitutional-framework>> accessed April 23, 2021.

¹²⁵ <https://www.bl.uk/collection-items/rights-of-man-by-thomas-paine>

¹²⁶ See Ministry of Justice (UK) (2009), *ibid*, p. 15.

¹²⁷ This is also considered the first Constitution of Latin American countries because these countries were the colonies of Spain at that time. See Fernando Berdion Del Valle and Kathryn Sikkink, *ibid*, p. 211.

¹²⁸ See Fernando Berdion Del Valle and Kathryn Sikkink, *ibid*, p. 108.

¹²⁹ See Fernando Berdion Del Valle and Kathryn Sikkink, *ibid*, p. 215.

declaration, a whole chapter is devoted to ten articles of human obligations, such as voting, obeying the law, paying taxes, working, and respecting society's property. In addition, the first state of this declaration adds more obligations of spirit, morality, and culture. These obligations are cited and partially inherited from the 1812 Spanish Constitution and the 1917 Mexican Constitution.¹³⁰ The ADRDM affirms the relationship between rights and obligations. It states, "*The fulfillment of duty by each individual is a prerequisite to the rights of all. Rights and duties are interrelated in every social and political activity of man. While rights exalt individual liberty, duties express the dignity of that liberty.*"¹³¹ Although the ADRDM does not have a legally binding value, as an international treaty does, it marks the recognition of human responsibilities in international law.

- *The recognition of human obligations in the Universal Declaration of Human Rights (UDHR)*

The American Declaration of the Rights and Duties of Man (ADRDM) had a clear-cut influence on the drafting process of the Universal Declaration of Human Rights (UDHR). The first draft of the UDHR written by John Peter Humphrey¹³² included many individual obligations, such as loyalty to the fatherland, contribution to society, the candid transmission of information, and the duty to work. Later, the French representative René Cassin, who worked on the Drafting Committee of the UDHR, proposed an expansion of some obligations, such as compliance with the law and the development of individual ability to contribute to society. However, countries such as the United States and the United Kingdom, which were in great positions after World War II, raised concerns that these obligations would limit individual rights. Therefore, these obligations were not recorded in the UDHR as in the ADRDM. Finally, in the UDHR, only Article 29 recognized obligations in general terms: "*Everyone has duties to the community in which alone the free and full development of his personality is possible.*" Later, the Latin American countries struggled to reintroduce obligations into the UDHR, but they were unsuccessful.¹³³

- *Human responsibilities in international treaties*

After obligations were recognized in the ADRDM and the UDHR, they appeared in many international declarations, especially in international treaties.¹³⁴ Specifically, the 1981

¹³⁰ One of the main authors of the ADRDM was the Mexican diplomat German Fernandez del Castillo. He said he cited the Mexican Constitution as one of the three main sources for the Duties in the Declaration. (See Fernando Berdion Del Valle and Kathryn Sikkink, *ibid*, p. 218).

¹³¹ Fernando Berdion Del Valle and Kathryn Sikkink, *ibid*, p. 219.

¹³² Director of the United Nations Division on Human Rights of the United Nations Secretariat - Member of the UDHR Drafting Committee.

¹³³ See Fernando Berdion Del Valle and Kathryn Sikkink, *ibid*, pp. 220-226.

¹³⁴ Some statements included: United Nations Declaration on the Rights of the Child 1959 (Principle 7); Declaration on Social Progress and Development 1969 (Article 1; Article 6; clause 4, Article 11; clause 4, Article 19), Declaration on the Human Rights of Individuals Who are not Nationals of the Country in Which They Live 1985 (Article 4; clause 2, Article 5), Declaration of the Right to Development 1986 (clause 1, Article 1; clause 1, Article 2; clause 2, Article

African Charter on Human and Peoples' Rights says, "*The enjoyment of rights and freedoms also implies the performance of duties on the part of everyone.*" Articles 27 to 29 of this charter include specific individual obligations: obligations to take care of family, society, and country, obligations to respect others, and obligations to promote mutual respect and tolerance. The International Covenant on Civil and Political Rights (ICCPR - 1966) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR - 1966) state in the Preamble, "*Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant.*" The 1969 American Convention on Human Rights (Chapter 5 – Personal Responsibilities, Article 32 - Relationship between Duties and Rights) states, "*Every person has responsibilities to his family, his community, and mankind. The rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare, in a democratic society.*"¹³⁵ Other international treaties also include regulations on human obligations.¹³⁶ Those are the 1948 Freedom of Association and Protection of the Right to Organize Convention (Clause 1, Article 8), the 1950 European Convention on Human Rights (Clause 2, Article 10),¹³⁷ the African Youth Charter in 2006 (Article 26),¹³⁸ and the 2007 Convention on the Rights of Persons with Disabilities and Optional Protocol (Point w, the Preamble).

We can see that although human responsibilities are recognized in many international treaties, they are only generally regulated in some articles or in the preambles, excepting for the 1981 African Charter.

- *Movement of fighting for human responsibilities*

Since the '90s of the 20th century, the consequences of exaggerating rights have become serious, and so the movement of fighting for human responsibilities has emerged as an inevitable consequence in history. This movement aims to promote human responsibilities in two ways as follows:

Firstly, human responsibilities should be institutionalized into legal obligations so that a legal mechanism can ensure people's fulfillment of obligations.

Secondly, the declarations of human responsibilities should be based on the foundation that "*Individual duties and responsibility complement rights.*"¹³⁹

This movement to promote human obligations is emphasized by the initiatives of

2), Convention on the Rights of Persons with Disabilities 2007 (point m, Preface; point c, clause 1, Article 8; clause 2, Article 3).

¹³⁵ <https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>.

¹³⁶ Most of these countries use the UDHR, ICCPR and ICESCR as a guide when creating their regulations.

¹³⁷ Signed by the member states of the Council of Europe on November 4, 1950 in Rome, Italy and came into effect on September 3, 1953.

¹³⁸ Approved by the African Youth Organization (OAYouth) on July 2, 2006 and came into effect on August 8, 2009.

¹³⁹ Ph.D. Mumba Malila (2017), *ibid*, p. 331.

many international organizations as follows:

+ *Parliament of the World's Religions*

At the 1993 meeting in Chicago, USA, *Parliament of the World's Religions* adopted *Towards a Global Ethic: An Initial Declaration*. This declaration reached a consensus of 200 leaders of 40 faith and spiritual communities.¹⁴⁰ The recommendations of this declaration are based on religious scriptures and creedal traditions around the world. The declaration is unintentionally submitted to the United Nations for approval, but instead, it only aims at the reformation of human perceptions and emotions.

+ *The InterAction Council (IAC)*

In 1997, just before the 50th anniversary of the birth of the Universal Declaration of Human Rights (UDHR), the IAC issued the Universal Declaration of Human Responsibilities (UDHRe). The declaration was signed by many leaders in the world. It was significant that they were famous leaders and supporters of the human rights movement, such as Jimmy Carter, Oscar Arias Sánchez, Mikhail Gorbachev, Helmut Schmidt, Valéry Giscard d'Estaing, Lee Kuan Yew, Henry Kissinger, and Robert McNamara.¹⁴¹ The content of this declaration included nineteen articles which encompass many areas to create a balance between freedom and responsibility. The declaration aimed to develop a global ethical standard to work out humanity's urgent challenges. However, the declaration failed to be submitted to the United Nations for approval.

+ *The United Nations Commission on Human Rights*

The Declaration on Human Social Responsibilities in 2003 was created by the Commission on Human Rights (CHR).¹⁴² This declaration was inspired by the IAC's Universal Declaration of Human Responsibilities, so there were quite similar between the two declarations. Miguel Alfonso Martínez, the Special Rapporteur for the United Nations Commission on Human Rights, "*deems it absolutely necessary to create and develop a new individual and collective awareness of the need to find a solid balance between the rights of the individual and his/her social duties or responsibilities.*"¹⁴³ This declaration was also built on principles of social morality. There were seven general articles. Three articles were related to the role of the government, while the other seventeen articles were directed to the individual. This declaration was submitted during the meeting of the United Nations Economic and Social Council in 2005, but it was not adopted.

¹⁴⁰ See Saul, Ben (2001), In the Shadow of Human Rights: Human Duties, Obligations and Responsibilities, *Columbia Human Rights Law Review*, Vol. 32, pp. 565-624.

¹⁴¹ See Fernando Berdion Del Valle and Kathryn Sikkink, *ibid*, p. 228-229.

¹⁴² The CHR is an agency of the Economic and Social Council, which was replaced by the United Nations Human Rights Council (of the General Assembly) in 2006.

¹⁴³ See Miguel Alfonso Martínez (2003), *Promotion and Protection of Human Rights: Human Rights and Human Responsibilities*, (E/CN.4/2003/105), United Nations.

It can be seen that although all the declarations of human responsibilities were written by different authors¹⁴⁴, they represented an effort to harmonize all of the ideologies, political views, beliefs, and differences between various cultures of the world. With the same goal for humanity's benefit, all the authors and organizations involved in drafting the declarations agreed, "*Responsibilities matter is necessary for the creation of a better social order and the realization of human aspirations and progress*".¹⁴⁵

When comparing declarations of human responsibilities, we found that there were many similar clauses.¹⁴⁶ This shows that many have looked for a common ground of morality for the world, so much so that it is a united trend among advocates of human responsibilities. We believe that in the future, human responsibilities will be accepted and applied to everyone in the world.

However, the activities of promoting human responsibilities have not been accepted as they are desired, because of the following reasons:

Firstly, the activities of promoting human responsibilities have happened independently, without coherence.

Secondly, the international legal system on human rights has been widely accepted for more than 70 years, along with the existence of the fear that responsibilities may limit rights.

Thirdly, the clauses concerning responsibilities in these declarations are mostly based on the spirit of individual responsibilities as a supplement to rights. Therefore, they are neither strong enough to counterbalance rights nor profound enough to convince the international community. This is an enormous limitation on the approval for human responsibilities because human responsibilities play an important role. The fulfillment of responsibilities is not merely a supplement to the individual, but it also reaches further, to the meaning of bringing happiness to citizens and creating sustainable development for humanity.

Fourthly, the expression of ideas in documents is wordy and difficult to understand. Many ideas and sentences compress in only one article, so they are unable to convince the public.

3.1.2. Current regulations on human obligations in international law¹⁴⁷

The declarations and international treaties mentioned above have different regulations on human obligations, but they have the same core obligations that we will show below as a recommendation for individuals, nations, and international organizations to respect and strictly fulfill.

¹⁴⁴ The first document was developed by religious leaders; the second document was developed by the InterAction Council; the third document was compiled by the Commission on Human Rights (under the United Nations Economic and Social Council ECOSOC) commissioned by Miguel Alfonso Martínez.

¹⁴⁵ Sue L.T. McGregor (2013), *ibid*, p. 22.

¹⁴⁶ See comparison table of the Duties of the Declarations at Sue L.T. McGregor (2013), *ibid*, pp. 17-20.

¹⁴⁷ It is understood in a broad sense, including not only legally binding international treaties, but also declarations that only call for and suggest. The scope of international law is very wide, so the research object of the thesis is mainly human Rights and Duties in the documents constituting the international human rights law.

Obligations to defend the fatherland: Clause 5, Article 29 of the 1981 African Charter

Obligations to pay taxes:

- Article 36 of the ADRDM
- Clause 6, Article 29 of the 1981 African Charter

Obligations to protect the environment: Principle 1, the 1972 Declaration of the United Nations Conference on the Environment

Obligations to education: Article 31 of the ADRDM

Obligations to work: Article 37 of the ADRDM

Obligations to respect others' rights:

- Clause 2, Article 29 of the UDHR
- The Preamble of the ICCPR and the ICESCR
- Clause 2, Article 10 of the European Convention on Human Rights
- Article 28 of the ADRDM
- Clause 2, Article 32 of the 1969 American Convention on Human Rights¹⁴⁸
- Clause 2, Article 27, and Article 28 of the African Charter in 1981
- Section 8.1.1 of the Resolution 1845 – 2011 Fundamental Rights and Responsibilities¹⁴⁹

Obligations to observe the law: Article 33 of the ADRDM

Obligations to communities:

- Clause 1, Article 29 of the UDHR
- Clause 1, Article 18 of the 1998 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
- Clause 1, Article 32 of the 1969 American Convention on Human Rights
- Clause 1, Article 27 and Clause 2, Article 29 of the 1981 African Charter
- Article 1 of the Resolution 1845 – 2011 Fundamental Rights and Responsibilities

Other obligations:

- Obligations to vote - Article 32 of the ADRDM
- Obligations to contribute to society's interests
 - + Article 35 of the ADRDM
 - + Articles 1 and 6 of the 1969 Declaration on Social Progress and Development
 - + Clause 1, Article 1, Clauses 1 and 2, Article 2 of the 1986 Declaration on the Right to Development

¹⁴⁸ Approved by the countries of the Americas at the meeting in San José, Costa Rica on November 22, 1969, and came into effect on July 18, 1978.

¹⁴⁹ Approved by the Standing Committee of the European Parliament on December 25, 2011 under Resolution No. 1845.

+Clause 7, Article 29 of the 1981 African Charter

+Point w, Preamble of the 2007 United Nations Convention on the Rights of Persons with Disabilities

- Parents' obligation to raise children, and children's obligation to be filial to parents

+Article 30 of the ADRDM

+Clause 1, Article 29 of the 1981 African Charter

- Obligations to build and protect society's solidarity in Clause 4, Article 29 of the 1981 African Charter

- Obligations to show solidarity and responsible actions towards children, the elderly, and the disabled in Section 8.1.1 of the Resolution 1845 – 2011 Fundamental Rights and Responsibilities

- Obligations of employees and employers in Clause 1, Article 8 of the 1948 Convention on Freedom of Association and Protection of the Right to Organize

- Obligations of children in Principle 7 of the 1959 United Nations Declaration of the Rights of the Child

- Obligations of the youth in Clause 4, Article 11 of the 1969 Declaration on Social Progress and Development

- Obligations of foreigners in Article 4 and Clause 2, Article 5 of the 1985 Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live

- Obligations of the elderly in Principles 7, 8 of the 1991 United Nations Principles for Older Persons

- Obligations of the disabled in Clause 4, Article 19 of the 1969 Declaration on Social Progress and Development and Point m, Preamble and Point c, Clause 1, Article 8, Clause 2, Article 3 of the 2007 Convention on the Rights of Persons with Disabilities

Human obligations in the international law have been fulfilled by many nations. They are nationalized, recognized in the nations' constitutions and ensured the fulfillment in practice as follows:

The obligations are recognized and ensured the fulfillment of military service, defense, and loyalty to the fatherland:

- Article 59 of the 1993 Russian Constitution

- Article 82, Article 85 of the 1997 Polish Constitution

- Article 30 of the 1978 Spanish Constitution, (amended in 2011)

- Articles 44 and 45 of the 2013 Vietnamese Constitution

The obligation is recognized and ensured the fulfillment of human obligations to pay taxes:

- Article 276 of the 2013 Zimbabwe Constitution
- Article 55 of the 2002 Timor-Leste Constitution
- Point d, Article 90 of the 2019 Cuban Constitution
- Article 48 of the 1991 Lao Constitution, (amended and supplemented in 2015)
- Article 228 of the 1996 South African Constitution, (amended and supplemented in 2013)

- Article 47 of the 2013 Vietnamese Constitution

The obligation is recognized and ensured the fulfillment of human obligations to protect the environment:

- Article 86 of the 2013 Vietnamese Constitution

The obligation is recognized and ensured the fulfillment of human obligations to healthcare:

- Article 57 of the 2002 Timor-Leste Constitution

The obligation recognized and ensured the fulfillment of human obligations to education:

- Article 29 of the 2015 Congolese Constitution
- Article 50 of the 2017 Thai Constitution
- Clause 2, Article 31 of the 1945 Indonesian Constitution, (amended and supplemented in 2002)
- Clause 1, Article 30 of the 1947 Italian Constitution, (amended and supplemented in 2020)
- Clause 2, Article 3 of the 1948 Korean Constitution, (amended and supplemented in 1987)
- Article 39 of the 2013 Vietnamese Constitution

The obligation is recognized and ensured the fulfillment of human obligations to work:

- Article 42 of the 1982 Chinese Constitution
- Clause 2, Article 32 of the 1948 Korean Constitution, (amended and supplemented in 1987)
- Clause 2, Article 4 of the 1947 Italian Constitution, (amended and supplemented in 2020)
- Article 47 of the 1991 Laos Constitution

The obligation is recognized and ensured the fulfillment of human obligations to respect others' rights:

- Article 28J of the 1945 Indonesian Constitution, (amended and supplemented in 2002)
- Article 90 of the 2019 Cuban Constitution

- Article 53 of the 2015 Congolese Constitution

The obligation is recognized and ensured the fulfillment of human obligations to observe the constitution and the law:

- Clause 2, Article 15 of the 1993 Russian Constitution, (amended in 2020)
- Article 53 of the 1982 Chinese Constitution, (amended in 2018)
- Article 83 of the 1997 Polish Constitution
- Article 54 of the 1947 Italian Constitution, (amended and supplemented in 2020)
- Article 46 of the 2013 Vietnamese Constitution

And other obligations:

The civil obligations are regulated in the law in happenings of serious risks and natural disasters:

- Clause 3 and Clause 4, Article 30 of the 1978 Spanish Constitution
- Article 51 of the 2015 Congolese Constitution
- Article 44 of the 2013 Zimbabwean Constitution

Obligations to respect and protect the national symbol, respect the government and officials, protect national cultural heritages and national history. Everyone has the right to cultural enjoyment and creativity and the duty to preserve, protect and value cultural heritage:

- Article 59 of the 2002 Timor-Leste Constitution

3.2. Reality of human obligations in Vietnamese Law

3.2.1. The process of formation and development of human obligations in Vietnamese law

3.2.1.1. The period before the August Revolution in 1945

- The medieval period - from the 11th to the 19th century

Throughout thousands of years of existence and development, the monarchy and feudal governments in Vietnam were aware of the important role of laws, so they paid great attention to promulgating the law to run the country. During this period, human obligations were also recognized throughout the legal system to establish order in social relations. There were regulations in these relationships: the relationship between kings and mandarins, the relationship between husband and wife, the relationship between parents and children, the relationship between siblings, and the relationship between teachers and students. The regulations very clearly indicated that mandarins and servants must be absolutely loyal to kings, wives must always be loyal to husbands, and children must show a filial obligation to their parents.¹⁵⁰

The best examples of legal codes written and promulgated during this period were as

¹⁵⁰ See Hanoi Law University (2017) *Giáo trình Lịch sử hình thành nhà nước và pháp luật Việt Nam [Textbook on Historical Formation of Vietnam State and Law]*, The Public Security Publishing House, Hanoi, p. 325.

follows:

- Hình Thư Law (Penal Code) of the Lý Dynasty in 1042.
- Quốc Triều Hình Luật (National Dynasty Criminal Law) of the Trần Dynasty in 1341.
- Quốc Triều Hình Luật (National Dynasty Criminal Law), also known as the Hồng Đức Code of the Early Lê Dynasty in 1483.
- Hoàng Việt Law, also known as the Gia Long Code of the Nguyễn Dynasty in 1815.

The Hình Thư Code promulgated by the Lý Dynasty was the first written law in Vietnam's history. Next was the National Dynasty Criminal Law promulgated by the Trần Dynasty; according to historians, both of these written laws were lost. However, historical records show that the legal system of the Lý-Trần Dynasties stipulated human obligations such as the obligation to obey the law,¹⁵¹ serve in the army,¹⁵² pay taxes to the feudal state,¹⁵³ and be faithful in marriage. Human obligations were also recognized in many articles of both the Hồng Đức Code and the Gia Long Code:

- Obligations to pay taxes - Articles 345 and 346 of the Hồng Đức Code.
- Obligations to serve in the army - Article 170 of the Hồng Đức Code.
- Obligations to be faithful in marriage - Article 401 of the Hồng Đức Code.
- Obligations of children to obey their parents and dutifully take care of their parents and grandparents - Article 506 of the Hồng Đức Code, and Article 307 of the Gia Long Code.

This period also recorded a milestone in the process of forming human obligations in Vietnam. This was the 24 Thanh Điều Code promulgated by King Lê Thánh Tông to teach people about morality (see Appendix 3). Especially, Thanh Điều Code was the first law that upheld the role of **obligation to moral education** through rewarding personally by the

¹⁵¹ The Lý dynasty's law stipulates that everyone from mandarins to the citizens must have the obligation to obey the law (according to the Council of Social Sciences of Ho Chi Minh City (2006), *Lịch sử Việt Nam* [History of Vietnam], Trê Publishing House, Vol. 3, Ho Chi Minh city, pp. 44-45).

¹⁵² To ensure human resources for the army, the Lý Dynasty carried out an inventory of people. All those who are 18 years old or older are recorded in a yellow-bound book called "Hoàng Sách", and this class is called "Hoàng Nam", and people over 20 years old are called "Đại Hoàng Nam". Those in this category all have to join the army (according to the Social Science Council of Ho Chi Minh City (2006), *ibid*, Vol. 3, p. 45). The Trần Dynasty levied troops by making a "Đình" book, which clearly stated "Đình Nam" (adult man) and "Đình Nữ" (adult woman). "Đình Nam" book updates the number of "Tiểu Hoàng Nam" (man from 18 to 20 years old) and "Đại Hoàng Nam" (man from 20 to 60 years old) as well as "Lão" (man over 60 years old) and "Long Lão" (very old man) each year. In particular, "Đại Hoàng Nam" had to join the "Lộ quân" (Route Army) and receive military training. With the policy of "Lodging soldiers among farmers" (When the war ended, the State sent back the troops to their native villages to do farm work) so everyone is a soldier (according to the Council of Social Sciences of Ho Chi Minh City (2006), *ibid*, Vol. 3, p. 105).

¹⁵³ In the law of the Lý dynasty, the obligation to pay taxes to the feudal state would be based on the number of fields per person. Those who did not have fields would not have to pay (according to the Council of Social Sciences of Ho Chi Minh City (2006), *ibid*, Vol. 3, p. 55-56). In 1242, the Trần Dynasty stipulated the tax obligation as follows: "If citizens have a field, they will pay rice, if they don't have land, they will be exempted from all taxes" (quoting Prof. Trương Hữu Quỳnh (chief editor), Prof. Phan Đại Doãn, Assoc. Prof. Nguyễn Cảnh Minh (2009), *Đại cương lịch sử Việt Nam* [Overview of Vietnam History - twelfth edition], Vietnam Education publishing house, Vol. 1, p. 193).

King for those who taught community in morality (Article 23 of the Thanh Điều Code).

- The period of colonial-feudal regime (from 1884 to 1945)

The colonial-feudal regime largely focused on legislation and always considered it an effective means to administer the society. In the legal system of this period, human obligations were clearly specified in detail. Considering the obligation to pay taxes, people had to pay many kinds of taxes to the colonial government such as capitation/poll tax, labor taxes, and field taxes.¹⁵⁴ These taxes were mainly established in the feudal period, and they were modified, supplemented, and completed by the colonial government to impose taxes on the indigenous inhabitants of colonies.¹⁵⁵ In military service, the law of this period stipulated that young people from 22 to 28 years old must complete military service.¹⁵⁶ In marriage law, human obligations were also defined so that husbands and wives must be responsible to raise their own children (Article 91, Northern Civil Code 1931¹⁵⁷). In addition, children and grandchildren must be obedient, respectful, and honorable to their parents and grandparents for their whole lives, children and grandchildren have no rights to sue their parents and grandparents, and children may not leave home without their fathers' permission (Article 207, Northern Civil Code 1931).

3.2.1.2. The period from the August Revolution in 1945 to the present

- The 1946 Constitution

According to the 1946 Constitution, the provisions on fundamental civil obligations were presented in Chapter II – Citizens' Responsibility and Interests, and they included these fundamental obligations: defending the fatherland, respecting the constitution, obeying the law, and serving in the army. The most outstanding feature of the 1946 Constitution compared with other later constitutions was that the provisions on civil obligations were succinct, practical, and feasible.¹⁵⁸

Besides these provisions, the 1946 Constitution placed citizens' obligations before

¹⁵⁴ See PhD. Phan Thanh Hải (2015), *Một số sắc thuế áp dụng tại Việt Nam thời kỳ Pháp thuộc* [Some taxes applied in Vietnam during the French colonial period], Website of Faculty of Accounting, Duy Tân University. Website: <https://kketoan.duytan.edu.vn/Home/ArticleDetail/vn/132/1823/bai-viet-mot-so-sac-thue-ap-dung-tai-viet-nam-thoi-ky-phap-thuoc-ts-phan-thanh-hai>, accessed 16 April 2021.

¹⁵⁵ Capitation levied on people from 18 to 60 years old, according to the Decree dated June 2, 1897 in Tonkin (the North of Vietnam in French colonial period) and an edict dated August 14, 1898 in Central Vietnam, increased from 50 cents to 2.50 dong in Tonkin and from 30 cents to 2.30 dong in the Central, equivalent to the price of 1 quintal of rice at that time. The dead are not exempt from tax, the living have to pay instead. The colonial state forced each village to fully pay the set tax rate (quoted by Prof. Đinh Xuân Lâm (chief editor), Assoc. Prof. Nguyễn Đình Lễ, Assoc. Prof. Nguyễn Văn Khánh (2008), *Đại cương lịch sử Việt Nam* [Overview of Vietnam History] (tenth edition), Vietnam Education Publishing House, Vol. 2, pp. 115-116).

¹⁵⁶ See Đinh Xuân Lâm (chief editor), Assoc. Prof. Nguyễn Đình Lễ, Assoc. Prof. Nguyễn Văn Khánh (2008), *ibid*, Vol. 2, pp. 105-106.

¹⁵⁷ The Civil Code of Tonkin 1931 (Code civil à l'usage des juridictions indigènes du Tonkin). Tonkin was the North of Vietnam in French colonial period.

¹⁵⁸ See Prof. PhD. Tạ Ngọc Tấn (director of content), Phạm Văn Ba, PhD. Nguyễn Thị Báo, PhD. Vũ Công Giao (co-editor) (2015), *ibid*, pp. 121-122.

their rights. Specifically, these obligations were stipulated in Article 4, “*Each Vietnamese citizen must defend the fatherland, respect the constitution, and obey the law,*” and Article 5, “*Vietnamese citizens have the obligation to serve in the army.*” Meanwhile, provisions on civil rights were recorded from Article 6 to 16.

Such an arrangement of provisions on rights and obligations was necessary and appropriate for the national situation when the revolution had just succeeded and the government was fledgling; the South was still under invasion. There could not be human rights during a war, and the country was not at peace. To enjoy rights, citizens must first fulfill their obligations. The obligations to protect the fatherland and military service were priority. When the country was politically, militarily, and economically in a difficult situation, the 1946 Constitution did not stipulate the obligation for its citizens to pay taxes.¹⁵⁹

- *The 1959 Constitution*

The fundamental civil obligations in the 1959 Constitution were regulated in several chapters but recognized most in Chapter III - Fundamental Rights and Duties of the Citizens. Compared with the constitution in 1946, the 1959 Constitution stipulated many new obligations as follows:

- Obligations to labor, Article 21
- Obligations to comply with labor discipline, Article 39
- Obligations to observe public order, Article 39
- Obligations to comply with rules of social activities, Article 39
- Obligations to respect and protect public property, Article 40
- Obligations to pay taxes, Article 41

- Obligations to fulfill military service, Article 5 of the 1946 Constitution “*Vietnamese citizens have the obligation to serve in the army.*” was changed into “*Citizens must fulfill the obligation to military service to protect the fatherland*” in Article 42 of the 1959 Constitution. Supplementing these new obligations in the constitution “*was appropriate because of the new conditions and circumstances of the country when socialism was developing in the North, because the government was renovating and building the material foundations of socialism. Simultaneously, the government had to carry out the revolution of ideology and culture, build new socialists, and strengthen the socialist legislation. That marked the development of awareness about the government’s role and position in law to run the country.*”¹⁶⁰

¹⁵⁹ See Trần Văn Bách (2002), *Sự phát triển chế định Quyền và Nghĩa vụ cơ bản của công dân qua lịch sử lập hiến Việt Nam [Institutional Development of Fundamental Rights and Obligations of Citizens Through the Constitutional History of Vietnam]*, Doctoral Thesis in Jurisprudence, Institute of State and Law, p. 71.

¹⁶⁰ See Trần Văn Bách (2002), *ibid*, pp. 78-79.

In addition, the 1959 Constitution was the first time the law stipulated obligations to pay taxes: “*Citizens of Vietnam of Democratic - Republic have the obligation to pay taxes by law,*” (Article 41). The regulation on this obligation was appropriate to the country’s situation at that time. The country needed the revenue for the budget to build socialism as well as to support the battlefield in the South so that the country would complete the national revolution to be reunified.

- *The 1980 Constitution*

Similar to the 1959 Constitution, the 1980 Constitution includes fundamental civil obligations in many chapters, from Chapter I to Chapter V. Most of the civil obligations contained in the 1980 Constitution are in Chapter V - Fundamental Rights and Duties of the Citizens. The 1980 Constitution re-regulates the obligations of the 1959 Constitution; additionally, the constitution stipulates many new civil obligations as follows:

- Obligations to be loyal to the fatherland, Article 76
- Obligations to participate in the construction of the national defense, Article 77
- Obligations to protect political security and society’s order and safety, Obligations to keep the government’s secrets, Article 78
- Obligations to participate in public labor by law, Article 80

Compared with the previous constitution, the 1980 Constitution is the first to recognize one of the principles to establish citizens’ fundamental rights and obligations.

- Civil rights are inseparable from civil obligations, Article 54.
- The government guarantees the citizens’ rights; the citizens must fulfill their obligations to the government and society, Article 54.

With these provisions, when citizens enjoy their rights, they must fulfill their obligations to the government and society. On the other hand, “*The government must create opportunities for each citizen to fulfill his or her obligations.*”¹⁶¹ This Article 54 of the 1980 Constitution is basic and significant because it raises the awareness that citizens should think of rights and obligations as two faces of the same coin. Thus, citizens who want to enjoy rights must fulfill obligations.

- *The 1992 Constitution*

Similar to the Constitutions of 1959 and 1980, the 1992 Constitution stipulates the citizens’ fundamental obligations in many chapters, and most of these obligations are focused on Chapter V – Fundamental Rights and Duties of the Citizens. The 1992 Constitution continues to recognize the citizens’ fundamental obligations that the 1980 Constitution provided. Specially, the obligations to respect and protect socialist property in Article 79 of the 1980 Constitution is replaced by the obligations to respect and protect government property

¹⁶¹ See Trần Văn Bách (2002), *ibid*, pp. 87-88.

and public interests in Article 78 of the 1992 Constitution. This alternative is reasonable because the concept of socialist property is not clearly defined to make people understand this concept. The concept of government property is clear enough to help citizens understand that this government-owned property is decided by the government.

Compared to the 1980 Constitution, the 1992 Constitution adds some new regulations on foreigners. Article 81 notes, “*Foreigners residing in Vietnam must obey the Constitution and law of Vietnam.*” According to this regulation, it also says that foreigners “*shall receive State protection with regard to their lives, possessions and legitimate interests in accordance with the provisions of Vietnamese law.*”¹⁶² This is a new development of citizens’ fundamental rights and obligations, and it is appropriate to the international law on human rights. At the same time, it is also consistent with the constitutional principle of the institution's rights and obligations of citizens to respect human rights politically, civilly, economically, culturally, and socially. This provision in the basic law helps the government create good conditions for foreigners coming to Vietnam. It also helps the country expand cooperation and the exchange of economy, science, and technology with the world in this integration period.

- *The 2013 Constitution*

Chapter II of the 2013 Constitution takes the chapter of Human Rights, Fundamental Rights, and Obligations of Citizens from Chapter V of the 1992 Constitution to make it more important. An arrangement of regulations on obligations is partially changed. Some obligations are placed before the rights (such as Article 15) directly related to rights and obligations between citizens, and between citizens and the government. This arrangement is somewhat similar to that of the 1946 Constitution. The rest is arranged rearward of the provisions on rights (such as Articles 44, 45, 46, and 47).¹⁶³ In addition, many obligations are still inserted into civil rights to ensure the cohesiveness of the regulations in the constitution, such as the “rights and obligations to study” in Article 39 and “everyone has a right to live in a clean environment and has an obligation to protect the environment” in Article 43. This is the first time that obligations to protect the environment are recognized in the constitution. In addition, the obligations in the 2013 Constitution are more prominent, streamlined, and comprehensive than that of the previous constitutions.

Besides the subject of citizens and foreigners, the subject of everyone is recognized in the constitution for the first time. This is to affirm the importance of human obligations in the law. Thus, the 2013 Constitution clearly shows three types of human obligations that the previous constitutions did not show.

¹⁶² Trần Văn Bách (2002), *ibid*, p. 102.

¹⁶³ See Nguyễn Duy Quốc (2014), The 2013 Constitution on Human Rights, Fundamental Rights of Citizens, *Legislative Studies Magazine*, No. 12, p. 10.

The first type is civil obligations: Article 39 - obligations to study, Article 44 - obligations to be loyal to the fatherland, Article 45 - obligations to defend the fatherland and fulfill military service, and Article 46 - obligations to observe the law, participate in protecting national security, and observe the rules of public life. *The second type* is obligations of foreigners: Article 48 - obligations to observe the law. *The third type* is common human obligations: Article 15 - obligations to respect others' legitimate rights - interests, and support others' fulfillment of obligations, Article 38 - obligations to healthcare, Article 43 - obligations to protect the environment, and Article 47 - obligations to pay taxes.

3.2.2. Reality of regulations and implementation of some human obligations by law in Vietnam

i. Obligations to defend the fatherland, to fulfill military service, and to participate in building national defense

Vietnamese history consists of the whole process of building and defending the country. Many foreign forces have tried to invade our country. Therefore, fulfilling obligations to protect our fatherland is our citizens' sacred obligation and responsibility. Betraying the fatherland is considered the most serious crime in Vietnam. Patriotism is come from Vietnam's heroic tradition of building and keeping the nation, which is Vietnam's pride, and every citizen is conscious of it. *"According to the Vietnamese's consciousness, people have hearts of patriotism, and it is our precious tradition. From the past to the present, every time our fatherland has been invaded, that patriotic spirit has been vibrant to form an extremely powerful wave that makes us overcome all dangers and difficulties and sinks the traitors and invaders."*¹⁶⁴ Thanks to obligations to protect the fatherland, our country has peace, stability, and development today. Therefore, defending the fatherland is always a key duty of the party, the people, and the whole political system. The Clause 1, Article 45 of the 2013 Constitution clearly states, *"Defending the fatherland is a sacred duty and noble right of citizens."* The Clause 2 shows citizens' obligations more specifically: *"Citizens shall fulfill obligations of military service and participate in building the people's national defense."*

The people's national defense means that all citizens must participate in building the country's defense. The armed forces play a pivotal role, and the people's national defense also includes the army, the police, and the self-defense militia. The basic structure of building the people's national defense is recognized in Clause 2, Article 7 of the 2018 Law on National Defense. Citizens' obligations to participate in building the people's national defense are stated in Clause 2, Article 5 in the law: *"Citizens shall have the obligations to be loyal to the fatherland, to fulfill military service, to participate in the self-defense militia, and to build the people's national defense."*

¹⁶⁴ Hồ Chí Minh: *Toàn tập* [Hồ Chí Minh's Complete Works], *ibid*, Vol. 7, p. 38.

Vietnam's military service is stipulated in the 2015 Law on Military Service. This law contains provisions on registration of military service such as enlistment and demobilization, policies of reward for fulfilling military service, and policies for handling violations. According to the 2015 Law on Military Service, citizens who join the police department or self-defense militia are considered to be fulfilling military service. Specifically, Clause 3, Article 4 stipulates, "*Any citizen who joins the Coast Guard or the People's Police is considered to be fulfilling active-duty military service.*" Clause 4, Article 4 stipulates, "*Citizens shall be recognized for their fulfillment of active-duty military service in peacetime as follows: a) Core militiamen who fulfilled militia service with at least twelve months served as a standing militia; b) Citizens who fulfilled a service in police department of a commune for at least thirty-six months.*" The Law on Military Service in 2015 and the Law on National Defense in 2018 create a legal basis for citizens to fulfill their rights and obligations to defend the fatherland.

Although the 2015 Law on Military Service is regulated in detail, it does not guarantee that all citizens must fulfill military service. The 2013 Constitution requires all citizens to fulfill military service in Clause 2, Article 45. Thus, the constitution does not classify age, gender, ethnic background, social background, religions, educational degree, and career to fulfill military service. However, the provisions of the 2015 Law on Military Service narrow the subjects of fulfilling military service: Article 30 stipulates the age of enlistment from 18 - 27 years old. With this provision, citizens over the age of 27 cannot join the army.¹⁶⁵ Article 41 stipulates the policies of postponement and exemption from conscription. That says, Citizens who have the full capacity and the ability to fulfil obligations of military service can temporarily postpone enlistment for these reasons: any citizen's siblings are non-commissioned officers or current soldiers in the army, non-commissioned officers or active-duty police in the police department, or any citizen who is a child of revolutionary martyrs or first-level wounded soldiers.

In addition, the 2015 Law on Military Service regulates female citizens who are not obligated to serve the army, but they can voluntarily join the army. Besides this, Article 6 says, "*Any female citizen at the age for military service in peacetime may perform military service in regular armed forces if such citizen volunteers and on the demand of the armed force*". Moreover, Article 7 stipulates, "*Female citizens at the call-up age that have professional skills conformable with the requirement of People's Army may serve military service in reserve force*". Therefore, male citizens, not all citizens, are obligated to fulfill

¹⁶⁵ A member of the XIII National Assembly suggested that the time of military service should be flexible so that any citizen can participate. He said: in Korea, there are professors who have temporarily put aside their current jobs to complete their military service. Báo Cầm (2014), *Nghĩa vụ quân sự không nhất thiết phải nhập ngũ* [Requiring enlistment for military service is not necessary], Thanh Niên News, website: <<https://thanhnien.vn/giao-duc/nghia-vu-quan-su-khong-nhat-thiet-phai-nhap-ngu-446365.html>>, accessed March 03, 2021.

military service in Vietnam.

The above regulations show the disagreement between the constitutions and the law of military service. This also creates a social inequality in the fulfillment of military service. In the spirit of defending the fatherland, all citizens must be equally obligated to fulfill military service. This obligation can be fulfilled in many ways so that every eligible citizen can participate, such as enlisting in the army, detecting and denouncing violations of the fulfillment of military service, and teaching descendants about patriotism.

In fact, the implementation of military service in our country has positive characteristics. The recruitment activities for the army are very well organized by local authorities. The quality of army enlistment is more and more improved. Citizens with bachelor and postgraduate degrees, and citizens with college and intermediate degrees are willing to join the army. The government especially cares about ethnic minorities. We can affirm that the Vietnamese citizens' fulfillment of their obligation to protecting the fatherland and military service is significant. This was especially evident during the wars when many generations in Vietnam enthusiastically volunteered to fight the enemy to protect their fatherland. History records that many Vietnamese sacrificed their lives to fight for the country's independence and freedom. President Hồ Chí Minh once said, "*As long as there is an invader in our country, we must keep fighting to 'wipe' them out.*"¹⁶⁶

However, the implementation of military service in some places is not really fair. In many families, children who are old enough to join the army all enlist for military service, whereas in other families, no children who are old enough to join the army enlist. In Vietnam, military service is considered the citizens' obligation, not a career, so citizens who join the army, except for officers, receive almost no salary. Contrarily, many other countries consider the military to be an obligation and also a career with a high income. Those who do not enlist in military service have opportunities to study and often have good jobs with high income. Thus, not all Vietnamese citizens are obligated by law to join the army. This problem has not been solved yet.

Furthermore, many citizens try to avoid fulfilling their noble obligation to serve in the military. There are many ways to avoid fulfilling obligations: make a false identity, adjust birth certificate, get tattoos, deceive medical examination results by wearing glasses for extreme myopia, hyperopia, or astigmatism, bribe officials to ignore their fulfillment of military service, or bribe medical staff to adjust their health records. This phenomenon stems from their limited awareness of military service; moreover, sanctions for violations of military service are not a sufficient deterrent.¹⁶⁷

¹⁶⁶ Hồ Chí Minh: *Toàn tập* [Hồ Chí Minh's Complete Works], *ibid*, Vol. 15, p. 512.

¹⁶⁷ Violations of military service shall only be sanctioned with warnings or administrative sanctions with low fines. See Articles 4,5,6,7 of Decree No. 120/2013/ND-CP stipulating penalties for administrative violations in the fields of national defense and cipher.

ii. Obligations to pay tax by law

Article 47 of the 2013 Constitution stipulates, “*Everyone has an obligation to pay taxes in accordance with the law.*” To solidify this obligation in the constitution, the National Assembly of Vietnam promulgated the 2019 Law on Tax Administration. This is a framework, a law that governs most of the individuals’ obligations related to the payment of taxes. Article 5 of the 2019 Law on Tax Administration stipulates, “*All organizations, households, business households, and individuals have obligations to pay taxes in accordance with the law.*” These provisions establish that all eligible citizens must have obligations to pay taxes no matter what they do. Individuals who violate their obligation to pay taxes must be fined or coerced by law to force them to fulfill this obligation to pay taxes.

To create a detailed legal basis for citizens to fulfill their obligations to pay taxes, the 2019 Law on Tax Administration devotes Chapter II to specify the tasks, powers, and responsibilities for agencies, organizations, and individuals concerning the payment of taxes. Article 17 in this chapter stipulates these taxpayer responsibilities: apply for taxpayer registration, use Tax Identification Numbers (TINs) as prescribed by law, declare tax accurately, honestly, and adequately, and submit tax dossiers on time and at the right place.

Along with the 2019 Law on Tax Administration, individuals must also comply with these laws of tax obligations: the 2007 Law on Personal Income Tax, the 2008 Law on Value Added Tax, the 2008 Law on Excise Tax, the 2009 Law on Severance Tax, the 2010 Law on Environmental Protection Tax, and the 1993 Law on Agricultural Land Use Tax. There are many legal documents detailing and guiding the implementation of the laws as follows:

- Decree 126/2020/ND-CP on the elaboration of the Law on Tax Administration.
- Circular 111/2013/TT-BTC on the implementation of the Law on Personal Income Tax.
- Circular 110/2015/TT-BTC on e-transactions in taxation
- Circular 105/2020/TT-BTC on guidelines for tax registration.

Vietnam's law on taxes shows a relative completeness to create the necessary legal basis for people to fulfill their obligations to pay taxes. In spite of these advantages, the tax laws still have certain limitations as follows:

Firstly, the tax declaration and calculation of personal income tax, specifically regulated in Articles 42 - 48 of the 2019 Law on Tax Administration, are still insufficient. These are the mechanisms that allow self-declaration and self-responsibility to pay taxes, and they allow many citizens to evade their obligation to pay taxes by making false declarations.

Secondly, the 2019 Law on Tax Administration stipulates that all commercial banks have the responsibility to provide their customers with account numbers based on their Tax Identification Numbers (TINs). This allows the Tax Department to easily check their obligations to pay taxes through their transactions, as established in Clause 2, Article 27.

Meanwhile, Circular 105/2020/TT-BTC stipulates that taxpayers must register for tax payments to be granted a tax identification number in Article 4.¹⁶⁸ These two inconsistent regulations lead to opportunities to avoid paying taxes for those who do not need tax registration or a TIN, such as freelancers or those who do business on social networks. This inconsistency makes it easy to avoid paying taxes. This is a loophole in the management of tax obligations. There are also many cases in which one person is issued two TINs by two different tax agencies, and they find hard to correct their problem.

Thirdly, the decree 126/2020/ND-CP stipulates that all commercial banks are required to provide the Tax Department with customer account information. Unfortunately, online businesspeople can avoid tax obligations by switching from bank transactions to cash payment, splitting large transactions into smaller ones, sending transactions to friends' and relatives' accounts, avoiding the oversight of tax authorities by not specifying the content of bank transactions, and by identifying business transactions as gifts.¹⁶⁹

These limitations cause loopholes that many individuals take advantage of to dodge paying taxes. They do not fulfill their tax obligations. The results of Question 28 of the sociological survey show that 68.25% of Vietnamese believe that the obligation to pay tax is one of the obligations which citizens frequently violate. (See Figure 8, Appendix 2)

Many citizens violate the law concerning the payment of personal income tax. Personal income tax evasion is the largest problem for the Tax Department, and it is unable to control and accurately calculate individuals' incomes to impose taxes on them. In fact, this job is very difficult and complicated. This is because Vietnam is a country with a large number of freelance workers, a relatively high rate of using cash payments, and the management of personal income tax relies on the individuals' self-discipline due to the mechanism of self-declaration and self-responsibility.

In addition, some online business entrepreneurs do not have to apply for business licenses, which means tax collection agencies cannot check their income or locations to impose taxes. In this case, the tax return is mainly based on the individual's willingness to comply with tax law. Sources of information in the Ho Chi Minh City Tax Department show that since June 2017, the HCMC Tax Department has implemented a tax-collecting plan for e-commerce business via the Internet and Facebook.

However, many business individuals deliberately avoid paying taxes, and they argue that their business is just a "second job/side job" that has very low income. For example, among 172 website owners and 677 Facebook users using personal accounts to do business

¹⁶⁸ Circular of the Ministry of Finance (Vietnam) on guidelines for tax registration.

