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**INFLUENCE OF CONFUCIANISM IN THE ANCIENT LAWS IN RULING  
THE COUNTRY OF THE FEUDAL DYNASTIES OF VIETNAM**

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**ABSTRACT:**

Confucianism was born twenty-five centuries and has lasted for so long over a wide area including China, Korea, Japan, and Vietnam. It is one thing to explain why Confucianism has such an immense influence on many East Asian countries. Explaining this would certainly be difficult to convince if the mere theory of its richness and depth. It must have the conditions to be born and exist in the socio-economic base of East Asia, first of all in China, where it was born. The conditions for its birth only exist in China, but the conditions for its long-term survival are in all three countries of Korea, Japan, and Vietnam and must be similar to those in China, at least about culture generally. In the history of Vietnam, since independence (after Ngo Quyen won the victory against the invasion of the Nam Han army on the Bach Dang River), feudal dynasties of Vietnam have begun to use Confucianism was an effective way to govern and manage society. It is not surprising that the laws enacted by the feudal dynasties of Vietnam all have Confucianism imprints. These include the laws: Hinh Thu (Ly Dynasty), Quoc Trieu HinhLuat (called HinhLuat - Tran Dynasty), Quoc Trieu HinhLuat (called the Hong Duc law – Later Le Dynasty), and the Hoang Viet Luat Le (called the Gia Long law - Nguyen Dynasty). That was the ancient laws code, the most typical was built and issued in Vietnamese history (from the 11th century to the 19th century). Based on the study of ancient bibliographies, in consultation with researchers and colleagues, this study provides insights and assessments of the Confucian imprints in the ancient laws issued under feudal dynasties of Vietnam; It also raises some controversial issues about the position and role of Confucianism in the history of Vietnam so that colleagues and researchers continue to study and debate.

## **INTRODUCTION:**

In 938, Ngo Quyen defeated the Nam Han army on the Bach Dang River, opening a new era - the era of independence of the Vietnamese nation. However, instability still occurs. It was not until Ly Cong Uan ascended the throne, establishing the Ly Dynasty that the country of Vietnam truly came into stability and development.

After the establishment of the Dynasty, along with the establishment of national sovereignty, development of the socio-cultural economy of the country, the Ly kings, firstly Ly Thai To who focused on revival and develop ancient Vietnamese culture to a new level, with new nuances. As the first Dynasty of the period of independence and autonomy, the Ly Dynasty acted as the first Dynasty to open, establish and create the basic money for the development of the following dynasties at all and aspects of culture such as religious activities, beliefs, literature - arts, folk festivals, etc. In particular, it was noticeable as the first marks in the reception of the Confucianism ideology of the Ly Dynasty. Starting from there, the monarchy and feudal states in Vietnam were aware of the role of law and cared about and invested in the enactment of the law.

The Vietnamese legal system in this period consisted of general laws and other legal documents such as Chieu, Chi, Le, Lenh, Du, Sac ... In which, the laws: Hinh Thu (Ly Dynasty), Quoc Trieu HinhLuat (called HinhLuat - Tran Dynasty), Quoc Trieu HinhLuat (called the Hong Duc law - Later Le Dynasty) and the Hoang Viet Luat Le (called the Gia Long law - Nguyen Dynasty) were ancient codes the most typical was built and issued in Vietnamese history (from the 11th century to the 19th century).

The main and throughout ideology in the Laws is expressed in two main contents: first, the concept of the people and the role of the people; secondly, the virtue of king, the virtue of people, king - people and king - functionary relationship. These ideologies, to a certain extent, had influenced of Confucianist conception of country governance and determined the social relationships that everyone must follow. However, those laws have been developed and regulated by the conditions of Vietnamese society, by the requirements and practical tasks set for the feudal class, for the Vietnamese people ... Because so that thought went beyond the classic books of the Confucian sages; contribute to meeting the requirements and tasks of defending and building the country, in line with the development trend of Vietnamese society in the independent feudal period. It has undeniable positive values.

