



Some Issues that Need to be Consolidated in the Research Work of Master's Thesis in Law - Towards Building a Comprehensive Set of Evaluation Criteria

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ABSTRACT:

In many countries around the world, as well as Vietnam, implementing a research topic, also known as a thesis, is a mandatory condition for a Master's training program. The evaluation of qualified dissertations is often based on many different factors and criteria. These criteria are largely designed and evaluated by training institutions. In fact, some training institutions have not yet built them. Specifically building these criteria, leading to analysis and evaluation from the thesis defense council, are the standards and measures for evaluating the research work of graduate students. This can easily lead to an emotional evaluation of a project, a lack of scientific logic among law training institutions, and the implementation method contains many shortcomings for places that do not have much experience in law training. Scientific research and postgraduate training, this easily leads to inaccurate evaluation of research work, and can even cause negative impacts on training. This article will focus on clarifying the shortcomings in evaluating a master's thesis in law in Vietnam today, thereby setting out objective and scientific evaluation criteria in evaluating a research project. Scientific research from the perspective of a master's thesis in law.

Keywords: Research topic, thesis, master's degree in law, evaluation criteria.

1. Ask a problem

According to the provisions of Article 8 of Circular 23/2021/TT-BGDĐT, a master's thesis is a special scientific work, a collection of detailed information and meaningful results from the profound research of the author. student. It sets out the following important requirements: (i) The thesis is essentially a work equivalent to the completion of the research process. It requires not only theoretical contributions to the academic field, but also unique innovations and technological developments. This not only demonstrates the student's excellent research ability but also opens the door to new discoveries and breakthroughs in knowledge. (ii) Not only a scientific work, the thesis must also be a symbol of conformity with the cultural values, ethics and fine customs of the Vietnamese people. This is not only a product of knowledge, but also shows deep respect for the nation's cultural and moral heritage, demonstrating national solidarity and pride.

Currently, according to statistics, Vietnam has about 95 law training establishments, of which nearly 1/3 of the establishments have law training at the master's level. This shows certain positive aspects, because the level of legal knowledge, in general, is raised. However, in reality, there are also training establishments that pursue quantity, paying little attention to quality, affecting the quality of labor resources from those who graduate with bachelor of law degrees, master of law degrees, and doctorate degrees in law. learn. Because in reality, there will be many ways to evaluate a learner's capacity, in which the master's thesis is one of the final assessments, determining the student's ability to research and perceive a problem from a certain angle. Laws and dissertations show the thinking and reasoning abilities of learners.

However, in reality, many training institutions have not yet developed specific criteria in evaluating master's theses in general and master's theses in law in particular. Creativity is often "entrusted" to evaluation boards (dissertation or thesis defense boards). Most of these councils mainly rely only on research experience to make decisions about the ranking of projects, not on a specific, detailed evaluation framework to increase the accuracy of measuring quality. scientific quality of the thesis. This approach has many potential shortcomings, making the assessment highly emotional, inaccurate, and can even cause negative impacts on training. Therefore, the need to develop dissertation evaluation criteria is very urgent. In addition to ensuring objectivity, the development of these criteria is also very important in active teaching, both for teachers and learners.

There are many different committees involved in evaluating students in the same course. Therefore, there will be many differences in the quantitative methods of council members. Accordingly, the subject being evaluated is research on many different aspects, conducted with many different approaches, using different research methods, etc. Therefore, the quality of the research cannot be assessed. These are not uniform in quality, the evaluation depends entirely on the professional opinion of the evaluator (different "schools", different research "trends",... especially in the fields of society and humanities). The above characteristics can lead to the risk of increasing inadequacies in thesis evaluation, especially in the current period of strong development of undergraduate and graduate training in our country. Therefore, it is essential that the development of dissertation evaluation criteria, the establishment of a dissertation committee, and subjects related to the construction of the dissertation structure, research outline, etc., should be reviewed. necessary, contributing to the evaluation process, helping to assess the quality of the thesis to achieve higher accuracy.

2. Some issues in evaluating and building the structure of a master's thesis in law

2.1. About the master's thesis committee

According to the provisions of Article 9 of Circular 23/2021/TT-BGDĐT, the Thesis Evaluation Council is an important organization, formed with at least 05 members, with each member playing a specific role in the process. dissertation evaluation and approval process. The Council includes the chairman, secretary, 02 review members and many other members.