¹⁶⁹ According to clause 10, Article 2, Circular 111/2013/TT-BTC guiding the Law on Personal Income Tax and Decree 65/2013/ND-CP guiding the Law on Personal Income Tax and the Law amending and supplementing a number of articles of the Law on Personal Income Tax stipulate that the person who is given or donated money does not have to pay personal income tax, except for assets such as securities, capital in economic organizations, real estate, etc.

who were invited to come to the Binh Thanh Tax Agency for tax declaration instructions, 75 website owners, and more than 500 Facebook users did not cooperate with the agency.¹⁷⁰ The 2015 statistics of the General Department of Taxation showed that more than 17.7 million people are subject to personal income tax (PIT), for both regular and irregular income, but only 9.3 million people have made a tax settlement.¹⁷¹

We can see that the rate of individuals' violations of tax obligations is quite high. Some violators intentionally evade taxes or dishonestly declare tax returns to avoid paying a portion of taxes, while others do not know that their income is taxable. Tax inspectors see many types of tax fraud some declare a lower income than their actual income to lower their taxes, some declare extra dependents to claim larger tax deductions, some falsely lower the sale price of their home to pay less taxes, some falsely report lower salaries and wages in labor contracts to pay less taxes, and some falsely report titles, overtime, and bonuses to pay less taxes.

iii. Obligation to protect the environment

Article 43 of the 2013 Constitution stipulates, *“Everyone has the right to live in a clean environment and has the obligation to protect the environment.”* This regulation clearly defines the precept that everyone has obligations to protect the environment, and at the same time it shows the profound meaning that the responsibility to protect the environment is the whole society's responsibility. In the documented legal system of environmental protection, the 2014 Law on Environmental Protection¹⁷² is considered a central point that consists of the function to adjust subjects' behavior in society in relation to the use and impact on environmental factors. To specify Article 43 of the 2013 Constitution and the 2014 Law on Environmental Protection affirm in Clause 1, Article 4: *“Environmental protection is the responsibility and obligation of every agency, organization, household, and individual.”* Thus, not only Vietnamese citizens but also all individuals living in Vietnam have obligations to protect the environment.

The natural environment is formed by many factors, and so environmental protection is classified into many specialized activities.¹⁷³ Besides the 2014 Law on Environmental Protection, the provisions on the obligation to protect the environment or the individual's

¹⁷⁰ Assoc. Prof. PhD. Phạm Thị Giang Thu (2020), *Cá nhân kinh doanh trực tuyến và vấn đề thực thi pháp luật thuế thu nhập cá nhân ở Việt Nam* [Online business individuals and the issue of personal income tax law enforcement in Vietnam], Proceedings of the scientific conference: *“Những bất cập trong quá trình áp dụng thuế thu nhập cá nhân ở Việt Nam hiện nay”* [Inadequacies in the process of applying for personal income tax in Vietnam today], Faculty of Economic Law, Hanoi Law University.

¹⁷¹ Vietnam Institute for Economic and Policy Research (2018), workshop: *“Báo cáo công bằng Thuế Việt Nam năm 2017”* [Vietnam Tax Equity Report 2017], p. 40.

¹⁷² This Law will expire from January 1, 2022 (when The 2020 Law on Environmental Protection takes effect).

¹⁷³ Clause 3, Article 3, The 2014 Law on Environmental Protection stipulates that *“Environmental protection activities are activities of preserving, preventing and limiting adverse impacts on the environment; responding to environmental incidents; overcome pollution, degradation, improve and restore the environment; rational exploitation and use of natural resources in order to keep the environment clean”*.

obligation to comply with the law on environmental protection are included in many other laws.¹⁷⁴ Although the documented legal system of environmental protection is constantly supplemented and amended, these laws are still insufficient and show shortcomings after a period of implementation. The shortcomings are as follows:

- Overlaps between legal documents still occur, and this causes many difficulties for both individuals and government agencies to observe the law. In some cases, a violation is regulated by different documents with different levels of fines. The difference is even quite large. For example, the act of littering in public places is regulated in two different decrees.

- + Point d, Clause 1, Article 20, Decree 155/2016/NĐ-CP¹⁷⁵ stipulates that “*A fine ranging from VND 5,000,000 to VND 7,000,000¹⁷⁶ shall be imposed for discharging domestic waste on pavements, roads, alleys, urban wastewater drainage systems, or surface water drainage systems in urban areas.*”

- + Point c, Clause 2, Article 7, Decree 167/2013/NĐ-CP¹⁷⁷ regulates this fine from VND 1,000,000 to VND 2,000,000 for this violation: “*Dumping of waste or of anything else into the manhole, public sewers, sidewalks, and roadways.*”

- This light penalty for violating environmental protection is not commensurate with the bad consequences that this violation causes. Therefore, it is not enough to prevent and deter violations. For example, “*a violation of discharging cesspit waste, toxic chemicals, or pathogenic materials into the environment in contravention of environmental protection regulations*” is only fined VND 5,000,000 to 10,000,000.¹⁷⁸

- Some regulations are still unreasonable and inconsistent, like the problem of handling violations of noise pollution. In Decree 155/2016/ND-CP,¹⁷⁹ the identification and sanctions of excessive noise must be based on the results of sound measurements made by government agencies.¹⁸⁰ However, only government agencies that are a part of a special environmental department may handle noise pollution violations. In addition, this department finds it difficult to access information from the community and handle these

¹⁷⁴ The 2017 Law on Forestry; The 2013 Land Law; The 2017 Law on Fisheries; The 1993 Law on Petroleum (amended and supplemented in 2008); The 2012 Law on Water Resources; The 2010 Mineral Law; The 2010 Law on environmental protection tax in; The 2014 Law on Housing; The 2020 Youth Law; The 2017 Law on Tourism; The 2004 Electricity Law; The 2004 Law on Inland Waterway Traffic; The 2014 Construction Law; The 2001 Law on Cultural Heritage; The 2001 Law on Fire Prevention and Fighting (amended and supplemented in 2013); The 2008 Law on Road Traffic; The 2013 Law on Natural Disaster Prevention and Control; etc.

¹⁷⁵ Decree 155/2016/ND-CP for penalties for administrative violations against regulations on environmental protection

¹⁷⁶ Approximately 221 USD to 310 USD.

¹⁷⁷ Decree 167/2013/ND-CP regulating the sanction of administrative violation in social security, order and safety, prevention and fighting of social evils, fire and domestic violence

¹⁷⁸ See clause 1, Article 19, Decree 155/2016/ND-CP.

¹⁷⁹ See Decree 155/2016/ND-CP, Article 17 stipulating levels of fine based on sound levels exceeding technical standards.

¹⁸⁰ See Decree 155/2016/ND-CP, Article 7 stipulating levels of fine based on sound levels exceeding technical standards, stipulating the “use of technical means and equipment in detecting, sanction administrative violations in the field of environmental protection”.

violations in a timely manner. On the other hand, Commune People's Committees could handle these violations capably, but they do not have proper equipment to measure sound level or authority to sanction violators.

In Decree 167/2013/ND-CP, Commune People's Committees and functional agencies can only make general determinations that violators are creating noise pollution. Violators receive simple warning or small fines ranging from VND 100,000 to 300,000.¹⁸¹ Such fines are too light. In addition, fines for noise violations are only levied between 10 p.m. to 6 a.m. the next day. This causes a delay in handling violations, and the light fine is not enough of a deterrent.

In life, any noise has an effect on human health and psychology. A right to peace and quiet should be protected at all times. The current regulation of penalties on noise pollution based on noisy level and time is unreasonable and does not keep up with the standards of modern civilized life. At all times, people need peace and quiet to study, work, and recuperate.

- In fact, the obligation to protect the environment should not only be negative obligations like not littering, not destroying forests, or not dumping waste without recycling. This obligation should also involve positive obligations like picking up trash, planting trees, and afforesting. The current law on environmental protection does not really pay much attention to these positive obligations.

Although human obligations to protect the environment are clearly stipulated in the 2013 Constitution and many other legal documents, individuals still continuously and intentionally violate the legal obligation to protect the environment. The results of the sociological survey, Question 28 - Figure 8 - Appendix 2, shows that 85.89% of Vietnamese citizens believe that the obligation to protect the environment is the most frequently violated obligation. As a matter of fact, environmental obligations are often violated by deforestation, hunting and trading wild and rare animals, littering in public places, and dumping waste illegally.

In the report on Working on Environmental Protection in 2019 sent to National Assembly representatives, the government revealed some statistics on environmental violations. The Ministry of Public Security detected 26,640 environmental law violations among 26,471 organizations and individuals. The Department transferred those violations to the investigating police agencies to prosecute 375 cases and 670 subjects. They sanctioned administrative violations of 21,889 cases and collected over VND 308,948 billion in fines. The local authorities were also firmly directed to strengthen inspections, investigations, prevention, and control of environmental crimes and to handle violations of the law on environmental protection. Specifically, in Quảng Ninh, the Provincial People's Committee, its departments, and agencies inspected and sanctioned administrative

¹⁸¹ See Article 6, Decree 167/2013/ND-CP.

violations on environmental protection for 417 organizations and individuals. In Bắc Giang, the provincial government sanctioned 73 companies. In Hà Nội, the capital of Vietnam, the government handled administrative violations of 731 companies in just the first six months of the year.

We can see that the violations of environmental law listed above were mainly due to big construction companies and manufacturers who caused serious environmental pollution, and so were inspected and fined by the appropriate agencies. The violators in these cases were usually companies, and they have legal licenses. Less serious violations involve individuals who litter or dump waste. These violations are often not supervised, fined, or handled. Therefore, we believe that in reality, the number of individuals who violate the human obligation to protect the environment is huge.

The issue of the environment is an annoying problem in Vietnam. This problem is caused by urbanization without planning, and it is also caused by the shift from agricultural production, which is closer to nature, to industrial production, which is farther from nature. Production, business, and the activities of daily life generate hazardous waste, water pollution, air pollution, and noise pollution. These negatively affect Vietnam's environment, while both government agencies and citizens do not fulfill their obligations to protect the environment. Many citizens ignore the country's benefits and future generations' benefits to get their own benefits. They do not want to pay a high cost for their fulfillment of obligations to environmental protection. Agencies are irresponsible about inspecting and supervising the fulfillment of obligations to environmental protection. They may not be capable of doing their jobs, or perhaps they ignore to fulfill their duties because they are more interested in their own benefits.

iv. Obligations to comply with regulations on disease prevention, medical examination, and treatment

Besides the recognition that *“Everyone has the right to have healthcare and equality in medical services,”* the 2013 Constitution also stipulates, *“Everyone has obligations to comply with the regulations on disease prevention, medical examination and treatment,”* in Clause 1, Article 38. Compared with the obligations stipulated in Article 61 of the 1992 Constitution, the obligations stipulated in Article 38 of the 2013 Constitution present two amendments: *Firstly*, the subject of obligations is changed from the word “citizen” to the word “everyone”. *Secondly*, the content of obligations is expanded. The obligations to observe the regulations on public hygiene and disease prevention have expanded to include regulations on medical examination and treatment.

The current regulations which recognize that human rights accompany human obligations to disease prevention, medical examination, and treatment create an important legal basis to develop and complete legislative documents in the medical field.

Simultaneously, these regulations raise the sense of responsibility that everyone's fulfillment of obligations ensures the health of individuals and the community.

Obligations to comply with the regulations on disease prevention, medical examination, and medical treatment are specified and regulated in many legal documents:

- The 1989 Law on the Protection of People's Health
- The 2006 Law on Prevention and Control of Viral Infections that cause Acquired Immunodeficiency Syndrome (AIDS), amended and supplemented in 2020
- The 2007 Law on Prevention and Control of Infectious Diseases
- The 2008 Law on Health Insurance, amended and supplemented in 2014 and 2018
- The 2009 Law on Medical Examination and Medical Treatment
- The 2016 Law on Medicine

Besides the positive effect of these legal regulations on the medical field, the process of implementing regulations on disease prevention, medical examination, and medical treatment still contains shortcomings and problems.

Firstly, the sanctions for violating these regulations are not a sufficient deterrent and they are not commensurate with the danger that these violations cause to society. Article 240 of the 2015 Criminal Code, amended and supplemented in 2017, currently stipulates criminal prosecution for individuals who evade medical isolation measures and spread the disease to others. Article 11 of Decree No. 117/2020/ND-CP decrees that anyone who evades medical isolation but does not infect others is only penalized for administrative offences.

These regulations are clearly unreasonable because evading isolation and medical treatment can still cause very serious consequences to society, even it does not spread disease to others. For instance, many people evading isolation during the COVID-19 pandemic have made the government spend budget monies by monitoring, tracing, zoning, and testing all who have contacted them. The citizens who violated COVID-19 lockdown orders caused difficulties to everyone who lived nearby. These violations also negatively affected the country's security and socio-economy. People who violated COVID-19 restriction must be forced to comply with health regulations, and they must be prosecuted for criminal liability to protect the community's health and safety.

Secondly, although fulfilling the obligation to protect public health is specified in many legal documents and instructions, violating these regulations is extremely common. Specifically, these documents regulate the obligation to protect public health as follows:

- In activities of health treatment, violations of individual responsibility remain complicated; among them, violations of health insurance are noteworthy. Some violators take advantage of the provider network by using their health insurance cards to go to multiple hospitals on the same day, or by going to hospitals many times a month in the coverage areas. Others borrow someone else's health insurance cards or use a deceased

person's health insurance card to get health care for free.

- In activities of disease prevention, there appears subjectivity in lack of sense of law, which even has a sign of criminals. There are many individuals who violate their responsibility. This negatively affects the management of disease prevention and control, and it also violates the community's safety. For example, during the COVID-19 pandemic lockdown, many individuals violated regulations by making false medical declarations, failing to make appropriate declarations, failing to observe quarantines, refusing or evading isolation application, failing to protect themselves and others by refusing to wear a mask in public, disposing of used masks improperly, committing illegal immigrations to avoid medical declaration, threatening officials in charge of epidemic prevention and control, manufacturing and trading counterfeit medical supplies that are necessary to control and prevent disease, and misrepresenting information about epidemic, which causes much confusion and instability in the community.

Vietnam's traditional herbal medicines are used to treat disease and have become so popular that many countries in the world also use these treatments. However, current medical treatments and exams only embrace Western modern medicine while discouraging the use of traditional medicines. Vietnam should adopt laws that encourage traditional Vietnamese herbal treatment to be developed and used for medical examinations and treatments. China considers herbal medicines its national property. Anyone who disregards herbal medicine must be fined.

v. Obligations to education

Article 39 of the 2013 Constitution stipulates, "*Citizens have the right and obligation to study.*" This regulation is reasonable and necessary because learning is important for citizens to improve their knowledge and value. Learning also contributes to the construction and development of the country. It is said that "*People who are uneducated are unreasonable.*" V.I. Lenin asserted, "*An illiterate person stands outside of politics.*"¹⁸² President Ho Chi Minh said, "*An ignorant nation is a weak nation*".¹⁸³ Therefore, every member of society must have the obligation to study, create, and accumulate as much knowledge as possible dependent upon individual ability and circumstances.

To specify regulations on obligations to education in the constitution, the 2019 Law of Education stipulates, "*All citizens within the specified age shall have the obligation to study to perform universal education and to complete compulsory education,*" in Clause 3,

¹⁸² Nguyễn Tiến Nghĩa (2018), *Chuẩn mực đạo đức của người đảng viên Cộng sản trong di sản lý luận của V. I. Lênin về xây dựng Đảng* [Ethical standards of Communist Party members in the theoretical legacy of V. I. Lenin on Party building], Communist Party Of Vietnam Online Newspaper. Website: <<https://tulieuvankien.dangcongsan.vn/c-mac-angghen-lenin-ho-chi-minh/v-i-lenin/nghien-cuu-hoc-tap-tu-tuong/chuan-muc-dao-duc-cua-nguoi-dang-vien-cong-san-trong-di-san-ly-luan-cua-v-i-lenin-ve-xay-dung-dang-3186>>, accessed 28 July 2021.

¹⁸³ Hồ Chí Minh: *Toàn tập* [Hồ Chí Minh's Complete Works] (2011), *ibid*, Vol. 4, p. 7.

Article 14. In addition, the 2019 Law of Education also stipulates learners' obligations in Article 82: learners should *study and practice as required by their educational program; observe the plan and code of conduct of their educational institutions; respect teachers, officials and employees in their educational institutions; help others learn and train to promote unity; comply with the rules and regulations of their educational institutions; comply with the provisions of the law; participate in labor, social activities, and environmental protection activities appropriate to one's age, health and capacity; preserve and protect the assets of their educational institutions; and contribute to building, protecting and promoting the traditions of their educational institutions.*

The government constantly oversees education's needs by doing things such as building durable and modern schools, which creates opportunities for its citizens to fulfill their educational rights and obligations. Many local governments build boarding schools for children of ethnic minorities and provide them with free meals and study expenses. However, we also found that the regulations on educational obligations and the enforcement of these obligations have many limitations as follows:

Firstly, the constitution stipulates that citizens have the right and obligation to study, but in 2019, the law's approach on education is more inclined to consider the right to study than the obligation to study. This shortcoming makes people misunderstand that study is a right, not an obligation. During a sociological investigation, we found that up to 35.18% (Question 2 - see Figure 7, Appendix 2) of people do not know that the 2013 Constitution stipulates the obligation to study.

Secondly, Clause 2, Article 61 of the 2013 Constitution clearly states, "Ensuring primary education is a compulsory requirement." Article 14 of the 2019 Law of Education stipulates that all school-age children have obligations to study, to attend middle school and secondary school, and to complete compulsory education at the primary level. However, this regulation creates a very low standard compared to modern society's educational requirement and level of human development.

Thirdly, the 2019 Law of Education does not stipulate that learners must make an effort to study, accumulate knowledge and skills, and use this knowledge effectively to contribute to their homeland.

Fourthly, Clause 4, Article 14 of the 2019 Law of Education stipulates, "Families and guardians are responsible for creating opportunities for family members of the specified age to study." However, the current law on education does not stipulate prosecution for violations such as truancy. This leads to truancy, and nobody is responsible for that, even family members are never held legally responsible for a child's truancy.

The limitations of current education law mean that citizens are not obligated to study, and this causes many problems that need immediate resolution. It is especially concerning

that truancy is becoming more and more common everywhere. The General Statistics Office performed a national census population and housing investigation in 2019 which showed that the nationwide truancy rate has grown by 8.3%. The rate of truancy is higher for each level of education: at the primary level, one out of every 100 children does not attend school; in middle school, seven of every 100 children do not attend school; and in high school, twenty-six of every 100 children do not attend school.

We should change the concept of the “obligation to study” into the “obligation to education,” and it should be included in both teaching and learning. Each student’s abilities to learn is individual. Even when taught the same lesson at the same time, some students completely comprehend the lesson while others cannot. The education system has a responsibility to ensure that all students understand lessons even though their abilities are different. We need to invest more in quality teachers, build good curricula, and make teaching flexible enough to help all children achieve the highest educational performance.

vi. Obligations to abide by the constitution and the law and to respect others’ rights

The law is the most important way to regulate human behavior to maintain social order and to protect the interests of individuals, organizations, and the country. To create a legal basis for everyone to obey the law, the 2013 Constitution stipulates as follows:

- *Everyone has obligations to respect others’ rights*, as recorded in Article 15
- *Citizens shall fulfill obligations towards the state and society*, as recorded in Article 15.
- *Citizens have obligations to obey the constitution and the law, to participate in the protection of national security, social order, and safety, and to observe the rules of public life*, as recorded in Article 46.

Particularly for foreigners, Article 48 stipulates:

- *Foreigners residing in Vietnam shall abide by the constitution and laws of Vietnam.*

These regulations are meant to direct human thinking toward the fulfillment of obligations.

Besides the key obligations in the constitution, there are many more detailed obligations in the laws that need to be strictly observed. If citizens fulfill all obligations, society's resources will be developed, social order will be stabilized, and human rights will be guaranteed. On the contrary, if all obligations are not strictly fulfilled, then the interests of citizens, nations, and the world will be severely affected.

Vietnam is a country that was dominated for thousands of years. During these times, the Vietnamese nurtured a sense of resistance to the invaders’ law. The habit of disobeying the law has been ingrained in Vietnam’s subconscious. Many Vietnamese tend to find any way to evade the law. They try to find any loopholes, defects, or limitations of the law to

violate it whenever they can.¹⁸⁴ Although noncompliance with invaders' laws was common for thousands of years, the current laws express the people's will, and in time, the Vietnamese will learn to strictly obey the constitution and the law. Currently, violations of Vietnamese law are quite common and troublesome.

In 2019, the data from the Office of Fighting against Crime provided by the Ministry of Public Security indicated 49,766 crimes of social order in the nation. Of these crimes, the authorities solved 40,774 cases, which accounts for 81.93% of all reported crimes. They arrested and managed 80,151 subjects and eradicated 2,245 groups of gangs. Across the country, there were 14,356 economic crimes and 22,814 drug-related crimes.¹⁸⁵

For administrative violations, the 2018 final report of the Ministry of Justice concerning the implementation of the Law on the Handling of Administrative Violations No. 09/BC-BTP indicated that nationwide, from the beginning of 2014 to the end of June 2017, there were 36,789,227 cases of administrative violations. The total number of sanctioned cases is 28,493,927 cases, and this accounted for 77.45% of violations. The total recorded number of subjects with administrative violations was 105,940. Of these violations, 89,991 subjects committed an administrative violation, which accounted for 85% of all violations. Among these, 46,488 subjects were sent to be re-educated in communes, wards, or towns, while 43,423 subjects were sentenced to administrative handling according to the court's decision, and 6,637 juveniles were sentenced to management at home. In 2019, there were 4,296,712 traffic safety violations nationwide. These violations were processed, resulting in the collection of VND 2,780.99 billion in fines and the temporary seizure of 644,250 cars and motorbikes.¹⁸⁶

Juvenile delinquents are a serious worry. From 2006 to 2018, Ministry of Justice statistics showed that on average, 8,300 juvenile delinquents committed crimes each year. In addition, about 13,000 juveniles are processed with administrative and criminal violations each year.¹⁸⁷ From the age of 14 - under 18, juveniles are completely capable of committing the same crimes that adults commit because they are healthy enough at that age. However, the law supposes that juveniles are not fully capable of understanding the difference between right and wrong, so the law does not assign the same legal responsibility to the juveniles that it assigns to adults. This makes the juveniles count on their age to commit crimes. For example, Lê Văn Luyện committed murder when he was 17 and therefore not old enough to

¹⁸⁴ Assoc. Prof. PhD. Nguyễn Minh Đoàn (2011), *Ý thức pháp luật* [Legal Consciousness], National Political Publishing House, p. 122.

¹⁸⁵ Editorial Board of the Ministry of Public Security (Vietnam) (2020), *Công bố số liệu thống kê năm 2019* [Announcement of Statistics in 2019], The electronic portal of the Ministry of Public Security (Vietnam), website: <<http://bocongan.gov.vn/tin-tuc/bo-cong-an-cong-bo-so-lieu-thong-ke-nam-2019-t27900.html>>, accessed February 27, 2021.

¹⁸⁶ Editorial Board of the Ministry of Public Security (Vietnam) (2020), *ibid.*

¹⁸⁷ Ministry of Justice (Vietnam) and UNICEF (2019), research report: The child justice legal framework and situation of minors in conflict with the law in Vietnam, p. 64.

receive the death penalty. Criminal organizations or gangs take advantage of this loophole to hire juveniles to transport drugs, murder, steal, or to pickpocket.

Violations of obligations to observe the law have a negative impact on all aspects of people's lives and these violations destabilize society. In fact, current violations of the law in Vietnam are becoming more troublesome because violators are becoming more conniving in order to hide their violations and escape the authorities. This phenomenon is a pressing problem that also affects the economy, society, security, and culture, and it causes much pain in society.

The government and society of Vietnam have used many different methods to force people to fulfill their obligations to observe the constitution and the law, such as educating citizens about the law, disseminating the law, and teaching citizens to respect the law. They also assign serious consequences for those who break the law, such as strict regulations and sanctions, and they prevent and fight against violations of the law. The efforts of the party's members, government, unions, and organizations in society combined with the efforts of schools and families are focused on building a new lifestyle, directing citizens to obey the law, and creating cultural families and villages. These efforts have a significant effect upon citizens' habits of self-discipline, respect, and observance of the law. The obligation to obey the constitution and the law is becoming a reality in Vietnam. In some cases, people violate the law without intent, because of their circumstances and because the local government cannot secure people's interests. For example, local governments often delay issuing land licenses or land allocations to local people or the way that local authorities force people to be quarantined against the epidemic is too extreme; and implementations of sanctions are unreasonable and unfeeling.

3.3. Comments and a general assessment of human responsibilities in international law, and Vietnamese law and outlined issues

3.3.1. Comments and a general assessment of human responsibilities in international law

3.3.1.1. Advantages and limitations of the provisions on human responsibilities in international law

Besides regulations on human rights, international law also mentions a number of human *responsibilities*. This is a great effort of subjects who build international law in a context that human rights are awfully prioritized. The fact that international law prescribes a number of important human *responsibilities* serves as a basis to recommend these *responsibilities* to many countries, that they should recognize, regulate, and internalize human *responsibilities* in their national laws.

Thanks to this effort made by many international organizations, and thanks to the activities of many individuals and countries all over the world as well, human *responsibilities in international law* are respected and fulfilled more and more effectively.

On the other hand, the regulations and implementation of human *responsibilities* in international law also have certain limitations as follows:

Firstly, current international law is suffering from an imbalance between rights and responsibilities, and the principle of inseparability between rights and responsibilities is not fully expressed. (See Appendix 7 and 8 for details.) While human rights are regulated systematically and in detail, human obligations are too little, undetailed, vague and incoherent. Many human rights do not correspond with human obligations to ensure the principle of inseparability between rights and obligations. Most documents only recognize negative obligations, such as obligations to limit one's rights and respect others' rights and communities' interests. Those documents show a lack of **positive obligations**, such as the obligations to pay taxes, to protect the environment, and to contribute to the development of the community. Many documents have no clear recognition of human obligations.¹⁸⁸

*Secondly, the subjects of obligations in international law are **individuals** that are not clearly defined or properly emphasized.* In fact, obligations must be fulfilled by citizens because the citizens are those who create the main resources for the country, and governments only coordinates the rights and obligations of their citizens. Governments cannot provide rights for their citizens by themselves. Meanwhile, international law tends to attribute the responsibility to ensure rights for the people to governments, but international law's regulations concerning the obligations of people are insufficient. This leads to the misunderstanding that citizens think their governments ought to provide them with rights. Because of this misunderstanding, citizens rely on the government's support and then claim unreasonable and extreme rights.

Thirdly, the human obligations listed above are only suggested and recognized, mostly in the ADRDM, but they are not seen much in important regulations of international legal and normative treaties. For example, human obligations are mentioned in an explicit provision, Article 29 of the UDHR, but in the two conventions of 1966, directed by the UDHR, human obligations are generally just stated in the Preamble. In another example, ten articles from the ADRDM, Article 29 to Article 38, contain many provisions on human obligations, but when this document developed into the 1969 American Convention on Human Rights, as directed by the ADRDM, these references to human obligations were not preserved. Only Article 32 refers to human obligations.

Fourthly, most documents emphasize that the enjoyment of rights and, especially, freedom create human dignity. However, creating human dignity depends on key factors:

¹⁸⁸ For example the Charter of the United Nations; United Nations Declarations: on the Eradication of Hunger and Malnutrition in 1974, on the Right of Peoples to Peace in 1984, on the Right to Development in 1986, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind in 1975; Convention on the Political Rights of Women 1952, Convention on the Rights of the Child 1989, the Charter ASEAN 2007, Vienna Declaration and Programme of Action 1993, United Nations Millennium Declaration in 2000, etc.

a sense of responsibility and contribution to the community.

Fifthly, because international law pays little attention to human obligations, there is no mechanism that promotes the supervision of fulfilling human obligations in international law; moreover, there are no educational methods that teach people the sense of responsibility for life or the goodwill to contribute to the community.

The limitations of international law concerning the regulations on human obligations have led to limitations of the implementation of human obligations in the constitutions and laws of many countries. These limitations are outlined as follows:

Firstly, most current constitutions more or less recognize human obligations such as defending the fatherland, being loyal to the fatherland, fulfilling military service, complying with the law, paying taxes, protecting the environment, taking care of one's health, working, studying, and respecting others' legitimate rights - interests. However, no current constitutions fully stipulate all of these obligations. For example, the Russian Constitution and the Polish Constitution do not stipulate labor obligations, the Japanese Constitution has no obligation to observe the law, and the Chinese Constitution does not have an obligation to protect the environment. (See Appendix 5 and 6 for details.)

Secondly, current constitutions contain an imbalance in the relationship between rights and obligations. Human rights are more prominently regulated than human obligations. The ratio between rights and obligations in many constitutions are shown as follows:

- The Russian Constitution is 43 - 8
- The German Constitution is 23 - 3
- The Japanese Constitution is 28 - 4
- The Polish Constitution is 38 - 7
- The Korean Constitution is 28 - 5

This real imbalance stems from at least three reasons. Firstly, it is influenced by the world's tendency to favor human rights. Secondly, governments champion human rights most because they know that citizens would rather vote for those who promise more human rights instead of those who ask them to fulfill more obligations. Thirdly, this imbalance is deeply influenced by international documents, especially by the Universal Declaration of Human Rights (UDHR) in 1948.

Thirdly, the subjects of the obligations stipulated by current constitutions are "citizens" rather than "people" or "everyone." For instance, the Korean Constitution, the Laos Constitution, and the Zimbabwe Constitution only stipulate obligations on "citizens."

Fourthly, many existing constitutions do not have provisions on human obligations at all, such as the United States Constitution, the South African Constitution, and the Malaysian Constitution.

3.3.1.2. *Causes of imbalance between human rights and human obligations in international law*

Firstly, the history of the birth of the International Human Rights Law. International human rights law was formed after World War II. The war caused the most devastating and tragic consequences in human history. Soon after the war ended, the United Nations was established. With a mission to restore and maintain human peace, the United Nations called for an urgent rebuilding of human rights, human fundamental freedom, and human dignity. That is the reason why many documents on human rights are created with specific provisions on human rights. The most important documents on human rights are the 1945 Charter of the United Nations, the 1948 UDHR, and the ICCPR and the ICESCR in 1966. After that, many international declarations and treaties on human rights at both global and regional levels were created, most of which used the abovementioned documents as the standards to develop their own provisions.

In particular, the UDHR is the first universal document on human rights, but the content of the UDHR demonstrates a serious imbalance in the relationship between rights and obligations. The declaration includes thirty articles, but only Article 29 stipulates human obligations. Moreover, Article 29 is put near the end, even though it is meant to be progressive content, a balanced and rational ruling of the UDHR. Its position at the near end causes the misunderstanding that Article 29 (on human obligations) is not as important as the upper articles (on human rights).¹⁸⁹ This situation affects the spirit, content, and form of recognition in most international declarations and treaties on rights. It also influences the charters and treaties on rights at the regional level, and it continues to affect the constitutions of nations.

Secondly, the reasoning and lifestyle of cultures that favor human rights have existed for decades, causing lawmakers to delay supplementing human obligations in national and international laws, even though many individuals and organizations call for enhancing the role of human obligations in the law.

Thirdly, many scholars' incorrect opinions contribute to development of legislation on human obligations. These scholars believe that although international human rights law mainly stipulates rights, it implies individuals' rights accompanying human obligations, so it is unnecessary to specify detailed obligations. Actually, these opinions are unreasonable because of the following points:

- Laws are orthodox and universal rules of conduct. The contents of the law must have a unified interpretation. The interpretation of the law must be detailed, clear, universal, and simple; it cannot be implied to avoid misunderstanding.

¹⁸⁹ See PhD. Eric Robert Boot (2015), *ibid*, p. 110-114; Gudmundur Alfredsson and Asbjørn Eide (Chief editor), Lã Khánh Tùng and Vũ Công Giao (revised) (2011), *The Universal Declaration of Human Rights: a common standard of achievement*, Labor and Social Publisher Company Limited, pp. 41-44 and pp. 656-672.

- If an obligation in the law is implied, then it would be difficult or even impossible to invoke its content in practice. Legal professionals can easily understand the meaning of obligations, but common people cannot.

- International law is the standard that all countries can rely on and internalize into provisions of national law. The fact that obligations in international law are defined meagerly and insufficiently affects the legal content of many countries, causing an imbalance between rights and obligations in those nations' constitutions.

- If obligations are implied, is the subject of obligations and the subject of rights the same person or a different person? If the subject is the same person, then it is true that rights and obligations coexist. However, if the subjects of obligations and the subjects of rights are different people, then rights and obligations do not coexist because the beneficiaries' responsibilities are not specified. Unclear, insufficient, and ill-defined provisions for obligations are a big mistake.

Thus, some contents on human obligations are recognized in the law, but in general, international law and many national constitutions contain an imbalance between rights and obligations. This imbalance causes many bad consequences, identifying many problems that need to be quickly considered, adjusted, and resolved.

3.3.2. Comments and a general assessment of human obligations in Vietnamese law

Regarding regulations, we have found that the regulations of human obligations in Vietnamese law has some advantages as follows:

Firstly, the 2013 Constitution stipulates most of the important human obligations: to defend the fatherland, to fulfill military service and participate in building a national defense of all citizens, to be loyal to the fatherland, to pay taxes, to protect the environment, to comply with regulations on disease prevention, medical examination, and treatment, to study, to respect others' legitimate rights - interests, and to observe the constitution and the law.

Secondly, Clause 1, Article 15 of the 2013 Constitution states that, "*Citizens' rights are inseparable from citizens' obligations.*" This clearly demonstrates the principle that rights accompany obligations for citizens. This is a correct principle that ensures a balance in the relationship between civil rights and civil obligations, and it ensures a balance in the relationship between rights to enjoy and obligations to contribute.

Thirdly, the 2013 Constitution's principle that rights are inseparable from obligations is included in most current law documents, which direct that rights accompany obligations and ensure that an individuals' enjoyment of rights must accompany the individual's fulfillment of obligations.

Fourthly, Vietnamese law defines human obligations more completely and with more detail than international law. Vietnam's law clearly demonstrates the principle that rights are inseparable from obligations.

Besides these advantages, the regulation and implementation of human obligations in Vietnamese law also have some limitations as follows:

Firstly, although Chapter II of the 2013 Constitution contains provisions on human obligations, the title of this chapter is named “*Human Rights, Citizens’ Fundamental Rights and Obligations*” without indicating that human obligations correspond to human rights. In addition, the 2013 Constitution stipulates the principle that rights are inseparable from obligations but narrows down the entities to “citizens,” not “people.” Many human rights do not correspond with human obligations. This reduces the importance of the meaning of the relationship between human rights and human obligations.

Secondly, the presentation of thirty-six articles stipulating human rights and human obligations in Chapter II of the 2013 Constitution includes twenty-seven articles regulating rights, four articles regulating obligations, and five articles regulating both rights and obligations. Thus, the provisions of rights prevail over the provisions of obligations. Moreover, when rights and obligations are expressed in the same articles in the law, most provisions of obligations are second to provisions of rights.

Thirdly, the 2013 Constitution does not stipulate *obligations to work*. This obligation is significant because it creates society’s material and spiritual values. This obligation also creates society’s resources and improves people’s quality of living, which contributes to the development of the country.

Fourthly, the 2013 Constitution stipulates people’s obligations to protect the environment in Article 43, but the very important obligations to afforest and protect forests are not specified.

Fifthly, Clause 3, Article 15 of the 2013 Constitution stipulates, “*Citizens shall fulfill their obligations toward the government.*” This regulation is unreasonable as it considers citizens and government as two different subjects that are opposite to each other’s interests. In other words, citizens must fulfill their obligations to the government in the same way they would serve rulers. This is inappropriate to a democratic society and to a constructivist state. We can rephrase this to be more precise and reasonable: “*Citizens have a responsibility to support the government in running the country.*” The solution section in Chapter IV of the thesis will discuss more about this issue.

Sixthly, many provisions on obligations in legal documents overlap, are inconsistent, are insufficiently deterrent, and cause the difficulty of implementation of human obligations in reality.

For the fulfillment, we can see that Vietnamese law has a mechanism that completely ensures and promotes the implementation of human obligations by a combination of legal mechanisms and social mechanisms. However, individuals do not seriously fulfill their human obligations. Violations of the law on human obligations are still complicated, and

they happen in many conniving ways such as evasion, a lack of restraint, as a screen for crimes, and with the pretense of ignorance. Moreover, the number of violations that are detected and prosecuted is still not proportional to the actual number of violations. This is due to many different reasons.

The PhD postgraduate finds that there are two kinds of basic causes affecting the fulfillment of obligations: external objective causes and subjective causes derived from human psychology and perception.

i. Objective causes

Firstly, the legal mechanism for handling violations of human obligations has many limitations

- There is a lack of quality of the authorities, and their staff lacks professional expertise. Therefore, inspection methods and sanctions encounter many difficulties, resulting in many cases of evading the fulfillment of legal obligations.

- Sanctions are not strict. Punishments are not strict enough to deter violators, so they disregard the law. The results of the sociological survey supporting this thesis show that up to 63.43% of the respondents think that sanctions for violations of human obligations are not satisfactorily resolved (Question 29, Figure 9, Appendix 2). For example, violations of military service are mainly administratively sanctioned with low fines. Violators have a maximum fine of only VND 4 million for falsifying the results of health classifications or bribing medical officials and employees to falsify the results of health classifications to avoid fulfilling military service.¹⁹⁰

- A number of legal regulations are not supplemented and amended in time to create a solid legal framework for law enforcement officers to fulfill their missions. For example, strict regulations on standard cameras used to detect administrative violations in Decree 165/2013/ND-CP¹⁹¹ make it difficult for the authorities to manage and sanction environmental violations through cameras. They cannot effectively use recorded images provided by witnesses to fine bad behaviors such as urinating in public and littering.

- Some officials are insensitive, unfeeling and unreasonable when applying the law. They fail to grasp the principle of serving the people's interests in the spirit of the constitution. They cause unnecessary tension when handling cases to scare people, which causes negative psychological effects and reduces the eagerness to fulfill obligations.

Secondly, ignorance of the community influences on fulfilling obligations

Community psychology has a significant influence on people's sense of fulfilling

¹⁹⁰ Clause 2, Article 6 of Decree No. 120/2013/ND-CP on penalties for administrative violations against regulations on national defense and cryptography.

¹⁹¹ See Article 9, Decree 165/2013/ND-CP stipulating the management, use and list of professional technical means and equipment used to detect administrative violations of traffic order and safety, and environmental protection.

obligations because people in that community are likely to imitate each other. Seeing others litter makes neighbors think they can do that too. Watching adults litter makes children imitate them later. One person who evades taxes causes his or her neighbors to evade taxes. A person who cuts down trees causes his neighbors to commit the same crime.

Military service recruitment occurs every year, and every year, some social networking forums show young people how to avoid fulfilling military service. Sadly, many people express their agreement and encouragement, and even their admiration and praise for report of the successful evasion of military service. Others even argue that if everyone else avoids joining the army, why should they fulfill military service?

ii. Subjective causes

Besides these objective causes that reduce the effectiveness of fulfilling obligations, subjective causes derived from human perception and psychology affect the fulfillment of human obligations.

Firstly, individuals' ignorance of the issue of human obligations

- Ignorance of legal obligations

Article 15 of the 2013 Constitution clearly stipulates, “*Civil rights are not separate from civil obligations.*” However, the result of aforementioned sociological survey still records that 21.68% of respondents still claim ignorance or only a vague concept of this regulation. (Question 1 - Figure 6, Appendix 2). For each specific obligation, 31.08% of respondents believe that obligations to defend the fatherland should be voluntary rather than mandatory (Question 5 - Figure 1, Appendix 2); 23.53% of other respondents think that individuals are not responsible for protecting the environment, and that only environmental workers paid by the state are responsible for this obligation. (Question 6 - Figure 2, Appendix 2) It is this ignorance that causes irresponsibility toward community, the avoidance of military service, environmental pollution, and tax evasion. Such ignorance is prejudicial to the community' interests.

- Ignorance of the meaning of the fulfillment of obligations

Each person's awareness of the meaning of fulfilling obligations greatly affects the degree of fulfillment. There are **four levels of awareness and five degrees of the fulfillment of human responsibilities.** (Section 2.4.2.1) Without this awareness, people do not have any motivation to voluntarily fulfill obligations. If they do fulfill obligations, it is because they fear legal sanctions; therefore, their obligation is not effectively fulfilled.

For example, many individuals violate the law on the environmental protection when they litter or cut down trees because they are ignorant about their obligation to protect the environment, and they are ignorant about the ideal to preserve a green planet. Ignorance of the meaning of obligations to fulfill military service, and the ideal of defending the

fatherland causes many to avoid fulfilling military service.

Secondly, negative psychology is a barrier to fulfilling obligations

Besides the limitations of awareness, negative psychology is also an invisible barrier in the process of the fulfillment of human obligations. Some of the negative psychology is mentioned as follows:

- Selfish psychology

Because of self-centered instincts, people tend to take as many benefits for themselves as possible without caring about the community's benefits. Everyone feels happy when being served and satisfied. Contrarily, when they have to fulfill their obligations, they are strained to do fulfillment, or they find a way to refuse their obligations. Professor Nguyễn Minh Đuan says, "*Organizations and individuals tend to enjoy rights and freedom that bring most benefits, while they do not want to fulfill their obligations or legal responsibilities.*"¹⁹² For example, to enjoy the rights of living in a happy family, each member in that family must fulfill their responsibilities to love, to take care each other, and to protect their family from troubles. Many spouses, however, are selfish to their partners; they consider their own needs as the priority without regarding their spouse's needs. Each individual also has an obligation to pay taxes. Many individuals know that taxes are particularly important as revenue to ensure the national budget, but they do not want their income to be diminished, so they do not volunteer to pay taxes or they even avoid paying taxes. This is why tax fraud keeps happening.

- Lazy psychology

Being too lazy to work and exercise is a big obstacle to fulfilling human obligations. People who are too lazy to work or exercise are also too lazy to think. Fulfilling obligations requires much effort and thought. Everyone should figure out how to contribute to society most effectively. For example, to fulfill the obligation to protect the environment, each individual or household only needs to spend a little time sorting waste as recycling or trash to contribute to the protection of the environment. Unfortunately, many people tend to throw away everything without bothering to sort it or even put it in the proper place. They throw away anything right after they use it. They even do not think about recycling it.

- Psychology of lack of love

An important motivation promoting the fulfillment of obligations is love. Only when people have love can they have a sense of responsibility to dedicate to the community. Lack of love is one of negative psychologies that prevents people from fulfilling

¹⁹² Prof. PhD. Nguyễn Minh Đuan, Nguyễn Minh Đức (2019), *Thực hiện, áp dụng và giải thích pháp luật ở Việt Nam* [Implementation, Application and Interpretation of the Law in Vietnam], National Political Publishing House, Hanoi, p. 28.

obligations. The love spoken here is the love of proper sentiment, which is for family, community, country, ecological environment and humanity.

3.3.3. There are many outlined issues of human obligations in the law

The recognition of human obligations in international law and in national laws, including Vietnamese law, becomes a firm legal basis for the fulfillment of human obligations.

Each individual who fulfills legal obligations creates resources for the development of society. These resources also create human rights for people to enjoy. However, international law and national constitutions recognize rights so much more than they recognize obligations. This imbalance results in the following consequences:

3.3.3.1. Economic recession

The right to receive social security is one of the most basic economic and social rights of human beings, and it is enshrined in the UDHR¹⁹³ and in many other important international documents.¹⁹⁴ This right is a type of social welfare to ensure that all citizens can receive benefits from their government. If these expenditures exceed revenue, then society must bear following consequences:

Firstly, the equality of distribution leads to bad psychology that causes a lack of desire to work. In many countries, people would rather receive social welfare or unemployment benefits than work. People take advantage of this policy of unemployment benefits, increasing the unemployment rate in some countries.¹⁹⁵ The Organization for Economic Co-operation and Development (OECD) reports that about 40% of Europeans of working age do not work but live on government subsidies. These citizens claim reasons such as illness, early retirement, loneliness. They are the citizens who reduce labor productivity, slow the growth of the average income, lower national economic growth,¹⁹⁶ and threaten the revenues of the national budget.

Secondly, an imbalance between budget revenues and expenditures is a big problem for many countries because they must expend a huge amount of money and a large proportion of their GDP for social welfare. To deal with this problem, many countries borrow money from other countries to ensure social welfare expenditures. Increasing loans

¹⁹³ Articles 22, 25 UDHR.

¹⁹⁴ Article 9, ICESCR Convention; Article 26 of the Convention on the Rights of the Child 1989 (CRC); Clause 2, Article 28 of the Convention on the Rights of Persons with Disabilities 2007 (CRPD); etc.

¹⁹⁵ According to data from The National Institute of Statistics and Economic Studies (Institut national de la statistique et des études économiques - INSEE) (France) released on February 14, 2019, France's unemployment rate in the fourth quarter of 2018 was 8.8% (out of the total number of people of working age). In total, there are about 2.5 million French unemployed. Website: <https://www.insee.fr/en/statistiques/3714653>, accessed March 2, 2021.

¹⁹⁶ PhD. Phạm Thị Hồng Điệp (2012), Những thách thức với các nhà nước phúc lợi châu Âu trong thế kỷ XXI [Challenges to European Welfare States in the 21st Century], *VNU Journal of Science, Economics and Business* 28, pp. 60-67.

leads to budget deficits and great public debt. Specifically, some countries with the most comprehensive policies of social welfare in the world are also in the group with the highest public debts to GDP ratio, such as The United States with 126% of their GDP (28,800 billion), China with 55% of their GDP (\$8,200 billion), Japan with 276% of their GDP (\$15,050 billion), German with 88% of their GDP (\$3,300 billion), the United Kingdom with 114% of their GDP (\$3,700 billion), India with 83% of their GDP (\$2,590 billion), France with 121% of their GDP (\$3,260 billion).¹⁹⁷

These countries, when faced with high public debt, are forced to cut public expenditures and increase tax rates so they can have more revenue to pay their debts. These solutions do not guarantee debt settlements, and these countries likely cause new difficulties, such as reducing investments in domestic enterprises, hindering the recovery of the economy, slowing down the overall growth rate, and even pushing the national economy into a serious crisis.

3.3.3.2. Human psychology is negatively affected

The glorification of rights while maintaining an ignorance of corresponding obligations will lead to a life of indifference and irresponsibility. The sense of responsibility requires each person to work hard and to spend time and money earnestly fulfilling obligations. However, some people think that the enjoyment of rights is happiness while the fulfillment of obligations is misery. Therefore, these people prefer to find happiness by demanding rights and avoiding their obligations to reduce hardship.