## **IDENTIFY THE INFLUENCE OF CONFUCIANISM IN THE ANCIENT LAWS**

### **The Hinh Thu Law of Ly Dynasty:**

After ascending the throne in 1009, Ly Cong Uan undertook to build and consolidate the country with a series of innovative policies on politics, law, economy, culture, and education. The consistent implementation of these reform policies created a prosperous Ly Dynasty that lasted for 147 years. One of the “highlights” for creating lasting prosperity is the legal policies with the introduction of the first written law of Dai Viet country - the Hinh Thu law.

In 1042, the Ly Dynasty compiled and promulgated the Hinh Thu law, which was the first written code of the feudal monarchy of Vietnam, this event was recorded as follows: “Winter, 1, October Nham Ngo (1042) promulgate Hinh Thu law<sup>1</sup>. Previously, the lawsuits in the country were

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<sup>1</sup>When the Ming Dynasty invaded Vietnam, all history books were burned, so what we know about the Hinh Thu law mainly comes from descriptions of later histories, especially Dai Viet Su Ky Toan Thu - Vietnam’s oldest history

annoying, the officials kept the law of the law, making the harsh, even some people were unjustly unjust. The King took pity on his mercy, sent TrungThur to decree the law, and mimicked it for the times, divided it into categories, made a clause, made a law book of a Dynasty so that it could be easily understood. Finished law book, the projection issued, the people took as convenient. At this point, the trail was straight and clear, so the new name was Minh Dao” (Dai Viet Su KyToan Thu., 2004, p. 278).

The Hinh Thu law issued by the Ly Dynasty was the first law in the history of the nation. The enactment of the Hinh Thu law was considered an important milestone in the legislative history in Vietnam. In terms of the text, this law was no longer the original, but its contents were also recorded in old history. Based on the records in Dai Viet Su KyToan Thu, Hinh Thu law was a collection of canonical rules. In terms of scale, according to Phan Huy Chu in the Lich Trieu Hien ChuongLoaiChi and Le Quy Don, the Hinh Thu law was three volumes. Regarding the content, through the remaining records in the old history, the law had regulations on the organization of the court, army, and the bureaucracy; stipulating sanctions for dangerous acts for society; stipulating a number of issues on the ownership and sale of land and properties; tax regulation ... According to the researchers, the Hinh Thu law was enacted to affirm the rights, status of the feudal state and bureaucratic aristocracy, as well as a tool to social stability, preserving discipline, protecting agricultural production, etc. (Vuong, T. Q., & Tan, H. V., 1960, p. 272 - 273). Although today, we do not read the Hinh Thu law of the Ly Dynasty, through the ordinances recorded in the old history, we can also clearly see the nature of the laws of the Ly Dynasty.

The Hinh Thu law has had many provisions covering all aspects of the country’s political and social life, from the provisions of the state apparatus, bureaucracy, government, marriage and family to issues labor, agricultural production. The goal is to protect the central feudal apparatus, specifically:

Muu Phan: Do harm socially.

Muu Dai Nghich: Harm to ancestors, lineages.

Muu Ban Nghich: Rebellion, followed the enemy.

Ac Nghich: Beat and kill grandparents and parents.

Bat Dao: Killing innocent people.

Dai Bat Kinh: Use things reserved for the king, steal and fake the king seal.

Bat Hieu: Scolding or not mourning for parents and grandparents.

Bat Muc: Beat and kill close ones.

Bat Nghia: People killed soldiers, students killed teachers, soldiers killed generals, and children killed their fathers.

Noi Loan: Adultery with close relatives, the concubine of his or his father.

(Quynh, T. H., Lam. D. X., & Han, L. M., 2008, p. 127)

With these issues, the laws of the LyDynasty had the following characteristics:

First: The law was designed to protect the political institutions of the king, royalty, and mandarins. All acts of violating the political institutions, royalty, and mandarins are considered big crimes and involved in the criminality group. In 1150, King Ly Anh Tong also made prohibitions in the palace to protect the absolute interests of the king and the royal family, such as forbidding eunuchs in the palace from arbitrarily entering the forbidden place who violated the crimes;

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survives to this day. According to Le Quy Don, a famous Vietnamese scientist in the 18th century, the Hinh Thulaw had 3 volumes.

mandarins who worked in the court were not free to travel with the monarchs, were not allowed to gather in large numbers to discuss, decry and slander the royal, etc. (Dai Viet Su KyToan Thu., 2004). Those prohibitions aimed to protect the safety of the royal family, and at the same time against the association, factional faction, destabilizing the palace.