One of the notable points is that among the 02 review members, at least 01 must come from outside the training institution. This ensures objectivity and diversity in the dissertation evaluation process, from different perspectives, emphasizing the importance of contributions from outside experts. The council is a diverse and consensus evaluation apparatus to ensure fairness and high quality in the final decision on the thesis.

In determining the composition of the dissertation evaluation committee, there are a number of important rules in place to ensure fairness and independence in the evaluation process. First, the supervisor, although he can participate in the committee as a member, is not authorized to evaluate the thesis score. This means that they can provide useful information and expertise to the panel, but the final decision on scores must be made by the other members of the panel. Regarding this issue, there are still some issues that need to be discussed such as:

Firstly, related to the professional qualifications of the council, there are still problems that need to be resolved, as most training institutions only focus on establishing a thesis defense council, but do not pay attention to considering it. professional qualifications of council members. Because in reality, there are many cases where council members have professional qualifications in economic law. However, the field of teaching and research does not specialize in the issues that students are researching and defending, which can easily lead to an "out of phase" assessment of the problem. From this issue, it is required that the scientific research background of the lecturer as a reviewer must be in the right field and major related to the student's research topic. To demonstrate this, it requires research projects that have been completed. The guidance council's announcement must be at least in the same field, major, and topic as the student's research project is about to be defended.

Second, law training institutions in the Mekong Delta region are still facing problems of lack of personnel and legal teaching resources with degrees of PhD or higher. Therefore, many training institutions can accept to invite members of the thesis defense council with professional qualifications in fields such as: State management, land management..., not in the majors that the institution Law training institutes are providing training in the Mekong Delta such as jurisprudence, economic law..., so the dissertation defense review process may take place in a procedural form, which does not meet the criteria. The nature of a defense session is critical.

2.2. About the layout of a master's thesis in law

Designing a thesis or dissertation according to an appropriate layout is a matter that must be followed towards a fully scientific work. However, around the current law thesis layout, there still exist some barriers as follows:

First, current law training institutions have initially distinguished between two forms of law master's training: application-oriented and research-oriented. For example: at Ho Chi Minh University of Law, Can Tho University has conducted parallel training in these two forms, Southern Can Tho University, Cuu Long University... are training in the form of application or research. However, in essence, most training institutions still do not have consistency in the design structure of a master's thesis between applied training and research-oriented training. In terms of nature, some application-oriented law training institutions have decided to omit most headings and subsections related to theoretical foundations in applied research..., but There also exist many training institutions, although the name of the training program is application-oriented, but the structure of a master's thesis in law still has subsections on concepts, meanings, roles, characteristics and history are formed according to the layout according to previous research orientation. This leads to the fact that the legal situation in the work is not prominent, because there are too many theoretical subsections, taking up too much space in the research work.

In general, the current training program does not show a big difference between master's and bachelor's training; between applied master's and research master's. Currently, the modules taught in master's programs are mostly expressed as "advanced bachelor's degrees" rather than the difference in research thinking, showing depth. In addition, with the current regulations on master's training, the development of master's is in the direction of application, so it is necessary to

have modules that demonstrate in-depth application of law and professional practice skills. the law; shows a clearer difference than the research master's training program. From there, it is necessary to design a master's training program that shows the clear difference between bachelor's and master's degrees, between research master's and applied master's degrees. In the master's training program, in addition to the "advanced bachelor's" modules, there are instead contents that demonstrate depth, demonstrate differences and aim to establish multi-dimensional, critical thinking. for master's graduates as a quality resource in training at the doctoral level. In addition, the applied master's program needs to aim at training experts in the application of law, with in-depth modules on skills.¹

Second, the nature of research projects such as theses will be an important premise to help students grasp the structure of a research project, this is an important step to help students carry out a thesis after studying for a master's degree. Because in the end, the structure of a thesis and a master's thesis will have similarities and intersections. However, in some ways, the nature of a master's thesis compared to a thesis is a different category. Because when analyzing an aspect from the perspective of a law thesis, there will be many issues that master's students have never approached before in their master's thesis. The authors can cite content related to the research question and research theory, which is considered very important content in a doctoral thesis, but the layout has not been designed in the thesis. Master's degree, grasping this issue at some law training institutions such as Can Tho University, has integrated the content of research questions into master's thesis works, this will help students have diverse perspectives. more enjoyable when conducting research on a project, which is also a premise to help students not be hesitant when conducting a doctoral thesis in the future.