Today, people's indifference and irresponsibility are very alarming. Many parents do not fulfill their obligations to love and nurture their children; they even reject their own children. Children are unfilial and insolent, and they mistreat their parents in their old age. People are insensitive toward criminal activities in their communities or they ignore victims in need because they fear being deceived or being implicated. School is an educational environment where children are taught good human character, but bullies and fights happen often there, while students become insensitive to the plight of their friends. They even record those scenes and post them on social media for fun. At first, this insensitivity was rare; now it is so widespread that it seems normal.

Consequences will be worse when people do not take responsibility for their country and community. At the first stages of fighting the COVID-19 pandemic, the Vietnamese government paid for all costs related to this disease, including medical care and treatment costs for people infected with COVID-19. However, many individuals not aware of the danger of the pandemic fail to comply with regulations on infection prevention and control from health authorities. They do not declare medical situations to avoid quarantines or they

¹⁹⁷ As of September 26, 2021. See instant national debt data at the website: <<https://www.usdebtclock.org/world-debt-clock.html>>, accessed September 26, 2021.

avoid wearing masks in public. These are irresponsible behaviors for their own health, their family's health, and the community's health. Their irresponsibility reduces the nation's effectiveness in fighting the epidemic and reduces the nation's resources.

Indifference, irresponsibility, and egoism have a negative impact on child psychology. The cultures which favor rights make children, especially European and American children, self-centered. Amy McCready, a parenting expert and author, calls this "The Me, Me, Me Epidemic".¹⁹⁸ Selfishness, ingratitude, and insolence are formed from the concept "What are my rights?" and this damages children's personalities. Many researchers claim that American children rarely feel or express gratitude towards their parents. A journalist working for the Wall Street Journal calls this phenomenon the "entitlement epidemic."¹⁹⁹ This "epidemic" does not only attack American children, but it also negatively affects all children worldwide, causing personality disorder in adulthood.

Another consequence of indifference and irresponsibility is that the world is gradually entering a state of loneliness. That is, people live alone, and they have no help from others, or they give no help to others. They lead lonely lives in the community because they do not care for others, or because they receive no care from others. In the past, only the elderly suffered from loneliness. Today, however, the age of loneliness is getting younger and younger. In some countries, the elderly's loneliness becomes such a serious and pressing problem that the government establishes departments to prevent loneliness in the elderly and to protect the relationships of its citizens.²⁰⁰

The cause that leads to these situations is because of people's failure to take their responsibilities for the community. People should build relationships with others in society while they are serving the community. Those interactions between the people and the community would keep them from loneliness. When people only enjoy rights by demanding their own interests, they reduce interactions with others, causing loneliness later.

Disregarding the fulfillment of human obligations causes many serious consequences to many countries and societies. This makes people indifferent and irresponsible. Eventually, people's morality is broken.

3.3.3.3. *Values of human cultures are lost*

People can make a habit of demanding rights, which leads to a loose lifestyle, the failure of social relationships, and a destruction of the values of human cultures. Teenagers typically develop psychological problems because they are poisoned by the West's promiscuous

¹⁹⁸ Amy McCready (2020), *Avoid raising an entitled child: 5 strategies that really work*, United States television program, website: <<https://www.today.com/parents/avoid-raising-entitled-child-5-strategies-really-work-t44576>>, accessed February 3, 2021.

¹⁹⁹ Hank Pellissier (2015), *Are American children ungrateful?*, United States national nonprofit organization, website: <<https://www.greatschools.org/gk/articles/we-dont-appreciate-the-value-of-gratitude/>>, accessed February 3, 2021.

²⁰⁰ Like UK, Japan, website: <<https://www.asiapacific.ca/asia-watch/tough-job-ahead-japans-new-minister-loneliness>> and <<https://time.com/5248016/tracey-%20crouch-uk-loneliness-minister/>>, accessed March 7, 2021.

lifestyles. In many societies, trends of cohabitation, premarital sex, and a fast-paced love life become popular. The youth do not bother considering the responsibility for their own future and this causes many persistent problems in society. In 2019, there were about 73.3 million abortions worldwide²⁰¹. In Vietnam, there are about 300,000 abortions each year. Statistics say that 20 - 30% of those are unmarried women; 60 - 70 % are students; and 20% are teenagers who have had two abortions by the time they are only 14 - 15 years old.²⁰²

Promiscuity not only affects the youth's lifestyle, but it also destroys the culture of loyalty in the family. Data from the Ministry of Culture, Sports and Tourism in Vietnam shows that there have been 1,384,660 divorces resolved by the court in the past ten years. Adultery accounts for 76.6% of divorces.²⁰³ Recently, it has become common for parents to divorce to free themselves from the responsibility to raise their family, but children are the ones who bear the bad consequences. Without the guidance of their parents, children easily develop personal issues. They are influenced by bad friends, they drop out of school, and they get into trouble. Divorce increases the number of younger criminals.

When children develop a habit of demanding their rights without accompanying obligations, it negatively affects the culture of respect for teachers in schools. Teachers instruct their students in new, interesting, and useful knowledge. To have the knowledge to instruct their students, teachers must work hard to research information and prepare lesson plans. Because of this hard work, all students must express their gratitude and respect for their teachers. The culture of respect for teachers has existed for long and appreciated widely in society. In the third century BC, King Ashoka's teachings carved into stone pillars recognized that "*teachers should be honored by his pupils*".²⁰⁴ However, the concept of entitlement holds that teachers are paid to teach, so they must be responsible to teach well. Students have to pay money to go to schools, so they have the right to receive knowledge. The consequences of demanding rights leads to the perception that education is a fair trade between students' rights and teachers' obligations, and this erases the culture of students' gratitude and respect for teachers.

It is worrisome that students' rights are increasingly emphasized today in schools, but teachers are not allowed to punish students who violate the school's rules or students who criticize teachers in front of the class. That makes students become stubborn; they disobey

²⁰¹ Linked to website: <<https://righttolife.org.uk/news/abortion-was-the-leading-cause-of-death-worldwide-in-2019>>, accessed March 4, 2021.

²⁰² Thanh Mai (2019), *Báo động nạn phá thai ở người trẻ* [Alarming abortion among young people], Nhan dan (People) newspaper, website: <<https://nhandan.com.vn/tin-tuc-y-te/bao-dong-nan-pha-thai-o-nguoi-tre-349344>>, accessed March 3, 2021.

²⁰³ Mai An (2018), *Hơn 1 triệu vụ ly hôn trong 10 năm gần đây có nguyên nhân là bạo lực gia đình* [More than 1 million divorces in the last 10 years are caused by domestic violence], Sai Gon Giai Phong (SGGP) online, website: <<https://www.sggp.org.vn/hon-1-trieu-vu-ly-hon-trong-10-nam-gan-day-co-nguyen-nhan-la-bao-luc-gia-dinh-562012.html>>, accessed February 26, 2021.

²⁰⁴ See Ven. S. Dhammika, *ibid*, MRE II, p. 34.

and disrespect their teachers. According to the rules of psychology, when we respect someone, we will attentively listen to that person. If students disrespect their teachers, they will not carefully listen to their lectures. A current result is that today's students must be worse at study than students were before.

Hospitals are also deeply affected by the habit of demanding one's rights. Eastern culture says, "*A good doctor is like an affectionate mother.*" Doctors take good care of patients, so most patients express their gratitude and respect for their doctors. However, the habit of demanding rights makes people think that healthcare involves a fair trade. They think that patients who pay fees for their treatments should have the right to receive good medical care, and doctors who are paid should have the obligation to treat patients and to take good care of their patients. This thought makes patients disrespect doctors, and it makes them lose their gratitude to doctors, which they should have. We need to understand one thing at this point: money does not cure our diseases, but doctors cure our diseases. Money is just something that repays the kindness of the doctors who heal us. If we have a lot of money, but we do not have a doctor to cure our diseases, then our money is useless.

The sense of responsibility makes people know they should live responsibly, and they should control themselves to preserve the traditional ethics of society. The habit of demanding rights makes people live an immoral life. The whole world needs to consider that this situation seriously affects society and degrades human morality.

3.3.3.4. *Instability of security and politics*

The preamble to the Universal Declaration of Human Responsibilities (UDHRe, 1997) says, "*The exclusive insistence on rights can result in conflict, division, and endless dispute, and the neglect of human responsibility can lead to lawlessness and chaos.*" This declaration's warning about the consequences of demanding rights becomes reality when people take advantage of rights, the freedom of assembly, and the rights of protection to start riots and cause societal unrest. The same problem happens in many countries today.

The largest number of protests in American history happened in June 2020; there were 15 to 26 million protestors after the death of a black man, George Floyd.²⁰⁵ Protesters rioted to set fire to commercial establishments, churches, police cars, and they smashed and looted across major cities. On June 4, 2020, the New York Post reported that in Minneapolis, there were about 220 buildings set on fire and at least \$55 million in damages and stolen property.²⁰⁶ According to Fox News, this protest quickly spread throughout the continents of

²⁰⁵ Spread over 650 cities and 50 states to fight racism in Minneapolis, USA. Refer to the article: *Biểu tình chống kỳ thị chủng tộc lan rộng ở châu Âu và Bắc Phi* [Anti-racism protests spread in Europe and North Africa], Public Security NEWS, website: <<http://cand.com.vn/The-gioi-24h/Bieu-tinh-chong-ky-thi-chung-toc-lan-rong-o-chau-Au-va-Bac-Phi-598171/>>, accessed March 6, 2021.

²⁰⁶ See <<https://www.kare11.com/article/news/local/george-floyd/damage-from-fires-vandalism-in-minneapolis-at-55-million-and-counting/89-09073537-2473-4604-a17c-9fc3b5f3430b>>, accessed March 5, 2021.

America, Asia, Europe, and Australia.²⁰⁷ Rights to protest and the freedom of assembly are fundamental human rights. However, these rights are used by bad people who riot and cause unstable political situations in their countries. There was also a case in which the loser of an election said the election was rigged and raised a protest in an attempt to seize control of the government; the loser thought to take control either way²⁰⁸. This situation should prompt the world to rethink the scope and rationality of these complex rights.

3.3.3.5. *Destruction of the environment*

The world's population is increasing rapidly, which leads to a huge consumption of resources. This pushes our planet into an increasingly serious state of ecological debt. Each year, humans consume 1.7 times more resources than the earth's capacity can provide.²⁰⁹ That results in a shortage of clean water, desertification, soil erosion, a decline in agricultural productivity, a decline in seafood reserves, the depletion of forests, and the disappearance of many species of animals.

To meet the needs of life, people use water for farms, livestock, and industrial products. This high demand is causing 70% of the world's freshwater resources and two-thirds of the world's rivers to gradually dry up.²¹⁰ The forecast shows that by 2030, about sixty countries will face a severe shortage of clean water. Now, around the world, 2.1 billion people do not have clean water, and 4.5 billion people do not have access to safe sanitation.²¹¹ Every year 3.6 million people die from diseases caused by polluted water.²¹² The Food and Agriculture Organization of the United Nations (FAO) warns that by 2025, 1.8 billion people are expected to live in countries or regions with an absolute scarcity of water, and two-thirds of the world's population may be in a state of stress.²¹³ Severe destruction of the environment is an ongoing threat. These problems are caused by exploitation of the environment to provide a comfortable life.

It is extremely alarming that deforestation is becoming more and more serious problem, threatening the life of the planet. Over the past three decades, from 1990 to 2020,

²⁰⁷ See “Xung đột sắc tộc: Mỹ chìm trong vòng xoáy bạo lực” (Ethnic conflict: America sinks into a spiral of violence), *Pháp Luật thành phố Hồ Chí Minh newspaper*, No. 122 (5892), 3-6-2020, p. 16.

²⁰⁸ Tens of thousands of Belarusian protesters on September 6, 2020, marched on the streets of the capital Minsk, calling for President Alexander Lukashenko to resign. Nearly a month after the election, which the opposition accused of rigging, the large-scale protests in Belarus show no sign of abating. See “Người Belarus tiếp tục biểu tình đòi tổng thống từ chức” [Belarusians continue to protest to demand the resignation of the president], *The VietNam Post*, No. 1475, published on September 11, 2020, p. 4, website: <<https://thevietnampost.com/wp-content/uploads/2020/10/SecA-2.pdf>>, accessed June 25, 2021.

²⁰⁹ See <<https://www.footprintnetwork.org/2018/07/23/earth-overshoot-day-2018-is-august-1-the-earliest-date-since-ecological-overshoot-started-in-the-early-1970s-2/>>, accessed March 5, 2021.

²¹⁰ See <<https://ourworldindata.org/water-use-stress>>, accessed March 5, 2021.

²¹¹ See <<https://www.who.int/news/item/12-07-2017-2-1-billion-people-lack-safe-drinking-water-at-home-more-than-twice-as-many-lack-safe-sanitation>>, accessed March 5, 2021.

²¹² See <<https://www.theworldcounts.com/challenges/planet-earth/freshwater/deaths-from-dirty-water/story>>, accessed March 5, 2021.

²¹³ See <<http://www.fao.org/land-water/water/water-scarcity/en/>>, accessed March 5, 2021.

the global forest area has decreased by 178 million hectares; it is equivalent to the area of Libya, and 5.3 times more than the area of Vietnam.²¹⁴ A report based on satellite data from Global Forest Watch indicates that between 2010 and 2020, 257.4 million hectares of green area has been lost worldwide.²¹⁵ That makes billions of people critically endangered. On January 13, 2021, the World Wildlife Fund's report showed a concern that in just the past decade, over 43 million hectares of forest (larger than the area of Germany) disappeared. In 2019, Vietnam's Ministry of Agriculture and Rural Development reported 10,731 cases of violations against forest protection and development, while 2,575 hectares of forest area were damaged. Vietnam is estimated to lose 137 species of plants, animals, and insects because of the deforestation of tropical forests.

It took millions of years for natural resources to accumulate, but fossil energy sources have been so exploited by humans that they cannot be regenerated. The world is in fear of when the oilfields, gasfields and coalfields are exhausted. How will humanity manage to maintain their lives? It is forecasted that the world's resources of oilfields will run out in 50.7 years, the world's resources of gasfields will run out in 52.8 years, and the world's resources of coalfields will run out in 114 years.²¹⁶

Humans do not only exhaust natural resources, but they also burden the earth with bad habits. The habit of using plastic without recycling causes serious environmental pollution. Researchers point out that by 2050, the oceans could contain more plastic than fish by weight.²¹⁷ People's habits of consuming too much energy makes natural resources more quickly depleted. Many big cities worldwide have very high electricity consumption. For example, London can use about 150,000 billion watts per year. This power consumption is equivalent to the combined consumption of Portugal and Greece.²¹⁸ This consumption causes a red alert for humans' excessive consumption of energy.

Until today, the environment is a subject that is badly affected by humans' exploitation of resources. Humans rely on nature to live, but humans do not take responsibility to protect nature at all. The way humans live on is to destroy the earth. If humans continue to do that, then life on earth will end very soon.

We are patriotic and willing to sacrifice our lives to protect the fatherland. How good we are. However, we have another larger place to love, and it is our beautiful planet. We are grateful to the planet for giving us life, and we must also be willing to sacrifice

²¹⁴ See <http://www.fao.org/3/ca8642en/online/ca8642en.html#chapter-executive_summary>, accessed July 28, 2021.

²¹⁵ See <<https://www.globalforestwatch.org/dashboards/global>>, accessed July 28, 2021.

²¹⁶ See <<https://ourworldindata.org/grapher/years-of-fossil-fuel-reserves-left>>, accessed March 5, 2021.

²¹⁷ Sutter JD (2016), *How to stop the sixth mass extinction*, website: <<https://edition.cnn.com/2016/12/12/world/sutter-vanishing-help/index.html>>, accessed April 25, 2021.

²¹⁸ See <<https://tietkiemnangluong.com.vn/tin-tuc/khoa-hoc-cong-nghe/t13297/ban-do-tieu-thu-nang-luong-cua-the-gioi.html>>, accessed December 2, 2020.

ourselves to protect this **“Homeland Earth.”** We must call on all humans to work together to protect the earth and all living species. If all of us do that, we are creating a good future for our children and grandchildren with all the noblest love, and this is the love for this earth. (Maybe, our planet will be a base for UFOs one day.)

In short, the imbalance of the regulations on human rights and human obligations in the law causes people such serious consequences and forces humanity to face great challenges. These challenges become a cause that leads to a movement to require the law to pay more attention to human obligations. It is necessary to supplement and complete human obligations in international law as well as in Vietnamese law.

Sub-Conclusion of Chapter 3

The provisions of international law, in some certain, are applicable to human obligations to a certain extent. The law on human obligations is recognized and accompanied by human rights, which creates an important legal basis for entities to establish legal relations related to human obligations. However, those obligations are not completely finished because individuals are not willing to fulfill their obligations sufficiently, specifically, and conscientiously. The correlation between rights and obligations in the law is still unclear. For decades, international law has shown an imbalance between rights and obligations because obligations have not been paid enough attention. This reality affects the form and content of the institution of rights and obligations in many countries' constitutions. For a long time, the promotion of rights has created a culture of human rights worldwide, causing many bad consequences for humanity. The movement to fight for human obligations has actively taken place since the end of the 20th century, as it is an inevitable result of those consequences. This movement has created many declarations to help people re-evaluate the importance of obligations. However, there has not been a single Declaration of Human Obligations that has convinced enough to be adopted by the United Nations General Assembly.

Although obligations in the Vietnamese legal system contain specific, detailed sanctions, there are still a lot of violations of obligations in reality. This results in damages to society's benefits. This real situation is influenced by strong propaganda for human rights and by people's unawareness of their obligations. In particular, human instincts are selfish, and humans are too lazy to fulfill their obligations. In addition, a number of legal provisions are still incomplete, while sanctions are not serious, and the system of rewards for good behavior is imperfect. Those reasons lead to the result that people do not completely fulfill their obligations, or they violate the law on human obligations. All of the shortcomings listed above are analyzed, explained, and criticized so this premise can introduce recommendations and solutions, which will be presented in Chapter 4.

CHAPTER 4

PERSPECTIVES AND SOLUTIONS TO PERFECTION OF HUMAN RESPONSIBILITIES IN INTERNATIONAL LAW AND VIETNAMESE LAW

4.1. Perspectives to perfect human obligations in international law and Vietnamese law

The situations mentioned in Chapter 3 prove that international law and nations' constitutions stipulate more human rights than human obligations. This favor for rights results in an imbalance between rights and obligations and leads to negative consequences in society. If we want to solve this problem, we should adjust and perfect human obligations in international law and Vietnamese law. This task is urgent and important. In addition to the widely accepted perspective that “*All human beings are born free and equal in dignity and rights*”,²¹⁹ we find it necessary to supplement **another** perspective that says, “*Coming to this world, everyone has the responsibility to make it better, then we together can enjoy the rights and happiness here*”. We can say that this perspective is both the key viewpoint and the most important message that we want to convey in this thesis. Based on this general perspective, we develop three specific perspectives as follows:

Firstly, perfection of human obligations in the law means making human obligations commensurate with human rights

The regulations on human obligations in national and international laws must be adjusted so human obligations are equal to human rights. This is also the principle of inseparability between human rights and human obligations presented in many countries' constitutions. This principle means that people who receive rights are the same people who fulfill obligations (everyone who enjoys rights needs to fulfill obligations in portion to the rights they receive), except for those who are unable to fulfill their obligations.

The fulfillment of obligations helps humans deserve to enjoy their rights. For example, hard workers can achieve good results. This is society's equality. As an example, when writing about the principle of inseparability between rights and obligations, Professor Nguyễn Minh Đoàn points out, “*Citizens who have no rights have no obligations. Citizens who do not fulfill their obligations should not receive rights*”.²²⁰

An important criterion to evaluate the degree of deserving to receive human rights is based on the degree of fulfilling obligations. The more obligations people fulfill, the more rights they deserve to receive. People who fulfill obligations are valuable in their community. A lazy person who does not contribute much to their community cannot receive the same

²¹⁹ Article 1, UDHR.

²²⁰ Assoc. Prof. PhD. Nguyễn Minh Đoàn, chief editor (2010), *Quy chế pháp lý của công dân Việt Nam* [Legal Status of Vietnamese Citizens], National Political Publishing House, Hanoi, p. 65.

rights as those who work hard for their community. However, particular entities such as the disabled, the elderly, and the vulnerable, who are unable to perfectly fulfill their obligations, should receive special opportunities from the government. Depending on their ability, they can still contribute something to society to preserve their dignity in the community.

When the law stipulates rights for people to enjoy, the law must also stipulate obligations for people to fulfill. The resources of society are abundant or depleted depending on how much people fulfill their obligations. People fulfill their obligations to create resources for society, then they can equivalently enjoy rights. The concept that obligations and rights are equal requires that obligations must be equal to rights. That is, people can receive rights in proportion to obligations. A problem occurs when everyone thinks they deserve rights without obligations because society's resources would be exhausted, and society would not develop.

Humanity needs to deeply understand that they should fulfill manifold obligations than they receive rights. This fulfillment of obligations will make up for the consumption of society's resources. This is because when we enjoy benefits, we expend society's resources. We should not think that because we only eat three bowls of rice, we only grow three bowls of rice. As a matter of fact, the **invisible** costs of growing rice are so much more than the three bowls of rice we eat. The cost of transport, process, produce, clothes, housing, and social order are included in the bowls of rice we eat. That is why we need to fulfill obligations tenfold more than we enjoy rights.

It is especially important that those who have advantages in society such as a high income or a high level of education should fulfill more obligations than they receive rights to contribute to the development of the country.

Secondly, the perfection of human obligations in the law must be appropriate to the possibility of implementation in reality

The regulations on human obligations in the law must be appropriate to the possibility of implementation in reality. The regulations on obligations must be different from the regulations on rights. That is, the regulations on human obligations must depend on the physical, mental, and emotional of a person. For example, everyone has a right to live in a peaceful country, but not everyone fulfills military service. Only those who meet the requirements of the army are able to fulfill military service. Similarly, everyone has rights to receive social benefits, public services, and utilities, but not everyone has the obligation to pay taxes. Only those who are constrained to pay taxes by law should have the obligation to pay taxes. This gives us the sense of responsibility to strive to fulfill more obligations than required to make up for those who are unable to fulfill their obligations.

Although human obligations are a prerequisite for enjoying human rights, the provisions on these obligations must be consistent with the actual implementation of these obligations,

and, to avoid creating injustice and frustration in society, these provisions must not exceed individuals' abilities. The perfection of legal provisions on human obligations needs to ensure the practical possibility and the rationality between governments, societies, and citizens.

Thirdly, perfection of human obligations in the law should focus on both negative obligations and positive obligations

Negative obligations are regulations that force people to refrain from actions that break the law so that no one can harm the rights and interests of the nation, the community, and others. For example, the regulations prohibit littering, smoking in public, making noise in the neighborhood, and sharing national secrets, that we know by accident, with anyone else.

Positive obligations are regulations that force people to act to benefit the community and society. These actions could be taking care of the elderly who are alone, helping students in difficult circumstances, recycling garbage, afforesting to increase the green area of the planet, working to achieve productivity, paying taxes correctly and on time, and denouncing treasons.

Positive obligations are more constructive, playing a role in expanding people's thinking toward goodness. Specially, positive obligations educate people to have goodwill. When people have goodwill, they will fulfill more obligations in proportion to the rights they receive. Therefore, the development and perfection of the law on human obligations should be focused on both negative obligations and positive obligations.

4.2. Solutions to the perfection of human obligations in international law and Vietnamese law

4.2.1. Developing a proper, sufficient and profound awareness of human obligations in both the national and international scopes

One of the most important solutions to the problem of perfecting international law and Vietnamese law on human obligations is to develop an awareness of human obligations for everyone. Everyone **must understand** the importance of fulfilling human obligations so that people can build a prosperous, peaceful, and moral society together, a society in which they can **enjoy** many rights.

The regulations on human obligations in international and national laws are difficult to work out because people are used to enjoying rights more than they are used to fulfilling their obligations. This is one of the reasons why developing an awareness of human obligations in the law needs to be promoted at both the national and international levels.

4.2.1.1. On an international level

Firstly, the world's major organizations²²¹ need to cooperate with State Parties to

²²¹ For example, specialized agencies of the United Nations (World Health Organization WHO, UNESCO Cultural and Scientific Educational Organization, International Labor Organization ILO, etc.); International organizations

implement global-scale action programs to promote research and the dissemination of knowledge of human obligations in each expert area such as economy, culture, education, labor, and the environment.²²²

Secondly, countries need to strengthen cooperation and dialogues on human obligations. Countries around the world have different historical characteristics, political regimes, development levels, and traditional cultural values, so each country's approach to human obligations may be different. Dialogues should be open and objective. Dialogues need to highlight each country's role in the perfection of the provisions on human obligations in the national laws and supplement the provisions on human obligations in international law.

Thirdly, the United Nations should establish international forums, conferences, seminars, or talks on human obligations for legislators, experts on laws and related fields.

Fourthly, the United Nations needs to build a research center on human obligations. This center will carry out activities such as developing human obligation theories, surveying the implementation of human obligations, organizing training courses, disseminating knowledge, publishing special books about human obligations, and providing advice and assistance on matters of obligations to people.

4.2.1.2. *On a national level*

Firstly, governments need to promulgate legal policies to strengthen research and raise an awareness of human obligations through activities of education and propagation. Governments should develop detailed plans to improve the awareness of human obligations among schools, people.

Secondly, governments need to establish a system of specialized research centers on human obligations. When in operation, these centers will have the task of consolidating theories and practicalities and deepening the awareness of human obligations in many different fields and views. These centers will provide rich resources for scholars and students who would love to study human obligations. These centers are responsible to advise legislators in the development of legislation related to human obligations.

Thirdly, governments need to strengthen research on human obligations in universities, especially in the departments of law, administration, politics, and pedagogy. Governments shall support finance, facilities, and materials for the study and teaching of

independent of the United Nations system (World Trade Organization WTO, World Federation of Trade Unions WFTU, etc.).

²²² For example, in the field of environment, the United Nations Environment Programme (UNEP) organization has launched many global environmental campaigns. The highlight is the program "World Environment Day" on June 5 every year, to increase global awareness and action to protect the green space for the earth. The "Clean Seas 2017" program aims to combat plastic waste at sea. The "WildforLife Big Cat Team Challenge 2018" program aims to raise awareness to protect the remaining jaguars, snow leopards, lions, tigers, etc., by encouraging people not to buy illegal wildlife products, etc.

human obligations. Universities can organize examinations, scientific research, forums, and academic clubs to inspire teachers', students' enthusiasm and people, who are not concerned about obligation, to learn about human obligations.

Fourthly, governments need to propagate the necessity of human obligations to the whole society by creating many activities such as giving people exams on the topics of human obligations; organizing seminars, talks and forums to attract scholars' contributions, raising the social general awareness of the importance of human obligations; publishing materials and books on human obligations; and using media to disseminate knowledge, information, and activities related to human obligations. Governments should use many methods to raise people's noble feelings about the fulfillment of obligations.

Fifthly, The Ministry of Education needs to promote cooperation and learning, and exchange experiences with other countries in researching and educating human responsibilities through activities: organizing international seminars and programs of student exchange, studying successful educational models abroad, and applying them to the country.

While working on this thesis, we conducted a sociological survey to find out people's awareness of human obligations. There were 3,018 people responding to the questionnaire. They said that when studying the questions to answer, they were really moved because for the first time in their lives, they could understand how important human obligations are.

4.2.2. Constantly developing and perfecting the laws on human obligations

4.2.2.1. Promoting the development and perfection of international law on human obligations

The international law on human obligations needs to be quickly developed and perfected in a clear, detailed, and systematic way. Accomplishing this would create widespread acceptance and support from the public and a universal human awareness of the importance of obligations. This awareness is a significant turning point for the world's destiny now and in the future. These development and perfection of human obligations in the law will require people's heart, intelligence, seriousness, and courage in order to change the thinking of people, organizations, governments, and international organizations.

The development and perfection of international law on human obligations may be carried out with two groups of immediate and long-term solutions.

i. A group of immediate solutions to be implemented in non-legally binding declarations

Firstly, the United Nations General Assembly must quickly adopt the **Global Declaration of Human Responsibilities** to declare the contents, views, and principles of the world's largest organization on the role of human obligations. This new declaration will form a **strong partnership** with the Universal Declaration of Human Rights. These two declarations will create the two wings for the world's development. (Please see the

details of the reasons for adoption and the criteria of a global declaration of human responsibilities; the full text of the draft of the declaration is proposed in Section 4.2.5.)

Secondly, besides the abovementioned general declaration, the United Nations must also adopt the declarations on human responsibilities in specific and defined fields. This is necessary to detail and categorize the contents of the general declaration. By doing so, people will fully understand the content and meaning of human responsibilities, and so they will be excited and eager to fulfill those responsibilities.

Thirdly, regional organizations must adopt regional declarations on human responsibilities. This activity can be carried out simultaneously or immediately after the creation of the Global Declaration of Human Responsibilities. The content of the Regional Declarations of Human Responsibilities must be compatible and inherit the content of the Global Declaration, but it can be more detailed and complete because the specific nature of each region is different.

ii. A group of long-term solutions to be implemented for legally binding international documents

Long-term solutions can be as follows:

- Supplementing and perfecting the law on human responsibilities in current international treaties on human rights.

- Creating new international treaties on human responsibilities to balance existing international treaties on human rights if these existing international treaties are not supplemented or completed.

- Creating new international treaties to recognize both human rights and human responsibilities in fields where no international treaty is stipulated. Specifically:

Firstly, the United Nations should amend the content of the **Charter of the United Nations**. Provisions on human rights should accompany provisions on human responsibilities. Since the Charter of the United Nations is the most universal international treaty, recognizing provisions on human responsibilities in this Charter will create an official universal awareness of the importance of human obligations. Ensuring and promoting the implementation of human responsibilities worldwide will have to become one of the most important activities of the United Nations.

Secondly, the international organizations should amend the existing international treaties on human rights at both the regional and global and regional levels. They also supplement the content of human responsibilities to correspond with the content of human rights. Alternatively, if the existing international treaties are not amended or supplemented, the international organizations could develop new international treaties on human responsibilities at both regional and global levels. This is the next step to codify the contents of the declarations that will become binding legal regulations to promote and

control the implementation of human responsibilities in reality.

Among human responsibilities established in international treaties, the responsibility to protect world peace must be specially paid attention. Terrorism happening all over the world is a global crime that needs to be thoroughly suppressed. These terrorist organizations in the name of religion have indifferently and brutally killed innocent people. These indiscriminate and despicable actions are contrary to humanity's morality. These terrorist organizations are a danger to world peace. There are current international conventions on counter-terrorism: the 1977 European Convention on the Suppression of Terrorism, the 1997 International Convention for the Suppression of Terrorist Bombings, the 2002 Inter-American Convention Against Terrorism, the 2005 Council of Europe Convention on the Prevention of Terrorism, the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism, and the 2007 ASEAN Convention on Counter Terrorism. However, if we want to destroy these **terrorist actions**, we must destroy the **terrorist thought** that is stealthily spread everywhere. All people in the world must **have the obligation to protect the world peace** by destroying terrorist thought so that these terrorist actions can be permanently eliminated. The eradication of terrorist thought is the most urgent and greatest obligation that should be thoroughly designed in all global education systems.²²³

Thirdly, the international organizations should create an international treaty to coordinate between the rights and responsibilities of people. This new treaty will stipulate the governments' role in creating opportunities for people to fulfill their obligations as well as enjoy their rights. This international treaty also stipulates a mechanism to handle the governments' responsibility if people's interests are not guaranteed. That is, governments should find out the reason why national resources are inadequate. It is because citizens do not fulfill their obligations, or it is because governments do not create opportunities for people to fulfill their obligations, or it is because officials are so corrupt that they treat the citizens unfairly.

Fourthly, every country's constitution will have to be amended and supplemented to be compatible with international law on human obligations so that human rights and human obligations are clearly stipulated and balanced. (Refer to some solutions to developing and perfecting human obligations in the 2013 Constitution of Vietnam at Section 4.2.2.2. ii.)

The international and regional declarations and treaties on human obligations, and the provisions on human rights and human obligations in constitutions must be based on the Charter of the United Nations, (assuming that it is amended based on the proposals in this thesis). The Global Declaration of Human Responsibilities in this thesis should be used as a standard indicator for content and form (if this declaration is adopted).

²²³ Hopefully, there will be more Essays, Theses written on the topic of Obligation to eliminate terrorism.

There are some detailed suggestions for the development and perfection of international law on human responsibilities. The most important, general, and fundamental concepts of human responsibilities will be introduced in the full draft of the Global Declaration of Human Responsibilities in Section 4.2.5. There are also some detailed and specific recommendations on human responsibilities to suggest for the development of international law on human responsibilities introduced for reference. (See all contents in Appendix 4.)

4.2.2.2. Promoting the development and perfection of Vietnamese law on human responsibilities

Based on a number of the above-mentioned shortcomings, we would like to share our opinion to develop and perfect Vietnamese law on human obligations. This is necessary and appropriate to practical requirements in the current context. Generally, legal documents on human obligations need to be perfected simply, jointly, and clearly. These legal documents must be appropriate to the provisions on human obligations in international law, they must ensure the integrity of the laws, and they must create opportunities for people to fulfill their obligations effectively. These legal documents must fully and accurately institutionalize the Party's and the country's policies on human obligations with the cause of national development and defense in the time of international integration. To do so, national agencies need to strengthen activities of lawmaking, innovate processes of lawmaking, and improve legislative techniques to ensure consistency in the legal system.

The development and perfection of legal provisions on human obligations is a large and complex issue related to the entire nation's operation. Therefore, we would like to propose this implementation in two groups of solutions as follows:

i. Immediate Solutions

Firstly, the perfection of regulations of current law on human obligations

The regulations on military service: The 2015 Law on Military Service needs to expand the subjects of military service to create both consistency in the constitution and opportunities for all citizens to fulfill military service, as this is a sacred duty to defend the fatherland. Specifically, the 2015 Law on Military Service should remove the limited age of recruitment, and it should narrow the subjects of suspension and exemption from military service to ensure fairness. In addition, the law needs to *promulgate regulations on other services (alternative obligations)* that are suitable for females or others not qualified to fulfill military service. In the spirit of the law, every citizen has the obligation to protect the fatherland, so all citizens must participate in the defense of the fatherland to the best of their ability. Many people have an ability to use weapons to defend the fatherland, others have an ability to manage logistics, and even the elderly can educate descendants to serve about the ideal of defending the fatherland.

The regulations on tax obligations: These regulations on tax obligations are necessary to complete, supplement, and manage taxes on personal income and online businesses. This will create a solid legal corridor for governmental agencies to perform their duties, help people fulfill their obligations more conveniently and voluntarily, and limit tax evasion. Specifically, the close coordination of tax agencies is necessary to support the tax department so it can detect tax evasion by online businesses. Based on this proposal, we will advise and recommend that the government promulgate and perfect relevant laws, clearly defining the responsibilities of tax agencies and local authorities so they can have specific guidance to perform their job of collecting taxes from personal income and online businesses.

The regulations on obligations to protect the environment: These regulations on environmental obligations need to be reviewed, amended, and supplemented. Many regulations in current legal documents on environmental protection are not reasonable or consistent with the real situation. Amendments and supplements must be feasible, constitutional, and legal according to the developing policies of socio-economy, and they also must create a consistent system of legal documents on environmental protection. In addition, the environmental law should stipulate more positive obligations for everyone, like obligations to plant trees, pick up trash, use clean and renewable energy sources,²²⁴ protect the quietness of the environment, use energy-efficient lighting, prevent and denounce the preach of provisions on discharging wastewater, and so it is harmless before discharging it into the land or water.

Deforestation is particularly alarming problem in Vietnam and many other countries. Deforestation is narrowing the green areas of the earth and causing serious damage to the ecological environment. Therefore, the law should recognize the urgent obligations to plant trees and protect forests, and this obligation must just as respected as the law of obligatory military service. According to each country's situation and policies, the law should specify people's obligations by age and grade, calculate a number of trees that need to be planted each year, and require to serve for a specified time to protect forest.

We would like to propose that each person must plant at least 200 trees during their lifetime. They can hire someone else to plant trees for them. The ideal age for afforestation is between sixteen and eighteen years old. In addition, each person must spend a certain amount of time participating in the protection of the forest. Modern surveillance technology will greatly assist the protection of forest. Moreover, the law on environmental protection should prohibit the use of electric power to catch **earthworms. Cutting trees**

²²⁴ According to Clause 4, Article 6 and Clause 2, Article 43 of the 2014 Law on Environmental Protection, *the use and development of clean energy and renewable energy* have been prioritized and encouraged activities, but they have not yet been defined as the individual's mandatory obligation.

and killing earthworms are destroying the planet's basic resources. The use of pesticides to reduce the number of earthworms is also a big mistake. Therefore, the Agricultural Department should have policies that encourage people to use biological products instead of toxic pesticides.

The above-mentioned supplements to legal provisions on positive obligations are necessary to raise people's awareness. Only right thinking can create right action. Every right action of people will contribute to the formation of a civilized lifestyle and show people's responsibility for the environment.

The regulations on educational obligations: Many regulations on sanctions for violations of educational obligations need to be added to the law. The 2019 Law of Education stipulates that all school-age children must have an obligation to study to implement universal education and complete compulsory education. In addition, families and guardians must be responsible to create opportunities for school-age family members to go to school. If the above-mentioned subjects fail to fulfill their obligations, they shall be held legally responsible. However, current education law only stipulates punishment for those who encourage or cause truancy for any level of education. The law does not stipulate a punishment for parents or guardians who fail to fulfill their responsibilities to encourage or ensure that their children go to school.

Usually, children drop out of school for three reasons: *Firstly*, their families are in a difficult situation. *Secondly*, they are unable to understand lessons. *Thirdly*, they are bullied at schools. If students fail to fulfill their educational obligation, then law agencies should solve this problem based on the rational reason.

If students are in a difficult condition, the local government shall provide full tuition fees to ensure continued school attendance. If any local authority does not perform this job well, then they must be disciplined. Any locality can establish a Student's Attendance Fund to help poor children.

If students are slower to learn lessons than their friends, they need to be supported. The Ho Chi Minh Communist Youth Union should organize tutoring classes so volunteers can tutor those students.

If parents or guardians fail to support school attendance, these parents or guardians will be held legally responsible.

The world is interested in improving education by individualizing it. That is, educational programs should be flexibly adjusted to suit each student. Because each child has different abilities, the teaching method and the time it takes to complete each lesson should be different for each student. Many students need extra tutoring to understand the lessons. The goal is that all students fully understand the contents of the lessons. Schools need to avoid creating competitions or the pressure of testing, and classrooms should be a

place where students receive support and a passion for learning. Thanks to that, students can overcome depression caused by studying or the fear of studying. The goal of an advanced education is to help all children, so no child is left behind on the path of knowledge expansion. Most importantly, families, local educational organizations, social organizations, and local authorities must support children to fulfill their educational rights and obligations. All organizations and their families must help them overcome all difficulties that might keep them from school. The educational obligation of teaching and learning is not only the responsibility of teachers and students, but it is also the responsibility of the social community.

Secondly, the necessary improvement of sanctions to handle violations of the law to ensure and promote the effective implementation of human obligations

There are four kinds of people in the implementation of human responsibilities.

Firstly, people have goodwill but have no ability to fulfill their responsibilities. In this case, families and communities should never ignore them but encourage even small contribution to society.

Secondly, people have abilities, but they lack the goodwill to fulfill their responsibilities. In this case, these people should be given moral education and forced to fulfill their obligations by legal measures or sanctions.

Thirdly, people have no goodwill or ability to fulfill their responsibilities. In this case, these people need to be educated in morality and the awareness of human responsibilities so they can fully understand that the fulfillment of responsibilities is a noble act. When they understand this, they still lack the ability to fulfill their responsibilities just like people in the first kind. They should be encouraged to contribute even if their contributions are small. They do not deserve to be ignored.

Fourthly, people have goodwill and abilities. These people are sure to fulfill their responsibilities enthusiastically.

Some current administrative and criminal penalties for breaking laws on human obligations are not strict enough to deter violators. That is one reason why violations keep happening commonly, frequently and constantly. Therefore, the government needs to increase the sanctions in both administrative and criminal cases. We would like to suggest some points as follows:

- Sanctions for administrative violations should be changed and increased for deterrence and prevention of violations.

- + Point b, Clause 1, Article 6 of Decree 167/2013/ND-CP stipulates, “Failing to comply with regulations on keeping quiet in hospitals, sanatoriums, schools, or other places where they are regulated to be quiet” will be warned or fined from VND 100,000 to 300,000.

+ Point a, Clause 1, Article 20, Decree 155/2016/ND-CP stipulates, “A fine ranging from VND 500,000 to 1,000,000 shall be imposed on an improper act of discarding cigarette butts at wrong places such as residential areas, commercial areas, service areas, or public places.”

+ Point c, Clause 1, Article 20, Decree 155/2016/ND-CP stipulates, “A fine ranging from VND 3,000,000 to 5,000,000 shall be imposed on an act of dumping trash or disposing of household waste at wrong places such as residential areas, commercial areas, service areas, or public places.”

These acts that are so dangerous to the social community have unreasonably low fines. The fines are not strong enough for deterrence and prevention of violations.

Therefore, lawmakers need to adjust the degree of violations to punish violators appropriately. Moreover, lawmakers should adjust the levels of fines according to economic conditions, especially a change of currency value, living standards, or people's income. Besides these fines, lawmakers should stipulate additional sanctions for repeat offenders to educate for deterrence and prevention of violations by forcing them to do community service, pick up trash, or plant trees.

- Lawmakers should shift the punishment for highly dangerous violations of obligations from administrative liabilities to criminal penalties. Violations such as bribing medical officials and employees to falsify medical records to avoid fulfilling military service²²⁵ or violating medical quarantines would be considered highly dangerous.²²⁶ Mere administrative sanctions are not commensurate with the degree of such dangerous acts. There must be criminal penalties to ensure deterrence and prevention of violations.

ii. Long term solutions

In the long term, the 2013 Constitution needs to be amended to overcome the limitations of the national legal system in its provisions on human obligations. Because the constitution has the supreme legal effect, these amendments need to be carried out carefully, strictly and scientifically. To do this effectively, we recommend the following solutions:

Firstly, the title of Chapter II should be changed from “Human Rights, Fundamental Rights, and Obligations of Citizens” into “***Fundamental Rights and Obligations of Humans, Fundamental Rights and Obligations of Citizens,***” or into shortened to “Fundamental Rights and Obligations of Humans and Citizens.” The term “fundamental obligations of humans” should be added to the title of Chapter II so that obligations can be expressed commensurate with rights and so the title of Chapter II accurately reflects the

²²⁵ See Clause 2, Article 6, Decree 120/2013/ND-CP dated October 9, 2013 providing for penalties for administrative violations in the field of defense and cipher.

²²⁶ See Article 11 of Decree 117/2020/ND-CP dated September 28, 2020 providing for penalties for administrative violations in the health sector.

content that is prescribed.

Secondly, provisions need to be supplemented with the sentence, “*Human rights are inseparable from human obligations*” to ensure the principle of “Rights and obligations are inseparable.” Many provisions on human obligations should be added to balance the provisions of human rights.

For example:

+ Article 19 stipulates, “*Everyone has the right to live. Human life is protected by law. No one shall be illegally deprived of his life.*” This article needs to add one regulation: “*Everyone has an obligation to protect the lives of others.*”

+ Article 20 stipulates, “*Everyone has the right to be inviolability of the body, and to be protected by law in terms of health, honor, and dignity; no one shall be subjected to torture, violence, coercion, corporal punishment, or any other form of ill-treatment that violates their body, health, honor, and dignity.*” This article should add one regulation: “*Everyone has an obligation to respect and protect the honor, dignity, and lives of others.*”

In addition, the layout of Chapter II in the 2013 Constitution also needs to be adjusted by placing one regulation on rights for every regulation on obligations, so people can be aware that when they want to enjoy their rights, they must fulfill their obligations.

Thirdly, one regulation should be recognized: “*Government must have an obligation to help people bring benefits to society*”. The purpose of this regulation is to ensure that everyone can become useful to the community. Because everyone is able to contribute some effort to the cause of national development, all people are valuable in life. To help people become useful to the community, the government must have these obligations: Review the moral education for citizens (people) to help them figure out that they should voluntarily dedicate to the community, and review the citizens’ activities to prevent laziness or erroneous behavior. Today’s 4.0 technology can help the government review that.

Fourthly, a provision on Labor Obligations (obligation to work) should be recognized. Specifically, Article 58 of the 1980 Constitution should be restored, which stipulated, “*Labor is the top right, duty, and honor of citizens.*” There are many types of labor, such as housework, farming, working for living, working for free, self-employment, teaching, and writing. All these jobs prevent people from deterioration, enrich the community, make life better and happier, and develop the country.

Every hour and every day, people enjoy the comforts of life, and if people do not work, their own resources and the social wealth will be depleted. When these resources are exhausted while people are still consuming them without contributing to society’s resources, then society falls into an imbalance that causes injustice in society. Because these people’s enjoyment infringes on the community’s resources, they cause a burden to society. To avoid this injustice and to ensure the development of society’s resources,

people must always love to work.

Normally, people work for a purpose of supporting themselves and their families. However, at the same time, they also work to contribute to the community's development. To cover all expenses of life, people must work very hard in different occupations. On the contrary, many others must not work to earn for living because they have inherited property or received support from their people. In this case, these people should not only enjoy their comfortable life, but they should do something to contribute to the community. Anyone should serve the community with their ability because free service to the community is a noble lifestyle. A person's diligent working is a good example for the community, and he or she can also create his or her dignity.

President Ho Chi Minh once said, "*Labor is a glorious, joyful, and heroic career.*"²²⁷ This saying is enormously significant because it encourages the people's motivation to work, and it affirms the value of labor as noble and sacred.

Labor creates benefits for the community and develops people's full understanding. No matter what era people live in, they need to work to fulfill their responsibilities towards family and community. Only labor can help people be truly happy and honored. Therefore, regardless of age, from the young to the elderly, everyone needs to work in accordance with their ability.