Second: The laws of the Ly Dynasty had policies to encourage agricultural development, issues related to land, traction, and labor. King Ly Thai Tong out to direct to stipulate that only soldiers in large families could be recruited to protect production forces; in 1117, the king banned the killing of buffaloes and if the buffalo is killed, fined 80 whips, the offender's wife was also beaten 80 whips and had to pay compensation buffalo; The crime of stealing rice and other people's property will be punished with 100 whips if not taken and injured others will be charged with a crime. Soldiers who take people's wealth will be beaten to 100 whips and engrave 30 words on the body. In particular, the private property regime on land began to appear and was recognized by the state. By the time of King Ly Anh Tong, the law rules allowed to redeem sold fields, according to which the field waited for 20 years to be redeemed; competing in land for 5 or 10 years is entitled to sue. If a field was sold under a contract, it would not be redeemed; anyone who violated the order would be beaten with 80 whips. If disputes over ponds or fields, the use of sharp weapons causes injury, he will also be beaten with 80 whips, convicted and must return the field, pond to the injured (Dai Viet Su KyToan Thu., 2004).

Third: The laws of the Ly Dynasty have had many specific provisions to protect the lives and property of the people. Under the reign of King Ly Nhan Tong issued a ban on people not to use sticks, bamboo, wood and sharp objects to fight, if they killed a person, they were fined 100 whips, sculpture 5 words in the face (Dai Viet Su KyToan Thu., 2004). At the same time, the law also protects the country's predominantly labor force, not to trade men as slaves in noble families, if violated, they will be beaten to 100 whips and sculpture 20 - 50 words in the face (Dai Viet Su KyToan Thu., 2004). The law also stipulates that soldiers should not be taken from solitary houses, few people ... Through this show the kindness, compassion for the people of the Ly kings, the root of the thought of "taking the people as the root".

Fourth: The laws of the Ly Dynasty protected the stability of the family in a Confucian order with strict rules. Family members must not denounce each other, including their parents, spouses, and servants (Dai Viet Su KyToan Thu., 2004). With this view, it was similar to that of Perspective on Confucianism about the norms of relationships in society (NgũThường).

The laws of the Ly Dynasty reflected social class distinctions. The class of the bureaucratic aristocracy enjoyed the privilege, from the costume and the house to the distinction between the king and the people (Quynh, T. H., Lam. D. X., & Han, L. M., 2008, p. 128). Workers working for the royal court were not allowed to make mandarin-style products to sell to the people. Children of the family are not allowed to imitate the jewelry of the palace.

The Ly Dynasty laws considered slaves as the lowest. No one should marry girl slaves, private slaves cannot tattoo, banning dragon tattooing, and those who commit crimes will be punished. The servant of functionary and the royal were not allowed to beat the people if they committed a crime, the slave owner had to commit a crime, and the servant was confiscated (Quynh, T. H., Lam, D. X., & Han, L. M., 2008, p. 127).

The birth of Hinh Thu law as well as the Ministry of Bo Hinh andThamHinh was considered as a step forward in the organization and management of the state under the Ly Dynasty, although the validity was still limited (Quynh, T. H., Lam, D. X., & Han, L. M., 2008, p. 129).

### **The Quoc Trieu Hinh Luat of Tran Dynasty:**

With the incident on January 10, 1226, the Ly Dynasty had to leave the political arena to make way for a new Dynasty: the Tran Dynasty. On the solid foundation built during the Ly Dynasty, the Tran Dynasty continued the work of national construction and defense.