To solve this problem, training institutions need to design modules on general legal doctrine and specialized legal doctrine to supplement theoretical knowledge and explain the origin and logic of legal mechanisms. determine the core of the curriculum. Law bachelor's training programs of many training institutions only demonstrate theoretical content mainly through the module Theory of state and law; Some training institutions have specialized courses but only stop at elective subjects or arrange study times that are not really reasonable. Therefore , graduates are not equipped with a solid theoretical knowledge base for in-depth study and research; This is shown through the fact that many law graduates lack logical thinking, do not grasp the fundamentals of the problem, lack systematic thinking and critical thinking, but mainly just mechanically memorize things they hear from others. lecturers...

Third, research method is one of the important subsections, in this content the author needs to demonstrate what methods, tools, and means were used in the project to implement a project. scientific research. However, in reality, the subject and scope of research are often repeated by name, without clarifying anything, completely as redundant writing; Research methods are almost the same in theses regardless of what the research is about or in what field. ²The explanation for this may come from different reasons, however, it is found that in the current school training program, there is a lack of subjects related to scientific research or there are but a few. Credits are very limited. Through surveying training programs at training institutions, the maximum number of credits for this subject is only 2 credits. Therefore, the amount of knowledge related to this subject is only at the theoretical level, but detailed practice of each issue has not been implemented according to the subject outline.

Besides, there are still many lecturers in charge of teaching subjects related to the scientific research module, but currently the instructors do not have published scientific works or have a very low number of publications. Limitations, this invisibly affects the quality of teaching the module, as well as not being able to help learners have knowledge related to publishing scientific works, affecting the scientific content of a thesis. will report. From the above issue, when training institutions invite lectures, or assign teaching of research modules, they also need to pay attention to the scientific background of the lecturer, this contributes to improving the quality of teaching research modules. , and is also one of the prerequisites to help students be guided in publishing research projects by reputable experts.

2.3. The problem of determining the name of the research topic

Firstly, choosing a topic appropriate to the social context will demonstrate the value and urgency of the topic to be researched. However, in the opinion of many experts, most theses and dissertations in the current period do not demonstrate the urgency in choosing a topic, because many topics are either too broad or too narrow. , or too simple, or too advanced, the overlap rate is very large, so it easily leads to copying. The common traditional structure includes theory, reality and solutions, so it lacks creativity.

The overlap in content and structural patterns leads to dissertations that are often "similar" to each other. "Reading a number of theses and doctoral dissertations from beginning to end, the reader will notice that they are easy-going, sentimental, somewhat arbitrary, and somewhat vague, clunky, and messy. The subject and scope of research are often repeated, without clarifying anything, completely as redundant writing; Research methods are almost the same in theses regardless of what the research is about or in what field. ³To ensure the originality of a research project, many educational institutions have conducted plagiarism

¹ Phan Trung Hien, *Recommendations to improve the quality of master's of law training in Vietnam* , proceedings of the conference on improving the quality of application-oriented postgraduate training, Southern Can Tho University, June 15 /2022 , p.17.

² Pham Mai, *Struggling to find quality standards for theses and dissertations* , <https://www.vietnamplus.vn/loay-hoay-tim-chuan-chat-luong-luan-van-luan-an-post172723.vnp> , transcribed updated on December 13, 2023.

³Pham Mai, *Struggling to find quality standards for theses and dissertations* , <https://www.vietnamplus.vn/loay-hoay-tim-chuan-chat-luong-luan-van-luan-an-post172723.vnp> , transcribed updated on December 13, 2023.

scanning, which ensures that the work is entirely the author's research process, which is extremely necessary. However, many current training facilities have not yet implemented this inspection process.

Second, currently, the list of bachelor's degree training codes includes 5 majors: Constitutional law and administrative law, Civil law and civil procedure, Criminal law and criminal procedure, Business law. international law, international law. Next, the master's and doctoral degrees are basically the same, including 7 majors: Constitutional law and administrative law, Civil law and civil procedure, Criminal law and criminal procedure, Criminology and crime prevention, Theory and history of state and law, Economic law, International law.⁴The division of majors is absolutely necessary and based on scientific bases. This also contributes to determining the required and elective modules of each major, helping to more clearly define the knowledge and skills associated with job positions while improving the level of expertise in teaching and research. rescue.

