

From the Lack of Trust Law to a Controversial Judicial Case Law: Implications for Perfecting Vietnam's Legal System

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Abstract : A trust is an alien notion in Vietnamese law until 2021, which not only dissatisfies the practical demands of the nation's civilians but also results in some detrimental shortcomings. The Judicial Case Law No 2 to be applied in adjudicating subsequent cases is a typical example of such negative consequences, implying a need for an application of trust law into Vietnam's legal system. This paper first presents the similarity in nature between parties' relationship in the mentioned case and a proprietary trust relationship, followed by an analysis of such a case from a trusted perspective. Subsequently, an introduction of potential obstacles hindering the introduction of trust law into the Vietnamese legal framework is presented. Finally, some implications are suggested for perfecting Vietnam's legal system.

Keywords : Vietnamese case law no 2, trust law, private property management, patrimony

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