Inheriting and developing legislative thinking from the Ly Dynasty, the Vietnamese state under the Tran Dynasty continued to pay attention to the issue of law making. From 1226, right after Tran Canh ascended the throne, the Tran Dynasty set out the rules and continued to supplement and develop the following time. "In 1230, King Tran Thai Tong issued the Quoc Trieu Thong Che set of 20 volumes, regulating the organization of the government. On that basis, in 1341, King Tran Du Tong ordered Nguyen Trung Ngan and Truong Han Sieu to compose a set of Quoc Trieu Hinh Luat (Vuong, T. Q., & Tan, H. V., vol 1, 1960, p. 361). In terms of content, in addition to inheriting regulations from the Ly Dynasty, the Tran Dynasty's laws had certain additions and adjustments, especially the provisions on penalties, proceedings and private regimes, possession of land and property. The promulgation of Quoc Trieu Hinh Luat of the Tran Dynasty was also an important milestone in the development process of Vietnamese law.

Like the Ly Dynasty, legal documents of the Tran Dynasty were lost, no longer original. We can only understand that law through the old history books that exist to this day in Vietnam. The Tran Dynasty had built 5 important laws, including the Quoc Trieu Hinh Luat, also known as the "Hinh Luat" including 1 book compiled by Truong Han Sieu and Nguyen Trung Ngan under the order of King Tran Du Tong and promulgated in the Year of the Snake (1341). The other four laws include: Quoc Trieu Thuong Le, 10 volumes (1230); Quoc Trieu Thong Che, 20 volumes (1230); Five Cong Van Cach Thuc, 1 volume (1290) and Hoang Trieu Dai Dien, 10 volumes (1341). Here, we only focus on research Quoc Trieu Hinh Luat (Hinh Luat).

It could be said that, by the Quoc Trieu Hinh Luat, the division of classes in society was very clear. Great nobility, first and foremost the king and the royal family are given special privileges and privileges. For the same charges of defaming the imperial court, Tran Lao's royal family could use 1,000 cents of atonement but a slave named Khoáng co-conspiracy would be prosecuted (Quynh, T. H., Lam, D. X., & Han, L. M., 2008, p. 185). The servant of the royal servant, the princess must sculpture the word in her face, bearing her master's name, otherwise, it would be considered a thief. The slave should not marry a noble; fathers and children in the house cannot denounce each other (Dai Viet Su Ky Toan Thu., 2004). The Tran law is quite heavy. The first-time crimes were beaten with 80 whips, sculpture words on the face and must pay the owner at the rate of losing 1, must pay 9 times as much; if not, enough to assign his wife and children as slaves. Repeat offenders will have their limbs severed; those who commit recidivism for the third time will be killed (Quynh, T. H., Lam, D. X., & Han, L. M., 2008, p. 186). For adultery, the law allows the killing of adulterers if caught by her husband; time wife has the right to pay 300 cents, the extra time to return home as a slave.

From the middle of the thirteenth century onwards, the economy based on the Asian feudal production method was formed due to the policy of encouraging the purchase, exchange and exchange of land, including plantations with agricultural exploitation, the Dynasty also allowed landlords, mandarins to exchange and trade slaves. In 1254, the Tran Dynasty allowed sell the public land and turn it into a private estate (Dai Viet Su Ky Toan Thu., 2004) and allowed the nobles to set up their estates in the year. In 1266, the emergence of the economy, industry and trade and the increase in the exchange of goods made the landowners increasingly play an important role in

social life, dominating many aspects of society's activities, economic and political. At that time, the aristocracy tended to withdraw to local to consolidate their estates, develop the land business, and this created the risk of political dispersion, leading to a tendency to strengthen bureaucracy, upholding Confucianism, taking Confucian scholars to hold key positions in the court.