Thus, the recognition of the provision of "Obligation to Work" in the constitution is a necessary requirement. On the one hand, this is the legal basis for people to enjoy their rights and to fulfill their obligations; on the other hand, the government can create appropriate management mechanisms and policies. The government should also establish organizations that can monitor, encourage people to work, and create more jobs for people. If people are unable to meet the requirements of the jobs, these organizations can help them be trained to improve their knowledge and skills. If people are in a stable income without worrying about their livelihood, the government should encourage them to voluntarily work for the community. This also means to prevent people from wasting their time, and everyone has an opportunity to contribute to society.

This also meets people's aspirations as shown in the result of the sociological survey (Question 7 - See Figure 3, Appendix 2). Up to 82.5% of the respondents say, "People need an obligation to work so they can create material and spiritual values to build a prosperous community together." Currently, the constitutions of many countries around the world have provisions on labor obligations, such as the Japanese Constitution, the Korean Constitution, the Spanish Constitution, the Chinese Constitution, and the Italian Constitution. (See Appendix 6.)

Fifthly, the content specified in Clause 2, Article 61 of the 2013 Constitution only

²²⁷ Hồ Chí Minh: *Toàn tập* [Hồ Chí Minh's Complete Works] (2011), *ibid*, Vol. 7, p. 418.

requires citizens to complete primary school. This is not suitable considering the requirement of development in today's human civilization. Therefore, it is necessary to change this regulation so that citizens are required to complete more education, such as middle school or high school. This change is a key factor to create a legal basis for people to enjoy rights and to fulfill the obligation to study, according to Article 39 of the 2013 Constitution. Additionally, the government should create management mechanisms to gradually incorporate this requirement to develop a system of education that enhances people's knowledge. With high education, people can contribute their knowledge to building the community's resources and the cause of national development, as is appropriate to this outstanding era of scientific and technological development.

In reality, each person's level of intelligence varies, while today's education is based on a HARD system that applies to all students. It leads to a difficult situation where many students can understand lessons easily, but others find it hard to understand the same lessons. In the future, we need an individualized system of education to ensure that teaching is appropriate for every student's level.²²⁸ Artificial intelligence technology will help teachers to ensure that all students understand their lessons before they go forward to new ones. In addition, it is necessary to organize groups of good students who can help tutor poor students so that all students can improve their study. A Vietnamese saying is: "Learning from a teacher is not better than learning from friends." Learning from friends or from people nearby is necessary and appropriate. A teacher is responsible for many students, so it is impossible to meet every student's need completely. Friends are important and suitable to help with tutoring.

To improve the quality of education, every student must be responsible for their study. Effective education is not only the responsibility of teachers, schools, and the government, but it is also the responsibility of each student who must try their best to learn, help, and support each other. That way, any student who is poor at studying can also learn. This is a key and urgent issue that needs to become an obligation so that no student is left behind. Elevating the responsibility to support classmates to a legal obligation will profoundly educate each citizen to study for themselves and help their classmates. Everyone will know how to live selflessly to support each other's progress. Fulfillment of this obligation in schools will help improve the quality of education, reduce the number of

²²⁸ Finland has successfully applied the SOFT educational method and become one of the countries with the world's leading quality education. The Finnish educational program has the following characteristics:

- The role of the teacher is emphasized.
- Educational content is designed to be suitable for each student.
- Each class usually has a special assistant who monitors and helps students complete their tasks.
- The school has tutoring classes and tutors for students who need to improve their achievement, especially to train necessary skills in life. See <<https://www.quanlynhanuoc.vn/2020/02/24/Giao-duc-o-phan-lan-va-nhung-go-i-mo-cho-cai-cach-Giao-duc-o-viet-nam/>> accessed June 17, 2021.

poor students, increase lovely friendship, and, most importantly, contribute the intellectuals' resources to society. To combine this obligation with the law, the Ministry of Education also needs to adopt some of the following proposals:

- Programs of education should be tailored to each student's level. Good students should receive additional training to further their education, and poor students should receive additional training to gain clearer understand of their lessons.

- Each class should have a special assistant who is responsible for observing and supporting students when needed.

- Schools should organize more tutoring classes for poor students who do not understand the lesson in main classes. It is also especially important that schools teach necessary life skills to poor students.

Sixthly, the 2013 Constitution needs to separate *the obligation to plant trees* from the obligation to protect the environment. This obligation to plant trees should be independent. Although it belongs to the field of environmental protection, the obligation to plant trees is extremely important to the protection of life on this planet. Over the past three decades, deforestation by man has severely reduced green areas on the earth, causing too much loss of human life. Along with the protection of forests and the prevention of illegal deforestation, people also need to restore and renovate the green spaces of the earth by planting as many trees as possible. The obligation to plant trees is just as important as the obligation to serve in the military, so it is urgent that this obligation is clearly regulated in constitution.

Seventhly, it is necessary to amend Article 15 of the 2013 Constitution, specifically in Clause 2, "*Everyone is responsible to respect others' rights.*" This should be amended with two provisions: "*Everyone has obligations to respect the others' legitimate rights – interests*" and "*Everyone has obligations to support the others' fulfillment of their obligations.*" Individuals have obligations to respect others' legitimate rights – interests, and they should also have obligations to support the others' fulfillment of their obligations. These mutual supports can help people have opportunities to fulfill their obligations and contribute to the community. These mutual supports can also help unburden the government's coordinating role in civil rights and obligations. It is necessary to replace the provisions in Clause 3, Article 15: "*Citizens are responsible to practice their duties to the state.*" This should be stipulated: "*Citizens have the responsibility to support the government in activities of managing the country.*" This regulation is more appropriate to a democratic society and the constructivist state. The officials, who are from the people and elected by the people, should be close to the people and listen to the people's thoughts and aspirations. Running the country is the main responsibility of the state apparatus and is an extremely difficult and complex job. Citizens must have an obligation to support the government in working out this task. Citizens should not passively observe and

sarcastically criticize the government. Supporting the government is a complicated process, and it requires many analyses and suggestions as shown later.

Eighthly, the content specified in Article 39 should be changed from “*Citizens have rights and obligations to study*” into “*Citizens have rights and obligations to education*” because education includes two jobs, learning and teaching.

Ninthly, the content specified in Article 46 states, “*Citizens have an obligation to abide by the constitution and the law ...*” This should be amended: “*Citizens have an obligation to abide by the constitution and the law, and give suggestions to perfect the constitution and the law.*” This proposal of amendment does not only contribute to increasing democracy in the socialist law-governed state, but this also demonstrates citizens’ responsibility for contributing to the perfection of the law in the country.

4.2.3. Perfecting the legal mechanism to ensure the fulfillment of human responsibilities in the law

4.2.3.1. For ensuring the fulfillment of human responsibilities in international law

Because human rights and human responsibilities in the world should be rebalanced, it is urgent to perfect and develop international law on human responsibilities. However, international law needs to create more appropriate mechanisms to ensure and promote the effective implementation of human responsibilities in practice. This includes regional and global mechanisms, in which the United Nations plays a major role. This new mechanism includes two elements: institution and regulation. Institution is based on human resources, the guaranteed apparatus of current human rights of the United Nations and many countries. Regulation is a legal system recognizing organizational principles, activities, and procedures to ensure the promotion of human responsibilities. Specifically:

i. Global mechanisms

In terms of institutions, the Human Rights Agencies of the United Nations are divided into two types²²⁹ of institutions according to their legal status and functions: charter bodies and treaty bodies. Charter bodies are established on the basis of a charter. Treaty bodies monitor several important international treaties on human rights. When given added functions to promote human responsibilities, these human rights agencies will have a dual mandate to ensure the promotion of both human rights and human responsibilities.

- Proposals for bodies established under the Charter of the United Nations

Firstly, based on the Amended Charter,²³⁰ the international recognition of the Declaration of Human Responsibilities, the international treaties that supplement human

²²⁹ See more Faculty of Law - Vietnam National University, Hanoi (2011), *Giáo trình Lý luận và Pháp luật về Quyền con người* [Textbook on Theory and Law of Human Rights], *ibid*, chapter VII.

²³⁰ In the Charter of the United Nations (assumed to have been revised as proposed by the thesis), the guarantee and implementation of human obligations becomes one of the most basic goals of this organization.

responsibilities, the main agencies of the United Nations²³¹ and its network of specialized agencies will assume responsibility for ensuring that the promotion of human responsibilities is parallel with the responsibility to protect human rights. That is, the agencies of the United Nations are responsible for observing the resources of countries to determine people's rights to have benefits. If national resources are abundant, but its people do not enjoy enough benefits, that proves that the government's distribution of benefits to the people is unfair. In this case, these agencies will have a mechanism to force that government to fairly distribute benefits to the people.

If national resources are lacking to provide citizens with adequate benefit, these agencies will have a mechanism that determines whether this is the government's poor management or people who are lazy to fulfill their responsibilities. If the government is weak, the agencies will have mechanisms to promote and support the government in managing the implementation of the people's responsibilities. If the people are lazy, the agencies will assist the government in promoting the implementation of the people's responsibilities by various mechanisms such as legislation, moral education, technological improvement, and upgrading infrastructure.

The protection of human rights is no longer as simple as it used to be, which involved blaming the government without considering the nation's resources. Today, to assess the level of human rights in a country, we must evaluate the factors in that country, such as its social resources, labor productivity, and fulfillment of obligations. That country's people must diligently fulfill their responsibilities by working with high productivity and by creating abundant social resources. Based on those abundant social resources, the government will reasonably provide legitimate benefits to the people through four methods: Human Rights, Human Love, Human Gratitude, and Human Compassion as they have been presented in the chapter 2.

Secondly, among the specialized agencies of the United Nations, the Human Rights Council (HRC) is one of the most effective institutions in ensuring human rights. The United Nations needs to orient the HRC to become the leading agency in ensuring the implementation of human responsibilities through a number of new functions and tasks. For instance, the HRC should promote education, research and counsel people to fulfill human responsibilities, promote and facilitate governments and peoples to fully implement human responsibilities in their nations, organize forums for nations to dialogue on human responsibilities, recommend the development of international law on human responsibilities, assist nations with technology and capacity to implement human responsibilities, and closely link with governments, regional organizations, and civil

²³¹ The main bodies of the United Nations include the General Assembly, the Security Council, the Economic and Social Council (ECOSOC), the International Court of Justice (ICJ), the United Nations Secretariat.

society organizations in human responsibility activities.

Thirdly, the Universal Periodic Review (UPR)²³² mechanism needs to add a function to review the implementation of human responsibilities in member countries. These reviews involve all of the international documents of all member countries, including new documents of human responsibilities or documents of human rights that are amended or supplemented with the provisions of human responsibilities. The purpose of this procedure is to strengthen international cooperation and improve the morale of fulfilling citizens' responsibilities in those countries.

- Proposals for bodies established under international treaties

Currently, there are nine conventions considered as the core international human rights treaties by the United Nations. From these conventions, nine treaty bodies were established to oversee the member countries' implementation of the convention.²³³ To develop mechanisms to ensure the promotion of human responsibilities through the Convention Committees, we would like to present these proposals, as follows:

Firstly, committees should take some additional responsibility to provide general comments and recommendations to explain the supplemented content on human responsibilities, and they should demonstrate some measures to implement the conventions that they oversee. These documents are important to ensure that the human responsibilities mentioned in the conventions are properly understood. These documents are the basis to assess the countries' degree of compliance with the conventions.

Secondly, the committees are responsible for monitoring and requiring member countries to pay attention to their social resources. If their resources are abundant, their people's human rights are guaranteed. If their resources are poor, then their people's human rights are threatened. In cases of poor resources, the Commission of Inquiry should ask the governments of those countries to explain why that happens. It is because the people do not fulfill their responsibilities, it is because the governments lacks the capacity to create opportunities to fulfill responsibilities, or it is because the government is too corrupt to distribute benefits fairly. The committees can handle each case based on its findings.

Thirdly, the United Nations should establish new committees to monitor the implementation of human rights and human responsibilities under newly developed international treaties.

²³² UPR is a new method of human rights monitoring implemented by HRC. With the UPR, the HRC can periodically evaluate the compliance with the obligations and commitments on human rights of all UN Member States based on reports from various sources.

²³³ These conventions are overseen by nine respective Committees: the Committee on the Elimination of Racial Discrimination; Commission on Human Rights; Committee on the Elimination of Discrimination against Women; Committee Against Torture; Committee on Economic, Social and Cultural Rights; Committee for Children; Committee on the Protection of the Rights of All Migrant Workers and Members of their Families; Committee on the Rights of Persons with Disabilities; Committee on enforced disappearances.

Fourthly, the committees should hold general or specific discussions, that focus on the content of human responsibilities. These general discussions are unofficial meetings that gather information from United Nations agencies, non-governmental organizations (NGOs), and research institutes that are interested in human responsibilities. These discussions help raise awareness of issues related to human responsibilities and prepare for the formulation of the committees' comments.

Fifthly, committees should strengthen their capacity and coordinate the promotion of human responsibilities.

ii. Regional mechanisms

Each region or continent needs to establish a mechanism to ensure the promotion of human responsibilities according to each area's unique characteristics. Regional mechanisms are similar to global mechanisms. They are both based on the principle of supplemental responsibility for ensuring the promotion of human responsibilities, which serves regional institutions on human rights. In Europe, regional institutions include the European Commission on Human Rights (it became obsolete in 1998), the European Court of Human Rights, and the Committee of Ministers of the Council of Europe. In Africa, regional institutions include the African Commission on Human and Peoples' Rights, and the African Court on Human and Peoples' Rights. In the Americas, there are the Inter-American Commission on Human Rights, and Inter-American Court of Human Rights.

4.2.3.2. For ensuring the fulfillment of human obligations in Vietnamese law

i. Strengthening, promulgating and educating human responsibilities to the people

The Ministry of Education and Training has developed an educational program based on the currently specified human rights and citizens' fundamental rights and obligations found in Chapter II of the 2013 Constitution. This educational program is considered the subject of civic education, and it is taught in middle school and high school. However, in the civic education curriculum, we find that the education of human rights still receives more focus than education of human responsibilities. This imbalance between human rights and human responsibilities in the civic education curriculum makes students think that human rights are more important than human responsibilities. This imbalance also causes a negative effect on society because its citizens only care about demanding their rights, but they ignore fulfilling their responsibilities.

Therefore, we propose that the Ministry of Education and Training should change this curriculum by directing that each lesson includes both human rights and human responsibilities, in which human responsibilities should be emphasized to make students understand that human rights and human responsibilities are inseparable, and human responsibilities are the foundation of human rights. In particular, the subject of human responsibilities must be conjunction with the subject of human rights in the program of a

Bachelor of Laws degree. The results of the sociological survey (Question 33 - See Figure 12, Appendix 2) show that up to 93.28% of respondents agreed with the viewpoint that we need to strengthen the focus on human obligations in educational programs. Because people by nature prefer to enjoy benefits rather than contribute to society, they should be carefully educated to fulfill their responsibilities. If citizens understand the importance of human responsibilities, they will learn to avoid depleting the country's resources.

ii. Improving the effectiveness of activities in legal dissemination and education

Activities in legal dissemination and education have been fully regulated in the 2012 Law on Legal Dissemination and Education. However, a good result of the implementation of this law has not actually been achieved. This is because individuals' sense of respect and observance of the law on human responsibilities is still insignificant. Therefore, we would like to propose some specific solutions to improve the effectiveness of activities in legal dissemination and education.

Disseminating legal knowledge of both human responsibilities and moral education:

When educating human rights to people, we seldom or never teach morality to them. Because rights are enjoyment, everyone greatly enjoy rights. When this enjoyment is excessive, human morality will be degraded. Because of lacking morality, many individuals do not want to fulfill their responsibilities, or they incompletely fulfill their responsibilities. It is extremely important to combine moral education with activities in disseminating legal knowledge of human responsibilities so that all individuals can completely and happily fulfill their responsibilities.

The government should focus on the dissemination of legal knowledge of both human responsibilities and moral education. This moral education is especially about noble love, patriotism, reverence for great people, love for nature, and love for the earth. Legal dissemination and moral education help adjust human behavior. However, human perception can only be corrected by embedding moving and reasonable lectures into moral education. This perception of law and morality improves human behavior.

Legal dissemination and moral education must be considered an immutable principle. Each lecture on human responsibilities must show the importance of these responsibilities so that citizens can understand that fulfilling their responsibilities by contributing to the community creates their dignity, while avoiding fulfilling their responsibilities destroys their dignity.

The education department and education associations also need to focus on teaching about the noble feelings of gratitude, forgiveness, compassion, the love of peace, and so on. These noble feelings will not only help people overcome difficulties in fulfilling their responsibilities, but they also help citizens fulfill more responsibilities than are required.

From another point of view, these noble feelings can also combat negative habit in the community and keep citizens from becoming irresponsible. The education department should attentively strengthen these noble feelings for students.

Teachers also need to use sayings, proverbs, idioms, maxims, and quotations, which should be effectively embedded in lectures. For example, there are many sayings that include a function of education, a sense of responsibility and noble love such as “The good leaves cover the torn ones,” and “Love your neighbor as you love yourself.”

Pastor Peter Marshall said, “The measure of life is not duration, but its donation.”²³⁴

Albert Einstein used to say, “Only a life lived for others is a life of worthwhile.”²³⁵

Mahatma Gandhi once said, “Man becomes great in the degree in which he works for the welfare of his fellow-men.”²³⁶

Lev Tolstoy said, “One can live magnificently in this world if one knows how to love.”²³⁷

The methods of disseminating law and the education of human obligations

- Strengthening extracurricular educational activities of human obligations in school

Although extracurricular educational activities do not take as much time as the regular curricula, these activities are very important to influence students’ perceptions and emotions. A popular Vietnamese saying is, “One hundred hearing is not equal to one seeing.” In addition to teaching the theory of human responsibilities in school, we need to strengthen vivid practical activities. Students should take field trips to see real evidence that demonstrates the theories they have learned, and they should also use these field trips as an opportunity to practice fulfilling human responsibilities.

For example, every school should organize field trips so that its students have opportunities to learn about protecting the environment. They can go to places where pollution is serious or where the forest is destroyed. They can learn to plant trees to cover areas with green, pick up trash in public places, and experience the drought season in the Southwest region, where there is an extreme lack of fresh water. These activities will have a strong impact on the students, and they will develop their love for nature, a sense of saving resources, and a sense of ecological environmental protection. Schools can also organize field trips to military bases and border zones so that learners can understand the soldiers' hardships and the sacred meaning of the obligation to defend of fatherland.

- Compiling a manual on human rights and human responsibilities

The law on human responsibilities is an extremely important law that all citizens need

²³⁴ <https://www.allgreatquotes.com/quote-348179/>

²³⁵ <https://www.forbes.com/quotes/192/>

²³⁶ <https://internetpoem.com/mahatma-gandhi/quotes/man-becomes-great-exactly-in-the-degree-in-which-33551/>

²³⁷ <https://www.goodreads.com/quotes/255617-one-can-live-magnificently-in-this-world-if-one-knows>

to understand in order to effectively fulfill their responsibilities. However, not enough attention has been paid to the legal dissemination and education of human responsibilities. Fundamental human obligations are mentioned in Chapter II of the 2013 Constitution, but not all people actively approach them to learn. The government should research, compile, and issue a free handbook on human rights and human responsibilities to disseminate this concept to the public. The contents of human rights and human responsibilities law must be concise and understandable.

- Organizing dissemination and education activities on human responsibilities on traditional anniversaries

The traditional anniversary days, such as International Labor Day, National Defense Day, World Environment Day, and Law Day of the Socialist Republic of Vietnam, are an opportunity for organizations, society, and the government to organize dissemination and education activities on human responsibilities. For a long time, many Vietnamese people have had the perception that International Labor Day is just a day off from school and work, but they do not fully understand the meaning of this day. The government should organize or encourage organizations' activities to honor the obligation to work so that people can understand the lofty values of work, and they can figure out that labor is glory. The government should also organize the same activities for military service and national defense on the occasion of National Defense Day (December 22), education on environmental protection responsibilities on the occasion of World Environment Day (June 5), and education on legal compliance responsibilities on Vietnam Law Day (November 9).

- Promoting the role of the mass media

The government needs to use the mass media as an effective method of disseminating the law on human responsibilities. Social networks are today's strong influence on citizens' thoughts and feelings, so the government should use the function of the mass media to educate citizens. Social media could be used to orient public opinion to criticize intentional violations of human responsibilities law and to honor voluntary fulfillment of these responsibilities. In particular, outstanding examples of fulfilling responsibilities and dedication to the community should be significantly praised.

When the mass media is used effectively, citizens will feel shame if they violate the law on responsibilities, but they will feel happy if they fulfill their responsibilities. Public criticism works as a punishment for their violations by causing a feeling of shame. Many people feel more miserable when condemned by the court of public opinion than they do when they are sanctioned by a court of law. On the contrary, a feeling of happiness is a great motivation for people to fulfill their responsibilities. This feeling comes from the community's praise and from a peaceful conscience when people fulfill their responsibilities.

iii. Improving the quality of crime prevention and reducing violation of the law on human responsibilities

- Improving the efficiency of the inspection and supervision of the fulfillment of human responsibilities

In order to improve the effectiveness of the inspection and supervision of the fulfillment of human responsibilities, we would like to propose the two following methods:

Firstly, we invest in modern equipment and apply advanced technology, especially artificial intelligence, in inspection and supervision. This measure is consistent with the general development trend in today's society.

Secondly, we use information provided by the people, such as images, audio, and video data, to implement this measure. The government needs good policies that encourage people and create favorable conditions for people to provide information through hotlines, websites, social networks, and mobile applications. In addition, information-receiving agencies must have sufficient professional skills and technical means to quickly verify provided information in a timely manner. If the information is authentic, it must be considered as evidence to handle violations.

- Improving the moral quality and capacity of law enforcement teams

If the law enforcement team is insufficient and immoral, then enforcement is not highly effective no matter how specific the law is, how tight the mechanism is, or how modern the equipment is. As a matter of fact, there are many cases of immoral inspectors who accept bribes to cover up violations of tax obligations and environmental protection obligations. There are even tax officials who teach people how to evade taxes and forest rangers who abet forest thieves.

Many high-rank appointees are incompetent and immoral. They are appointed because of relationships, bribery, or fraud. Since these people are unethical and unable to do a good job, they find it easy to break the law or take advantage of the law for their own benefits. Therefore, the government needs to recruit and appoint law enforcement officials who are both capable and moral because officials must be responsible for the citizens and nation's destiny.

In the past, many kings applied extremely progressive policies in training mandarins. For example, in ancient India, King Ashoka issued many decrees that applied to all mandarins. The contents of his edicts were found carved into stone pillars, saying that all officials were required to cultivate morality by practicing the Dharma, increasing benevolence, generosity, honesty, and compassion.²³⁸ Officials should be aware that their decisions could bring happiness or cause suffering to the people. Officials must also execute the law justly and benevolently. Officials must take good care of the people and

²³⁸ See Ven. S. Dhammika, *ibid*, PE II, p. 36.

ensure the people's welfare.²³⁹ Officials who are tired of executing the law should not be promoted.²⁴⁰ The King required that judicial officers could not arrest people without a convincing reason.²⁴¹ King Ashoka was particularly well-known for appointing mandarins that were responsible for moral education in society.²⁴² In turn, many other officials in the court had to communicate with the people and explain morality to the people. At the same time, these officials were obliged to train themselves in morality to become good examples. It can be seen that King Ashoka's thoughts about improving the moral quality and capacity of law enforcement teams are still valuable today.

Governmental agencies should be regularly trained in morality and improve their ability. The government needs to organize moral and professional training courses to develop the staff, and they need to hold exams to assess staff capacity. The government should respect, promote, and protect talented people so that they can advance their ability and feel easy to contribute to the country. According to the results of this thesis' sociological investigation (Question 32 – See Figure 11, Appendix 2), 83.65% of respondents agree that promoting and protecting talented people is not only the government's responsibility, but it is also citizens' responsibility.

- Improving the effectiveness of moral education in prisons and supplementing legal dissemination and compulsory moral education for administrative violators of human responsibilities

The purpose of punishment or imprisonment is not only to punish violators, but also to create opportunities for prisoners to learn about the law and to develop a sense of moral awareness and compliance with the law. In this way, the government can help prevent them from committing crimes again. When they commit such crimes, they reduce social resources. Releasing prisoners should not depend on the fixed sentence that the court has issued. Prisoners will not be released until they are aware of morality to ensure that when they return to the community, they will fulfill their responsibilities and do good deeds for society. Therefore, prison managers should educate prisoners in morality while they are serving their sentences. Moral educational textbooks to teach prisoners should be methodical and scientific. Imprisonment is only a temporary measure. The importance of reforming prisoners is to teach them morality so that they will not harm society again, but instead contribute to the community.

Violators of human obligations often love enjoyment because they consider it happiness. They are afraid of fulfilling their responsibilities because they consider it

²³⁹ See Ven. S. Dhammika, *ibid*, PE IV, p. 37.

²⁴⁰ See Ven. S. Dhammika, *ibid*, SRE I/RE XVI, p. 30.

²⁴¹ See Ven. S. Dhammika, *ibid*, SRE I/E XVI, p. 31.

²⁴² Hoàng Phong (2013), *Ashoka - một vị vua Phật tử* [Ashoka - a Buddhist king], website: <<https://nghiencuulichsu.com/2013/05/09/ashoka-mot-vi-king-phat-tu/>>, accessed September 6, 2021.

misery. Prison managers should design labor forms appropriate to each prisoner's age and health. Prison managers should also create a friendly working environment so prisoners can feel serenity and happiness while they are working. Prison managers also need to regularly organize moral education classes, in which prisoners' compassion and noble feelings are aroused. They will regret their mistakes and resolve to make amends when they are moral. In addition, prison managers should care about prisoners, and they should develop a close and peaceful environment to make them feel warm and loved. They will be grateful and try to live better to repay the grace of life if they are cared and loved. However, the moral education of prisoners should not be subjectively applied because it is difficult to reform the psychology of prisoners.

Authorities should also pay more attention to mechanisms that monitor and assess prisoners' changes in mood and emotions. A prisoner's rehabilitation can be assessed through an exam of behavior, words, and periodic moral tests. Authorities must also create opportunities for them to do public works to atone for their past faults. Authorities should promptly apply incentive policies, such as a reduction of punishment or sentence, to well-reformed individuals who have good mentalities and performance. When prisoners finish serving their sentences, authorities should help them get a job and provide financial support in the early stages of their reintegration into the community.

All of the above measures are aimed at creating good conditions for wrongdoers who will return to the honest path to remake their life. Thus, prisoners must have a deep responsibility to repent while prison managers must have an responsibility to help or force prisoners to improve their moral characters.

The government should have policies that prolong the sentence of prisoners who stubbornly refuse to be reeducated. Longer sentences are necessary for those who need more moral education, even though their sentence have been fulfilled. They should not be released from prison until they are harmless to society.

The government should have measures that compel administrative violators to fulfill human obligations. Depending on level of severity of violations, violators must be forced to attend obligatory legal classes so that they can be aware of their mistakes and reduce the risk of repeat offenses.

iv. Developing a mechanism to honor exemplary individuals for their fulfillment of human obligations

In Vietnam, the history of human obligations had a reward mechanism that was clearly recorded in the set of Thanh Điều laws. This law was stipulated by King Lê Thánh Tông to teach people in morality. Article 5 of the Thanh Điều law stated, "In the village, and in the family line, people must help each other. If anyone has a reputation for being a virtuous person, the local mandarins should report this person's credit to the Thừa court

and the Hiến court, where officials shall submit the report to the king to praise him.”

Article 13 of the Thanh Điều law stated, “All officials and people must be dutiful, work hard in the fields, and help each other. When going to work, officials must not be late or evade their jobs. If anyone has a reputation of being an honest person, the district mandarins must submit this person’s credit to the Thua court and the Hien court to praise him.”

Article 23 of the Thanh Điều law stated, “The elders in the communes, villages, and wards know how to teach children in their communities to have good customs; the district mandarins must report these persons’ credits to the Thua court and the Hien court where officials shall submit the report to the king to praise them.”

Through rewards, Articles 5, 13, 23 of the Thanh Điều law were a flexible, reasonable, and effective method to encourage people to fulfill their obligations. At the same time, most of the world's laws applied harsh punishment as the only way to force people to fulfill their obligations. It was even more special when the noblest obligation in society was the obligation to teach morality in the community. Regardless of the era, morality is always the best motivation to help people fulfill their obligations. Whoever knows how to teach morality to others is always the greatest person to contribute a sense of responsibility and stability to society. Article 23 of the Thanh Điều law clearly shows great progress in the thinking about human obligations and ensuring the fulfillment of human obligations. This is the priceless teaching of the ancestors that future generations need to preserve and develop.

Looking at the present situation, we can see that the reward mechanism for individuals who achieve outstanding achievements in building and defending the fatherland was stipulated in the 2003 Law on Emulation and Commendation (amended and supplemented in 2005 and 2013). However, this mechanism still has some limitations in motivating the fulfillment of human obligations. These limitations are as follows:

Firstly, every individual who would be rewarded must have an outstanding achievement. As a matter of fact, many exemplary people who fulfill their obligations and contribute to the community are not included in reward lists because their achievements are not outstanding enough.

Secondly, the reward for outstanding individuals depends on the review and proposal of the agency or organization in which these individuals work, or it depends on the proposal of the local government or community where these individuals live. Meanwhile, many others silently contribute to the community, and they are not nominated to receive a reward. The fact is that no one is responsible for the omission of these meritorious contributors.

The two above limitations reveal the fact that some individuals’ outstanding achievements do not meet the government’s standard, and so no one recognizes their contributions. Committing crimes must be punished, but merits are not rewarded. These

shortcomings make the reward mechanism ineffective in encouraging people to voluntarily fulfill their obligations.

We need to build an effective mechanism to honor exemplary individuals who fulfill human obligations so that we can uphold the fairness and strictness of the law. Honoring people who serve the community creates a great example and encourages citizens to fulfill their obligations.

We recommend the three following ideas:

Firstly, in addition to the regulation on individuals who gain outstanding achievements in building and defending the fatherland, the government should supplement some regulations on honoring individuals who are exemplary in their fulfillment of human obligations. Honor means praise for an individual's contribution without giving him or her a reward. Honor without rewards also saves the national budget. An individual's number of honors could be used to consider giving this individual some benefits or priorities. For example, this individual could get a loan from some banks without security collateral. The exemplary criterion could be based on the obligations this individual continually fulfills for five years or ten years.

Secondly, the government should assign a task to the officials of the People's Council, the People's Committee, the Fatherland Front, and the Public Security Agency to search for exemplary individuals who fulfill human obligations. These officials will be reprimanded if they omit honoring any meritorious individual.

Thirdly, the government must respect and reward those who earn credits for moral education in the community. As we mentioned above, the obligation to teach morality in the community is priceless, according to Article 23 of the Thanh Dieu law stipulated by King Le Thanh Tong. Rewarding those who fulfill this obligation to teach morality will bring the community peace, goodness, and happiness.

4.2.4. Building and reinforcing other social institutions, and combining with the law to perfect a social mechanism of supporting and promoting the fulfillment of human responsibilities

4.2.4.1. Building and reinforcing other social institutions (non-governmental institutions) to perfect a social mechanism of supporting and promoting the fulfillment of human responsibilities

i. Building and reinforcing morality to perfect a social mechanism of supporting and promoting the fulfillment of human responsibilities

Our analysis shows that the degradation of social morality is one of many reasons that causes current serious violations of human responsibilities. It can be said that morality greatly influences the fulfillment of responsibilities and the demand of rights. A moral

person has a sense of fulfillment of responsibilities. Moral people fulfill responsibilities voluntarily and thoughtfully because they want to bring others joyfulness and benefits. Likewise, moral people know how to reduce their demands of rights so that they do not harm or cause suffering to others. Any place where moral people are present is always filled peace and happiness. On the contrary, any place where immoral people are present is filled with anxiety, insecurity, and suffering.

However, not everyone is born virtuous. The natural instincts of all beings, including humans, are selfish, greedy, and hateful. If people are not educated in morality, they will be dominated by their instincts that are always ready to incite people to make mistakes. Everyone must have the responsibility to cultivate morality and perfect their personality so that they never become a threat to others. In addition, people with moral characters can bring peace and trust to the community.²⁴³ Each person must be obligated to help others improve their morality and create a good community together. This is the desire of many people. According to the results of a sociological survey, 85.59% of respondents agreed that each person not only has the responsibility to improve his or her own morality, but they also have to help others improve their own morality. They should carefully keep bad behavior from the community. (Question 14 - See Chart 4, Appendix 2)

In some human histories, the cultivation of morality was regulated into specific laws. In the 3rd century BC, King Ashoka of India ordered that stone pillars be engraved with the law on responsibility to cultivate morality so that everyone could cultivate virtues such as obedience to parents and teachers, respect for the elderly and saints, the performance of good deeds, and kindness and compassion for the poor, the sick and even slaves.²⁴⁴ However, in Vietnamese law and international laws, cultivating morality is not considered a compulsory responsibility. The government does not pay attention to this responsibilities to cultivate morality. The role of morality is not fully promoted. Therefore, we realize that developing and perfecting morality is an urgent job to promote the fulfillment of human responsibilities. Here are a few suggestions geared toward strengthening methods of moral cultivation:

- *Increasing education of morality*

In human development, the achievement of knowledge should accompany the cultivation of morality, and even the cultivation of morality should prevail over the achievement of knowledge because morality is the origin of human beings. President Hồ Chí Minh once said, “Morality is the root. People having morality without talent find it hard to work anything out. People having talent without morality are useless.”²⁴⁵ However,

²⁴³ See Việt Quang (2020), *Nền tảng đạo đức* [Foundations of morality], Thế Giới Publishers, Hanoi, Vol. 1, p. 7.

²⁴⁴ See Ven. S. Dhammika, *ibid*, PE VII, p. 43.

²⁴⁵ Cao Văn Thống (2018), *Xây dựng nền tảng đạo đức cách mạng theo tư tưởng Hồ Chí Minh* [Building a revolutionary moral foundation according to Hồ Chí Minh's thought], The Central Inspection Commission of the Central Committee of the Communist Party of Vietnam. Website: <<http://ubkttw.vn/tam-guong-dao-duc-ho-chi>>

general education curriculum is not concerned about teaching morality. Morality is even being gradually reduced from curricula in schools.

Specifically, in the primary school, the subject of ethics covers moral education. In middle school, the subject of civic education covers both moral education and legal education. In high school, the subject of civic education must cover all five of the following topics: ethics, law, economy, politics and society, and philosophy. Ethics and civic education are only taught for one class period each week. This causes the subject of ethics to be unimportant to students, and they do not study it seriously. People highly appreciate talent but they pay very little attention to morality. Most people focus on achieving knowledge but ignore cultivating morality. The degradation of morality in society is one of the causes of laziness. People are too lazy to study and work, they are irresponsible, and they show indifference towards the community; finally, they violate both moral and legal individual responsibilities.

It is time for us to change our views on human moral education. The government and society must be responsible for helping each individual to improve their morality on a daily basis, because cultivating morality is a long, arduous process. Students especially need to receive a profound and thorough moral education when they are still going to school. The curriculum of moral education should be age-appropriate to help form students' personalities when they grow up.

The subject of ethics needs to be more deeply analyzed and more thoroughly taught as students' progress to higher levels of education. Student behavior should be evaluated closely. The Education Department should invest more effectively in moral education to make it more interesting, so students will love to learn it and learn to apply it in their own lives.

Ethics must be the most important subject throughout all three levels of education. This subject should be compulsory in entrance and graduation exams. In addition, the Education Department needs to develop special ethics curricula for higher levels of education, like bachelor's, master's, and doctorate degrees. The contents of this curricula must be nationally unified on the basis of distilling and systemizing the sources of moral thoughts, religious doctrines, and philosophies. During the process of study, learners should not only master the theory of ethics, but they should also cultivate ethical thoughts and become ethic models for the community.

The curricula of ethics must be a regular and continuous process that is carried out gradually. The basic content of ethics curricula must be taught repetitively in every grade. Each level or class will approach the same moral content differently. The depth of content should be developmentally appropriate for each age group.

Regarding the quality of teaching, teaching ethics requires real and moving stories that touch children's hearts. In addition, ethics curricula do not only focus on teaching, but it also provides opportunities to discuss experiences and honor real-life moral examples. Students can develop feelings of admiration and love for these moral examples. The students will also develop good character and good direction for their lives in the future.

In addition, the general education programs, vocational education and university programs must add content on morality and responsibilities. All students must be aware that "No matter what your career is, you must always be responsible for your job."

The world today is caught in the whirlpool of convenience brought by science while human morality is left behind. This is a very serious human error. This fact leads to a paradox that the more science develops, the more people find ways to satisfy their needs, and the more they fall into suffering, hatred, and cruelty. When people lack morality, they just want to hurt each other. They are ready to use weapons of mass destruction such as nuclear, biological, and chemical weapons to kill each other. Eventually, they push the world to the end.

Only when human morality can keep up with or surpass the advance of science will human development be sustainable. How can human morality keep up with or surpass the advance of science? This is the necessary solution: the subject of ethics must be taught in conjunction with scientific knowledge in the lowest levels of education. Every lesson of every subject must be embedded with moral lessons. Teachers must be obligated to include moral education in every lesson regardless which subject is taught. Teachers do not only transfer knowledge to students; they are also responsible for teaching morality. What is the ultimate purpose of education? Is it the moral upbringing of human hearts? If we can agree upon this point, we will have identified the strategy for building a better, more civilized human society in future.

When parents and students like and focus on the subject of ethics, the need for teachers and curricula will increase. Ethics teachers will be valuable in the education profession and in the community. In return, those teachers must live a moral life to prove that their lectures are realistic.

When promoting morality, the government should motivate teachers to thoroughly research, reflect and practice morality so they can teach the subject of ethics effectively. While teaching and cultivating morality, teachers will completely develop their own morality, and they will become shining examples for their students.

In fact, many teachers have researched morality, and they have embedded it into natural science lessons. The results are significant. The subject of natural science is often dry to many students though it is interesting to good students. However, adding moral

factors makes it extremely interesting.²⁴⁶ When seen from a moral viewpoint, studying natural science increases moral knowledge and motivates students to study more.

Teachers become more revered and respected when morality is integrated into science lessons. Their moral lives will nourish the children's hearts and minds every day. The sacred role of a teacher, which was established thousands of years ago and is part of the traditional culture of Vietnam, will be affirmed. When students have morality, they develop intelligence more easily, and they advance in their studies. They will become useful future citizens that contribute to the country's development. The more aware people are, the more they will demand that morality is standard, comprehensive, and reasonable. At that time, science and morality will complement each other, and this combination will improve human civilization and bring sustainable world progress.

- Contemplating benevolence

We do not want to use specific words like the charity of Christianity, or the compassion of Buddhism, but we will use common word to talk about the unconditioned love, that is “benevolence”. Benevolence is the quality of being kind, generous, selfless, and tolerant. It is also a measure of morality. The more benevolent people are, the more moral they are. When a heart is filled with benevolence, many other moral qualities are included such as responsibility, gentleness, sympathy, and helpfulness. In order to develop this benevolence, each person needs to practice the following methods.

Firstly, people must force themselves to love others. They should remind themselves that “May I love everyone.” They can love their family members first, such as their parents and siblings. They may love their friends, colleagues, and neighbors next. In addition, people should give benevolence to nature, living things, and mankind. If people remind themselves about benevolence every day, this benevolence will grow in their heart gradually.

Secondly, people must know to put themselves in someone else's shoes. People live in the world, and whether they are poor, rich, beautiful, or ugly, they all have their own feelings, sufferings, and situations that are difficult to express. It is impossible to understand other people's situations just by looking from the outside. Let us put ourselves in each other's shoes; we will understand their hardships, sufferings, and mistakes, and this will give us feelings of sympathy and love for them.

Thirdly, people should look at others' strengths to respect them. Everyone has advantages and disadvantages. The advantages create admiration and love, while the disadvantages cause feelings of discomfort and frustration. If everyone looked at each other's flaws, the world would be filled with hatred, competition, and division. Therefore, people should ignore the others' shortcomings but find their advantages to respect them to

²⁴⁶ See Suối Nguồn teacher group, Assoc. Prof. PhD. Nguyễn Đông Hải (chief editor) (2021), *Lessons for life from subjects*, Thanh Niên Publishing House, Vol. 1.

unite and love each other.

Fourthly, people should think that everyone deserves to be loved and needs to be loved. For example, we used to be hated and harmed by others, and we could find it difficult to love those people. However, those people still need to be loved, and they still need a refuge to overcome their mistakes. We should patiently love them and use our kind heart to treat them. Love is the great emotional power to change people for the better.

Fifthly, people should act to strengthen benevolence. Benevolence must be increased through specific actions to bring others benefits and happiness. These actions can be great or simple. Simple actions are also meaningful, such as giving a person a seat on the bus, offering someone a glass of water, or giving someone good advice. When we bring benefits to others, we also feel joyful, and our benevolence is strengthened. Once people's benevolence grows, people will love to serve and dedicate themselves to the community. That means loving to fulfill this obligation.

- Respecting and learning from the venerable

Respecting the venerable is one of the beauties of human culture. The ancient people taught that children must respect their parents, students must respect their teachers, and people must respect the leaders of their country. We respect two types of people: the talented and the moral. We must highly respect those who carry great responsibilities for society and those who have created a good influence on life through their works or technological inventions.

In our hearts and minds, we often respect moral people more than talented people. Johann Wolfgang Von Goethe, German poet (1749-1832) once said, "Before a great mind, I bow my head. Before a great heart, I kneel."

It is said, "Respect for teachers is the only way to become a teacher." If we respect our teachers, we will grow teachers' good characters in our minds. If we respect the sages, we will accumulate a number of their noble characters. Moreover, each of us should practice the following points to respectfully learn from the venerable.

Firstly, we learn about the lives and careers of predecessors, sages and saints to understand their noble, talented, and great qualities. The deeper our understanding is, the more we respect them.

Secondly, we learn and practice the teachings of great men and moral master. We will gradually develop our virtuous qualities after we master their teachings. These qualities are externally expressed through our moral words and behavior toward people around us.

Thirdly, we try to be close to moral, exemplary people to learn good things from them, and we express our admiration for them so that we can be inspired to live more positively.

Fourthly, we often praise the venerable. We can use many methods such as words, literature, or music to praise, share, and spread their moral lives so that everyone must

respect them. The more we praise the venerable, the stronger our respect for them is.

In history, there have been many great and famous people who came to humanity and left many valuable lessons. The existence of these virtuous celebrities have spread morality widely in the community. In Vietnam, President Hồ Chí Minh's life and career are a shining example. His moral system of thought is a valuable treasure for everyone to learn and practice. This system of moral thought is also an important contribution to the general morality of the world.

- *Trying to find faults*

No one is perfect, and everyone can easily make mistakes. Only transcendent saints are perfect and never make mistakes. Mistakes can be shown outside, but many of them are hidden inside. Trying to find faults is a process of the cultivation of morality. If we can see our faults, we can correct them. If we regularly find mistakes and correct them, we will become careful, meticulous, and delicate in our work. In addition, we will be more sympathetic and tolerant toward others' mistakes. The benefits of finding our own mistakes are great. However, this is not easy. To find our own fault, each person needs to do these following instructions.²⁴⁷

Firstly, we often judge our own mistakes. A person who can see his own mistakes is both wise and courageous. It requires wisdom to see mistakes because finding mistakes is very hard. It requires courage to accept mistakes because accepting one's own mistakes is extremely difficult. When something bad happens, we must examine ourselves to see if it happens because of our own mistakes. We must have the courage to accept our mistakes and correct them. We should not blame our circumstances or others, but we should feel remorse for making mistakes. Our remorse is a sign of morality.

Secondly, we must regularly compare our actions with the saints' moral lives and their teachings to see if our thoughts, words, and deeds are right or wrong. From this viewpoint, we can make the appropriate adjustments to improve our morality.

Thirdly, we should take time to reflect on ourselves. Today's life has become busier than life in the past, but everyone needs to take time to reflect and re-evaluate their thoughts, words, and behaviors. We must try to find the hidden faults that are hard to see, such as arrogance, pride of deeds, jealousy, and self-love.

Fourthly, we need someone to point out our faults because we often do not see our own mistakes. To correct ourselves effectively, we need virtuous and kind people to point out our mistakes. However, we must give up our subjective thinking and self-love to receive their comments and suggestions.

Fifthly, we should anticipate any possible mistakes. When planning to do anything,

²⁴⁷ See Thích Chân Quang (2018), *Nói với chính mình [Speaking to Yourself]*, Tôn giáo Publishing House, Hanoi, Chapter 1 - Knowing your own mistakes, pp. 5-36.

we must think carefully and learn to see mistakes that can happen so that we can avoid harming and disturbing others. When we practice finding faults before they happen, it helps us develop our wisdom to see our own mistakes.

- *Being modest*

Modesty is to consider ourselves as weak and to think of others as great so that we can avoid being arrogant. We should be gentle and easily show respect for others. People by nature feel bad when they fail, but they are arrogant if they are successful. However, moral people know how to control their feelings whether they are successful or a failure. They are not arrogant if they are successful, and they do not have an inferiority complex if they fail. This helps them learn to be excellent and easily accept others' virtues. These people are likely to contribute to the community. To be modest, we must practice the following instructions.

Firstly, everyone, from childhood, must practice obedience to grandparents, parents, teachers, elders, and respectable people. This is the basic way to be modest and respect people.

Secondly, we must always see that our ability is still limited in comparison to many other people, and especially to great people, so that we are not arrogant. We also need to understand that we have many shortcomings so that we can avoid looking down on anyone. Thanks to this practice, we can keep ourselves modest but gentle with everyone. We also try to learn from others and constantly improve ourselves.

Thirdly, we must always keep in mind that our knowledge is just a grain of sand in the desert, so we must always be modest and respectfully listen to others' opinions. We are willing to share knowledge with everyone, and we always hope they are better than us.

Fourthly, when we achieve credit, we should not think that this credit is due to our own talent. We must see that this credit belongs to a team or someone who secretly helped us.

- *Contributing to a healthy and moral community*

Cultivating and practicing morality is a long and difficult process. In this process, very few people can achieve virtue or cultivate morality on their own. Everyone needs interaction, help and guidance to progress in morality. Everyone also has a responsibility to create healthy communities. Here are some proposals as follows:

Firstly, we should join communities that advocate moral cultivation, in which people live with ideals. In these communities, everyone lives gently, treats others kindly and unbiasedly, and works together to benefit the community. People who are instructed by respectful and moral teachers will rapidly and steadily progress in morality.