However, sometimes the disciplinary differentiation is too deep and rigid, affecting interdisciplinary research. Faced with the flexibility of practice, the diversity in legal science has raised issues requiring interdisciplinary nature such as: administrative law - economic law; Civil law - economic law... Therefore, when approaching and solving interdisciplinary problems, we often encounter many difficulties, the most typical of which is choosing research topics for master's thesis and doctoral thesis with the Interdisciplinary topics will often be questioned at the Council about their relevance to the training major, sometimes limiting new research areas and interdisciplinary research in legal science. As a result, there are topics that are chosen to be researched a lot and sometimes there are overlaps in the research process. Meanwhile, there are topics that are very inadequate and pressing. In fact, research projects at the master's and doctoral levels are almost absent due to concerns about interdisciplinary nature and difficulties in defending the thesis. thesis or dissertation if the Council strictly relies on the narrow specialization that the training facility is allowed to train.

On the other hand, researching by discipline or subject but lacking systematic thinking sometimes accidentally creates fragmented, unconnected pieces of knowledge. While legal practice always raises general issues related to many branches of law. If a graduate student has a sense of synthesis, analysis, and thinking ability and has a previous "bachelor of law" background, he or she can explain the problem; On the contrary, we face many difficulties. For example: To identify violations of environmental laws and thoroughly solve the problem of handling violations of environmental laws, researchers not only master environmental legal documents, Must master knowledge of administrative law (sanctioning administrative violations in the field of environment); Civil law, economic law (compensation for environmental pollution); criminal law (environmental crimes) and international law (international conventions on environmental protection and handling of acts that damage the common environment).⁵

Third, the training database is not synchronized and unified. One of the requirements of a master's thesis is to demonstrate novelty, but up to now, training units have not been able to build data on master's topics, summaries, research directions and research results to topics for students to look up, the Topic Review Council evaluates and compares the overlap in choosing and approving master's thesis topics. In addition, regulations on the form of thesis presentation, how to cite documents, present references, and thesis evaluation criteria (dissertation grading scale) are regulated by nearly every training institution. Each type is different, causing many difficulties in evaluation and reference, and does not create uniformity in presenting research products in legal science. Thereby, it is necessary to build data on the topic, unify the form for master's thesis, and thesis evaluation criteria/framework. It is necessary to make mandatory regulations at each training institution on creating data on master's thesis topics with specific contents when storing and searching such as: information about the topic, research methods, research directions. research, research results, novelty of the topic. On that basis, integrate data in all training units to look up and check in choosing and approving master's thesis topics. At the same time, the regulations for general consensus on presentation methods and criteria/scoring framework for evaluating the Thesis aim to achieve general consensus and form presentation standards in legal science. In addition, it is necessary to encourage interdisciplinary topics and not be rigid in evaluating the specialization of master's and doctoral thesis topics.

Through analysis related to the master's thesis committee, thesis structure, and research scope of the topic in master's degree training in law in our country, to some extent, conclusions can be drawn. argues that: students' weak theoretical foundation, lack of multi-dimensional perspectives and critical thinking are limitations at the bachelor's level that need to be improved, the database serves in-depth research in legal science. Reasons are lacking, not fully provided, social investigation methods, integration of economic and technical methods in legal science research are still very limited; There are many differences in the evaluation councils at many councils, leading to inconsistent results in thesis grading, because there are still many missing criteria in evaluation. Some institutions have not yet conducted a review of plagiarism scanning to ensure that the work is original. From the above analysis, it is thought that this is one of the issues that need to be discussed and solutions proposed. Useful in training, guiding and marking master's thesis in law in the current period./.

List of references

1. Circular No. 25/2017/TT-BGDĐT dated October 10, 2017 of the Minister of Education and Training, No. 16/VBHN-BGDĐT issued on May 8, 2014 on promulgating the list of level training IV bachelor's, master's and doctoral levels.

⁴ Circular No. 25/2017/TT-BGDĐT dated October 10, 2017 of the Minister of Education and Training, No. 16/VBHN-BGDĐT issued on May 8, 2014 on promulgating the list of level IV training for submission bachelor's, master's, doctoral degrees.

⁵Phan Trung Hien, *Recommendations to improve the quality of master's of law training in Vietnam*, proceedings of the conference on improving the quality of application-oriented postgraduate training, Southern Can Tho University, June 15 /2022, p.22.

2. Circular No. 23/2021/TT-BGDĐT of the Ministry of Education and Training: Promulgating Regulations on admission and training for master's degrees
3. Pham Mai, Struggling to find quality standards for theses and dissertations, <https://www.vietnamplus.vn/loay-hoay-tim-chuan-chat-luong-luan-van-luan-an-post172723.vnp> , accessed December 13, 2023
4. Phan Trung Hien, Recommendations to improve the quality of master's of law training in Vietnam, proceedings of the conference on improving the quality of application-oriented postgraduate training, Southern Can Tho University, dated 15 June 2022