Since the middle of the thirteenth century, the structure of class leadership in society has changed. If previously the state management class consisted of nobility, officials, bureaucracy and the senior monks, from here, the structure of the state management class consisted of two distinct parts: the aristocracy holding the posts the highest case in the Dynasty, with slaves, fields, separate farms ...; and the majority of Confucian bureaucrats who are not aristocrats playing an executive role in the state administration. It was the changes in land ownership in the economy and changes in the social class structure that facilitated Confucianism to enter society during this period. Of course, the Quoc Trieu HinhLuat also tried to protect the land interests of the ruling class. Under the Ly Dynasty, the mandarins had not yet received a fortune, had not been granted benefices yet; during the Tran Dynasty, they decided to grant benefices to officials. This is the basic difference between the two dynasties. The policy of granting land and perks was expressed in the form of the manor, farm. The typical manors of Tran Dynasty were: Quoc Huong (Ha Nam province today) of Tran Thu Do, Van Kiep of Tran Quoc Tuan, Chi Linh of Tran Quoc Chan (Hai Duong province today), Dien Chau of Tran Quoc Khang (Nghe An province today). The estate has been established for a long time but it is still fragmented and sporadic. In 1266, due to the urgent need to expand the cultivated area and carry out the policy of building and strengthening the power of the Tran nobles, the royal court for royal servants, princesses, prince to gather people who did not have slaves to reclaim the land. The manors official popular development from there. Historians based on old documents identify areas of Tran Dynasty such as An Lac (Ha Nam today), Vu Lam (Ninh Binh province today), Co Nhue (Hanoi today) and To Xuyen (Thai Binh province today), Phat Loc (Thai Binh province today). The established estate was a typical residential area representing the socio-economic form of the Tran Dynasty. This is a mixed economic area of serfs, slaves and dependent farmers (Quynh, T. H., Lam, D. X., & Han, L. M., 2008, p. 199).

In 1076, the Ly Dynasty established the Quoc Tu Giam in the middle of the imperial city and "selected officials, who were literate for Quoc Tu Giam" (Dai Viet Su Ky Toan Thu., 2004). From this point on, noble children of the Ly family were formally trained under Confucianism. This shows the "tendency to build Confucianism into a unique doctrine, bringing Confucius from martyrs (teachers) like saints" (Thuc, N. D., 1998, p.159). With the organization of the examinations, the Ly Dynasty opened the history of the examination of Vietnam for more than 800 years, recruiting talents for the state apparatus, raising the position of Confucianism, promoting propaganda and develop Confucianism. However, in the Ly Dynasty, the study and examinations were not organized regularly and had no clear regulations, not giving the idea of training bureaucracy by education and examination system under the Confucian framework. By the Tran Dynasty, due to the requirements of the construction and defense of the country, the request for recruiting talents to supplement the bureaucracy, Confucian education was promoted, the number of people advancing by the path of graduation more and more, Confucian circles are more crowded than before.

One year after taking power, in 1227, the Tran Dynasty opened the examination of the three religions (Buddhism, Confucianism, and Taoism). Since then, examinations have been organized regularly and more frequently. In 1232, the Tran Dynasty opened the examination of Thi Hoc Sinh (later changed to Ph.D.) and from 1246 onwards, organized, every 7 years one examination. In

1304, 44 nationals passed the examination of Thai Hoc Sinh and for the first time, the feudal court honored both the academic and the honor of the successful candidates by giving “who passed first parked at Phuong Mon’s Long Mon gate for a three-day street tour “(Dai Viet Su KyToan Thu., 2004). Regarding schools, in addition to state-run schools, such as the Quoc TuVien, Quoc Hoc Vien, Thai Hoc, NhatToaiTrai, TuThien Duong, etc., there were private schools, such as Tran Ich Tac’s school, Chu Van An... These types of schools were expanding and attracting more people from places to study. In 1236, the Tran Dynasty placed the Thuong Thu Chi Quoc TuVien sent children of mandarin (judicial officials) to study. By 1397, the king’s order to place mandarins and organize study at the district level to nominate the elite people for the court annually reflected the development of the training scale of Confucian education. Although at the beginning of the Tran Dynasty, the influence of Buddhism still dominates all aspects of society, including education and examinations, the later the more Confucianist raised his position through the school, examination. It could be seen by the Tran Dynasty establishing the Quoc Hoc Vien (National Academy), building statues of Confucius, Chu Cong and Manh Tzu, drawing 72 gentle people to worship, and also “going to screen the Confucian scholars in the country to come to Quoc TuGiam, looking for people to explain the Four Books and the Pentateuch “(Dai Viet Su KyToan Thu., 2004) in 1253, or the fact that King Tran Thanh Tong “direct the officials to search for talented and ethical people, understand the Four Books, Pentateuch, Holding the position of Principal of Quoc TuGiam” (Dai Viet Su KyToan Thu., 2004) in 1272. Especially, in 1304, the Tran Dynasty also specified the examination content of the Thai Hoc Sinh.