Secondly, we can establish humanistic art by composing and sharing literature, poetry, painting, and music that contain moral thoughts. Art easily makes people emotional. Using art to convey messages about morality to people will be effective. Any

book or art having negative influences such as selfishness, hatred, lust, or arrogance should be removed from the community.

Thirdly, we should share, spread, and protect educational information, but we should prevent harmful information in our community. This will provide more opportunities to receive good things and reduce the risk of being infected by evil thoughts.

In short, developing and perfecting human morality is a sustainable solution to improve the fulfillment of human responsibilities. Cultivating one's morality and helping others to improve morality must be considered a sacred responsibility of humanity.

- Practicing meditation correctly

Meditation leads to inner peace and a lucid mind, and it helps to calm disturbed thoughts or sloppy sentiments.²⁴⁸ Today, people all over the world are likely to practice meditation because they realize how helpful meditation is. Meditation also helps develop human morality. People often make mistakes because they cannot control their negative attitudes such as selfishness, anger, or greed. Thanks to the practice of meditation, people can control these attitudes and live a life of high moral standards. The insight of a lucid mind helps people control their secret unwholesome thoughts and see everything objectively, positively, and thoroughly. Thanks to objective, positive, and thorough insight, people experience an increase in feelings of empathy and tolerance toward others. Peaceful and lucid minds also open people's hearts to others and to life.

For a long time, the ancients considered meditation an important method to cultivate virtue and kindness. Scientific studies have investigated meditation from psychological, physiological, and neurological standpoints, and these studies recognize that meditation has practical value to improve the personality and character of human beings. Therefore, meditation has been applied in many areas of life as meditation is now humanity's common property. Many companies such as Google, Nike, Apple, and Samsung encourage their employees to meditate so that they can reduce stress, promote empathy for their colleagues, and improve teamwork. The governments of the United States, India, and Thailand apply the practice of meditation in prisons. Research shows that prisoners experience greater change when they develop a feeling of remorse and better control of their emotions. Schools from all over the world now offer meditation courses or implement meditation in training programs that helps students gain a positive outlook and a good personality.

However, many different practices of meditation have developed today. There should be a globally recognized standard method of meditation that is scientifically and morally appropriate so that meditation can become more widely practiced. Everyone has the right to enjoy the valuable benefits of meditation, as meditation is human beings' common

²⁴⁸ See Thích Chân Quang (2014), *Giáo trình Thiền học* [Textbook on Meditation], Tôn giáo Publishing house, Hanoi, p. 6.

property. At the same time, each person should also be determined and persistent in practicing meditation to perfect their own morality and contribute to development of the fulfillment of obligations in the community. When society progresses, meditation **will** be stipulated in human rights and responsibilities law. This law will contribute to developing a civilized, moral, and happy world.

ii. Building and reinforcing religious dogma to perfect a social mechanism of supporting and promoting the fulfillment of human responsibilities

Religious sentiment has been a universal attribute of humans for many thousands of years. In the beginning, people used the concept of religion to explain the phenomena of heaven and earth. This explanation is very similar to modern science's explanation. However, most religions have illustrated everything in life by using divine images. This intense feeling of reverence for God has given the world religious systems the characteristics that we know today.

Religious theories are considered a legitimate and important method to regulate human behavior and consciousness. Historically, King Ashoka in India (272 - 231 BC) applied this method to his country's governance policy. The king ordered moral responsibilities to be engraved on stone pillars all over the country. The king required all religions to adjust their theories to uphold morality. At that time, morality was even more important than futile rituals.²⁴⁹ All believer had to practice morality, especially monks, who had to be moral to be worthy of the public's offerings.

The king also instructed that religions live in harmony and learn from each other to advance morality together. Avoiding the disparagement of other religions was the foundation of virtuous growth. In addition, all religions must learn the true teachings and honor the other religions' good points.²⁵⁰ These instructions were so progressive that the value of these instructions is still intact today.

Developing and perfecting the religious theories on human responsibilities are necessary for the effective fulfillment of human responsibilities. Each religion needs to add systematic provisions to their dogma on human obligations to educate their believers. These proposals are as follows:

²⁴⁹ See Ven. S. Dhammika, *ibid*, RE VII, p. 21. "...But people have various desires and various passions, and they may practice all of what they should or only a part of it. But one who receives great gifts yet is lacking in self-control, purity of heart, gratitude and firm devotion, such a person is mean" See Ven. S. Dhammika, *ibid*, RE IX, p. 22. "...These types of ceremonies can be performed by all means, but they bear little fruit. What does bear great fruit, however, is the ceremony of the Dhamma. This involves proper behaviour towards servants and employees, respect for teachers, restraint towards living beings, and generosity towards ascetics and Brahmans. These and other things constitute the ceremony of the Dhamma."

²⁵⁰ See Ven. S. Dhammika, *ibid*, RE XI, pp. 24, 25. "... Growth in essentials can be done in different ways, but all of them have as their root restraint in speech, that is, not praising one's own religion, or condemning the religion of others without good cause. And if there is cause for criticism, it should be done in a mild way. But it is better to honour other religions for this reason... One should listen to and respect the doctrines professed by others... does not value gifts and honours as much as he values that there should be growth in the essentials of all religions."

Firstly, believers must avoid doing anything that violates the provisions of law, morality, and social principles to contribute to keeping the community secure and in order.

Secondly, believers must conscientiously fulfill the responsibilities prescribed by the law, actively spread the moral lifestyle in the community, and help people become gentle and kind.

Thirdly, believers must have a sense of fulfilling more responsibilities than demanding rights. In addition, believers must willingly help others in difficulty and regularly volunteer for service activities such as picking up trash, planting trees, repairing roads and bridges, and taking care of the elderly who are alone. If they do that, they are contributing to the society's prosperity.

Fourthly, believers must be deeply patriotic, and they must share their devotion equally between their religion and society. They should not devote themselves to their religions but ignore their responsibility to the community and the country. Monks or priests must teach their believers passionate patriotism, which should be a common point connecting all religions together.

Fifthly, all believers must avoid talking or doing anything that pushes their own religions apart. They must also avoid splitting their religion and other religions. Believers must have a dream of a common religion for the whole world so that this world will no longer endure division, hate, and suffering.

iii. Building and reinforcing regulations of non-governmental organizations to perfect a social mechanism of supporting and promoting the fulfillment of human responsibilities

Developing and perfecting the organizations' regulations on human responsibilities²⁵¹ is also a very important supplement to promote the sense of human responsibilities. To do that, we need to perform the following actions.

Firstly, organizations must set up codes of conduct that include many moral responsibilities promoted by moral conscience or demanded by social ethics in each specific field and relationship. These responsibilities are essential to adjust human sentiments, goodwill, and morality. These sentiments, goodwill, and morality are fundamental factors to motivate people to fulfill their responsibilities, but they are so abstract that they cannot be regulated by law.

Secondly, virtuous leaders in villages, communities, and organizations are responsible to periodically hold meetings that teach, remind, and advise the members about

²⁵¹ "Organization" here is understood in a broad sense to mean communities in society, from small communities such as clans, offices, factories, schools, hospitals, prisons to large communities such as associations, organizations, etc. *The organization's regulations on human obligations* have many forms such as internal rules, conventions, charters, and disciplines of enterprises, associations, etc.; village conventions, customary laws, codes of conduct, customs and practices of the population community, etc., with recognition of human obligations.

the spirit of human responsibilities toward society. The members should know right from wrong, to do or not to do. They must also preserve culture, customs, and traditions. In the history of Vietnamese law, Article 19 of the Thanh Điều law stipulated by King Lê Thánh Tông stated, *“The hamlets and communes must select some moral elder people to be leaders. On beautiful days, they should invite the people to come to the temples to listen to moral teachings. So, the people can follow the teachings to do good deeds, which should become a custom.”* (See Appendix 3). Activities such as these should be effectively continued in today’s society to promote and implement moral teachings.

Thirdly, every organization must develop regulations on rewards and punishments for its members. If a member commits violations, whether it is a violation of a legal responsibility or a moral responsibility, they will be severely punished. On the other hand, if a member fulfills his or her obligations and has a moral lifestyle, he or she will be honored and rewarded by the organization.

iv. Developing a faith in the law of karma

The law of karma is the principle that every act, thought, or word must become karma because it affects others. Karma will return corresponding results. If people do good deeds, they will receive happiness. If people do bad things, they will receive negative consequences. Although the law of karma is invisible, it is easily accepted. This is because humans, by conscience, always appreciate fairness. Faith in the law of karma is an abstract concept, but the benefits it brings to life are significantly practical. This is a very effective method to promote the fulfillment of human obligations.

In the process of leading mankind towards civilization, the saints have tried to develop people's faith in the law of karma through teachings:

Buddha Shakyamuni said, *“If a man speaks or acts with a tranquil mind, happiness follows him like a shadow that never leaves him.”*²⁵²

Jesus said, *“For all who take the sword will perish by the sword.”*²⁵³

Lao Tzu said, *“If you would take, you must first give first.”*²⁵⁴

Socrates said, *“Every action has its pleasure and its price.”* And *“Do not do to others what angers you if done to you by others.”*

Through observing events and phenomena in life, we can realize that the law of karma is summarized in many proverbs which have become human behavior and cultural traditions. Sayings everyone would know such as:

²⁵² https://www.goodreads.com/author/quotes/2167493.Gautama_Buddha, p.11, accessed September 20, 2021.

²⁵³ Mathew chapter 26, verses 10 to 17 see <https://biblehub.com/esv/matthew/26.htm>, accessed September 20, 2021.

²⁵⁴ See https://www.taoistic.com/fake-laotzu-quotes/fake-laotzu-quote-If_you_would_take_you_must_first_give.htm, accessed September 20, 2021.

A good turn is never lost. Man reaps what he sowed.	Vietnamese proverb
What goes around, comes around.	English proverb
Good deeds done the day before, bring happiness the next day.	Indian proverb
Good deeds win good, evil deeds win evil.	Chinese proverb
If I do it, I have to bear it.	Japanese proverb
When we give flowers to others, the first person to smell the scent is ourselves. When we grab mud and throw it at others, our hands get dirty first.	Hebrew proverb

The law of karma is also clearly expressed through many quotations such as:

Actions make us, or damage us. We are the result of our own actions	Victor Hugo (French writer)
The future is bought by the present	Samuel Johnson (British philosopher)
Shallow men believe in luck or in circumstance. Strong men believe in cause and effect.	Ralph Waldo Emerson (American philosopher)
The game of life is a game of boomerangs. Our thoughts, deeds and words return to us sooner or later with astounding accuracy.	Florence Scovel Shinn (American writer & artist)

We can see that these proverbs, quotations and great people's teachings mentioned are related to the law of karma. This law is fair and objective, as it is not created by any deity, priest, king, or legislator.

We can consider the law of karma a postulate that is like Euclid's postulate in mathematics. It is a truth that does not need to be proved, but we can significantly develop a great scientific system from this law. Although the existence and operation of the law of karma has not been confirmed by official scientific results, this law will bring great benefits

to society if we apply it to life.²⁵⁵ Faith in the law of karma helps people adjust their actions so that they will not do bad things to harm others or other species. Faith in the law of karma also has the ability to reform people from bad to good and from good to holy, and it helps people develop a strong sense of responsibility. There are some specific benefits below for people who believe in the law of karma and want to apply it in their lives.

Firstly, knowing how to control oneself so as not to harm the interests of others. People who understand the law of karma can always distinguish between right and wrong, and they evaluate each thought, word, and behavior carefully. They know how to control themselves and never dare to behave with the attitude of “the survival of the fittest,” so that they can avoid harming the interests of others. Self-control also helps these people to have stable psychology, a healthy mind, and prestige. They are loved and trusted by others.

Secondly, people should not enjoy life to the fullest. According to the law of karma, people who do good deeds create invisible blessings. When the time comes, they can enjoy these blessings, which are considered good luck. However, if people enjoy all the blessings they have worked for immediately, the supply of these invisible blessings is exhausted. That leaves only bad luck for the future. People should control their own desires so they do not exhaust blessings. People should not indulge themselves too much, but they should continue to do good deeds to create more and more blessings.

Thirdly, people should live diligently and have a high sense of responsibility. A person who believes in the law of karma works diligently, and he or she is likely to contribute to bringing society benefits. This person is willing to fulfill the responsibilities required by law and the responsibilities required by the community. At first, people’s dedication and diligence come from a desire for good result. Gradually, their dedication and diligence becomes a natural part of their moral qualities.

Fourthly, people should create a reciprocal society. A person who believes in the law of karma always treats people with sincere kindness. This sincere kindness will cause others to feel peace and trust, and this makes it easy to cooperatively establish a reciprocal society together. People who believe in the law of karma are always willing to help others. Mutual help will contribute to creating such a reciprocal society.

Fifthly, people should recognize that good behavior greatly reduces pressure on the judicial system. People who believe in the law of karma always avoid making mistakes in every single thought, word, and action, and so they always obey the law. They take no risk of breaking the law, especially the criminal law. If everyone complies with the law, the judicial system would be relieved of pressure of holding trial, enforcing judgment and suppressing, investigating, and prosecuting crime. This would save an enormous amount

²⁵⁵ See Thích Chân Quang (2016), *Nghiệp và Kết quả* [Karma and its Results], Tôn giáo Publishing House, Hanoi, on some theories of Karma from a scientific perspective.

of money in the national budget.

In short, the theoretical system of human morality would be perfect if citizens methodically studied the law of karma. Carefully teaching every student about morality from an early age will greatly enhance society's general morality. The moral lessons for children can focus on actions and behavior, such as the identification of proper behavior and good, evil, sin or blessings. If this principle is taught in all levels as a compulsory subject in schools, it will significantly reduce violations of the law. Faith in and application of the law of karma are also a special method of moral cultivation. If people have deep faith in the law of karma, they must have a high sense of the fulfillment of human obligations.

4.2.4.2. Closely combining the law with other social institutions to ensure and promote the fulfillment of human responsibilities

Human responsibilities is a broad concept, and it is expressed in many different fields. Human responsibilities are not only recognized in the law. They are also in many other regulations on social relations. The recognition and enforcement of laws and regulations need to be closely and harmoniously combined.

i. Combining the law with morality

We should focus on combining the law with morality to ensure that the fulfillment of human responsibilities is effective. We can ensure this to promote advantages and limit shortcomings. Here are some proposals as follows:

Firstly, the combination of law and morality must be thoroughly understood throughout the activities of the construction, enforcement, and protection of the law. Lawmaking must be based on morality to promulgate the regulations on human responsibilities, and any immoral regulation cannot be accepted. In the process of implementing the law on human responsibilities, lawmakers must always pay attention to the combination of moral factors. Lawmakers should focus most on education to protect the law on human responsibilities. This education is very important to persuade violators so that they are likely to voluntarily confess sins and bear the penalty and avoid recidivism.

Secondly, propagating the law on human responsibilities must be combined with moral education. This education should be not only done in schools but also in families, agencies, organizations, and the whole society.

Thirdly, socio-professional organizations need to coordinate with the government to promulgate or amend codes of professional morality. They need to create codes of conduct that must be appropriate to the characteristics of each profession in society today.

In current social management methods, the law and morality have the most important role. The law ensures a reasonable coordination of rights and responsibilities, and each individual's morality helps this person voluntarily and happily fulfill their responsibilities.

There is a subtle connection between the law and morality. This is because some highly complex issues have led to extreme deadlocks when the **lawmakers rigidly apply** the law. An example is the issue of right to property.

The **right to property** is one of the legitimate human rights.

The 1789 French Declaration of the Rights of Man and of the Citizens, Article 17 affirms, “*Since property is an inviolable and sacred right, no one shall be deprived thereof except where public necessity, legally determined, shall clearly demand it, and then only on condition that the owner shall have been previously and equitably indemnified.*”²⁵⁶

In the Universal Declaration of Human Rights, Article 17 guarantees the right to property, and it states, “*Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.*”²⁵⁷

In Vietnam’s 2013 Constitution, Article 32 states, “*The right of private ownership and the right of inheritance are protected by the law.*”²⁵⁸

The right to property strongly influences society in two ways.

In a positive way, the right to own property helps improve labor productivity. When people are assured that all property they build belongs to them, people feel motivated to work diligently. This assurance that their interests are equally protected by the law makes people want to own more property, and they enthusiastically try to acquire more property. This assurance increases labor productivity in the whole society.

In a negative way, the right to own property can make people accumulate a great amount of property, and their property can also make them powerful. This power is considered a kind of civil power. Sometimes, they can compete with the government’s power and therefore easily manipulate the country’s economy and exploit workers.

If the government is afraid of this civil power and removes the right to own property, then the government cuts off people’s motivation to work hard, inhibits labor productivity, and possibly risks the collapse of society due to lack of resources.

It is difficult to keep the right to own property while preventing exploitation and manipulating. If we only rely on the law, we cannot solve this problem. We need the best instrument of morality to solve it. This instrument of morality can be helpful by preventing the risk of misuse of power through the manipulation of the country’s economy, competition with the government’s power, and the exploitation of workers.

When people accumulate a huge amount of property, their own property will be protected by the law. They are allowed to own their property, and at the same time, they must also fulfill their **responsibilities to property**. They must use their property morally

²⁵⁶ https://avalon.law.yale.edu/18th_century/rightsof.asp., accessed September 25, 2021.

²⁵⁷ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>., accessed September 25, 2021.

²⁵⁸ <https://constitutionnet.org/sites/default/files/tranlation_of_vietnams_new_constitution_enuk_2.pdf>

to bring benefits to others and society. The rich should know to help the poor. It is called their fulfillment of “responsibilities to property.” Entrepreneurs should intentionally create more jobs but consider profits secondary, and that is also a fulfillment of their “responsibilities to property.” The government needs to build an educational program and develop policies that guide people to fulfill their responsibilities to property from the beginning of their careers. The government should effectively use an ethical instrument to encourage people to willingly fulfill their responsibilities to property.

In short, people need a right to property to feel easy to work and create labor productivity. People also need a **responsibility to property** secured by the instrument of the law and promoted by the instrument of morality so that the negative side of the right to private property can be controlled.

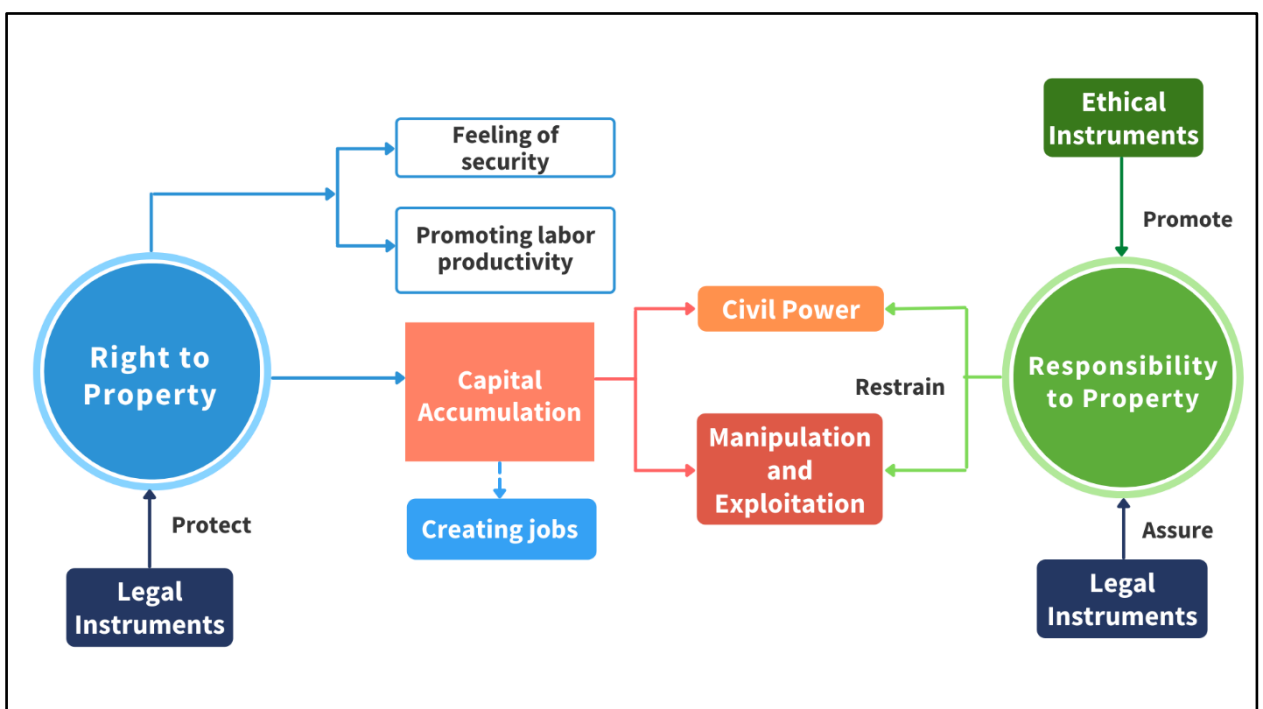


Figure 4 - Right to property

ii. Combining the law with religious dogma

We should combine the law with religious dogma to ensure and promote the fulfillment of human responsibilities, and we can progress with some of the following measures.

Firstly, we should speed up the propagation of the law in areas where many religious compatriots live. We can promote the role of religious dignitaries and monastics in the propagation of the law because they have good connections with their religious compatriots. Generally, the teachings of all religions lead people to truth, goodness, beauty, justice, and compassion. The goal of the law and the goal of religions are the same and favorable, so the law on human obligations can be easily inserted into religious teachings. This is absolutely reasonable because religious believers are also humans, and they must

also fulfill their obligations toward the community.

To do this, the government must encourage and even force religious dignitaries and monastics to master legal regulations and enforce the law honorably. These dignitaries should know how to harmoniously combine the law with religious dogma to mobilize believers so that these believers can voluntarily fulfill their human obligations and live a good life.

Secondly, the government representatives responsible for social management need to understand religious dogma so that they can support religious activists' fulfillment of responsibilities. Positive religious teachings should be promoted to educate people in virtues such as patriotism, a love for work, a love for humanity, responsibility for everyone, and obedience of the law. When these believers accumulate all these virtues, they will voluntarily fulfill their obligations to benefit the community.

Thirdly, the government needs to harmoniously combine the law with religious dogma to promote the advantages of the law and religion and to overcome the shortcomings of either instrument used alone. The government should constantly improve the effectiveness of the law and religious dogma to ensure the fulfillment of responsibilities.

Fourthly, lawmakers need to strengthen the recognition of provisions on human responsibilities, which are the cultural values in religious dogma, so that social morality, national culture, and a unified spirit will be strengthened in mutual affection.

iii. Combining the law with the regulations of organizations

We should combine the law with the regulations of organizations to ensure the fulfillment of human responsibilities. To do this, we need to conduct these activities as follows:

Firstly, we should expand and diversify the activities of citizens by encouraging them to participate in charitable, cultural, and social organizations. Once they become members of these organizations, they will be given more ways to monitor the fulfillment of their human responsibilities. Humanitarian organizations are especially suited to provide opportunities for members to fulfill their responsibilities and contribute to their communities.

Secondly, we should regularly inspect organizations' observance of the law of human responsibilities both inside and outside the country.

Thirdly, these organizations must amend and supplement regulations based on the law. The organizations should regulate their members' responsibilities so that they are consistent with human responsibilities in the law and in accordance with the national and international circumstances. The government should encourage these organizations to set up positive responsibilities, or to set up higher responsibilities than those mentioned in the law. However, all organizational obligations must still suit the abilities of their members.

The above-mentioned activities do not only improve the efficient fulfillment of

responsibilities of these organizations' members, but they also indirectly influence their members' families and communities.

iv. Combining the law with faith in the law of karma

Faith in the law of karma is an extremely effective instrument to ensure and promote the fulfillment of human responsibilities. This faith helps prevent violations of responsibilities from people's thoughts. Faith in the law of karma is also necessarily added into the law. Not all violations of the law are detected and handled by the authorities, and not all violators are fairly handled by the authorities. Meanwhile, faith in the law of karma can show people how to judge themselves, and their own judgment can prevent them from doing wrong. They believe in the fairness of heaven and earth and in the proverb that *"Heaven's net is immense. Although it is sparse, nobody can escape from it,"* so they do not want to receive painful retribution in future. Moreover, people who believe in the law of karma carefully abide by the law, and they feel a great sense of responsibility to fulfill their legal obligations. They also dedicate themselves to serving the community, and they are a trustworthy and spiritual support for the community.

Therefore, the combination of the law and faith in the law of karma should be more focused and more thoroughly implemented. The most practical combination is to integrate faith in the law of karma into activities to develop the law. These activities must be specifically organized in schools. Integrating the law of karma into schools through the use of moral proverbs and quotations would educate people. This method can help people avoid doing evil, but instead do good deeds and fulfill human responsibilities.

4.2.5. Proposals for the Global Declaration of Human Responsibilities

As we have analyzed many issues, we can see that the excessive promotion of rights has caused many negative consequences for humanity. These consequences cover many areas such as security, politics, economy, environment, and social culture. One of these consequences is that people become indifferent and selfish, and they gradually become ignominious. These consequences are caused by an imbalance between human rights and human responsibilities. Many activists began to recognize this imbalance in the 1990s, so they began a movement to enhance the role of responsibilities. The promotion of the fulfillment of human responsibilities has been initiated. Although this movement has created a certain resonance and has contributed to an awakening to the dangers of an excessive demand for human rights, it has not been able to convince the international community as these activists desired. It is because the theoretical foundations of human obligations have not been deeply and firmly established.

A comprehensive review of this issue shows that the birth of the Universal Declaration of Human Rights has brought some good results to this particular moment in history. However, the promotion of human rights is no longer appropriate today. This is

the time when people need a balance between demanding rights and fulfilling responsibilities to regain their consciousness of life. Internationally, civilized society is also pressingly demanding a moral standard so people can interact with each other in solidarity, assistance, and affection. With the perspectives of science, wisdom, and morality, we have focused this thesis on clarifying the role of human responsibilities as well as the close relationship between human rights and human responsibilities. Some arguments are confirmed as follows:

Firstly, human beings need the right to life and the pursuit of happiness, there must also be responsibilities commensurate with those rights.

Secondly, when people fulfill many responsibilities, their dignity is correspondingly increased, then they contribute to a better society.

Thirdly, in some cases, the fulfillment of responsibilities should be exercised more than the enjoyment of rights, so society can develop and become more sustainable.

While writing this thesis, we carried out a practical sociological survey of the community's views on rights and responsibilities. Results showed that 85.42% of the respondents said that they felt happy when fulfilling their responsibilities to contribute to society (Question 27 - See Figure 5, Appendix 2). In another question related to Vietnamese law, 68.61% of respondents said that the provision on obligations should be supplemented in the constitution. These provisions must help people understand that if a citizen demands rights, he or she must make a worthy contribution in return. In addition, 70.93% of respondents thought that obligations should be increased to help build a responsible nation (Question 30 - See Figure 10, Appendix 2). These results showed that many people are now willing to fulfill more responsibilities, and they absolutely approve of supplementing human obligations in the law.

To develop and perfect human responsibilities in the law, we first propose an official Global Declaration of Human Responsibilities (GDHR) to submit to the United Nations General Assembly. The birth of this declaration at this time is completely appropriate to the objective requirements of society, as it is the foundation for developing and perfecting the system of international standards on human responsibilities. When it is adopted, this declaration will become a universal value commensurate with the Universal Declaration of Human Rights, and it will coordinate with the UDHR to create a righteous benchmark that illuminates mankind's actions.

To achieve this goal, we recognize that a Global Declaration of Human Responsibilities should meet the following criteria:

Criterion 1: This declaration must aim for the ultimate goal of bringing true happiness to people while simultaneously helping the world become a world community with solidarity, mutual support, and love.

Criterion 2: The content of this declaration must be built on foundations of science, wisdom, and morality, in which morality is the core element to solve the root of the problems of humanity today.

Criterion 3: The responsibilities in this declaration must be universal to ensure the principle that rights and responsibilities always go hand in hand and are inseparable. Where there are rights, there are responsibilities. Whoever demands rights has to fulfill responsibilities.

Criterion 4: The responsibilities in this declaration must be practical and relevant to the community.

Criterion 5: The responsibilities proposed in this declaration must be directed to all subjects with the goal that disadvantaged people are also encouraged to fulfill their responsibilities. Disadvantaged people should dedicate their effort to the community based on their abilities so that they can still maintain their own values.

Criterion 6: This declaration must contain many moral responsibilities that arouse noble sentiments in people, and it must motivate people to voluntarily fulfill their responsibilities and widely spread good deeds in the community.

Criterion 7: This declaration must be able to move people. When reading this declaration, people should realize that they have been enjoying many precious things in life. They now should be moved to do anything worthy to make up for the rights they previously demanded.

Criterion 8: This declaration must provide basic foundations and will be expanded when human intelligence and morality reach new heights.

Based on the above criteria and the points concluded in this thesis, we propose a draft of the Global Declaration of Human Responsibilities. This declaration should be one of the solutions to perfect the regulations and to promote the fulfillment of human responsibilities in international law and Vietnamese law. We hope that this declaration will receive support from international communities and that it will positively contribute to the advancement of society.

GLOBAL DECLARATION OF HUMAN RESPONSIBILITIES²⁵⁹

Considering that coming to this world, everyone has the responsibility to make it better, then together we can enjoy the rights and happiness here.

Considering that human beings need the right to life and the pursuit of happiness, there must also be responsibilities commensurate with those rights.

Considering that when people fulfill many responsibilities, their dignity is correspondingly increased, then they contribute to a better society.

²⁵⁹ Vương Tấn Việt, copyrighted with the original Vietnamese and English and German translations in Wiesbaden, Germany, on 31 March 2021 by Prof. PhD. Christian Russ, No. 113/2021-Ru.

Considering that, in some cases, the fulfillment of responsibilities should be exercised more than the enjoyment of rights, so society can develop and become more sustainable.

Now, we declare these human responsibilities under the following terms:

Article 1

Responsibilities can be classified in three ways. Some responsibilities are prescribed by law (obligations), some responsibilities are required by social ethics (duties), and some responsibilities are motivated by moral conscience (onus).

1. Responsibilities can fit one, two, or all three of these classifications.

Article 2

Everyone is entitled to legitimate benefits from these approaches: human rights (connected with the law), human love (affection - connected with instinct, for example, family affection), human compassion (connected with philanthropy), and human gratitude (connected with gratitude).

1. Sometimes, people cannot benefit from human rights because of their inability to perform their responsibilities, but they can benefit from other approaches. For example, children benefit from family affection, the disabled benefit from humanitarianism, and the elderly or those who have made a significant contribution to their country benefit from social conscience.

2. Human rights are not the only approach of legitimate benefits.

Article 3

Many persons can fulfill their responsibilities and are willing to do so, but others cannot or can only partly fulfill their responsibilities. Many persons can fulfill their responsibilities but avoid it due to their lack of goodwill.

Article 4

Obligation (the responsibility prescribed by law) shall satisfy the interests of human rights, but duty (the responsibility required by social ethics) and onus (the responsibility motivated by moral conscience) shall satisfy the interests of human compassion, human love, and human gratitude.

1. When a person cannot fulfill their obligation, they shall not be entitled to human rights, but the community shall immediately apply other approaches such as human compassion, human love, and human gratitude to them.

Article 5

Humans need many favorable conditions to live, to develop their personality, spirit, and values, and to contribute to the community. These favorable conditions, sometimes called legitimate interests, are universal for all people regardless of nationality, race,

religion and sex, or any other status, but shall have some restrictions for unethical individuals.

1. Everyone has the responsibility to contribute good things to the community according to their ability and goodwill.

Article 6

The citizens of each country are also subject to the enjoyment of human rights and the fulfillment of human responsibilities, although in practice those rights and responsibilities shall have appropriate limits.

1. There is no distinction between civil rights and responsibilities and human rights and responsibilities because human rights and responsibilities are universal, so every citizen of any country shall partially or wholly fulfill human rights and responsibilities according to the constitution of that country.

Article 7

Although the right to life is the supreme right of human beings, the obligation to protect the homeland may be more sacred than the right to life, since the world is still at war. Humans would accept sacrificing their lives to protect their homeland.

Article 8

Since everyone has the right to live in a world free from war and killing, they have the responsibility to contribute to the best of their ability to develop and protect world peace.

1. Everyone has the responsibility to call for restrictions on the production of lethal weapons of all kinds, including chemical and biological weapons.

2. Everyone has the obligation to not only to love their country but also to love the world, so no one is allowed to incite extreme nationalism, causing conflicts among countries.

3. Everyone has the responsibility to think about a world consisting of only one nation for mankind.

Article 9

Since everyone has the right to live in a prosperous society, they also have an obligation to make it. Therefore, they must create abundant resources of material products such as goods and assets, and of spiritual products such as morality and education to build the prosperous community that they desire.

1. Society is only sustainable when everyone's dedication is greater than their enjoyment and everyone's responsibilities are exercised more than their rights.

Article 10

Since everyone is entitled to dedicated and thoughtful leadership, citizens bear the responsibility to create such a government. They must also be loyal and support their

leaders to help them provide stability for their country.

Article 11

Since everyone has the right to physical integrity and safe circumstances, this means that no one is to be in danger or under torture. Therefore, one has the responsibility to bring security to the community by protecting other persons and by preventing sabotage, killing, robbery, bullying, and malicious schemes.

1. Nobody is allowed to ignore crimes. They have the obligation to stop evil persons, educate them, and watch them until they become harmless and meek.

Article 12

Since everyone has the right to live in a healthy environment, people have the responsibility to protect their environment, including the protection of nature, air, water resources, serenity, lighting, and so on.

1. Everyone has the obligation to protect forests, forest biodiversity, endangered animals, streams, and rivers in forests.

2. Everyone has the obligation to restore forests by planting trees to increase the vegetation cover on the planet.

3. The high consumption of fossil fuels releases carbon dioxide, which causes harmful greenhouse effects. Therefore, everyone has the obligation to reduce the consumption of this fuel and to call for a reduction in consumption.

4. Waste is becoming a global burden, so everyone has the obligation to adjust their life to generate the least possible amount of waste and to find ways to recycle waste so that nothing is left to be disposed of.

Article 13

Since everyone has the right to work, they have the responsibility to help each other find jobs.

1. The highest duty of entrepreneurs is to create more jobs for society. Profits should be considered an entrepreneur's second priority.

2. Every child should be taught to diligently help their parents with housework. When they grow up, their diligence will help them find jobs easily.

Article 14

Everyone has the right to a good education in order to have enough knowledge, live with dignity, and keep up with the advances of modern times. Therefore, they have the responsibility to build an effective education for society, especially for children.

1. Everyone has the duty to share their knowledge, life skills, and cultural values with the community as much as possible.

2. Teachers must be respected so that education will be highly effective.

Article 15

Since everyone has the right to good health, they have the responsibility to proactively perform physical exercise, protect their own health, protect their neighbors' health, and contribute to the development of the public health system.

1. Everyone has the obligation to respect the ancient medical knowledge of all peoples and study it from modern medicine's point of view.
2. Everyone has the duty to familiarize themselves and those around them with some basic medical knowledge.

Article 16

Since everyone has the right to a standard of living that is adequate for their own health and well-being, everyone is required to feed anyone who is starving. This responsibility is according to the obligation, the duty, and the onus.

Article 17

Since everyone has the right to live with dignity and honor, they have the obligation to protect each other's dignity and honor by never degrading them.

1. Everyone has the duty to help other persons obtain adequate living standards. They also have a duty to prevent others from falling into such miserable circumstances that they must beg for food, become homeless, or die alone.
2. Everyone has the obligation to remove offensive and insulting words from their own vocabulary and from the social communications.
3. Everyone has the duty to help other persons correct their mistakes, but they should be skillful enough to avoid exposing these mistakes publicly.

Article 18

Since everyone has the right to liberty, they have the responsibility to control their will to do good deeds under the scope of the law, social ethics, and conscience, and they should never do anything to harm other persons, their community, their country, or all humanity.

1. Everyone has the obligation to not infringe upon the legal interests and privacy of other persons.

Article 19

Since everyone has the right to freedom of speech, everyone has the obligation to control what they say. They should only promote good things and should never use their freedom of speech to promote hatred, discrimination, nonsense, or misinformation.

1. Everyone has the responsibility to choose a common language for the world instead of clinging to their own language. This would gradually remove barriers that stand in the way of the unification of nations.

Article 20

Since everyone has the right to freedom of religion, everyone has the obligation to make their religion a source of morality for society, develop their religion in accordance with the law and scientific development, and bring love, even to persons who do not share their beliefs.

1. Everyone has the responsibility to find the most reasonable religion to unite humanity in a common spirituality.

Article 21

Since everyone has the right to live in a secure community surrounded by virtuous people, they have the responsibility to improve their morality, so they are never a threat, but a refuge of peace and trust for the community.

1. Since morality is the foundation of happiness, everyone has the sacred responsibility to build, develop, and perfect other persons' morality.

Article 22

Since everyone has the right to freedom of movement and residency within the borders of each state for their work or study, they have the obligation to abide by the migration policy of that state. They must also declare their residency to support the state in the administration of security, order, public health, and the population, and wherever they live, they have the responsibility to contribute to the community there.

Article 23

Although all people are equal because they are all members of the human family, there are differences among them. Everyone has the obligation to both ignore and make good use of these differences to achieve full mutual respect.

1. Everyone has the obligation to ignore differences among persons. To clarify, no one may use their superiority to despise or bully other persons. All must respect each other.

2. Everyone has the obligation to make use of the differences among persons. To clarify, each gender has its own advantages, so no one shall be forced to do a job that is not suited to their biological characteristics. Their ability shall be appropriately developed for them to contribute to the community.

3. Even persons with disabilities need support to use their own abilities to contribute to the community. By virtue of this commitment, they have the dignity they deserve in life.

4. Everyone has the obligation to not discriminate based on race, color, nationality, ethnicity, language, religion, or any other status, but to help other persons have optimal education to enhance their abilities and worth.

Article 24

Since everyone has the right to live in a happy, complete, loving, sharing, and caring

family, they have the responsibility to protect their family from conflict, breakdown, and irresponsibility.

1. Family affection is a kind of human love with strong natural instincts. As a result, people have a very high sense of responsibility for their families.

2. Family is a small community compared to other communities, so sometimes people must place the interests of their country or humanity above the interests of their families.

3. Parents have the parental responsibility to love, nurture, and teach their children, and children have the filial responsibility to respect their parents.

Article 25

Everyone has the responsibility to love and protect their own country because the nation is a community under a common, comprehensive, and binding legal system. Patriotism arises from very high standards of morality, without the natural instincts of family affection. Patriotism combines three kinds of responsibilities: responsibility to love the country prescribed by the law, responsibility to love the country demanded by social ethics and responsibility to love the country promoted by moral conscience.

Article 26

Since the world needs many positive human factors to develop, everyone has the responsibility to seek talented and virtuous persons, and then support their study and work for their outstanding contribution to the community.

1. Bullying and restricting talented and virtuous persons is almost a crime against society.

2. Everyone has the onus to restrain his narrow-mindedness and envy in order to recognize the strengths of other persons.

Article 27

Since children are unable to fulfill human responsibility yet, they are not considered to enjoy human rights, but they will be provided with living conditions by their parents (the source of family affection - human love). However, children have the responsibility to train themselves actively in order to develop into a person who has all the precious qualities of a human being beneficial and valuable to the community.

Article 28

People with disabilities are also unable to fulfill human obligations, so they cannot fully enjoy human rights prescribed by the law, but they shall be provided with the benefit of living conditions by the approach of human compassion. Society has the duty to create humanitarian assistance aimed at persons with disabilities.

1. Persons with disabilities have the onus to exploit any ability of their own to learn, to train, and to make a contribution, instead of depending entirely on the humanitarian duty of society.

Article 29

The elderly who are frail cannot continue to fulfill their responsibilities. However, they shall be provided with the benefit of living conditions by their family's affection and social conscience (human gratitude), because they made a great contribution when they were in good health.

1. Although families and society care for the elderly, the elderly still have the onus to do physical exercise, work appropriately, and retain the spirit of dedication.

2. Old persons with disabilities who have made a great contribution to society (such as disabled veterans and families with fallen soldiers) must be cared for by society in the spirit of gratitude.

Article 30

Everyone has the responsibility to help each other find happiness, overcome difficulties, and overcome suffering because there are no loners on the way to happiness.

1. There are no limits to the meaning of happiness. Depending on the wisdom and morals of the time, people shall understand happiness more deeply.

Article 31

Everyone has the responsibility to disseminate, explain, and apply this Global Declaration of Human Responsibilities to all. Every single person, every family, every agency, every country, and even the largest organizations in the world have the responsibility to recognize and disseminate this declaration to mankind.

Sub-conclusion of Chapter 4

To solve many current problems of human obligations in international law and Vietnamese law, we develop three oriented viewpoints: perfection of human obligations in the law means making human obligations equal to human rights, the perfection of human obligations in the law must be appropriate to the possibility of implementation in reality, perfection of human obligations in the law should focus on both negative obligations and positive obligations.

On this basis, we propose four groups of solutions: awareness of human responsibilities in both the national and international scopes must be properly, sufficiently and profoundly developed; regulations on human responsibilities in the law must be developed and perfected; the legal mechanism to ensure the fulfillment of human responsibilities in the law must be perfected; other social institutions must be built, reinforced and be closely combined with the law to perfect a social mechanism of supporting and promoting the fulfillment of human responsibilities.

Among four groups of solutions above, we suppose that there are three most important solutions: to submit the Global Declaration of Human Responsibilities to the United Nations General Assembly for adoption, to amend and supplement a number of contents on human obligations in Vietnam's 2013 Constitution, and to perfect human morality. These solutions must be the key solutions and be the highest priority. If these solutions are implemented, they will be a solid premise for other solutions to be effectively implemented in practice.

CONCLUSION

Based on these fundamental arguments, we assert in this thesis that human rights are not the only way to provide legitimate rights and benefits to people. In addition to human rights, human beings with morality and wisdom have developed other important legitimate approaches to bring mankind benefits, and these approaches are Human Love, Human Compassion, and Human Gratitude. When we identify these approaches, we find that there is no right that exists naturally or independently. Rights must be always accompanied with specific responsibilities, including responsibilities prescribed by law (obligations), responsibilities required by social ethics (duties), or responsibilities inspired by moral conscience (onuses).

Rights are demands, and responsibilities are contributions. When people contribute very much to a country, that country will be developed. When people demand too many rights from the government without fulfilling their responsibilities, that country will face negative consequences which cause people great challenges. Only when people clearly understand that **responsibilities are the foundation of rights** and that **people must fulfill their responsibilities more than they demand rights** will their lives be prosperous and society be stable and developed.

Human responsibilities should be enshrined in national and international laws as human responsibilities are the key element in the construction and development of society. Depending on the requirements of each country, regulations on human obligations will be different in each country. Human obligations are essential to ensure the community's security, the community's interests, and the individual's rights.

The law is the most important and effective way to adjust each individual's behavior to fulfill responsibilities. The regulations on human obligations in the law will contribute to improving each individual's sense of responsibility for the community. Besides this legal mechanism, many other social constitutions such as morality, religious dogma, and organizational regulations play an important role in ensuring the fulfillment of human responsibilities.

In this thesis, we propose four main groups of solutions to raise the awareness of citizens and enhance the effectiveness of the fulfillment of human responsibilities. *Firstly*, we can develop a proper, sufficient and profound awareness of human responsibilities in both the national and international scopes. *Secondly*, we can develop and perfect the laws on human responsibilities. *Thirdly*, we can perfect the legal mechanism to ensure the fulfillment of human responsibilities in the law. *Fourthly*, we can build and reinforce other social institutions, and combine with the law to perfect a social mechanism of supporting and promoting the fulfillment of human responsibilities.

These groups of solutions are interconnected and mutually supportive. They have a

certain impact on the fulfillment of human responsibilities in all areas of society. We believe that there should be harmonious and flexible combinations between these groups of solutions, both immediate solutions as well as long-term solutions. We should also avoid making any part of these solutions absolute, but we should carefully consider all roles of all solutions.

The purpose of the law on human rights is to bring people a peaceful and happy life. The purpose of the law on human responsibilities is to create resources for society, create good conditions for people to live useful lives, and create opportunities for people to improve their dignity. When society has resources and people have dignity, that is when people deserve to enjoy their rights.

If we only focus on the costs to achieve the goal of human rights, we will gradually push the world into crisis, inequality, and the depletion of resources. To get out of these global difficulties, the whole world needs to seriously and properly accept human responsibilities.

Justice is something amazing that gives people confidence and the motivation to work hard. If justice did not exist in life, people would naturally lose their faith to contribute to the development of life. Justice means that when you contribute more to society, you will enjoy more benefits; if you contribute less to society, you will enjoy less benefits; if you create more merits, you will receive more rewards; and if you commit a crime, you must be punished. For example, many humans were severely persecuted and oppressed during World War II, so many social, political, and legal activists had to uphold human rights to regain justice. However, when human rights are exaggerated and justice is threatened, human responsibilities must be immediately upheld to prevent the loss of people's confidence and motivation to work hard. No one can demand rights if he or she does not contribute to society. It is a time to regain justice for society and humanity.

In particular, we propose the *Global Declaration of Human Responsibilities* in this thesis. The goal is to jointly enhance the role of responsibilities, promote the effective fulfillment of human responsibilities, and develop a civilized, moral, and sustainable world. We believe that this declaration will acknowledge science and people's moral conscience, and it will accompany the *Universal Declaration of Human Rights* to make the world more and more prosperous.

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APPENDIX 1

INTRODUCING THE SOCIOLOGICAL SURVEY

(This serves as an assessment tool on the reality of regulating and enforcing laws on human obligations)

1. **The importance and urgency in conducting a sociological survey**

Human obligations can be quite broad and found in many areas such as economy, politics, law, religion, morality, and etc. The regulations of human obligations in the law force citizens to fulfill their obligations, and such the fulfillment is ensured by the coercion of the government. Therefore, there appear questions that what is the reality behind the regulations on human obligations in both international law and Vietnamese law? What is the fulfillment of human obligation today? What measures are needed to build and perfect the regulations on human obligations in international law and Vietnamese law as well as to increase the effective fulfillment of human obligations? -The aim of this thesis of "**Human obligations in international law and Vietnamese law**" at Hanoi Law University is to answer the above questions.