Thus, up to the beginning of the Tran Dynasty, although in Quoc Trieu HinhLuot and regulations of the court on social management, Confucianism had no clear influence. However, by the second half of the Tran Dynasty, Confucianism made a real impression when it introduced many rules and regulations to protect the rights and status of mandarins and royalty. Starting from the end of the Tran Dynasty, to the Later Le Dynasty and Nguyen Dynasty, Confucianism increasingly showed its unique position.

### **The Hong Duc Law of Later Le Dynasty:**

According to the Vietnam History Institute, Quoc Trieu HinhLuot was drafted during the reign of King Le Thai To, then continued to be added under the reigns of King Le Thai Tong and King Le Nhan Tong. By the time of King Le Thanh Tong, the law was complete (Institute of History., vol. 3, 2007, p. 260). These opinions were mainly based on Dai Viet Su KyToan Thu with the following record: in the 7th Thai Hoa year (1449), King Le Nhan Tong added to the law on land ownership, including 14 articles. Besides, through other histories book and woodblock prints (with differences in the content of the texts), additions and names of administrative units included in the law, etc. It was found that this law was drafted, supplemented and revised over many Kings of the Lê Dynasty (Dai Viet Su KyToan Thu., 2004).

Based on the Chinese characters, which are still stored at the Han Nom Research Institute of Vietnam (symbol A.341) (Institute of History., 2007, p. 260), they have been translated into national languages by the Institute of History and Legal Publishing House in 1991, the law consisted of 722 articles, divided into 12 chapters and 6 volumes. It can be considered as a comprehensive set of laws covering many different legal fields such as Criminal law, civil law, procedural law, marriage law, family law, executive main law.

Of the 722 articles of the Hong Duc law, 200 were based on the Tang Dynasty law, 17 were according to the Ming Dynasty law. In addition, there are 178 common themes, but the Hong Duc

law provides a different solution from Chinese feudal dynasties. Most notably, there were 328 articles that do not correspond to any laws of Chinese feudal dynasties (Huy, N. Q., 1989, p. 177).

The specific content of the Hong Duclawe was as follows (Institute of History., 2007, p. 260):

Chapter of Danh Le: consists of 49 articles, stipulating basic matters that govern the content of other chapters.

Chapter of Ve Cam: 47 articles, stipulating the protection of the palace of king and crimes of trespassing on the royal residence.

Chapter of ViChe: 144 articles, regulating penalties for wrongdoing by officials, crimes of position.

Chapter of QuanChinh: 43 articles prescribing the punishment for wrongdoing of generals, soldiers, and military crimes.

Chapter of Ho Hon: 58 articles regarding civil status, household registration, marriage-family and crimes in these areas.

Chapter of Dien San: 59 articles, of which 32 initial and 27 additional articles (14 articles on newly added property, 4 articles on the ancestor worship law, 9 articles on mimicking the addition of the incense law) land, inheritance, ancestor worship and crimes in this area.

Chapter of Thong Gian: 10 articles regulating sexual offenses.

Chapter of Dao Tac: 54 articles on crimes of robbery, murder and some political crimes such as treason against the king.

Chapter of Dau Tung: 50 articles regulating groups of charges of fighting (brawl) and charges of slander, abuse, etc.

Chapter of TraNguy: 38 articles that specify the charges of forgery and deception.

Chapter of Tap Luat: 92 articles providing for crimes that do not belong to the above criminal groups.

Chapter of BoVong: 13 articles regulating arresting offenders and crimes in this area.

Chapter of Doan Nguc: 65 articles set about the trial, judge, detention of offenders and crimes in this field.

According to domestic and foreign researchers, “Quoc Trieu HinhLuat is a particularly important achievement in the history of Vietnamese law” (Quoc Trieu HinhLuat., 1991). Issued during the strong development period of the centralized feudal regime, Quoc Trieu HinhLuat was not only the official law of Vietnam under the Le So Dynasty but also used by other dynasties until the end of the eighteenth century (Vuong, T. Q., & Tan, H. V., vol 2, 1960, p. 159).

In the Hong Duc law has identified the Evil Cross: The 10 most dangerous felonies, namely:

Crimes related to kingship: treason (article 2, 411), conspiracy (betraying the country-article 412), great disrespect (article 430, 431).

Crimes related to marriage-family relationship: cruelty (article 416), filial piety (many things, such as article 475), immoral, unrighteous, rebellious.

Crime related to Confucian’s top moral criteria: immoral (article 420, 421).

(Vuong, T. Q., & Tan, H. V., vol 2, 1960, p. 159).

In a marriage relationship, the law stipulates the conditions for getting married: with parental consent (article 314), not to marry between relatives (article 319), prohibiting marriage while having mourning a father or mother (article 317), prohibiting marriage when grandparents or fathers are imprisoned or imprisoned (article 318), forbid (brother) to marry his widow (brother) ), the student who married his teacher’s widow (article 324), with several other provisions in articles:



316, 323, 334, 338, 339. However, Hong Duc law does not set the age of marriage, although in Hong Duc law wrote: “18-year-old son and 16-year-old daughter can get married”, probably because another document of the same period prescribes this already exists. Hong Duc Law also stipulates forms and procedures for marriage such as engagement and marriage (articles: 314, 315 and 322). Note that Hong Duc law shows that the marriage has legal validity after the engagement. For example, article 315 stipulates: If a girl marries a wedding gift only after receiving the gift, she will have to impose a penalty of 80 whips ... The girl must marry the first person to ask. However, if during the period from engagement to marriage, one of the two parties is crippled or guilty, the other party has the right to refuse.

In the field of family relations, the law regulates relationships such as personal relationships between spouses, between parents and children, between other relatives (first wife - concubine, sibling - siblings, parents - adopted children, the role of the leader in the head of the family).

Spousal relations: The customs and customs of Confucianism governed spousal relations, but Hong Duc law also has regulations to regulate personal rights and obligations such as Obligations must be general living in one place and must be responsible to each other (articles 321 and 308, 309), they must not mistreat their wives (article 482), faithful obligations (articles 401, 405), obligations to mourn when die (article 2, 7).

Parent and child relationship: Refers to children’s obligations and personal rights, including the obligation to obey and take care of their parents and grandparents (clause 7, article 2), the obligation to bear the whip behalf for grandparents and parents (article 38), obligation not to sue grandparents, parents (article 511), obligation to conceal crimes for grandparents and parents (articles 9, 504), foreign except for cases where parents or grandparents commit crimes of treason, conspiracy, adoptive parents killing their own children or step-mothers who kill their fathers, they shall be allowed to denounce and have the obligation to mourn their parents or grandparents (article 2 ).

Other personal relations: Refers to the relationship between the first wife - concubine (articles 309, 481, 483, 484) and husband’s and sibling’s home (articles 487, 512), adoption (articles 380, 381, 506) and the role of the elders (article 35).

In the relationship between first wife - concubine, apart from the stipulations on their obligations to the husband and the husband’s family, they must also follow the order of concubines and the first wife generally takes priority. Regarding the brother-sister-brother-brother’s relationship, the eldest brother has the rights and obligations towards the children, especially when the parents are dead, while also protecting the harmony in the family (severe fines for fighting, suing each other). Adoption must be in writing and must be treated as biological children as well as vice versa, adopting children have the same obligations as vice versa children to adoptive parents.