The need to study and clarify the aspects listed above requires an accomplishment of a sociological survey that helps collect real information and figures. These can also evaluate the reality of human obligations in both international laws and Vietnamese laws, and the current government's fulfillment of human obligations. From this point, we create a practical basis to develop solutions that can promote human obligations and ensure the fulfillment of human obligations in both international law and Vietnamese law. This speaks about the importance and urgency that are needed to conduct a sociological survey on the topic of "*Human obligations in international law and Vietnamese law*". These importance and urgency are also the reason why we carry out this survey.

2. **Purposes and meaning in the sociological survey**

- The collection of citizens' opinions is from all socioeconomic levels, authorities, officials, and military members on their perspectives on human obligations and the fulfillment of human obligations in Vietnam.

- The collection of the opinions is of Vietnamese who are currently living in foreign the nations and regions such as Taiwan, Korea, Japan, Singapore, and of these nations' citizens who have perspectives on human obligations and the fulfillment of human obligations.

- Through the content of the sociological questions in the survey, the postgraduate student would like to bring readers many messages and positive life perspectives on human obligations to complete individuals' moral characters.

- With the results gained from the study, the postgraduate student will give several proposals to develop and perfect international law and Vietnamese law on human obligation. There are many solutions that can promote human's sense of responsibility for their community.

3. Requirements for sociological survey

Requirements of the collection data need observers to directly contact participants, who are involved in the survey and to instruct the respondents on how to answer the questions on the collection form.

Scientific requirements of collective information must be valid, objective, and correct to reflect the real regulations on human obligations in international law and Vietnamese law, and the fulfillment of human obligations today. This basically serves to prove and substantiate a theory on the practicality of the solutions to promoting human obligations and ensuring the fulfillment of human obligation in international law and Vietnamese law.

4. Ranges, participants, amount, and duration of the sociological survey

4.1. The ranges of the sociological survey

- **The domestic domain:** it consists of **33 provinces and cities** as follows:
 - 11 Northern provinces and cities: Điện Biên, Thái Bình, Lào Cai, Hải Dương, Nam Định, Bắc Giang, Hà Nội, Thái Nguyên, Bắc Ninh, Hải Phòng, Hưng Yên.
 - 10 Central provinces and cities: Đà Nẵng, Đắk Lắk, Hà Tĩnh, Gia Lai, Lâm Đồng, Nghệ An, Khánh Hòa, Thanh Hóa, Thừa Thiên - Huế, Quảng Bình.
 - 12 Southern provinces and cities: Bà Rịa - Vũng Tàu, Bình Phước, Bến Tre, Bình Dương, Bạc Liêu, Cần Thơ, Cà Mau, Đồng Nai, Long An, Kiên Giang, Tiền Giang, Hồ Chí Minh City.
- **The foreign domain:** it consists of four nations and a region such as Taiwan, Japan, Korea, and Singapore.

4.2. Participants are participated in the sociological survey

There are a variety in ages, educational levels, technical skills, occupations, religions, and regions.

- In Vietnam: citizens come from all socioeconomic levels, authorities, officials, and military members.

- In foreign countries: Vietnamese currently living, studying, and working in Taiwan, Korea, Japan, Singapore, and those nations' citizens are participated in the survey (no sub-classification like within Vietnam).

4.3. An amount of observers and participants are involved in the survey

- Observers in this sociological survey are consisted of 650 people in the three main divisions of assignment: **surveying (570 people), data compilation (56 people), data processing (24 people).**
- The total number of participants in the survey is **3018 people:**
 - +) In Vietnam, there are **2800 participants:** 1962 citizens; 685 authorities and officials; 153 military members.
 - +) In foreign countries, there are **218 participants:** 69 people in Taiwan, 88 people in Korea, 29 people in Japan, and 32 people in Singapore.

4.4. Duration of sociological survey took one month, from January 1st, 2021 to February 1st, 2021

5. The questions and answers in the survey

We would like to show the details of all questions and answers of all participants as follows:

Question 1. In your opinion, the Constitution of the country you are living contains the following principles: Citizens have the responsibility to fulfill their obligations to the country and society, and citizen rights is inseparable from the duties. ? *(Only choose 01 answer)*

1. **73.75%** Yes, the rules are clear
2. **21.68%** No, the rules are not clear
3. **3.89%** No rule
4. **0.68%** Other

Question 2. Besides human rights, citizenship, the Constitution also defines the obligations of people and citizens, to balance individual rights and community benefits. In your opinion, what obligations are regulations in the Constitution? *(Multiple answers can be selected)*

1. **88.07%** Military service
2. **89.89%** Tax obligation
3. **79.66%** Obligation to protect environment
4. **84.59%** Obligation to respect and protect property of the country and the community benefits
5. **76.24%** Election obligation
6. **63.32%** Obligation to study
7. **72.23%** Obligation to comply with regulations on disease prevention and public hygiene
8. **3.08%** Other

Question 3. As a human and a citizen, everyone has his or her own beneficial Rights to live with and obligated Duties to fulfill. In your opinion, which one between Rights and Duties should be prioritized? *(please select 1 option only)*

1. **7.55%** Rights
2. **23.19%** Duties
3. **68.52%** Both Rights and Duties should be equal.
4. **0.73%** Other

Question 4. All citizens have a duty to pay tax in order to fund government spending and various public expenditures. An abundant budget will help the government activate more public projects such as infrastructure development, healthcare, territory protections, etc. which also mean higher tax paying. In your opinion, should the tax paying be considered as a noble or obligated Duty? *(multiple answers can be selected)*

1. **62.89%** Paying tax is a noble Duty
2. **3.35%** Paying tax is an obligated Duty
3. **42.98%** Citizen should pay tax only within their capability
4. **2.55%** Government should help all citizens to gain high income so they can pay the high tax

Question 5. Protecting our country is a noble Duty. There have been countless soldiers who proudly volunteered and bravely died to protect our country. In your opinion, should national defense duty be considered as obligatory or voluntary? *(multiple answers can be selected)*

1. **31.08%** Voluntary based on citizen's moral will be better
2. **25.25%** Should be obligatory to obtain enough quantity to build strong army
3. **41.72%** Should be obligatory for those who are physically fit and voluntary for those who is not physically fit
4. **3.48%** It's obligatory for all citizens when the country needs

Question 6. One of the world greatest problems that the world is facing today is environmental pollution, which causing grave and irreparable damage to natural world and human society. Actions to protect and improve our environment such as recycling wastes, reducing carbon emissions and water pollutions as well as trees and forests reservations are all vital to human life. In your opinion, is environment protection the duty of only paid environmental employees or the duty of everyone who lives on earth? *(multiple answers can be selected)*

1. **23.53%** Government should hire some certain people to work on environmental pollution
2. **85.06%** It's the duty of everyone who lives on earth

3. **7.02%** We have to accept environment pollutions because instant waste reduction will affect the productivities of all factories
4. **83.33%** Environment protection should be educated from early childhood learning to build a generation who always keep environment awareness in mind in everything they do

Question 7. Humans have right to live in a prosperous and developed society. In your opinion, what can we do to obtain and maintain this Right? (*multiple answers can be selected*)

1. **19.48%** It's government's obligation, not an individual citizen's obligation
2. **82.50%** We can work hard to produce many mental and physical values to contribute to our society
3. **2.75%** No need to work hard, just pay your tax
4. **71.77%** Work hard and always willing to help one another
5. **75.81%** Devoting yourself to develop your society
6. **1.16%** Other

Question 8. Everyone has the right to life, liberty and security of person, which means we all have right to live in freedom and safety, freedom from torture and degrading treatment. In your opinion, what obligations do people need to deserve this right? (*multiple answers can be selected*)

1. **19.09%** Your own safety comes first. Do not risk your own safety for others
2. **81.64%** We should stand together and protect each other when it comes to dangers
3. **78.46%** Prevent any bullying, sabotage, violence, harassment, robbery, or threats
4. **69.91%** Avoid and prevent the spread of hateful, vulgar and slanderous speech
5. **75.98%** Everyone should know how to protect himself or herself, do not depend your safety on others
6. **1.29%** Other

Question 9. Freedom of expression is a fundamental human right. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. In your opinion, obligations do people need alongside with this right? (*multiple answers can be selected*)

1. **7.32%** I speak what I want, it's your choice to listen or not
2. **60.11%** Sharing personal opinion is essential for people to understand each other
3. **69.75%** Using all proof to protect the Country and the regime from distorting, anti-disruptive statements, causing disunity between citizens
4. **74.35%** The speech content should be carefully adjusted to make sure it delivers only good message out to society

5. **75.81%** Do not deliver or spread hatred, discrimination or intended wrongful misunderstanding
6. **50.20%** Always be mindful on how your words will affect others
7. **1.06%** Other

Question 10. Knowledge is very important to human. Those with a rich base of factual knowledge find it easier to learn more so the rich get richer, hence easily obtain more successes and achievements in life than those who has a poor base of knowledge. In your opinion, what obligations do people have to the knowledge they have? (*multiple answers can be selected*)

1. **2.62%** Your knowledge is your competent advantage; do not share your knowledge
2. **36.22%** Only share basic knowledge to other so they have a base to research more on their own to improve themselves
3. **9.87%** Only share your knowledge with the ones you trust
4. **93.07%** Always willing to share everything you know to others so everyone can learn, be better and contribute more to our society
5. **1.79%** Other

Question 11. The right to be free from hunger is one of the fundamental human rights. In your opinion, what obligations do we need to preserve this right? (*multiple answers can be selected*)

1. **3.98%** This is government's obligation, not individual citizen's obligation
2. **21.24%** Take care your own family first, if you have extra then you can help others
3. **81.35%** It's everyone's obligation to help others within your capacity
4. **31.08%** Only help those who always try their best to improve themselves
5. **61.66%** You should always help others because it's in your moral values of being a decent human
6. **1.99%** Other

Question 12. Everyone has the right to live with dignity and honor. In your opinion, what obligations do people need to deserve that right? (*multiple answers can be selected*)

1. **23.33%** Always dressing nice and right, speak with elaborate words and please everyone
2. **50.30%** Never give up, always strive to be better
3. **46.95%** As long as you don't do anything wrong or hurting anyone, you are good
4. **92.01%** Obey the law, live morally, and be an example worthy of other to follow
5. **58.78%** Devoting yourself for your society improvement without asking being credited for

6. **74.92%** Protect not only yours but also others' dignity and honor. Never offend or humiliate one another
7. **0.63%** Other

Question 13. Human rights also including freedom of believe and religion, which allow people to be free to believe or follow any religion they choose. In your opinion, what obligation religious believers should have in order to input good values to the society? *(multiple answers can be selected)*

1. **14.51%** Not all religions teaching are correct, we should persuade those wrong religious believers to follow our religion
2. **67.63%** Cultivate yourself and help to build a strong moral source within our religion to contribute to the society
3. **59.84%** Make sure your Religious organization always follow lawful regulations guideline
4. **47.58%** Ensure your religion development not contradict to science development
5. **83.50%** Treat others with respect regardless their religions or belief
6. **66.27%** Prevent those who take advantage of religious beliefs to infringe upon national security, social morality and national unity
7. **42.21%** Human unity under a common spiritual belief
8. **0.86%** Other

Question 14. People have the right to live in a safe community surrounded by ethical and virtuous people. So what are human obligations to deserve those rights? *(multiple answers can be selected)*

1. **15.64%** To live in safety is a default human right, the government has an obligation to ensure it, not an individual matter
2. **4.74%** I'm just a small person in this whole country, my contribution is nothing
3. **85.49%** Each person always try to improve his/her morality, so that he/she can never be a threat to others, and he/she can give the community peace and trust
4. **85.59%** Not only has the obligation to improve yourself, but also to help people around improve their morality, as well as not allow bad things to grow in the community.
5. **0.63%** Other

Question 15. Humans have the right to live in a peaceful world without war. No matter the border or the color of your skin, should human have the obligation to build a peaceful world together? *(Multiple answers can be selected)*

1. **4.67%** Citizens belong to which country will only protect that country, not obliged to other countries, because it is so vast and abstract

2. **11.99%** Each person has a their own responsibility, protecting the world is the responsibility of the leaders of the countries, not the citizens
3. **61.40%** People have an obligation to call for a restriction on the production of lethal weapons including all kinds such as chemistry, biology, mechanics, etc.
4. **94.23%** People have the obligation to love the country, but also the obligation to love the whole world, so no one is allowed to incite violence and aggression to conflict with other countries
5. **1.36%** Other

Question 16. There are those who do not perform or fulfill not enough human obligations. This behavior may violate the obligation the social morality and conscience, but sometimes it is a violation of obligations specified by law. Depending on the severity of the violation, people will be subject to appropriate handling. In your opinion, which punishments can be applied for violations of human obligations: *(Multiple answers can be selected)*

1. **59.05%** Educating, reminding and reprimanding for violations of obligations motivated by ethics of conscience
2. **32.80%** There must be fierce condemnation for violation of obligations motivated by moral conscience
3. **49.67%** Should advise and encourage for cases of violation of obligations required by social morality
4. **23.72%** Reprimand, condemn, boycott the violation of obligations required by the social morality
5. **76.97%** Administrative sanctions, criminal penalties for obligations violation are prescribed by law
6. **0.73%** Other

Question 17. Citizens have an obligation to the country. In addition, the country is part of the international community. In your opinion, do citizens of the country have duty to the world or not? *(Multiple answers can be selected)*

1. **16.50%** Yes, if that obligation can benefit to the country. National interests are paramount, international interests are secondary
2. **31.78%** Yes, if the country has a comitment of that obligation to international organizations.
3. **20.54%** Yes, by building your own country become a leading country to lead the world
4. **80.55%** Must build our country become a source of benefits for the world, ready to help other countries as well as contribute to the general development of the world
5. **44.37%** To ignore discrepancies, sometimes sacrificing national interests to avoid extreme nationalism, and to prevent hazardous world war

6. **72.90%** Must have responsible for global events such as wars, epidemics, natural disasters, divisions, etc., must not be neglected
7. **0.46%** Other

Question 18. Building a happy family is everyone's responsibility. But each family member is also an individual in the community and has an obligation to protect the common good. Between the benefits of family and community, which one will you choose? *(Multiple answers can be selected)*

1. **1.89%** Harming community benefits to protect family benefits
2. **1.19%** Not interested in community benefits, only interested in family benefits
3. **10.9%** Prioritize family benefits first, community benefits come after
4. **35.95%** Willing to sacrifice family benefits to protect community benefits
5. **90.09%** Try your best to not harmful both community and family benefits
6. **1.29%** Other

Question 19. Everyone has the right to live in a good community, where everyone is loved, treated with kindness, and facilitated to develop personal abilities. What is the individual's obligation to society? *(Multiple answers can be selected)*

1. **9.01%** You have to take care of yourself first, if you are good, the community will be good. Taking care of the community is an obligation of the government
2. **72.37%** Everyone has an obligation to support each other because no one can live alone
3. **84.03%** Each person has an obligation to build community up, because when the community is good, it will benefit to yourself too
4. **11.7%** Only helping good people, people of good will, and let the law execute bad ones
5. **75.51%** Instead of ignoring bad people, helping them to return to be good people
6. **20.48%** Only wholeheartedly help the weaks and those who cannot afford to overcome their difficulties
7. **0.56%** Other

Question 20. Because children cannot contribute and dedicate to the society, also they cannot support themselves, so they need to receive protection and nurture from their family, which is the children's right. What duties do you think children need to be educated to deserve their rights? *(Multiple answers can be selected)*

1. **20.25%** Children just need to be obedient, nice to the adults, and respect their parents. That's enough
2. **19.22%** Children are those who to be loved and cared for, they do not need any obligation, because they are not strong enough and have awareness as adults

3. **53.38%** Not base on their ages, children will have their obligation to match with their awareness
4. **90.52%** Children have the duty to be trained positively, in order to grow up having all the precious qualities of a person who be benefited from the community
5. **0.8%** Other

Question 21. Disabled people are a special part of the society, they have less opportunity to contribute to the community, that makes them feel guilty. Therefore, they need cares and helps from others. In your opinion, whose duty is to care for the disabled? (*Multiple answers can be selected*)

1. **40.82%** Government, they must put aside an amount from national budget for disabled people
2. **39.13%** Social charity organizations, because people with disabilities need the humane treatment of the community
3. **30.09%** Family members have to take care of them, not rely on community
4. **77.27%** They also need to be supported to seek for abilities, to have opportunities to give, because of their dedication, they have a worthy dignity life
5. **23.59%** Do not set an obligations to people with disabilities because they themselves have been disadvantaged and vulnerable
6. **76.11%** It is the responsibility of everyone according to the ethic of "love people as you love yourselves"
7. **0.33%** Other

Question 22. The elderly have a long time dedicating for society. Therefore, when they getting older, they have the right to be taken care of their family and society. However, in your opinion, should the elderly have retirement or continue to contribute? (*Multiple answers can be selected*)

1. **45.69%** Do whatever they can, depending on their health condition, no need to set an obligations for the elderly
2. **24.02%** When they are old, it's time for them to rest and to be taken care from their children
3. **65.9%** Exercise appropriately, dedicate enough within their condition, to never lose the serving mindset
4. **86.98%** They should use their experience, knowledge and model moral life to teach and be an example for the next generation
5. **52.62%** Despite a last breath, still devoted. Still dedication is still valuable
6. **0.4%** Other

Question 23. The right to work is one of the fundamental human rights to maintain and stabilize life. However, there are many people who are jobless even they tried and be trying hard to find a job. In your opinion, should each person be obliged to assist others in finding job? (*Multiple answers can be selected*)

1. **30.22%** It is their responsibility, they must find a job by themselves to secure their life
2. **2.72%** No assistance is required because they may be able to receive unemployment benefits while looking for another job
3. **88.47%** Everyone should have the obligation to help each other in finding jobs, because when everyone has a job, the society is stable, the country's economy develops
4. **78.73%** The government is obliged to create much more job seeking supports, because reducing the unemployment rate is one of the national targets
5. **35.85%** This is the entrepreneur's noble obligation to society
6. **0.23%** Other

Question 24. Health is a precious human asset. If your health is good, you can fulfill your dreams, study, work, contribute and enjoy. Therefore, the right to be healthy is a fundamental human right. According to your opinion, what obligations do people need to have for their health and community health? (*Multiple answers can be selected*)

1. **7.95%** Just pay the health insurance properly because when you have a disease, insurance will cover the bill
2. **1.49%** No need to worry much about health care because the disease will be already treated by doctors
3. **47.28%** Study traditional medicine to find the suitable treatment for yourself and everyone around you, in order to avoid the side effects of chemotherapy drugs
4. **77.97%** Paying insurance bills is not only for your medical treatment when you have a disease, but also helping contribute the insurance fund for others
5. **93.27%** Everyone should have an obligation to proactively prevent diseases by exercising properly, eating scientifically, to protect your health
6. **0.83%** Other

Question 25. Human have the right to have freedom of residence, meaning the freedom to go to a suitable place to live, work, study and research. In your opinion, in order to have freedom of residence, what are the obligations they need to serve? (*Multiple answers can be selected*)

1. **3.15%** There is no obligation, freedom of residence is a default human right
2. **68.12%** When detecting cases of illegal residence, it is necessary to have the obligation to report to competent authorities to help the government residence management effectively

3. **86.35%** People are obliged to proactively declare their residency honestly, quickly and not to use technology to conceal their residence when the digital age are developing
4. **71.7%** Learn the culture and lifestyle of the new place of residence to quickly adapt, avoid conflicts with local residents
5. **78.36%** Cooperate with local authorities to help them distribute labors, manage security, health, and population
6. **0.27%** Other

Question 26. Everyone has the right to live in a happy family with love, to share and support each other. What obligations do people need to have to protect sustainable family happiness? (*Multiple answers can be selected*)

1. **19.18%** As long as parents have the obligation to love, nurture and teach their children, the family will be happy
2. **27.93%** The husband has the obligation to take care of the family finance, while the wife has the obligation to maintain morality, housework and take care of the children
3. **87.54%** Husband and wife have the obligation to be faithful to protect their family from conflicts and breakdowns
4. **75.94%** Husband and wife have the obligation to help each other to do volunteer works, charities
5. **79.72%** Children also have an obligation to obey and take care of their parents
6. **1.82%** Other

Question 27. How do you feel when performing human obligations, contributing to society, community? (*Multiple answers can be selected*)

- | | |
|----------------------------|-------------------------------|
| 1. 85.42% Happy | 3. 11.13% Normal |
| 2. 34.1% Interested | 4. 0.3% Not interested |
| 5. 3.15% Other | |

Question 28. In your opinion, which obligations do you often violate? (*Multiple answers can be selected*)

1. **52.82%** Military service
2. **67.13%** Tax obligation
3. **84.26%** Obligation to protect environment
4. **56.66%** Obligation to respect and protect property of the country and the community benefits
5. **22.43%** Election obligation
6. **25.08%** Obligation to study
7. **61.76%** Obligation to comply with regulations on disease prevention and public hygiene

8. **1.19%** Other

Question 29. In your opinion, whether violations of human obligations or civil obligations have been detected and handled thoroughly by the government (for example: the handling of individuals who evade tax, evade military service, harm to the environment, corruption, ...)? *(Multiple answers can be selected)*

1. **62.69%** No
2. **25.45%** Yes
3. **2.82%** Don't care
4. **12.26%** Don't know
5. **3.78%** Other

Question 30. Currently, most of the Constitutions provide for human rights and citizenship more than human obligations and citizen obligations. In your opinion, should the Constitution increase more human obligations or not, and why? *(Multiple answers can be selected)*

1. **53.88%** Yes, in order to ensure the principle of Inseparable Rights and Obligations, a right must go along with a proportional obligation
2. **67.23%** Yes, it helps people to balance their awareness and psychology, that if you want to enjoy rights, you must have a worthy contribution
3. **69.55%** Yes, for helping build a nation with responsible citizen
4. **63.19%** Yes, because many people contribute, the society will be prosperous
5. **2.22%** Other

If you are an official, public servant, please answer further from Question 31 to Question 33:

Question 31. As government officer, a public servant or a public employee - who is given certain rights and privileges from the country, and at the same time carries corresponding duties and responsibilities. In the relationship between beneficiary rights and obligation to contribute, how would you choose to behave? *(Multiple answers can be selected)*

1. **0.88%** Moderate dedication, because the wages are not enough to cover for life
2. **2.77%** Should see how benefits and remuneration first to feel motivated to work
3. **52.26%** Wholeheartedly dedicating, completing more assigned tasks, even though we know that the salary is low because the national budget is never enough
4. **41.02%** Try, dedicate quietly, and have a belief being trusted and treated worthy
5. **88.47%** Work with fairness, dedication without personal benefits expectation, because we always have a clear awareness about the duties of government officer, a public servant or a public employee are to serve the citizens
6. **1.17%** Other

Question 32. Talented people are the national precious resource. To become prosperous nation, talented people must be respected and treated appropriately, creating all conditions supports their capacities for them to contribute to the country without any burden. In your opinion, is protecting talented people an obligation of government or a common obligation of everyone? (*Multiple answers can be selected*)

1. **10.51%** Only the government has the potentials, has specialized agencies and specific plans to perform this obligation
2. **20.29%** This is not the obligation of the government or everyone, the talented people must have enough bravery to overcome their difficulties
3. **83.65%** This is not only an obligation of the government, but also a common obligation of everyone. Those who discover, support and train talented people should be commended and rewarded
4. **64.82%** Everyone has the obligation to promptly denounce actions of repressing talented people
5. **0.88%** Other

Question 33. There is a point of view that, it is necessary to include human obligations in the educational program, to help people raise awareness of obligations towards families, companies, communities, national and international. Do you have any comment on this point of view? (*Multiple answers can be selected*)

1. **3.36%** It is not necessary, because each person is self-aware of his or her duty
2. **2.19%** It is not necessary, because it goes against the civilized world trend of human rights education
3. **2.77%** It is not necessary, as will limit human freedom
4. **93.28%** It is necessary, if not educated, according to natural psychology, people like to enjoy more than to give. That much enjoyment will deplete the country's resources
5. **1.9%** Other

Next, please provide some personal information (this information is confidential and is for scientific statistical purposes only). For government officers, public servants and public employees, please answer questions A to D; The others, please help us to answer from A to E.

A. Gender? (*please select 1 option only*)

1. **49.83%** Male
2. **50.17%** Female

B. Which age are you in? (*please select 1 option only*)

1. **0%** Under 15
2. **13.29%** 15 - 24
3. **17.59%** 25 - 34
4. **17.59%** 35 - 44
5. **17.59%** 45 - 54
6. **12.76%** 55 - 64

3. **22.83%** 25 - 34
 4. **22.9%** 35 - 44
 7. **10.64%** Above 64

C. Your highest education? (please select 1 option only)

1. **5.7%** Primary
 2. **15.34%** Secondary
 3. **23.23%** Highschool
 4. **2.25%** N/A
 5. **6.93%** Undergraduate
 6. **7.59%** Diploma
 7. **32.04%** Bachelor
 8. **6.93%** Postgraduate

D. Religion? (please select 1 option only)

1. **61.99%** No religion
 2. **34.16%** Buddhism
 3. **2.35%** Catholic
 4. **0.36%** Protestantism
 5. **0.5%** Cao Dai
 6. **0.63%** Other

E. What is your current job? (please select 1 option only)

1. **10.97%** Only farmer
 2. **3.11%** Farmer and handicraft/small businessmen
 3. **1.56%** Handicraft
 4. **14.74%** Small business owner
 5. **13.45%** Work in factory/industry
 6. **66.17%** Other

Thus, through the results of this sociological survey, we have collected valuable information about the individuals' perception of and attitudes towards human responsibilities. This information will be important data that we will use as a basis to point out the status of laws and the actual fulfillment of human responsibilities. We can also analyze the causes that lead to these actual situations.

APPENDIX 2

CHART OF SOCIAL SURVEY RESULTS

Question 5. Protecting our country is a noble Duty. There have been countless soldiers who proudly volunteered and bravely died to protect our country. In your opinion, should national defense duty be considered as obligatory or voluntary? (*multiple answers can be selected*)

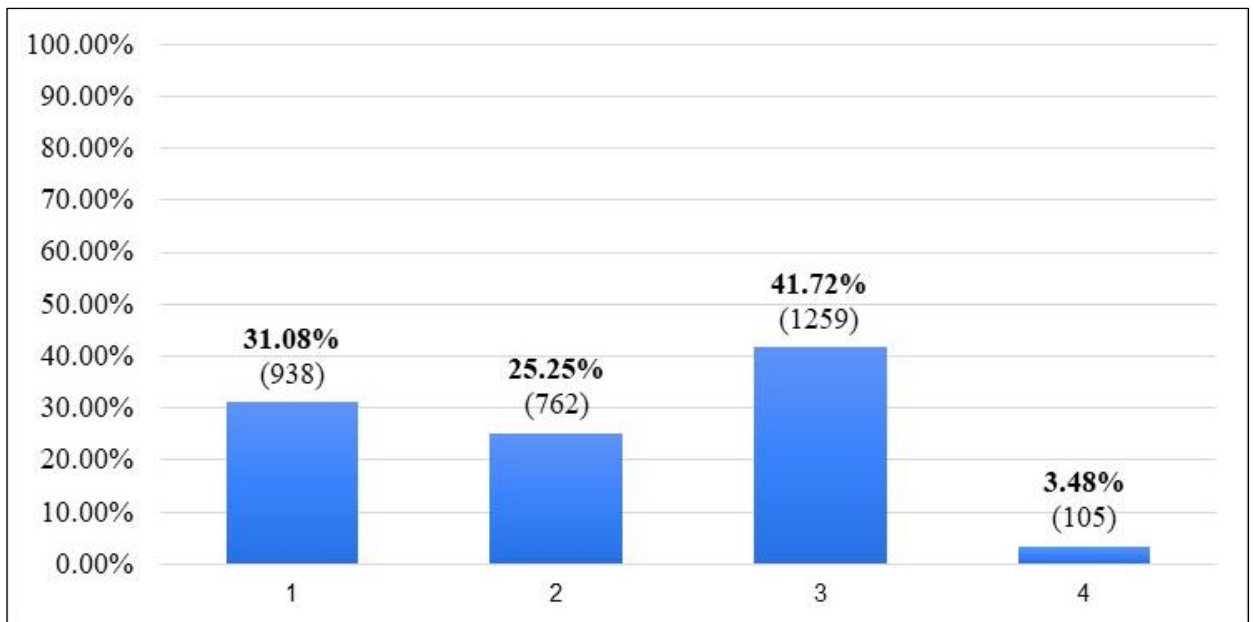


Figure 1

1. Voluntary based on citizen's moral will be better
2. Should be obligatory to obtain enough quantity to build strong army
3. Should be obligatory for those who are physically fit and voluntary for those who is not physically fit
4. It's obligatory for all citizens when the country needs

Question 6. One of the world greatest problems that the world is facing today is environmental pollution, which causing grave and irreparable damage to natural world and human society. Actions to protect and improve our environment such as recycling wastes, reducing carbon emissions and water pollutions as well as trees and forests reservations are all vital to human life. In your opinion, is environment protection the duty of only paid environmental employees or the duty of everyone who lives on earth? (*multiple answers can be selected*)

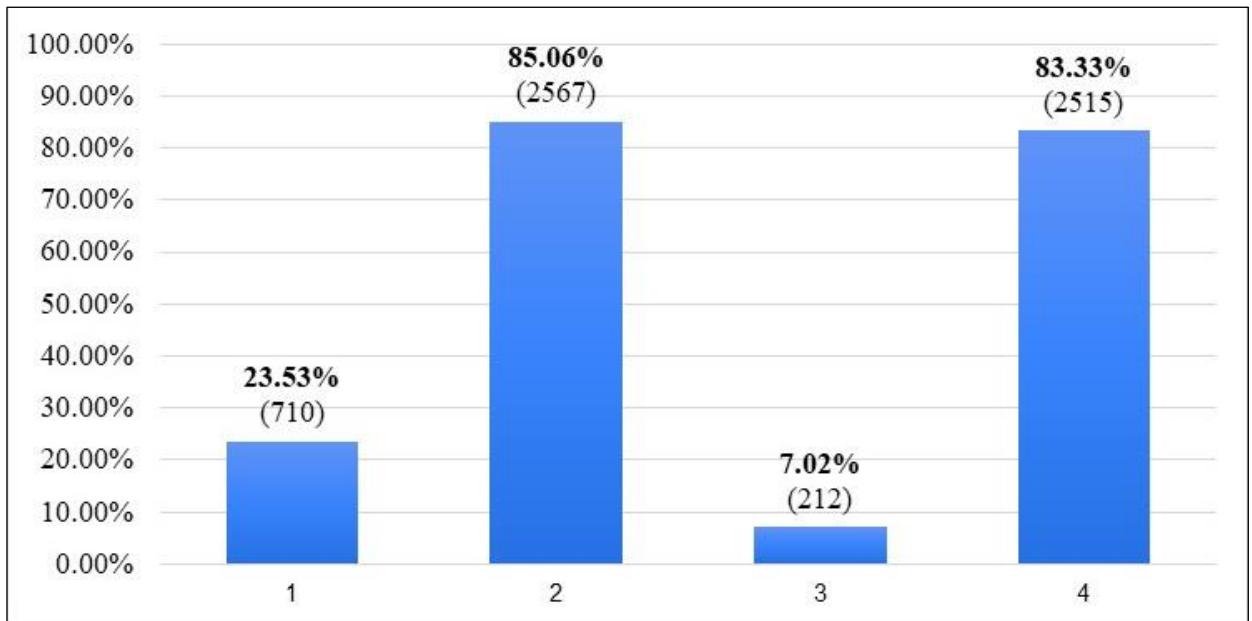


Figure 2

1. State should hire some certain people to work on environmental pollution
2. It's the duty of everyone who lives on earth
3. We have to accept environmental pollution because instant waste reduction will affect the productivity of all factories
4. Environment protection should be educated from early childhood learning to build a generation who always keep environment awareness in mind in everything they do

Question 7. Humans have right to live in a prosperous and developed society. In your opinion, what can we do to obtain and maintain this Right? (*multiple answers can be selected*)

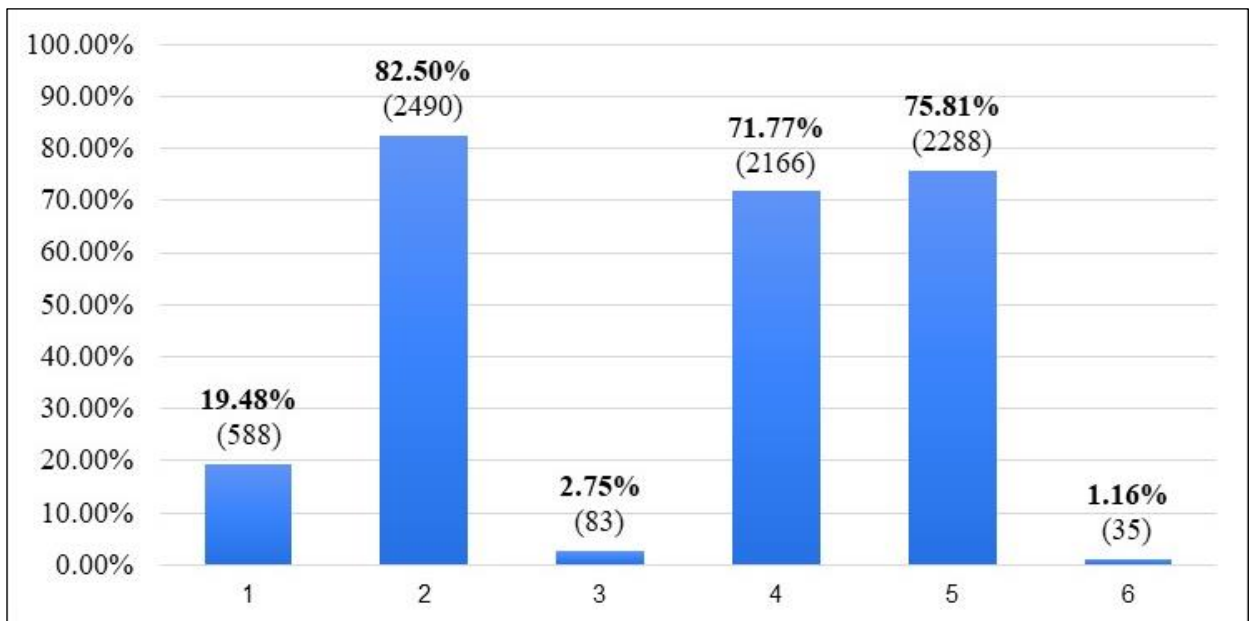


Figure 3

1. It's state's obligation, not an individual citizen's obligation
2. We can work hard to produce many mental and physical values to contribute to our society
3. No need to work hard, just pay your tax
4. Work hard and always willing to help one another
5. Devoting yourself to develop your society
6. Other

Question 14. People have the right to live in a safe community surrounded by ethical and virtuous people. So what are human obligations to deserve those rights? (*multiple answers can be selected*)

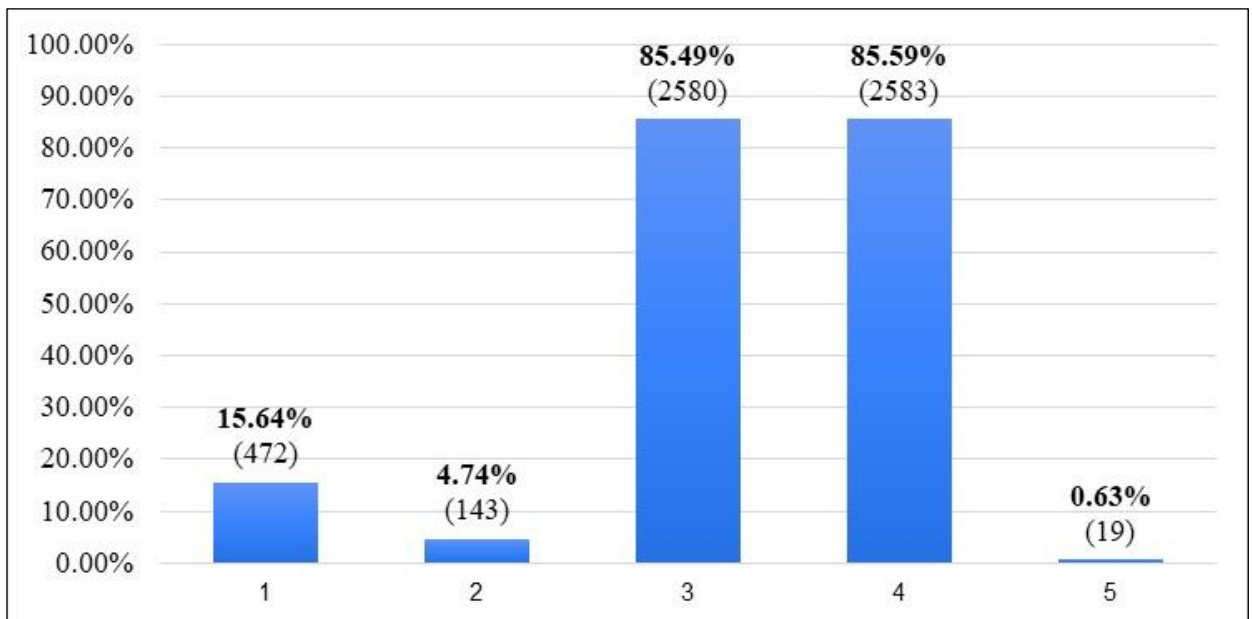


Figure 4

1. To live in safety is a default human right, the state has an obligation to ensure it, not an individual matter
2. I'm just a small person in this whole country, my contribution is nothing
3. Each person always try to improve his/her morality, so that he/she can never be a threat to others, and he/she can give the community peace and trust
4. Not only has the obligation to improve yourself, but also to help people around improve their morality, as well as not allow bad things to grow in the community
5. Other

Question 27. How do you feel when performing human obligations, contributing to society, community? (*Multiple answers can be selected*)

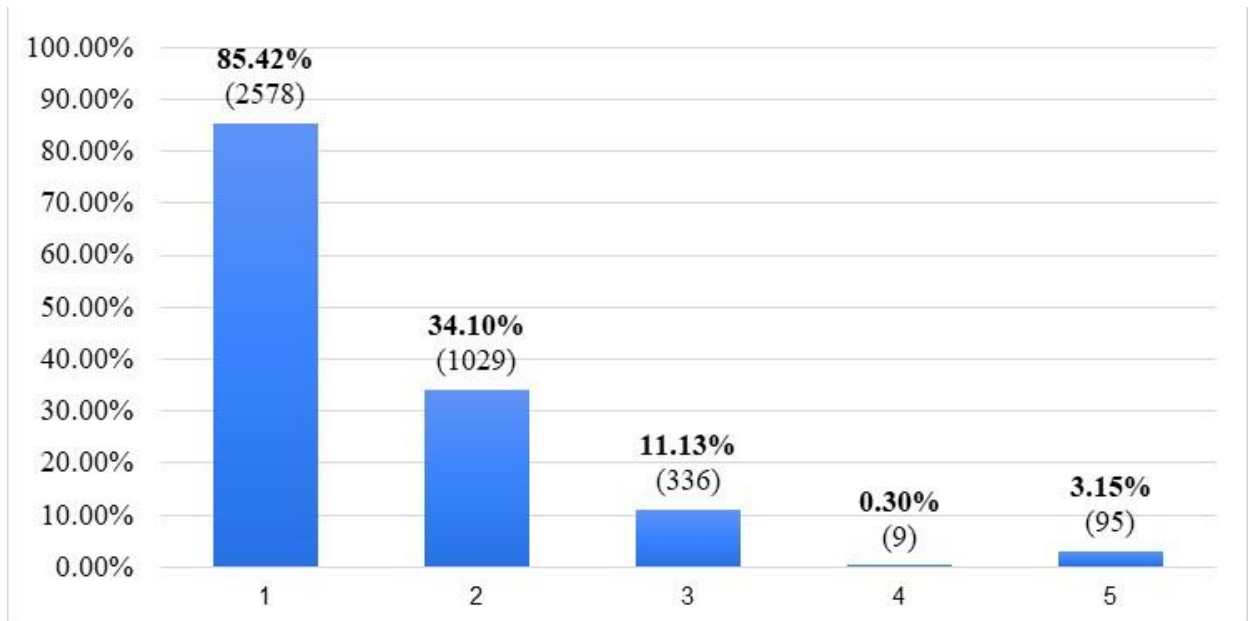


Figure 5

1. Happy
2. Interested
3. Normal
4. Not interested
5. Other

Note: Questions 1, 2, 28, 29 and 30 of the sociological survey are related to Vietnamese law. Therefore, the figures that show the survey results of these questions do not include 218 votes from abroad. The percentage is calculated on the total of 2,800 domestic votes.

Question 1. In your opinion, the Constitution of the country you are living contains the following principles: Citizens have the responsibility to fulfill their obligations to the country and society, and citizen rights is inseparable from the duties. ? (Only choose 01 answer)

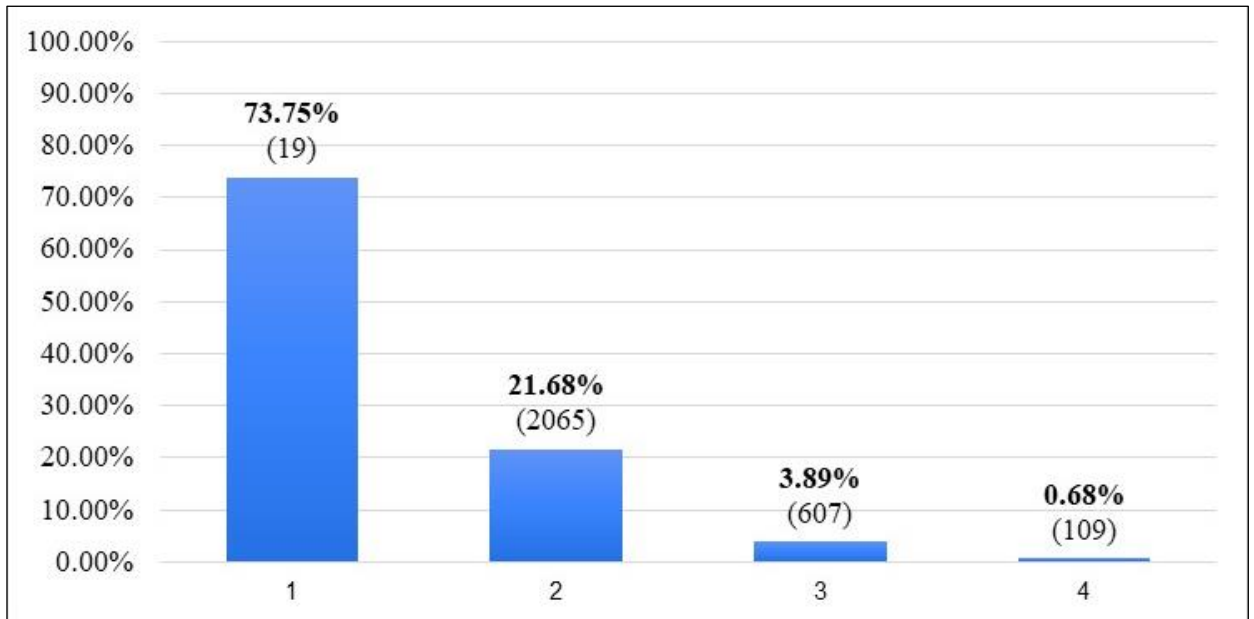


Figure 6

1. Yes, the rules are clear
2. No, the rules are not clear
3. No rule
4. Other

Question 2. Besides human rights, citizenship, the Constitution also defines the obligations of people and citizens, to balance individual rights and community benefits. In your opinion, what obligations are regulations in the Constitution? (*Multiple answers can be selected*)

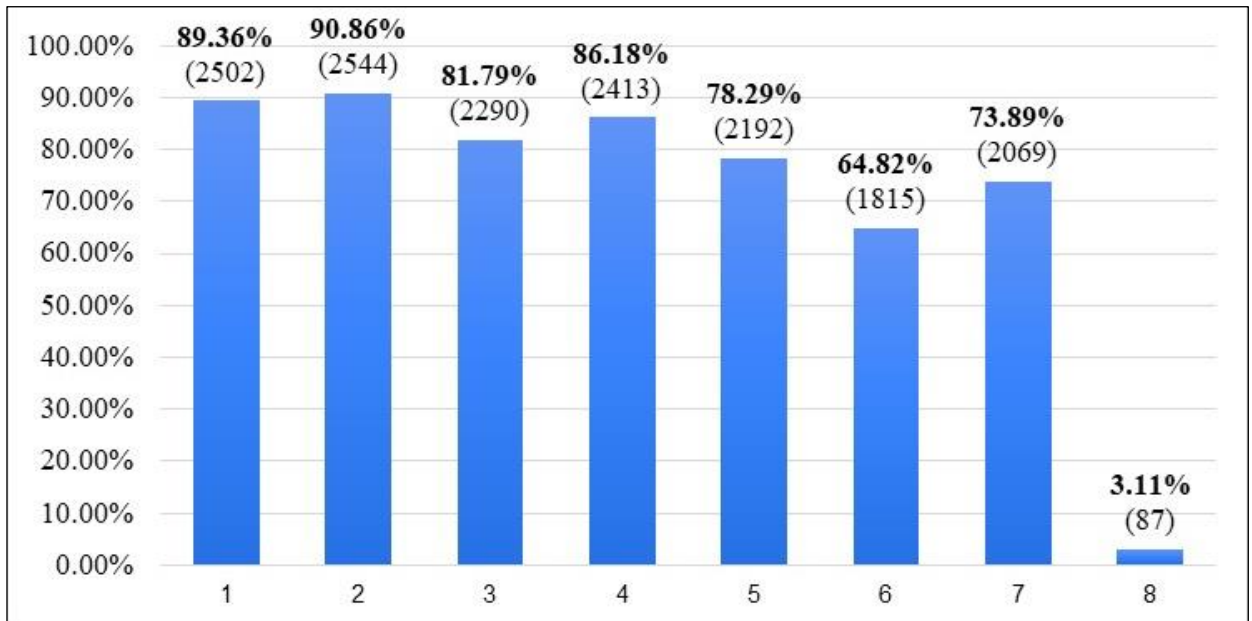


Figure 7

1. Military service
2. Tax obligation
3. Obligation to protect environment
4. Obligation to respect and protect property of the country and the community benefits
5. Election obligation
6. Obligation to study
7. Obligation to comply with regulations on disease prevention and public hygiene
8. Other

Question 28. In your opinion, which obligations do you often violate? (*Multiple answers can be selected*)

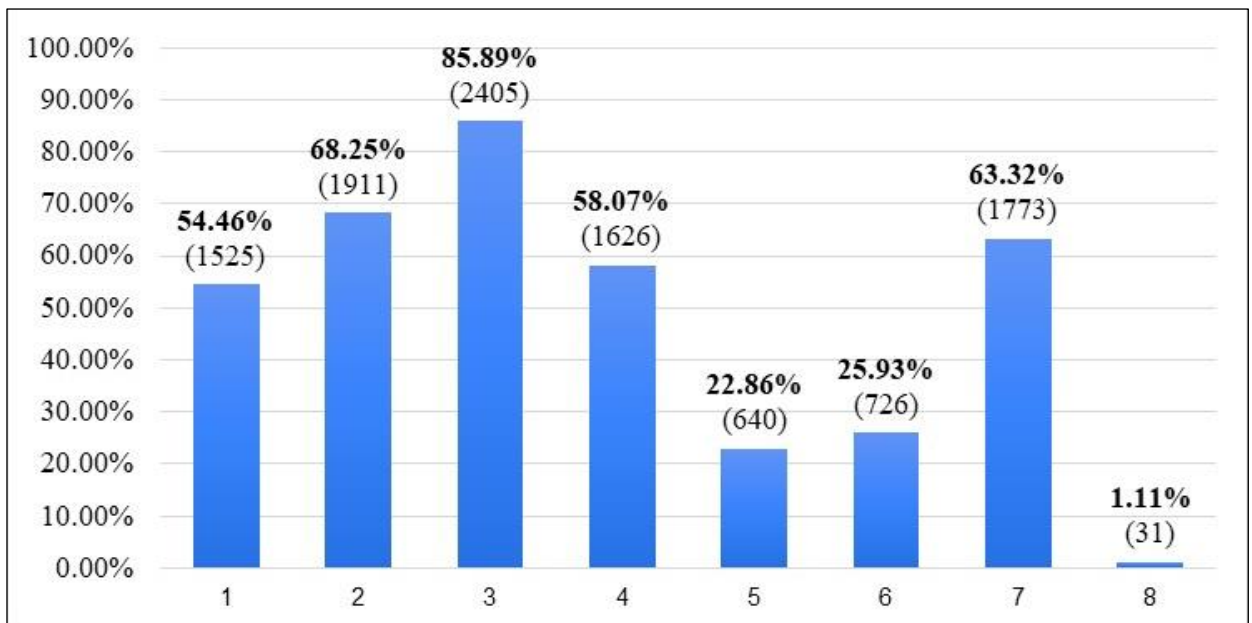


Figure 8

1. Military service
2. Tax obligation
3. Obligation to protect environment
4. Obligation to respect and protect property of the country and the community benefits
5. Election obligation
6. Obligation to study
7. Obligation to comply with regulations on disease prevention and public hygiene
8. Other

Question 29. In your opinion, whether violations of human obligations or civil obligations have been detected and handled thoroughly by the state (for example: the handling of individuals who evade tax, evade military service, harm to the environment, corruption, ...)? *(Multiple answers can be selected)*

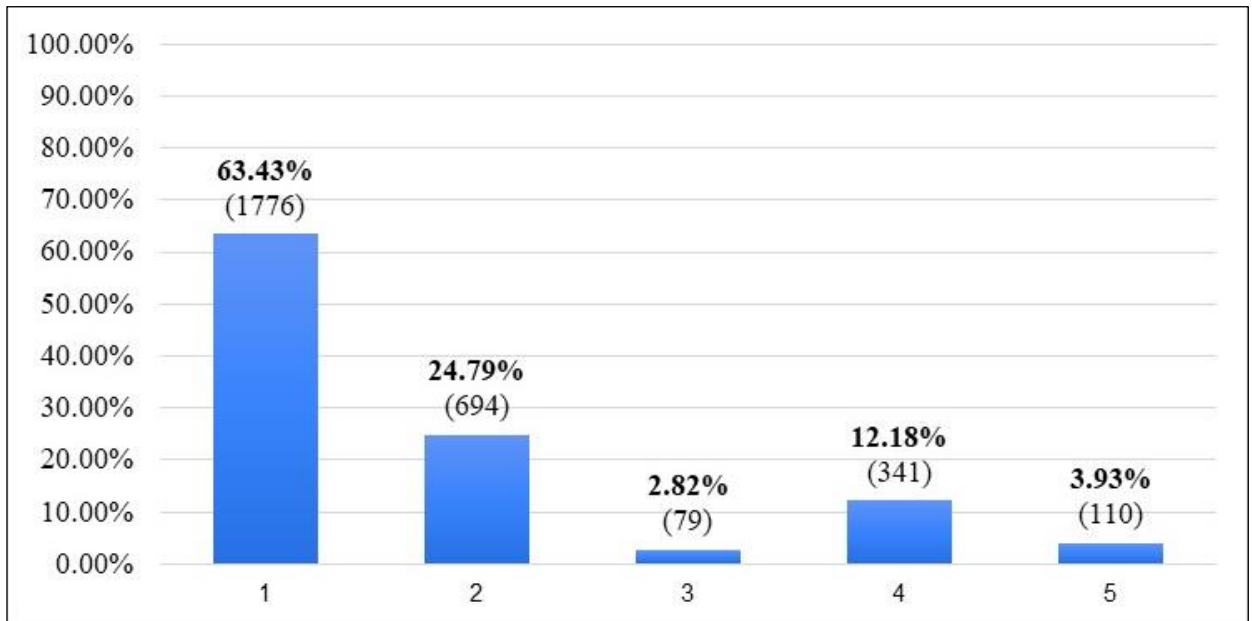


Figure 9

1. No
2. Yes
3. Don't care
4. Don't know
5. Other

Question 30. Currently, most of the Constitutions provide for human rights and citizenship more than human obligations and citizen obligations. In your opinion, should the Constitution increase more human obligations or not, and why? (*Multiple answers can be selected*)

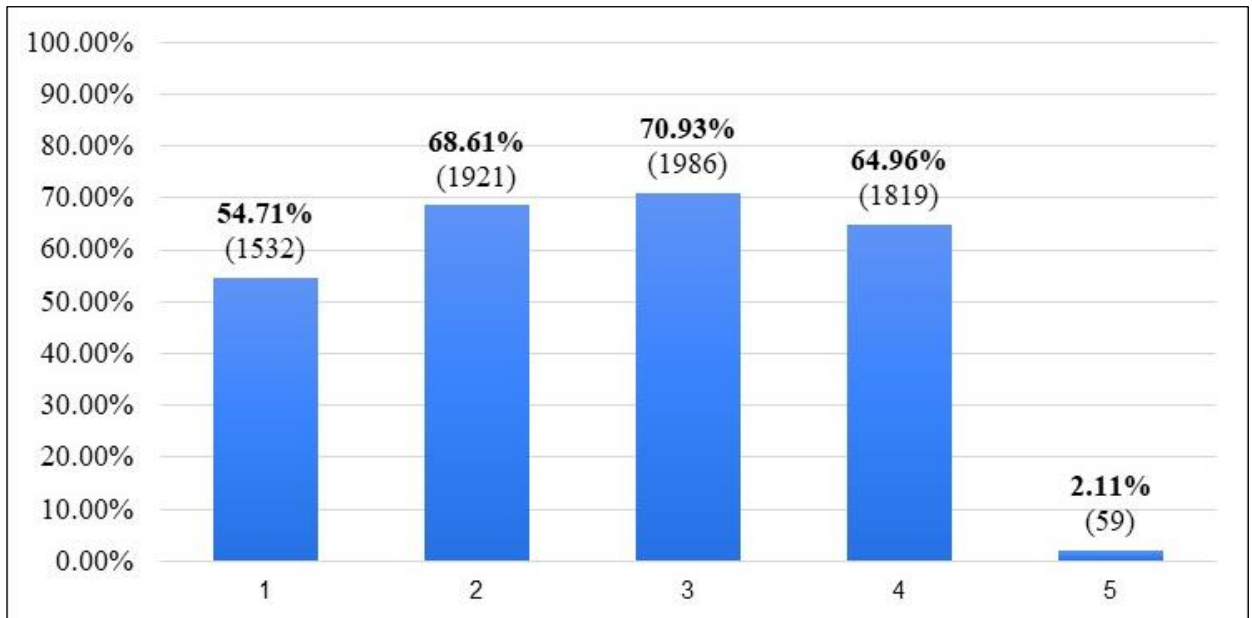


Figure 10

1. Yes, in order to ensure the principle of Inseparable Rights and Obligations, a right must go along with a proportional obligation
2. Yes, it helps people to balance their awareness and psychology, that if you want to enjoy rights, you must have a worthy contribution
3. Yes, for helping build a nation with responsible citizen
4. Yes, because many people contribute, the society will be prosperous
5. Other

Note: Questions 31-33 of the survey is for the respondents who are government officers, public servants or public employees (685 respondents). The percentage is calculated on a total of these 685 people.

Question 32. Talented people are the national precious resource. To become prosperous nation, talented people must be respected and treated appropriately, creating all conditions supports their capacities for them to contribute to the country without any burden. In your opinion, is protecting talented people an obligation of state or a common obligation of everyone? (Multiple answers can be selected)

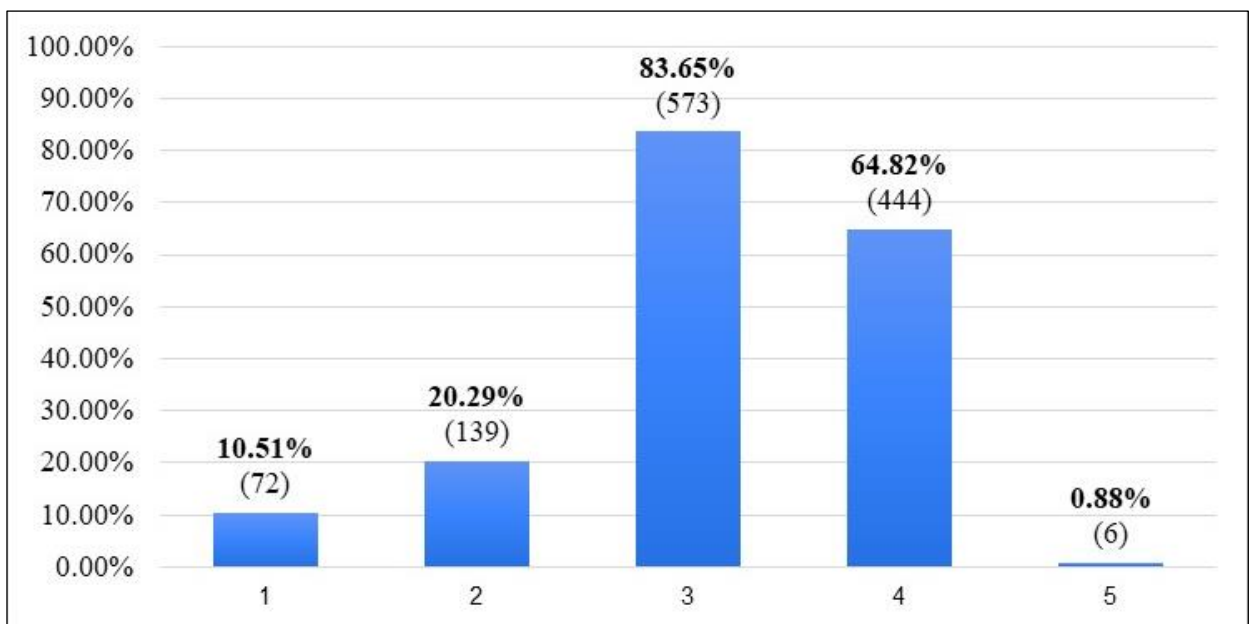


Figure 11

1. Only the state has the potentials, has specialized agencies and specific plans to perform this obligation
2. This is not the obligation of the state or everyone, the talented people must have enough bravery to overcome their difficulties
3. This is not only an obligation of the state, but also a common obligation of everyone. Those who discover, support and train talented people should be commended and rewarded
4. Everyone has the obligation to promptly denounce actions of repressing talented people
5. Other

Question 33. There is a point of view that, it is necessary to include human obligations in the educational program, to help people raise awareness of obligations towards families, companies, communities, national and international. Do you have any comment on this point of view? (*Multiple answers can be selected*)

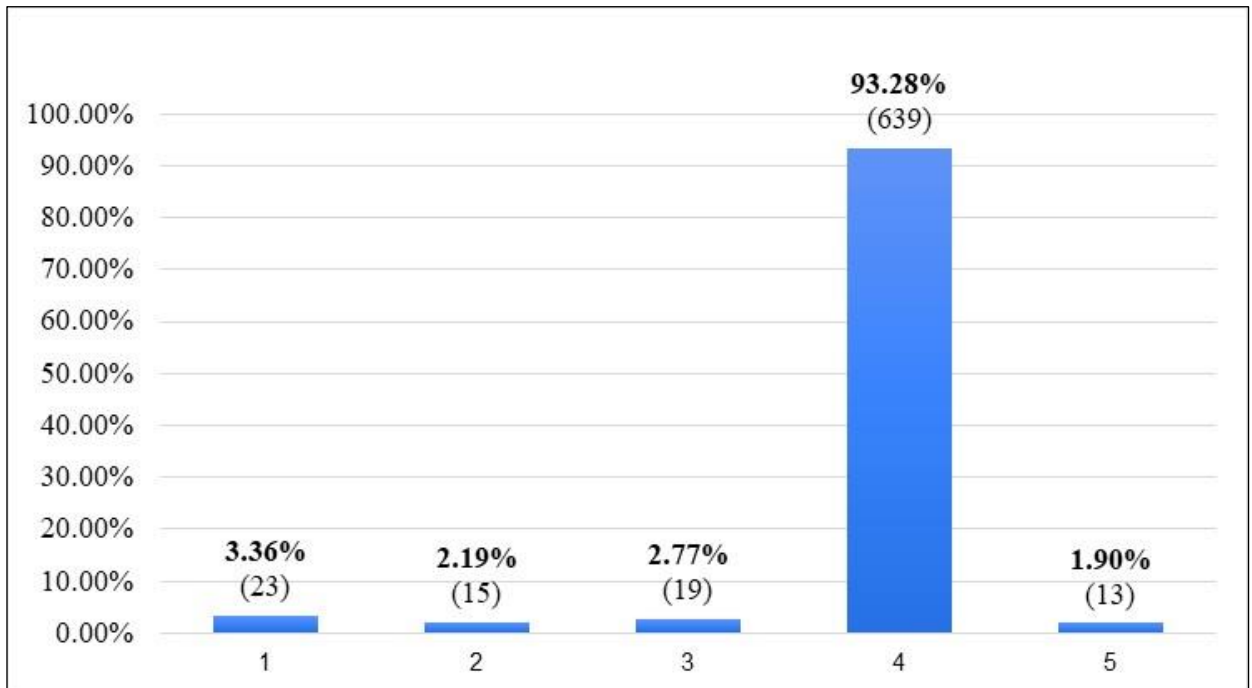


Figure 12

1. It is not necessary, because each person is self-aware of his or her duty
2. It is not necessary, because it goes against the civilized world trend of human rights education
3. It is not necessary, as will limit human freedom
4. It is necessary, if not educated, according to natural psychology, people like to enjoy more than to give. That much enjoyment will deplete the country's resources
5. Other

APPENDIX 3

HUMAN RESPONSIBILITIES RAISED FROM PHILOSOPHY, MORALITY, RELIGIOUS BELIEFS AND SOME ANCIENT CODES

1. Human responsibilities raised from philosophy, morality, religious beliefs

In the primitive era, human living was hunting animals and picking fruit. Because a nation or an official territory still has not been formed yet, hunting and picking were completely free. Due to their freedom, conflicts usually happened between tribes as they fought for areas of hunting and picking. They had to set out an unspoken rule to limit receiving benefits and borders to avoid fighting, otherwise, wars would constantly occur. This was the origin of limiting human rights (passive responsibilities). A factor being more positive than limiting human rights was positive responsibility. When this tribe accidentally hunted a pregnant animal, the tribesmen did not kill her but let her run away. She could run to other tribes to give a birth. By not killing pregnant animals and thinking of other tribes' benefits, the kind tribesmen could create more opportunities for other tribes to have food. This can be seen that human responsibilities have been promoted by the humanity's reasons and consciences since the dawn of humankind.

Because the ideology of human responsibilities has early existed, the concept of morality and philosophy has developed everywhere and suggested to build human sense of responsibility for families, communities, social relationships, nations and humanity. Philosophers and priests have been the most important roles in increasing or decreasing human sense of responsibility.

For example, Plato asserts that an individual as well as the government must fulfill their duties with the utmost attention and respect to other values²⁶⁰. Aristotle believes that humans' biggest happiness is virtue: in order to gain virtue, humans must know how to orient themselves towards, search for, and execute good deeds²⁶¹. René Descartes supposes that “*humans are not just born to wait for their death; they must do something to improve nature and maintain societal relationships*”²⁶². Marcus Tullius Cicero shares a similar vision: “*Our births are not meant only for us; they are also meant for our nation and for those around us.*”²⁶³ Immanuel Kant claims that “*it is only in a community that humans find happiness because it is only here that there exists opportunities to do good for*

²⁶⁰ PhD. T.S.N.Sastry (2011), *Introduction to Human Rights and Duties*, University of Pune Press, p. 6.

²⁶¹ Nguyễn Hữu Vui (2005), *Giáo trình triết học Mác - Lênin* [Textbook of Marxist-Leninist philosophy], National Political Publishing House, p. 74.

²⁶² Nguyễn Tiến Dũng (2006), *Lịch sử triết học phương Tây* [History of Western philosophy], Ho Chi Minh City General Publishing House, p. 320.

²⁶³ Fernando Berdion Del Valle and Kathryn Sikkink (2017), (Re)discovering Duties: Individual Responsibilities in the Age of Rights, *Minnesota Journal of International*, No. 26, p. 202.

others.”²⁶⁴ Kant considers duties to be orders of morality that must be fulfilled based on logic.²⁶⁵ Karl Marx affirms that humans are entities that can create history and transform both nature and society. With their morality and talents, humans should contribute to promoting society.²⁶⁶

Albert Einstein insists that humans must strive to work, study, and contribute. He criticizes a lazy and worthless lifestyle²⁶⁷. Dale Carnegie concludes: *Sincere care to others will create miracles*²⁶⁸. Leader Mahatma Gandhi says: “*It is ironic how everyone only desires and demands for their benefits but no one thinks about their duty*”²⁶⁹. Educator Trần Đức Huynh: *Humans have responsibilities because they are a component of society and responsibilities are connected to the happiness and misery in life. Without taking responsibilities, humans will be useless and abandoned. On the contrary, when there exists responsibilities, humans will be able to develop their logic, perseverance and emotions*²⁷⁰.

President Hồ Chí Minh regulates moral responsibilities that are specific to the different occupations in society. For example, military members and police officers must “*be faithful to the nation and be hospitable towards citizens*”; news reporters must “*write the truth and not only report about good things while hiding bad things*”; healthcare workers must “*love and considerately take care of patients as though these patients were their siblings and feel patients' pain as their own pain*”. For the marketing-banking industry, “*honesty*” must be displayed; Businesses must show “*credibility*”; Workers - the main production crew of society “*must reserve public goods, resist against bribery, protect labor disciplines, and strive to do more, do better*”²⁷¹.

Evidently, philosophical and moral perspective helps build the two main purposes of a person: happiness and morality. *Happiness* is synonymous with the benefits one deserves to have. *Morality* conveys responsibilities that one has for society. The purpose of a religion is similar to that, hence, the creed of a religion contains many duties of a human.

For a long time, people have believed that besides this world, there have also existed other worlds of souls and gods, and primitive religions that could have appeared before

²⁶⁴ Nguyễn Văn Huyền (1996), *Triết học Immanuel Kant* [Immanuel Kant Philosophy], Social Sciences Publishing House, p. 143.

²⁶⁵ See Fernando Berdion Del Valle and Kathryn Sikkink (2017), *ibid*, p. 203.

²⁶⁶ See Nguyễn Hữu Vui (2005), *ibid*, pp. 473-481.

²⁶⁷ See Nguyễn Hiền Lê (1972), *Einstein*, Lửa thiêng Publishing House, Part 2, section A.

²⁶⁸ Dale Carnegie, Nguyễn Văn Phước translated (2017), *Đắc nhân tâm* [How to Win Friends and Influence People], Ho Chi Minh City General Publishing House, p. 114.

²⁶⁹ Samuel Moyn (2016), “Rights vs. Duties: Reclaiming Civic Balance”, *Boston Review*, website: <<https://bostonreview.net/books-ideas/samuel-moyn-rights-duties>>, accessed October 20, 2020.

²⁷⁰ Trần Đức Huynh (1996), *Đạo Đức học* [Ethics], Ra Khơi Publishing House, pp. 109-111.

²⁷¹ Lê Thị Hiền and Phan Ngọc Vượng (2018), Tư tưởng Hồ Chí Minh về đạo đức nghề nghiệp và ý nghĩa của nó trong xây dựng chuẩn mực đạo đức nghề nghiệp ở Việt Nam hiện nay [Hồ Chí Minh's thought on occupational morality and its meaning in constructing a moral occupational standard in contemporary Vietnam], *Scientific Journal of Văn Lang University*, No. 10, July.

laws were regulated²⁷². Afterwards, many philosophers thought about different roles, and they described human responsibilities, and powers of gods. From there, the logical system of religious dogma were formed. Therefore, humans' faith and emotions have been stronger than ever, and it was because emotions increased humans' faith. Whoever responsibly explained what faith was to people was considered an intermediate person between god and human and also known as a missionary. Thanks to this missionary, who could convincingly describe the religious dogma and power of gods, humans' adoration for gods has existed. The more people adored gods, the more they listened to the missionary's explanations. Because of people's faith, a method of improvement of people was developed to accompany kings' rules.

In order to persuade the crowd to follow his religion, the missionary must set out the benefits and responsibilities of followers. When humans can clearly see their benefits, they will have more faith in the religion. The benefits that a religion assured followers were different from those of kings' rules. The benefits provided to people by the king were specific materials such as money, houses, land, or titles. The benefits provided to people by a religion were abstractions such as living in heaven after dying, being reborn in a beautiful world or becoming immortal. This promise was not sure to be true. Yet, because of the strong faith, followers would fulfill their responsibilities for their religion.

However, human duty displayed in some religions has been advanced and practical:²⁷³

- *Christianity* in the era of Jesus Christ with the New Testament (1st Century)

In the Old Testament, humans must submit, worship, and serve God to the utmost. People then even murdered their own children for sacrifice ceremonies.²⁷⁴ However, in the New Testament, Jesus Christ changed evil actions into calm and kind actions. Jesus also changed aggressive dogma into logical, benevolent and fair dogma. This is shown in his belief that serving the community one lives in is more beautiful and more satisfying to the Gods.²⁷⁵ Additionally, Jesus also stated many moral lessons that humans must follow.²⁷⁶

- *Muslim* teachings in the Koran

Muslim teaches people not to steal, or kill or cheat others. Eating pork or drinking

²⁷² See Thích Chân Quang (2017), *Đạo Phật và Xã hội* [Buddhism and Society], Ho Chi Minh City General Publishing House, Vol. 1, pp. 225-240. Additional reference of primitive, ancient religions at Hoàng Tâm Xuyên, Dương Thu Ái, and Phùng Thị Huệ's translation (1999), *Mười tôn giáo lớn trên thế giới* [Ten largest religions in the world], National Political Publishing House, pp. 13-33.

²⁷³ See PhD. Mumba Malila (2017), *The place of individuals' duties in international human rights law: perspectives from the African human rights system*, University of Pretoria, p. 80.

²⁷⁴ See Old Testament, *The First Born*, Chapter 13, Part 2: Exodus.

²⁷⁵ See Luke chapter 13, verses 10 to 17; Gospel Matthew chapter 5, verses 38 to 40; Gospel Matthew chapter 18, verses 1 to 4; Gospel Matthew chapter 25, verses 31 to 46; and the Gospel of Luke chapter 6, verse 31.

²⁷⁶ For example: no violation of sexual crimes; no murdering; no robbing; no fake witnesses; no cheating; must show filial piety to parents.

wine is seriously prohibited in Muslim. The Muslim must implement the mission of donation to the poor (Zakat)²⁷⁷.

- *Confucianism*

Confucius created the philosophic system of education, morality, society and politics to build an elaborate human relationship and a peaceful society. His teachings also helped make a prosperous country where humans live and interact with justice and morality. Confucius states that laws require humans to appropriately fulfill their responsibilities to the community and society. Everyone has their relationships, to which they fulfill their responsibilities with their honor. There are five relationships talked by Confucius: kings and their subjects, father and son, husband and wife, siblings, and friends²⁷⁸. Confucius also talks about God²⁷⁹, but He vaguely describes the God. He mostly assigns humans to responsibility for real life. Humans must constantly practice five qualities: kindness, behavior, righteousness, knowledge, and reliability. They must preserve their own dignity so that no one could criticize them, and they can be considered honorable men. The honorable men clearly distinguish between right and wrong. When honorable men completely fulfill their responsibility for the relationships, they are happy, reliable and dignified. Confucius is honored a Master of all time because He builds obligations for humans in advance of His time.

- *Buddhism*

Buddhism asserts that a human's life is short and temporary. On the other hand, in order to maintain lives, human beings must work tirelessly to support themselves. The Buddha once teaches "*Life is suffering*" (*Dukkha* in Pali). The goal of this religion is to attain enlightenment, to free from the cycle of rebirth, achieve universal wisdom and a boundless love to all living beings. This goal is accomplished by observing precepts²⁸⁰ and practicing The Noble Eightfold Path. With this, one must have the right view of the cultivation path, construct one's soul, say the right words, and perform many good deeds for others. Simultaneously, practitioners must earn a living from a good profession, must diligently practice meditation, and must enter mindfulness to get rid of deep instincts such as selfishness, greed, hatred, and jealousy. By doing so, the practitioners gradually achieve

²⁷⁷ The average number is 2.5% of annual harvest, or 10% of revenue from their crops or business. Quoted Th. Van Baaren (Trịnh Huy Hóa compiled - 2002), *Muslim*, Trè Publishing House, p. 61.

²⁷⁸ Đoàn Trung Còn translated (2017), *Tứ thư [The four books]*, Trung Dung Volume, Thuận Hoá Publishing House, Chapter 20, p.69.

²⁷⁹ Đoàn Trung Còn translated (2017), *ibid*, Luận ngữ Volume, Vol. 7, Chapter 13, section 12, p. 203.

²⁸⁰ The Buddha gave 5 precepts forbidding lay Buddhists: 1. Do not kill people or harm animals; 2. Do not steal; 3. Do not commit adultery; 4. Do not speak maliciously; 5. Do not use intoxicants. King Trần Nhân Tông of Vietnam expanded into the "Ten Good" ethics, which became the moral obligation that the people had to practice. See Minh Hạnh (2014), Đạo đức theo quan điểm của Phật giáo [Ethics from a Buddhist point of view], *Journal of Buddhist Studies [Vietnam]*, No. 5, pp. 3-5.

different levels of Sainthood to free from reincarnation, to attain enlightenment, and to become Arhats or a Buddha.

Because this purpose (*benefit*) is so great and sublime, one's service (*responsibilities*) must also be equally strenuous, and this requires practitioners to take a long time to fulfill their responsibilities and to practice Buddhism. That is the fairness of the law of karma - the foundation of Buddha's Teachings. Because there exists a trust in the objectivity of the Karma law and an assurance that such law will fairly bring about benefits and happiness without depending on anyone's subjective will, humans strive to live responsibly, positively, actively and graciously.

Overall, human responsibilities have existed for a long time by the leaders' orders, by organizations' regulations, by philosophers' thoughts, and by religions' morality. These favorable responsibilities are the force to maintain the stability for the world and create the dignity for humans.

2. Human responsibilities through several codes of law and historical events

As analyzed above, human responsibilities is the principal content and the "essence" of the law. From primitive to contemporary eras and all over the world, regulations on human responsibilities in the law play a major role and an inevitable fact. Because of socio-economic conditions, those regulations can often be harsh. However, they define and instruct everyone on how to behave appropriately, and they also create social motivation. From which each individual can fulfill obligations and receive benefits, while society can be stabilized, ordered, and developed.

The below contents can show some representational sets of law:

*i. The Code of Hammurabi*²⁸¹

The Code of Hammurabi was an ancient law that was representative of the Mesopotamia era and granted by the king in the kingdom of Babylon (18th-century B.C). This code regulated the behaviors of citizens in many domains such as military, civil, marriage, inheritance, and litigation:

A citizen is free to rent paddy fields to plow. If the field does not produce grain then this person is regarded as not investing enough effort into cultivation, and subsequently must take the neighboring person as a standard to submit grain to the field owner (Article 42); If the field is not plowed but is left deserted, this person must submit grain based on how much the neighboring person submits and must plow the deserted field so that it becomes even and flat again before returning to the field owner (Article 43); If a citizen freely opens up a sewage system and floods the field of the neighbouring person, he must

²⁸¹ This text was discovered in 1901 by a French archaeologist. It was engraved on a basalt stone slab with a height of 2.25m. Today, the code of law is on display at the Louvre Museum in Paris, France. It consists of 247 legible articles out of the 282 total articles.

compensate crops based the neighboring area (Article 55); If a citizen freely violates the residence of others then he will be executed (Article 2); If a citizen freely steals and is caught doing this then he will be executed (Article 22); If a house is burned down and a citizen freely extinguishes the fire to steal something, that person will be thrown into the red flames (Article 25); If a wife kills her husband because of another man, she will be condemned to sitting in a spike-board (Article 153), etc.

*ii. The Code of Manu*²⁸²

The Code of Manu was also one of the oldest codes in the world (about The XII Century B.C). According to the Code of Manu, Indian society was divided into four castes, and each caste had its own benefits and responsibilities required to maintain society's stability. Specifically the Brahmins caste (Brahman priests) had the duty to research and lecture the Veda scripture to believers, and they could receive donations from believers, and hold religious rituals to bless believers. The Kshatriyas caste (kings and bureaucrats) had responsibility to protect citizens, distribute donated goods and food to citizens, officiate religions and research the Veda scripture. The Vaishyas caste had responsibility to raise livestock, do trading, lend money, cultivate morality, distribute donation and offer sacrifices.²⁸³

*iii. The Twelve Tables*²⁸⁴

The Twelve Tables also had regulations in the legal ways of behavior that everyone must follow, and they would be punished if they violated. For example:

The judge will be executed if there is evidence of receiving a bribe (Article 4, Table IX). Rebellion: Anyone who rebels or participates as member of a rebellious group will be charged with a death penalty (Article 5, Table IX). Prohibition regarding executing a person without going through a proper trial (Article 6, Table IX); Men who serve in the military are not allowed to get married until training is completed (Table XI); If anyone is summoned to appear in court, that person must come. If he doesn't come, he will be arrested (Article 1, Table I); No dead person is allowed to be cremated or buried in the city. (Article I, Table X), etc.

iv. The Code of King Ashoka

The Code of King Ashoka (circa 272 - 231 BC) consists of 33 decrees engraved on 29 stelae and pillars (14 large stones have been found - The Fourteen Rock Edicts; 2 stones

²⁸² Manu Law is also known in Sanskrit as Manavadharmasastra or Manusmṛti, including 12 chapters, 2,685 articles.

²⁸³ Phan Trọng Hòa (2007), *History of Governments and the Laws Around The World*, Hồng Đức Publishing House, Ho Chi Minh City, pp. 57-58.

²⁸⁴ In 450 B.C, a committee consisting of 5 common people and 5 noblemen was established to transform a set of law into text. The content of the text is engraved on 12 copper tables (12 is considered as a lucky number according to the perspective of Europeans). The 12 tables were then displayed at the Roman Forum for everyone to see, hence the name "The Twelve Tables."

in Kalinga - The Kalinga Rock Edicts; 3 small stones - Minor Rock Edicts; 7 large pillars - The Seven Pillar Edicts; 3 small stone pillars - The Minor Pillar Edicts). They have been scattered in many places such as India, Nepal, Pakistan and Afghanistan. These decrees aimed to build a moral life for all people, encourage religions to be equal, and protect the environment and creatures. In those decrees, King Ashoka also specified the rights that people enjoyed, and obligations that mandarins, clerics, believers and the people should fulfill.

These outstanding responsibilities were included as follows:

Responsibilities to obey parents and respect teachers: “...parents and the elderly should be respected. Living beings should be treated kindly. The truth should be strongly spoken. In these ways, the Dhamma should be promoted. Likewise, teachers should be honored by their students. Good characters should be shown towards relations”²⁸⁵.

Responsibilities to respect the others’ freedom of religions: “if criticism occurs, a kind solution should be used to solve it. However, it is better to honor other religions for this reason. By doing so, all religions can receive benefits. On the other hand, if you do something harmful to others’ religions, you will be punished. A person praises his own religion due to excessive devotion, and condemns others with a thought "Let me glorify my own religion", he, in fact, harms his own religion. Therefore, a good communication (between religions should be kept. People should respectfully listen to the doctrines that are taught by others”²⁸⁶.

Responsibilities to protect the environment: “...Twenty-six years after my coronation, I believe that various animals were declared to be protected such as parrots, mainas, aruna, ruddy geese, wild ducks, nandimukhas, gelatas, bats, queen ants, terrapins, boneless fish, vedareyaka, gangapuputaka, sankiya fish, tortoises, porcupines, squirrels, deer, bulls, okapinda, wild asses, wild pigeons, domestic pigeons and all four-footed animals that are neither useful nor eatable. Nanny goats, ewes and sows that are feeding their babies, and under six months ones are protected. Husks hiding living beings are not burnt. Forests are not burnt for either without reason or with killing animals. One animal is not fed to another...”²⁸⁷.

There was something forbidden: **Do not kill living beings:** “...Here is in my domain that no living beings are slaughtered or offered in sacrifice. No festivals should be held for Beloved-of-the-Gods as King Piyadasi has seen many reasons to object to such festivals, even though there are some festivals for Beloved-of-the-Gods, which King Piyadasi does approve of...”²⁸⁸.

²⁸⁵ See Ven. S. Dhammika, *ibid*, MRE II, p. 34

²⁸⁶ See Ven. S. Dhammika, *ibid*, RE XII, p. 25.

²⁸⁷ See Ven. S. Dhammika, *ibid*, PE V, p. 39.

²⁸⁸ See Ven. S. Dhammika, *ibid*, RE I, p. 15.

v. Chinese sets of law

During the monarchical era, China had several representational sets of law: Codes of the Zheng dynasty, Law systems of Han dynasty, Codes of the Chu dynasty, Codes of the Tang dynasty, Codes of the Song dynasty, Codes of the Ming dynasty, Codes of the Qing/Manchu dynasty. The basic similarity in these sets of law was the establishment and reinforcement of people's responsibilities. The most important point was that they determinedly worked on the five righteous relationships of kings and subjects, husband and wife, siblings, the elder and the younger, and friends. These showed that when a king had virtue, the people must be loyal; when a husband was gracious, the wife should obey him; when the older brother was nice, the younger siblings should respect him; when the elder gave an good advice, the younger should listen to the advice; when friends communicate with one another, they must be reliable²⁸⁹.

vi. Vietnam's sets of law

Kingdom Penalty: (also known as the Hồng Đức set of law or the penalty law of the Lê dynasty) was also enacted during the reign of King Lê Thánh Tông in 1483. This was a historical progressive set of law in Vietnam and in the world. It contained many great responsibilities for all kinds of society.

The below list is a sample of its content:

In the city, ward, alley or villages, if there exists a sick one who lays in the streets and does not have anyone to take care of, then the authority in that area must give him a shelter, look after that person and provide him with food and medicine so that he can survive... (Article 294); authorities in the area are responsible for taking care of widows and widowers, orphans, disabled people, poor people who have no relatives to rely and cannot take care of themselves (Article 295); spouses have the duty of living together in the same house and are responsible for each other (Article 308, 309, and 321), husbands are not allowed to mistreat wives (Article 482), the duty is of being faithful (Article 401, 405); younger people must respect elder ones (Article 292); official who are lazy to do their jobs are punished 70 coins, satirized, and forced to resign (Article 199); when combatting enemies, anyone who avoids fulfilling military service must be executed (Article 258)...

Specifically, King Lê Thánh Tông regulated twenty four rules to instruct citizens on morally improving themselves and practicing good habits. These rules are as follows:²⁹⁰

1. *Parents must teach their children to be respectful; girls and boys must have a job; drinking, gambling or singing is not allowed as they can ruin the nation's valuable*

²⁸⁹ Lý Minh Tuấn (2017), *Tứ thư bình giải* [Commentary on the Four Books], Tôn giáo Publishing House, p. 716.

²⁹⁰ Trần Trọng Kim (2011), *Việt Nam Sử lược* [Summary of Vietnam's History], Literature Publishing House (Vietnam), pp. 225-226.

custom.

2. *The patriarch must force himself to be respected and be the best model for the whole family; If a child disobeys the elder, the patriarch is blamed.*

3. *Husbands and wives must work hard and show full appreciation for each other. Only when the wife violates the seven principles can the husband be allowed to leave the wife²⁹¹. No arbitrariness can ruin the nation's valuable custom.*

4. *Disciples must love their brothers, harmoniously live with other residents in the village, and use a guideline of righteousness to treat people; if anyone violates the law, the village's leader must educate him or report the case to the mandarin when he commits a serious crime.*

5. *In families and villages, everyone must support one another when they need helps. The mandarin must report to higher authorities any citizen who is virtuous so that the king can praise and give him a reward.*

6. *Women who are guilty to their parents and have been punished by their husbands must correct their own faults. They are not allowed to arbitrarily run away from their family to ruin the virtues of women.*

7. *A widow must not let a young man stay in her house and tell a lie that he is her adopt son to commit adultery.*

8. *A widow should be compassionate with her stepchildren, her late husband's other wives, and she must not make the property her own.*

9. *A wife having no child should stay in her husband's family house to be in all mourning, and she must not take any property to her own home.*

10. *A woman's job is to listen to her husband, and she is not allowed to rely on her parents. She is not allowed to disrespect her husband's family even she is wealthy, otherwise her parents are to be blamed.*

11. *Intellectuals must be virtuous and obey the law. Intellectuals who flatter authorities to do bad deeds are worthless, and they cannot be useful for people anymore.*

12. *A clerk should only keep document to do governmental job; if he do anything wrong, he must be punished.*

13. *Authorities and citizens must respect and support one another and diligently work on farms. No one is allowed to be lazy to work. Any good man must be reported to the local authorities so that the monarchs can reward this person.*

²⁹¹ There are 7 offenses: Can't bear children, lasciviousness, not worshipping parents-in-law, gossip, stealing, jealousy, incurable diseases.

14. *Merchants must depend on the current value to do trade with one another; they are not allowed to change the contract or convene gangs to do robbery. If they violated, merchants will be severely punished.*

15. *Marriages must be conducted properly, no elopement is allowed.*

16. *If entertainment or sacrificial rituals are held in public, male and female participants must be careful to avoid sexual desire.*

17. *Vendors and shop owners must have a method of protection for female travelers who stay the night in their areas. If any sexual assault occurs, both the proprietor and the violator will be punished.*

18. *Villages must put proper signs that indicate separate bathrooms between women and men.*

19. *The hamlets and communes must select some moral elder people to be leaders. On beautiful days, they should invite the people to come to the temples to listen to moral teachings. So, the people can follow the teachings to do good deeds, which should become a custom.*

20. *Individuals who invade others' lands, oppress others, and instigate others to file a lawsuit must be reported to the mandarin for punishment.*

21. *Authorities who allow petty people to bribe and allow their family members to bully other citizens to buy cheap goods will be executed by citizens.*

22. *Mandarins who encourage their people to do good deeds approved by higher authorities can be in the high rank; those who do not morally educate their people are not worthy of their position.*

23. *Village leaders who morally educate children and enable the formation of good traditions must be reported to higher authorities so that the King could give them rewards.*

24. *Those who are at the border must follow moral principles. They must not go against moral standards to steal wives of their fathers, uncles or brothers, who are dead. If they are found out, they will be charged severely.*

King Trần Thái Tông regulated an obligation to taxes that were depended on the amount of paddy fields of citizens. Those who owned many paddy fields would pay high taxes. Those who owned a few paddy fields would pay lower taxes. Those who did not own any paddy field would not be required to pay taxes²⁹². King Lê Thái Tổ mandated that those who followed Buddhism or Taoism must pass an exam on these religions' scriptures. Only those who passed the exams would be allowed to become monks and priests. Those who failed the exams would return to normal life²⁹³. The Imperial Code, known as the Gia Long Code, included 398 articles. During the Nguyễn dynasty, there were many

²⁹² See Trần Trọng Kim (2011), *ibid*, p. 119.

²⁹³ See Trần Trọng Kim (2011), *ibid*, p. 217.

regulations on obligations and behavior enforced on people to keep society and the nation order. For example:

The faithful obligation (Article 245, 332)

The joint occupancy obligation of husband and wife (Article 108, Regulation 2)

The submission obligation of a wife to her husband (Article 284, 289, 290)

The obligation of a patriarch (Article 29, 43, 156, 296, 358)

The obligation of parents (Article 82, 83, 109)

The obligation of a child (Article 31, 35, 37, 274, 307), etc.²⁹⁴

It can be understood that a society led by a wise and generous king was stably developed. Its law was used to guide its citizens and ensure its society's benefits. Human obligations in this society helpfully formed the nation's order, people's diligent work and respect for one another, from monarchs to citizens. Human obligations in this society also brought the nation prosperity, helped establish the strict and clear laws, created close relationships to the community, and made citizens responsible and happy. On the contrary, a society led by an ignorant and dictatorial king must be undeveloped. Its law was used to suppress its citizens. Human obligations in this society were harsh to impose on its citizens. Consequently, this society was unstable while the nation was unsafe and divided. In the X-XV century, Eastern countries under monarchism were very stable while many Western countries were unstable. There constantly happened religious wars, civil wars, and wars over power in those Western countries. Moreover, famine, epidemic and high taxes, that governments used to fund for wars, caused people too much suffering.

By the end of the XV century, the Western capitalist economy started to develop while its culture entered the Renaissance. A huge number of demands were highly raised. Transport and trade established markets while meetings formed organizations. Freedom of practicing religions, of expressing political views, of owning personal goods, and of participating in political tasks were significant. This freedom helped fulfill the growth of an economy-culture and the progression of each citizen, especially the developing capitalist class, who held economic power. However, the development of demands were hindered by the aristocrat - feudal lords and especially the dictators, who were harsh and unkind to their people²⁹⁵. Additionally, in this era, humans' freedom was limited by the collusion between kings of feudalism and the theocracy of churches. Farmers had to work very hard to pay tributes to feudal lords and churches²⁹⁶. Many classes of citizens became powerless and

²⁹⁴ See Hanoi Law University (2017), *Giáo trình lịch sử nhà nước và pháp luật Việt Nam* [Textbook on history of Vietnamese State and Law], The Public Security Publishing House, pp. 303-311.

²⁹⁵ It can be mentioned as King Felipe II of Spain, Netherlands; King Charles I of England; King Louis XVI of France; etc.

²⁹⁶ See Cao Văn Liên (2007), *Lịch sử cổ trung đại Châu Âu - những nét đặc thù* (Medieval history of Europe - features), *European studies review*, No. 9 (84), pp. 43-50.

objective, instead of being the law's subjects. They were inactive, and their sole duty was to blindly obey the authorities' orders without any resistance to the abuse of power²⁹⁷. When humans were oppressed to implement many strenuous duties without receiving any commensurate benefits, they must begin to violate the authorities and rise to fight for rights to live and pursuit of happiness. Because of harsh conditions in history, jurists and philosophers created new ideas of democracy and human rights to better human life.²⁹⁸

These factors were the reasons that led to the revolutions: the English Revolution in 1640-1688, the American War of Independence in 1775-1783, the French Revolution in 1789 - 1799. The results of these revolutions were the destruction of monarchies and the development of capitalist economies. More importantly, citizens' demands of politics were fulfilled with an acknowledgment of freedom of rights, *which was disregarded for numerous centuries*. Human rights were recorded in the English Bill of Rights in 1689, the U.S. Declaration of Independence in 1776, and the French Declaration of the Rights of Man and the Citizen in 1789. This freedom of rights, especially the **right to property**, contained many positive meanings: liberated humans from oppression and motivated them to work. Then people could accumulate their property and contribute to the growing wealth of European-American nations. Thus, human rights were initially the result of the revolutions that were particularly linked to the historical situation of European-American nations in the purpose of freeing humans from physical insult. These are "*special categories that humans invented in order to protect their dignity*"²⁹⁹. Therefore, they are not a natural and universal characteristic in the whole world.

After the success of the revolutions, many nations, with their powerful economy and military, brought their troops and merchants to everywhere to trade and invade colonies. When they settled down and governed the colonies, they spread their culture and ideologies of human rights over the colonies. Subsequently, human rights became increasingly popular. Specifically, when World War II ended, it created a historical event to raise the popular human rights up to a new level and caused the birth of the International Declaration of Human Rights in 1948. Afterwards, many writings of human rights were recorded in international pacts and constitutions that supported movements of human rights worldwide. As a fact of matter, the movements of human rights have become too popular that human rights have been considered as natural as an inherent dignity that could not be inviolable.

²⁹⁷ See Nguyễn Thị Quế Anh (2011), Một số vấn đề về ghi nhận và bảo vệ các giá trị nhân thân trong pháp luật dân sự [Some issues of recognition and protection of personal values in civil law], *VNU Journal of Science - Jurisprudence*, No. 27, pp. 213-220.

²⁹⁸ For example: Thomas Hobbes, John Locke, George Berkeley, Johann Wolfgang von Goethe, Johann Gottfried von Herder, David Hume, Montesquieu, Immanuel Kant, Jean-Jacques Rousseau, Adam Smith, Voltaire, Christian Wolff, etc.

²⁹⁹ Faculty of Law - Vietnam National University, Hanoi (2011), *Giáo trình Lý luận và Pháp luật về Quyền con người* [Textbook on Theory and Law of Human Rights], Vietnam National University Press, Hanoi, p. 79.

Therefore, people have believed that where humans are, there naturally exist rights. This thought now causes an imbalance between rights and responsibilities both in the law and in reality (see Chapter 3: The reality). In addition, the role of human responsibility has been forgotten or incompletely recognized too long that people should have been unaware of it, and people's unawareness has brought society serious consequences. Samuel Moyn stated that, "*In a contemporary era where human rights no longer involve the public discussion of human duty, the focus on human duty has become a distant memory of history.*"³⁰⁰ Both Fernando Berdion Del Valle and Kathryn Sikkink said, "*The initial meaning of human rights have changed; human rights have long stopped to exist as an ideology or as a system of ideas that is ambitious about human dignity.*"³⁰¹

Ultimately, after identifying the ancient sets of laws and the historical events, we can see that although human responsibilities are critical to stabilize and develop society, the law and people have not been aware fully and seriously of that. The role of human responsibilities is forgotten because of the rise of human rights. Therefore, the importance of human responsibilities must be brought to people's and the laws' attention so that people can realize that human rights and human responsibilities have a close relationship.

³⁰⁰ Samuel Moyn (2016), *Rights vs. Duties: Reclaiming Civic Balance*, Boston Review, website: <<http://bostonreview.net/books-ideas/samuel-moyn-rights-duties>>, accessed October 20, 2020.

³⁰¹ Fernando Berdion Del Valle and Kathryn Sikkink (2017), *ibid*, p.190.

APPENDIX 4**SUGGESTIONS TO DEVELOP AND PERFECT INTERNATIONAL LAW ON HUMAN RESPONSIBILITIES**

We would like to propose some suggestions in this thesis to develop and perfect the international law on human responsibilities as follows:

1. To pay taxes to the government and contribute finance to the community.
2. To be loyal to the nation and protect the nation's peace.
3. To work diligently to create abundant resources for the community and to contribute to the prosperity of society.
4. To learn to improve knowledge and skills (including algorithms and coding), to practice careful style in performing tasks, and to contribute to the development of society.
5. To obey and respect the communal law.
6. To respect the legal rights and benefits of others and the community.
7. To construct, maintain and protect the world peace for humanity; to avoid factors that can cause wars, conflicts, separation, and hatred to communities, nations, and religions; to support nuclear disarmament. All nations in the world are increasingly coming closer together. Although wars are gradually being pushed back, there are still somewhere people publicly or secretly advocate for wars. No community, organization, or a single nation can guarantee that world peace is stable unless everyone in this world fulfills the responsibility to protect world peace and security for humanity.
8. To protect the planet's ecosystem to ensure stable development of the environment. This protection includes reducing plastic waste, and collecting trash to reuse and recycle. The aim is to make the whole world clean. People should encourage each other to use clean sources of energy and prioritize the development of clean electricity; it is the use of solar energy. People should also keep the atmosphere fresh and protect biodiversity by planting trees and developing forests; how many trees to be planted by a person should be based on their age, grade and ability. People should protect all rivers by making waste water harmless before discharging it into the ground, rivers, oceans, ponds, and lakes. People should prevent violations of waste requirements and report those violations to authorities. People should invest and conduct research on green technology. People should create and use all new eco-friendly products, ingredients, machines, and devices. People should limit as much as possible the usage of natural resources and minimize the exploitation of natural resources those are underground or underwater. People should study methods that can help avoid exploiting natural resources but help developing natural resources. People should

strive to work out the aim that leads all humans to a harmonious life, clean environment and developed and stable society.

9. To refine and practice morality so that one's existence does not cause any danger to the community, and to practice obedience, discipline, and collaboration.

10. To be willing to sacrifice and work hard and fulfill responsibilities through specific actions are necessary for the development of society; everyone must educate others in the value of responsibility.

11. To contribute to society's welfare and order, and the nation's security.

12. To do exercise to keep oneself healthy and reduce disease. Everyone must efficiently contribute to society by reducing a burden that others have to bear when taking care of sick persons. Everyone must also learn medical knowledge and contribute to medical advancement.

13. To train creativity while inventing scientific, literary, and artistic products that are educational. People should share knowledge and skills of living with others, and to develop an educational system that is progressive, civilized and highly standard.

14. To protect children's safety and development because the children are easily influenced by bad habits; anyone who harmfully influences children's development of cognitive and personality must be punished.

15. To protect and take care of the elderly who are incapable of taking care of themselves.

16. To rescue others in natural disasters or accidents, and to find any way to help others who are deficient in knowledge, skills, assets, and job opportunities, anyone who is indifferent, irresponsible to not assist others will be punished.

17. To use one's advantage of assets, power, health, and knowledge to significantly influence on the community.

18. To use money and assets wisely and efficiently, and to know how to accumulate and use property to invest business and make donations are wealthy people's responsibility.

19. To contribute to the development of social relationships that follow the two criterias of love and order. They should keep promises of building a society where humans can trust one another. They also need to build a society where all humans are loyal to their nations and harmonize with the whole world. They are responsible to build a society where there is collaboration and support, where violations of personal affairs do not occur, and where anyone who sows division in society must be punished.

20. To contribute to developing a society, where people live in safety and peace and where people are aware of crimes. Anyone in the community must report crimes to authorities and support the government to prevent crimes.

21. To protect the community's quietness is the responsibility of community's members because quietness is a tool to measure a level of civilization of the community.
22. To not cause arguments or conflicts among religions. People must protect the harmony between the different religions and prevent the religions from any destruction of harmony.
23. To work together to identify a religion that is most logical, scientific, and civilized. Thanks to working together, humans can completely believe in that religion, and the separation of religions will be permanently eliminated.
24. To select occupations that can bring society practical benefits, to avoid choosing occupations that are impractical and time-consuming, and do not bring others benefits.
25. To protect all cultural heritage of ancient civilizations to let younger generations learn and study the history of humanity.
26. To demonstrate collaboration and unity in the field of sports is all players' responsibility.
27. To not make others pressed, instead, to find ways to help others achieve a peaceful life, to instruct others in finding peace.
28. To help everyone believe in the fairness of life. Sometimes, unfairness will appear in some place where one's contribution is forgotten. Nonetheless, this social injustice will only take place within a short time. Generally, mankind is fair. For this reason, people should help one another believe in this fairness so that everyone can live in peace and comfortably and trustfully contribute to society without pessimism or doubt. They do not see life with a negative perspective.
29. To instruct and assist others in learning morality so that they can morally improve themselves. They should teach others, who are evil, to behave kindly and have a sense of responsibility for themselves and the community.
30. To support and assist talented persons. Repressing them is strictly forbidden.
31. To strive for diet meals to reduce the resources that are spent on raising animals, and to prevent humanity from sins of killing.
32. To establish social security and health insurance to assist the poor.
33. To assist one another in finding jobs by searching opportunities for the unemployed.
34. To maintain a society where no one is in despair or hopelessness.
35. To report residence status to authorities to help government policy manage population and develop society and the economy.
36. To use freedom of speech to express positive and educational ideas to the public.

37. To directly or indirectly participate, through representatives, in national missions and to elect good leaders. Citizens must be loyal to leaders they choose as they know that these officials are helpful to them.
38. To unite the government and obey the law when natural disasters, war, and epidemics occur, to restrict their demands of rights and benefits to ensure the community's benefits.
39. To obey all regulations on prevention, diagnoses and treatment of disease to protect public health.
40. To fight against misinformation and harmful artwork, to prevent them from the community. People also must not engage in self-indulgence that can destroy human morality.
41. To nicely treat foreigners to create peace between nations.
42. To protect others' rights, dignity, and honor; no one should only protect his or her own rights. When we protect others' rights, our rights are naturally protected. Consequently, we can create a society where people live in friendship.
43. To not allow one's own happiness to become others' pain and despair.
44. To cooperate with people to create only one shared nation. Anyone can support to build a place where all people in the world can live in a progressive legal system and prosperous and fair society.
45. To fluently practice one international language to eradicate language barriers that separate human communication. While communicating with people in the international language, we still preserve our mother tongue.
46. To teach children to respect and obey grandparents, parents, and the older. Children must diligently help parents do housework and support the livelihood of the family. Children must not be disrespectful and stubborn to make parents unhappy because they are already stressed to work to raise their children. Children must work hard at school to make meaningful contributions to society as they grow older. Children must respect teachers, study hard, and assist friends who are weak at study. Children must fulfill responsibilities that are appropriate to their abilities and cognition. Their responsibilities will be increasing as their abilities and cognition are developing. Their responsibility is necessarily based on their age.
47. To teach children to show filial piety to parents. In families, parents must love and properly educate their children. All members in the family must work together to ensure the family's happiness and harmony. Spouses must be faithful and responsible to each other, and family members on both sides. Spouses must tolerate each other and avoid fighting that can lead to a separation and divorce. Parents' right to divorce is a negative

effect on children's right to happiness, which is a life of full education from both the father and the mother.

48. To support disabled people to contribute to the community as much as they can. Disabled people should not passively wait for society's help.

49. To support the elderly to contribute to the community. Based on their health and cognitive ability, the elderly can still contribute to society. They can be diligent examples to the young. They can also hand over their knowledge and valuable experiences to future generations. Those who are retired but still healthy should regularly do exercise to prevent illness and to continue dedicating.

50. To be responsible for educating and passionately sharing knowledge to students is a teacher's important role.

51. To help others practice a religion to achieve the understanding of moral doctrines is the believers' responsibility. It is necessary to help people understand dogma and enable religions to become the source of morality for society. Believers have responsibilities to instill patriotism and love for mankind into their religious colleagues, to unite different religions and to avoid causing any conflicts or separation between religions. In addition, followers must unite society and the world. Followers are prohibited from promoting murder, and they must help others prevent from such evil actions. Followers must fight against religious discrimination while the world is still waiting for a united religion.

52. To be honest is a job of those who work or participate on the network. Besides this, these persons must not distribute bad content while working on the network. Online participants must not take advantage of online to engage in fraud information, and they must obey the laws of online platforms. Online participants must morally communicate with others. If they see signs of crime online, they must report them to the authorities. Additionally, online participants must support those who need help.

53. To work on the media, all journalists, musicians, authors, poets, artists, actors, and sculptors are responsible to perform a moral art-way that is genuine; they are not allowed to cause negative influences to society. Art performances can be performed in many ways: speech, writing, body language, images, poetry, music, sculpture, movies and other platforms. All of those can distribute personal thoughts. The contents must be pure and valuable; they must not be rude, offensive, or hurtful; they must not denigrate others' dignity. Moreover, their language used in art-work should helpfully disseminate knowledge and experiences in education and work. They should use beautiful words to relieve people of stress, reinforce people's faith, build strong, positive, optimistic attitudes, bring people together, and eliminate doubts, jealousy, and hatred.

54. To educate criminals in responsibility while they are in prison is necessary. Criminals who receive people's clemency must strive to change themselves to be responsible and useful.
55. To be responsible to serve citizens fairly is leaders' role. They can use their government-granted advantages to work and contribute to the public as they are fully aware that their task is to serve their people.
56. To use property to help others is wealthy people's responsibility. They should finance to help the poor and contribute to the prosperity of the nation.
57. To not rely on others' help but strive to work is the poor's responsibility and dignity.
58. To use their knowledge to contribute to society is a well-educated people's responsibility. They should share their knowledge and skills with others so that everyone can have opportunities to improve themselves.
59. To collaborate and assist colleagues is employees' responsibility. They should uniformly advance, overcome obstacles, and optimally work to contribute to the development of their facility.
60. To love and live harmoniously in a family is the family members' responsibility. They must be grateful to each other and preserve the family's traditions, support the livelihood of each other, and properly educate their younger members.
61. To strive to create more jobs for the community is business people's responsibility. They should help the government reduce the unemployment rate that is a burden of the government as they have to benefit the unemployment.
62. To fulfill their duties is a responsibility of all members of a legitimate organization or an association. Organizations' or associations' requirements and regulations must be based on the contribution to the nation's civilization.

APPENDIX 5³⁰²

**THE SUMMARY TABLE OF THE NUMBER OF ARTICLES ON HUMAN RIGHTS AND OBLIGATIONS IN THE
CONSTITUTIONS OF MANY COUNTRIES IN THE WORLD**

No.	CONSTITUTION	Number of Articles prescribing Rights	List of the Articles prescribing Rights	Number of Articles prescribing Obligations	List of the Articles prescribing Obligations
1	The 1997 Constitution of the Republic of Poland (amended and supplemented in 2009)	38 Articles	Articles 32, 33, 35, 36, 41, 42, 45, 47-54, 56-68, 70-75, 77-80	7 Articles (8 Obligations)	Articles 31, 70, 82-86
2	The 1993 Constitution of the Kingdom of Cambodia (amended and supplemented 8 times, the last time in 2018)	19 Articles	Articles 32, 34-44, 46-48, 60, 76, 122 and 128	2 Articles (3 Obligations)	Articles 31, 49
3	The 2015 Constitution of the Republic of the Congo	32 Articles	Articles 8, 9, 15-39, 41, 46-49	7 Articles (8 Obligations)	Articles 29, 41, 50-53 and 56
4	The 2019 Constitution of the Republic of Cuba	53 Articles	Articles 4, 15, 31, 41, 42, 43, 46-84, 86, 91, 94-99	8 Articles (14 Obligations)	Articles 4, 7, 9, 31, 45, 84, 90, 91

³⁰² See <https://www.constituteproject.org/countries>, accessed November 19, 2021.

5	The 2002 Constitution of the Democratic Republic of East Timor	40 Articles	Articles 3, 7, 16-18, 20-22, 26, 28-31, 33, 34, 36-54, 56-61	9 Articles (11 Obligations)	Article 17, 22, 47, 49, 50, 55, 57, 59, 61
6	The 1949 Constitution of the Federal Republic of Germany (Basic Law for the Federal Republic of Germany, amended and supplemented many times, the last time in 2019)	23 Articles	Articles 1-6, 8-14, 16, 17, 33, 38, 54, 91e, 103, 104, 116	2 Articles (2 Obligations)	Article 6, 12a, 33
7	The 1948 Constitution of The Republic of Korea (amended and supplemented 9 times, the last time in 1987)	28 Articles	Articles 10-37	5 Articles (5 Obligations)	Article 31, 32, 35, 38, 39
8	The 1787 Constitution of the United States of America (amended and supplemented through 27 amendments, the last time was in 1992)	15 Amendments	Article 4, Clause 2; Amendments I-IX, XIV, XV, XIX, XXIV and XXVI	None of articles	None of articles
9	The 1945 Constitution of the Republic of Indonesia (amended and supplemented many times, the last time in 2002)	13 Articles	Articles 27, 28, 28A-28I, 30 and 31	5 Articles (5 Obligations)	Articles 23A, 27, 28J, 30, 31

10	The 2015 Constitution of The Lao People's Democratic Republic	13 Articles	Articles 34-46	7 Articles (6 Obligations)	Articles 10, 19, 22, 31, 47-49
11	The 1996 Constitution of the Republic of South Africa (amended and supplemented 17 times, the last time in 2013)	28 Articles	Articles 9-35 and 235	None of articles	None of articles
12	The 1993 Constitution of the Russian Federation (amended and supplemented in 2008, 2014 and 2020)	43 Articles	Articles 3, 6, 17-54, 60-62	8 Articles (8 Obligations)	Articles 15, 17, 43, 44, 57-59, 62
13	The 1946 The Constitution of Japan	28 Articles	Articles 11, 13-29, 31-40	4 Articles (4 Obligations)	Articles 12, 26, 27, 30
14	The 1957 Federal Constitution of Malaysia (amended and supplemented 57 times, the last time in 2009)	9 Articles	Articles 5-13	None of articles	None of articles
15	The 1978 Constitution of the Kingdom of Spain (amended and supplemented in 1992 and 2011)	28 Articles	Articles 13-25, 27-30, 32-35, 37-39, 43-45, 47	7 Articles (10 Obligations)	Articles 9, 10, 27 30, 31, 35, 43
16	The 2017 Constitution of The Kingdom of Thailand	22 Articles	Articles 25, 27-29, 31-38, 40-49	1 Article (7 Obligations)	Article 50

17	The 1982 Constitution of the People's Republic of China (amended and supplemented in 1988, 1993, 1999, 2004 and 2018)	14 Articles	Articles 33-37, 39-43, 45-48	7 Articles (6 Obligations)	Articles 42, 46, 52-56
18	The 2013 Constitution of the Socialist Republic of Vietnam	32 Articles	Articles 14, 16, 17-43, 45, 48 and 49	9 Articles (8 Obligations)	Articles 15, 38, 39, 43-48
19	The 1947 Constitution of The Italian Republic (amended and supplemented in 2012)	23 Articles	Articles 4, 10, 13-19, 21, 24, 30, 32, 34-38, 40, 46, 48, 49, 51	6 Articles (7 Obligations)	Articles 4, 34, 48, 52-54
20	The 2013 Constitution of the Republic of Zimbabwe	37 Articles	Articles 35, 48-78, 80-85	1 Article (2 Obligations)	Article 35

APPENDIX 6³⁰³

THE SUMMARY TABLE OF HUMAN OBLIGATIONS STIPULATED IN THE CONSTITUTIONS OF MANY COUNTRIES IN THE WORLD

NO.	CONSTITUTION	OBLIGATIONS STIPULATED IN THE CONSTITUTION
1	<p>The 1997 Constitution of the Republic of Poland (amended and supplemented in 2009)</p>	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland - <i>Article 85, clause 1:</i> It shall be the duty of every Polish citizen to defend the Homeland. - <i>Article 82:</i> Loyalty to the Republic of Poland, as well as concern for the common good, shall be the duty of every Polish citizen.</p> <p>2. Obligation to perform military service - <i>Article 85, clause 2:</i> The nature of substitute service shall be specified by statute.</p> <p>3. Obligation to observe the law - <i>Article 83:</i> Everyone shall observe the law of the Republic of Poland.</p> <p>4. Obligation to pay taxes - <i>Article 84:</i> Everyone shall comply with his responsibilities and public duties, including the payment of taxes, as specified by statute.</p> <p>5. Obligation to protect environment - <i>Article 86:</i> Everyone shall care for the quality of the environment and shall be held responsible for causing its degradation. The principles of such responsibility shall be specified by statute.</p> <p>6. Obligation to education - <i>Article 70, clause 1:</i> Everyone shall have the right to education. Education to 18 years of age shall be compulsory. The manner of fulfilment of schooling obligations shall be specified by statute.</p>

³⁰³ See <https://www.constituteproject.org/countries>, accessed November 19, 2021.

		<p>7. Obligation to respect the rights and freedoms of others</p> <p>- <u>Article 31, clause 2</u>: Everyone shall respect the freedoms and rights of others. No one shall be compelled to do that which is not required by law.</p>
2	<p>The 1993 Constitution of the Kingdom of Cambodia (amended and supplemented in 2018)</p>	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland</p> <p>- <u>Article 49, clause 2</u>: Every Khmer citizen has a duty to take part in national reconstruction and to defend the motherland. The duty to defend the motherland shall be exercised in accordance with law.</p> <p>2. Obligation to observe the law</p> <p>- <u>Article 49, clause 1</u>: Every Khmer citizen shall respect the Constitution and the laws.</p> <p>3. Obligation to respect the rights and freedoms of others</p> <p>- <u>Article 31</u>: The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others.</p>
3	<p>The 2015 Constitution of the Republic of the Congo</p>	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland</p> <p>- <u>Article 51</u>: They have the obligation of preserving the national interest, the social order, the peace and the national coherence.</p> <p>2. Obligation to observe the law</p> <p>- <u>Article 50</u>: Every citizen has the duty to comply with the Constitution, to the laws and regulations of the Republic and of fulfilling [s'acquitter] their obligations towards the State and society.</p> <p>3. Obligation to protect environment</p> <p>- <u>Article 41</u>: Every citizen has the right to a healthy, satisfying and durable environment and has the duty of defending it.</p> <p>4. Obligation to education</p> <p>- <u>Article 29</u>: obligatory school attendance [scolarité] until the age of sixteen (16) years.</p> <p>5. Obligation to respect the rights and freedoms of others</p>

		<p>- <u>Article 51</u>: Every citizen has the duty of respecting the rights and freedoms of the other citizens and of safeguarding the security and the public order.</p> <p>6. Other obligations (3 obligations)</p> <p>- <u>Article 52</u>: Every foreigner regularly established in the territory of the Republic of Congo is subject to the obligations enounced in Articles 50 and 51.</p> <p>- <u>Article 53</u>: The assets of the public domain are inalienable, non-transferable, imprescriptible and cannot be seized. Every citizen must respect them and protect them.</p> <p>- <u>Article 56</u>: Every citizen elected or appointed to a public function has the duty to exercise it without discrimination.</p>
4	<p>The 2019 Constitution of the Republic of Cuba</p>	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland</p> <p>- <u>Article 4, clause a</u>: The defense of our socialist homeland is the greatest honor and the supreme duty of every Cuban.</p> <p>- <u>Article 4, clause b</u>: Treason is the most serious of crimes, whoever should commit treason will be subject to the most severe sanctions.</p> <p>- <u>Article 90, clause a</u>: To serve and defend the homeland.</p> <p>2. Obligation to perform military service</p> <p>- <u>Article 90, clause f</u>: Perform military or social services according to the law.</p> <p>3. Obligation to observe the law</p> <p>- <u>Article 7</u>: The Constitution is the supreme norm of the State. All are obliged to comply with it.</p> <p>- <u>Article 9</u>: All are obligated to strictly adhere to socialist law.</p> <p>- <u>Article 90, clause b</u>: To comply with the Constitution and other legal norms.</p> <p>4. Obligation to pay taxes</p>

- Article 90, clause d: To contribute to the public expenditures in the form established by the law.

5. Obligation to protect environment

- Article 90, clause h: To conserve, protect, and make rational use of the goods and resources that the State and society provide to the people.

- Article 90, clause j: To protect the natural resources, flora, and fauna, and to safeguard the preservation of a clean environment.

6. Obligation to protect health

- Article 90, clause i: To comply with the requirements established for the protection of environmental health and hygiene.

7. Obligation to work

- Article 31: Labor is a primordial value in our society. It constitutes a right, a social duty, and a source of honor for all people who are able to work.

8. Obligation to respect the rights and freedoms of others

- Article 45: The exercise of these rights of the people are only limited by the rights of others, collective security, general well-being, respect for public order, the Constitution, and the laws.

- Article 90, clause g: To respect the rights of others and to not abuse one's own rights.

9. Other obligations (6 obligations)

- Article 90, clause c: To respect and protect the national symbols.

- Article 90, clause e: To demonstrate the required respect to the authorities and their agents.

- Article 90, clause k: To protect the country's cultural and historic patrimony.

- Article 90, clause l: To act, in one's relations with other people, according to the principle of human solidarity and with respect to the norms of a proper social coexistence.

		<p>- <u>Article 84</u>: Mothers and fathers have essential responsibilities and roles in the holistic education and upbringing them as citizens with moral, ethical, and civic values in correspondence with life within our socialist society. Mothers and fathers or other relatives by blood or marriage who perform the roles of guardianship and caretakers have the duty to feed children and adolescents, respect and guarantee the full exercise of their rights, protect them from all types of violence, and contribute actively to the holistic development of their personality. Children, in turn, are obligated to respect, care for, and protect their mothers, fathers, and other relatives, in accordance with that which is established by law.</p> <p>- <u>Article 91</u>: Foreigners residing in the Republic are equal to Cubans:</p> <p>b. In the obligation to observe the Constitution and the law;</p> <p>c. In the obligation to contribute to the public expenditures in the form and quantity established by the law;</p> <p>d. In their submission to the jurisdiction and rulings of the courts of justice as well as the authorities of the Republic, and</p> <p>e. In the enjoyment of the rights and compliance with the duties set forth within this Constitution under the conditions and within the limits established by the law.</p>
5	<p>The 2002 Constitution of the Democratic Republic of East Timor</p>	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland</p> <p>- <u>Article 49, clause 1</u>: Every citizen has the right and the duty to contribute towards the defense of independence, sovereignty and territorial integrity of the country.</p> <p>2. Obligation to perform military service</p> <p>- <u>Article 49, clause 2</u>: Service in the army takes place in accordance with the law.</p> <p>3. Obligation to pay taxes</p> <p>- <u>Article 55</u>: Every citizen with a certified income has the duty to pay tax in order to contribute to public revenues, in accordance with the law.</p>

4. Obligation to protect environment

- Article 61: All have the right to a humane, healthy, and ecologically balanced environment and the duty to protect it and improve it for the benefit of the future generations.

5. Obligation to protect health

- Article 57, clause 1: All have the right to health and medical care, and the duty to protect and promote them.

6. Obligation to work

- Article 50, clause 1: Every citizen, regardless of gender, has the right and the duty to work and to choose freely his or her profession.

7. Obligation to education

- Article 59, clause 1: The State recognizes and guarantees that every citizen has the right to education and culture, and it is incumbent upon it to promote the establishment of a public system of universal and compulsory basic education that is free of charge in accordance with its possibilities and in conformity with the law.

8. Other obligations (4 obligations)

- Article 17: Women and men have the same rights and duties in all areas of political, economic, social, cultural and family life.

- Article 22: East Timorese citizens who are or live overseas enjoy protection by the State for the exercise of their rights and are subject to duties not incompatible with their absence from the country.

- Article 47, clause 2: The exercise of the right to vote is personal and constitutes a civic duty.

- Article 59, clause 5: Everyone has the right to cultural enjoyment and creativity and the duty to preserve, protect and value cultural heritage.

6	<p>The 1949 Constitution of the Federal Republic of Germany (Basic Law for the Federal Republic of Germany, amended and supplemented in 2019)</p>	<p>1. Obligation to perform military service - <i>Article 12a, clause 1:</i> Men who have attained the age of eighteen may be required to serve in the Armed Forces, in the Federal Border Police, or in a civil defence organisation.</p> <p>2. Other obligations (1 obligation) - <i>Article 6, clause 2:</i> The care and upbringing of children is the natural right of parents and a duty primarily incumbent upon them.</p>
7	<p>The 1948 Constitution of The Republic of Korea (amended and supplemented in 1987)</p>	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland - <i>Article 39, clause 1:</i> All citizens shall have the duty of national defense as prescribed by law.</p> <p>2. Obligation to pay taxes - <i>Article 38:</i> All citizens shall have the duty to pay taxes as prescribed by law.</p> <p>3. Obligation to protect environment - <i>Article 35, clause 1:</i> All citizens shall have the right to a healthy and pleasant environment. The State and all citizens shall endeavor to protect the environment.</p> <p>4. Obligation to work - <i>Article 32, clause 2:</i> All citizens shall have the duty to work. The State shall prescribe by law the extent and conditions of the duty to work in conformity with democratic principles.</p> <p>5. Obligation to education - <i>Article 31, clause 2:</i> All citizens who have children to support shall be responsible at least for their elementary education and other education as provided by law.</p>
8	<p>The 1787 Constitution of the United States of America (amended and</p>	<p>None</p>

	supplemented through 27 amendments, the last time in 1992)	
9	The 1945 Constitution of the Republic of Indonesia (amended and supplemented many times, the last time in 2002)	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland - <u>Article 30</u>: Every citizen shall have the right and duty to participate in the defence and security of the State.</p> <p>2. Obligation to observe the law - <u>Article 27, clause 1</u>: All citizens shall be equal before the law and the government and shall be required to respect the law and the government, with no exceptions.</p> <p>3. Obligation to pay taxes - <u>Article 23A</u>: All taxes and other levies for the needs of the State of a compulsory nature shall be regulated by law.</p> <p>4. Obligation to education - <u>Article 31, clause 2</u>: Every citizen has the obligation to undertake basic education, and the government has the obligation to fund this.</p> <p>5. Obligation to respect the rights and freedoms of others - <u>Article 28J</u>: Every person shall have the duty to respect the human rights of others in the orderly life of the community, nation and state.</p>
10	The 2015 Constitution of The Lao People's Democratic Republic	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland - <u>Article 49</u>: Lao citizens have the obligation to defend the country, to maintain the security.</p> <p>2. Obligation to perform military service - <u>Article 49</u>: Lao citizens have the obligation to fulfil military service obligations as provided by the laws.</p>

		<p>3. Obligation to observe the law - <i>Article 47</i>: Lao citizens have the obligation to respect and implement the Constitution and the laws, to strictly observe labor discipline, [and to comply with] the regulations relating to social life and public order.</p> <p>4. Obligation to pay taxes - <i>Article 48</i>: Lao citizens have the obligation to pay duties and taxes in accordance with the laws.</p> <p>5. Obligation to protect environment - <i>Article 19</i>: All organizations and citizens must protect and preserve the bio-diversity and use natural resources in line with the direction of ensuring sustainability.</p> <p>6. Obligation to education - <i>Article 22</i>: The State focuses on implementing the policy on the national education in order to build good citizens with competence, knowledge, abilities and technical skills.</p>
11	The 1996 Constitution of the Republic of South Africa (amended and supplemented 17 times, the last time in 2013)	None
12	The 1993 Constitution of the Russian Federation (amended and supplemented in 2008, 2014 and 2020)	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland - <i>Article 59, clause 1</i>: Defence of the Fatherland shall be the duty and obligation of a citizen of the Russian Federation.</p> <p>2. Obligation to perform military service - <i>Article 59, clause 2</i>: Citizens of the Russian Federation shall perform military service in accordance with federal law.</p>

		<p>3. Obligation to observe the law</p> <p>- <u>Article 15, clause 2</u>: State government bodies, local self-government bodies, officials, citizens and their associations shall be obliged to observe the Constitution of the Russian Federation and laws.</p> <p>- <u>Article 62, clause 3</u>: Foreign citizens and stateless persons shall enjoy rights and bear obligations in the Russian Federation on a par with citizens of the Russian Federation, except in those cases envisaged by federal law or by an international treaty of the Russian Federation.</p> <p>4. Obligation to pay taxes</p> <p>- <u>Article 57</u>: Everyone shall be obliged to pay legally established taxes and levies.</p> <p>5. Obligation to protect environment</p> <p>- <u>Article 58</u>: Everyone shall have a duty to preserve nature and the environment and to treat natural resources with care.</p> <p>6. Obligation to education</p> <p>- <u>Article 43, clause 4</u>: Basic general education shall be compulsory. Parents or guardians shall ensure that children receive a basic general education.</p> <p>7. Obligation to respect the rights and freedoms of others</p> <p>- <u>Article 17, clause 3</u>: The exercise of human and civil rights and freedoms must not violate the rights and freedoms of other people.</p> <p>8. Other obligations</p> <p>- <u>Article 44, clause 3</u>: Everyone shall be obliged to care for the preservation of the cultural and historical heritage, and to protect monuments of history and culture.</p>
13	The 1946 The Constitution of Japan	<p>1. Obligation to pay taxes</p> <p>- <u>Article 30</u>: The people shall be liable to taxation as provided by law.</p>

		<p>2. Obligation to work - <i>Article 27:</i> All people shall have the right and the obligation to work.</p> <p>3. Obligation to education - <i>Article 26:</i> All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.</p> <p>4. Obligation to respect the rights and freedoms of others - <i>Article 12:</i> The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.</p>
14	The 1957 Federal Constitution of Malaysia (amended and supplemented 57 times, the last time in 2009)	None
15	The 1978 Constitution of the Kingdom of Spain (amended and supplemented in 1992 and 2011)	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland - <i>Article 30, clause 1:</i> Citizens have the right and the duty to defend Spain.</p> <p>2. Obligation to perform military service - <i>Article 30 clause 2:</i> The law shall determine the military obligations of Spaniards and shall regulate, with all due guarantees, conscientious objection as well as other grounds for exemption from compulsory military service; it may also, when appropriate, impose a community service in place of military service.</p> <p>3. Obligation to observe the law - <i>Section 9, clause 1:</i> Citizens and public authorities are bound by the Constitution and all other legal provisions</p>

		<p>4. Obligation to pay taxes - <u>Article 31, clause 1</u>: Everyone shall contribute to sustain public expenditure according to their economic capacity, through a fair tax system based on the principles of equality and progressive taxation, which in no case shall be of a confiscatory scope.</p> <p>5. Obligation to protect environment <u>Article 45, clause 1</u>: Everyone has the right to enjoy an environment suitable for the development of the person, as well as the duty to preserve it.</p> <p>6. Obligation to work - <u>Article 35, clause 1</u>: All Spaniards have the duty to work and the right to work.</p> <p>7. Obligation to education - <u>Article 27, clause 4</u>: Elementary education is compulsory and free.</p> <p>8. Obligation to respect the rights and freedoms of others - <u>Article 10, clause 1</u>: The dignity of the person, the inviolable rights which are inherent, the free development of the personality, the respect for the law and for the rights of others are the foundation of political order and social peace.</p> <p>9. Other obligations (2 obligations) - <u>Article 30, clause 3</u>: A civilian service may be established with a view to accomplishing objectives of general interest. - <u>Article 30, clause 4</u>: The duties of citizens in the event of serious risk, catastrophe or public calamity may be regulated by law.</p>
16	<p>The 2017 Constitution of The Kingdom of Thailand</p>	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland - <u>Article 50, clause 1</u>: To protect and uphold the Nation, religions, the King and the democratic regime of government with the King as Head of State.</p>

		<p>- <u>Article 50, clause 2</u>: To defend the country, to protect and uphold honour and interests of the Nation, and public domain of State, as well as to cooperate in preventing and mitigating disasters.</p> <p>2. Obligation to perform military service</p> <p>- <u>Article 50, clause 5</u>: To serve in armed forces as provided by law.</p> <p>3. Obligation to observe the law</p> <p>- <u>Article 50, clause 3</u>: to strictly observe the law.</p> <p>4. Obligation to pay taxes</p> <p>- <u>Article 50, clause 9</u>: to pay taxes and duties as prescribed by law.</p> <p>5. Obligation to protect environment</p> <p>- <u>Article 50, clause 8</u>: To cooperate and support the conservation and protection of the environment, natural resources, biodiversity, and cultural heritage.</p> <p>6. Obligation to education</p> <p>- <u>Article 50, clause 4</u>: To enroll in compulsory education.</p> <p>7. Obligation to respect the rights and freedoms of others</p> <p>- <u>Article 50, clause 6</u>: to respect and not to violate the rights and liberties of other people and not to commit any act which may cause disharmony or hatred in society.</p>
17	<p>The 1982 Constitution of the People's Republic of China (amended and supplemented in 1988, 1993, 1999, 2004 and 2018)</p>	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland</p> <p>- <u>Article 52</u>: It is the duty of citizens of the People's Republic of China to safeguard the unity of the country and the unity of all its nationalities.</p> <p>- <u>Article 54</u>: It is the duty of citizens of the People's Republic of China to safeguard the security, honor and interests of the motherland; they must not commit acts detrimental to the security, honor and interests of the motherland.</p>

		<p>- <u>Article 55</u>: It is the sacred obligation of every citizen of the People's Republic of China to defend the motherland and resist aggression.</p> <p>2. Obligation to perform military service</p> <p>- <u>Article 55</u>: It is the honorable duty of citizens of the People's Republic of China to perform military service and join the militia in accordance with the law.</p> <p>3. Obligation to pay taxes</p> <p>- <u>Article 56</u>: It is the duty of citizens of the People's Republic of China to pay taxes in accordance with the law.</p> <p>4. Obligation to observe the law</p> <p>- <u>Article 53</u>: Citizens of the People's Republic of China must abide by the Constitution and the law, keep state secrets, protect public property and observe labor discipline and public order and respect social ethics.</p> <p>5. Obligation to work</p> <p>- <u>Article 42</u>: Citizens of the People's Republic of China have the right as well as the duty to work.</p> <p>6. Obligation to education</p> <p>- <u>Article 46</u>: Citizens of the People's Republic of China have the duty as well as the right to receive education.</p>
18	<p>The 2013 Constitution of the Socialist Republic of Vietnam</p>	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland</p> <p>- <u>Article 45, clause 1</u>: It is the sacred duty and the noble right of the citizen to defend his Fatherland.</p> <p>- <u>Article 44</u>: The citizen must show loyalty to his Fatherland. To betray one's Fatherland is the most serious crime.</p>

2. Obligation to observe the law

- Article 46: The citizen has the duty to obey the Constitution and the law, join in the safeguarding of national security and social order, and conform to the established rules of public life.
- Article 48: Foreigners residing in Vietnam must obey the Constitution and law of Vietnam; they shall receive State protection with regard to their lives, possessions and legitimate interests in accordance with the provisions of Vietnamese law.

3. Obligation to perform military service

- Article 45, clause 2: The citizen must fulfil his military obligation and join in the all-people national defence.

4. Obligation to pay taxes

- Article 47: The citizen has the duty to pay taxes according to the provisions of the statute.

5. Obligation to protect environment

- Article 43: Every one has the right to live in fresh environment and has the duty to protect the environment.

6. Obligation to protect health

- Article 38, clause 1: The citizen is entitled to health care and protection, equal in the use of medical services, and has the duty to practice regulations with regards to prophylactics, and medical examination and treatment.

7. Obligation to education

- Article 39: Citizen has the right and the duty to learn.

8. Obligation to respect the rights and freedoms of others

- Article 15, clause 4: The practice of human rights and citizen's rights cannot infringe national interests, and the other's legal and legitimate rights.

19	<p>The 1947 Constitution of The Italian Republic (amended and supplemented in 2012)</p>	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland - <u>Article 52</u>: The defence of the country is a sacred duty for every citizen. - <u>Article 54</u>: All citizens have the duty to be loyal to the Republic and to uphold its Constitution and laws.</p> <p>2. Obligation to perform military service - <u>Article 52</u>: Military service is obligatory within the limits and in the manner set by law.</p> <p>3. Obligation to observe the law - <u>Article 54</u>: All citizens have the duty to be loyal to the Republic and to uphold its Constitution and laws.</p> <p>4. Obligation to pay taxes - <u>Article 53, clause 1</u>: Every person shall contribute to public expenditure in accordance with their capability. - <u>Article 53, clause 2</u>: The tax system shall be progressive.</p> <p>5. Obligation to work - <u>Article 4</u>: Every citizen has the duty, according to personal potential and individual choice, to perform an activity or a function that contributes to the material or spiritual progress of society.</p> <p>6. Obligation to education - <u>Article 34</u>: Primary education, given for at least eight years, is compulsory and free of tuition.</p> <p>7. Other obligations - <u>Article 48</u>: The vote is personal and equal, free and secret. The exercise thereof is a civic duty.</p>
20	<p>The 2013 Constitution of the Republic of Zimbabwe</p>	<p>1. Obligation to defend the Fatherland and obligation to be loyal to the Fatherland</p>

		<p>- <u>Article 35, clause 4</u>: Zimbabwean citizens have the following duties, in addition to any others imposed upon them by law: to be loyal to Zimbabwe; to the best of their ability, to defend Zimbabwe and its sovereignty.</p> <p>2. Obligation to observe the law</p> <p>- <u>Article 35, clause 4</u>: Zimbabwean citizens have the following duties, in addition to any others imposed upon them by law: to observe this Constitution and to respect its ideals and institutions.</p>
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APPENDIX 7

SUMMARY TABLE OF THE NUMBER OF ARTICLES ON HUMAN RIGHTS AND OBLIGATIONS IN THE INTERNATIONAL DOCUMENTS

No.	DOCUMENTS	Articles prescribing Rights	List of Articles prescribing Rights	Articles prescribing Obligations	List of Articles prescribing Obligations
1	The 1945 Charter of the United Nations	<ul style="list-style-type: none"> - Preamble - 6 Articles 	<ul style="list-style-type: none"> - Preamble - Article 1, Clause 3; Article 13, Clause 1; Article 55, 56, 68; Article 76, Point c 	N/A	N/A
2	The 1948 American Declaration of the Rights and Duties of Man (ADRDM)	<ul style="list-style-type: none"> - Preamble - 28 Articles 	<ul style="list-style-type: none"> - Preamble - Articles 1 - 28 	10 Articles	Article 29 - 38
3	The 1948 Universal Declaration of Human Rights (UDHR)	<ul style="list-style-type: none"> - Preamble - 28 Articles 	<ul style="list-style-type: none"> - Preamble - Articles 1 - 28 	1 Article	Article 29
4	The 1950 European Convention on Human Rights	<ul style="list-style-type: none"> - Preamble - 14 Articles 	<ul style="list-style-type: none"> - Preamble - Article 1 - 14 	1 Article	Article 10, Clause 2
5	The 1966 International Covenant on Civil and Political Rights (ICCPR)	<ul style="list-style-type: none"> - Preamble - 27 Articles 	<ul style="list-style-type: none"> - Preamble - Article 1 - 27 	Preamble	Preamble
6	The 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR)	<ul style="list-style-type: none"> - Preamble - 15 Articles 	<ul style="list-style-type: none"> - Preamble - Article 1 - 15 	Preamble	Preamble

7	The 1969 American Convention on Human Rights	<ul style="list-style-type: none"> - Preamble - 29 Articles 	<ul style="list-style-type: none"> - Preamble - Article 3 - 31 	1 Article	Article 32
8	The 1981 African Charter on Human and Peoples' Rights	<ul style="list-style-type: none"> - Preamble - 23 Articles 	<ul style="list-style-type: none"> - Preamble - Article 2 - 24 	<ul style="list-style-type: none"> - Preamble - 3 Articles 	<ul style="list-style-type: none"> - Preamble - Article 27-29
9	The full name is “Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” but often abbreviated to "The Declaration on human rights defenders” in 1998	<ul style="list-style-type: none"> - Preamble - 16 Articles 	<ul style="list-style-type: none"> - Preamble - Article 1 - 16 	1 Article	Article 18

APPENDIX 8

THE SUMMARY TABLE OF PROVISIONS ON HUMAN OBLIGATIONS IN INTERNATIONAL DOCUMENTS

No.	DOCUMENTS	SPECIFIC PROVISIONS.
1	The 1948 American Declaration of the Rights and Duties of Man (ADRDM)	<p>1. Obligation to defend the Fatherland, military service - <i>Article 34</i>: It is the duty of every able-bodied person to render whatever civil and military service his country may require for its defense and preservation.</p> <p>2. Obligation to observe the law - <i>Article 33</i>: It is the duty of every person to obey the law and other legitimate commands of the authorities.</p> <p>3. Obligation to pay taxes - <i>Article 36</i>: It is the duty of every person to pay the taxes established by law for the support of public services.</p> <p>4. Obligation to work - <i>Article 37</i>: It is the duty of every person to work, as far as his capacity and possibilities permit, in order to obtain the means of livelihood or to benefit his community.</p> <p>5. Obligation to education - <i>Article 31</i>: It is the duty of every person to acquire at least an elementary education.</p> <p>6. Other obligations - <i>Article 29</i>: It is the duty of the individual so to conduct himself in relation to others that each and everyone may fully form and develop his personality.</p>

		<p>- <u>Article 30</u>: It is the duty of every person to aid, support, educate and protect his minor children, and it is the duty of children to honor their parents always and to aid support and protect them when they need it.</p> <p>- <u>Article 32</u>: It is the duty of every person to vote ...when he is legally capable of doing so.</p> <p>- <u>Article 35</u>: It is the duty of every person to cooperate with the state and the community with respect to social security and welfare, in accordance with his ability and with existing circumstances.</p> <p>- <u>Article 38</u>: It is the duty of every person to refrain from taking part in political activities that, according to law, are reserved exclusively to the citizens of the state in which he is an alien.</p>
2	The 1948 Universal Declaration of Human Rights (UDHR)	<p>1. Obligation to community</p> <p>- <u>Article 29, Clause 1</u>: Everyone has duties to the community in which alone the free and full development of his personality is possible.</p> <p>2. Obligation to respect the rights and freedoms of others</p> <p>- <u>Article 29, Clause 2</u>: In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.</p>
3	The 1950 European Convention on Human Rights	- <u>Article 10, Clause 2</u> : The exercise of these freedoms (freedom of expression)... carries with it duties and responsibilities
4	The 1966 International Covenant on Civil and Political Rights (ICCPR)	- <u>Preamble</u> : Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

5	The 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR)	- <i>Preamble</i> : Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,
6	The 1969 American Convention on Human Rights	- <i>Article 32</i> : Every person has responsibilities to his family, his community, and mankind.
7	The 1981 African Charter on Human and Peoples' Rights	<p>1. Obligation to defend the Fatherland, military service - <i>Article 29</i>: The individual shall also have the duty to preserve and strengthen the national independence and the territorial integrity of his country and to contribute to his defence in accordance with the law;</p> <p>2. Obligation to pay taxes - <i>Article 29</i>: The individual shall also have the duty to pay taxes imposed by law.</p> <p>3. Obligation to work - <i>Article 29</i>: The individual shall also have the duty to work to the best of his abilities and competence</p> <p>4. Obligation to respect the rights and freedoms of others - <i>Article 27</i>: The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.</p> <p>5. Other obligations - <i>Preamble</i>: Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone; - <i>Article 27</i>: Every individual shall have duties towards his family and society</p>

		<p>- <i>Article 28</i>: Every individual shall have the duty to respect and consider his fellow beings without discrimination and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.</p> <p>- <i>Article 29</i>: The individual shall also have the duty:</p> <ul style="list-style-type: none"> ● To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times. ● To serve his national community by placing his physical and intellectual abilities at its service. ● Not to compromise the security of the State. ● To preserve and strengthen social and national solidarity. ● To preserve and strengthen positive African cultural values. ● To contribute to... the promotion and achievement of African unity.
8	The 1998 Declaration on Human Rights Defenders	- <i>Article 18</i> : Everyone has duties towards and within the community.