Thus, like other feudal laws, the Hong Duc law clearly shows the nature of its class. Its primary goal was to protect the feudal monarchy, position, interests, and consolidate the feudal society and patriarchal family. It was the codification of Confucianism's political thought and morality. However, it could not be denied its characteristics and featured progress.

Compared to the Hoang Viet Luat Le (or Gia Long law) (1811), which was born after centuries, it can be seen that the Hong Duclaw has not been as highly generalized and branched as Hoang Viet Luat Le. However, the level of protection of women’s rights in the HôngĐức law is higher than the Hoang Viet Luat Le. “So many new and strange innovations in the LeDynasty’s law

have left no trace in the Nguyen Dynasty. There were no provisions related to inheritance, wills, marriage conditions, up to the property regime of the couple” (Mau, V. V., vol. 1, 1973, p. 266).

The Hong Duc law has had both selectively absorbed Confucianism ideas and promoted the good customs and traditions of the nation. The advancement in the Hong Duc law was that it takes a fairly basic step in improving the status of women in feudal society. The role of women has been greatly enhanced compared to contemporary regional laws. It shows that the wife has the right to manage the family’s assets (when the husband dies) and that they have the same inheritance rights as the male (Institute of History., 2007, p. 264).

### **The Hoang Viet Luat Le of Nguyen Dynasty:**

After the weakening of the Le Dynasty, Vietnam fell into civil war for three centuries, until Nguyen Anh founded the Nguyen Dynasty in 1802. To consolidate the feudal regime, protect the royal power and stabilize it. After a long period of social upheaval, immediately after taking the throne, King Gia Long immediately sent a group of officials to draft a new law. In 1815, Hoang Viet Luat Le was issued.

The Hoang Viet Luat Le was also known as Hoang Trieu Luat Le, Quoc Trieu Luat Le, Nguyen Trieu Hinh Luat, Gia Long law. King Gia Long, after ascending the throne to have a legal basis, ordered Nguyen Van Thanh, Vu Trinh, and Tran Huu to rely on Qing Dynasty law and Hong Duc Law as the basis for preparing the Nguyen Dynasty’s law called Hoang Viet Luat Le, also known as Gia Long law, had 22 volumes and 398 articles (Thuy, D. V., & Trung. D. T., 2008, p. 283).

The Hoang Viet Luat Le had 398 articles and 30 articles cited, written in 22 volumes, there were six categories corresponding to six ministries: Lai, Cong, Le, Ho, Binh, and Hinh. Details are as follows (Huy, N. Q., book A, 1989, p. 177):

Volume 1: table of contents, table (or chart), rules of funeral attire, terminology interpretation.

Volume 2 and 3: 45 articles of Danh Le.

Volume 4 and 5: 27 articles of Lai Luat.

Volume 6, 7 and 8: 66 articles of Ho Luat.

Volume 9: 26 articles of Le Luat.

Volume 10 and 11: 58 articles of Binh Luat.

Volume 12 to 20: 166 articles of Hinh Luat.

Volume 21: 10 articles of Cong Luat.

Volume 22: Guidance for law implementation.

The Hoang Viet Luat Le was built on the basis of reviewing and referring to the Hong Duc law but mostly borrowed from the Qing Dynasty, although it was amended and updated to suit the specific conditions of Vietnam at that time (Thang, N. Q., 2002, p. 15 - 16). Of the 398 articles, 397 was a transcript of the Qing Dynasty law. Only one thing was drawn from the Hong Duc law ((Huy, N. N., volume A, 1989. p. 177).

The Hoang Viet Luat Le was an important tool to build and consolidate the centralized monarchy state. It can be seen that the law always mentions the issue of protecting national sovereignty, the protection of sovereignty comes from the request to protect the Confucianism monarchy. As we all know, the core of Confucianism's political ideology is the policy of rituals, upholding the virtue of the politicians, especially following all standards to be in accordance with the ceremony. So the laws of Dynasty all took the content of ideas from Confucianism. Gia Long law also took that Confucianism law ideology as the theoretical basis used to direct the application

method and legislative principles of the law. It could be said that Gia Long law was the most concentrated expression of Confucianism thought in Vietnamese feudal law.

King Gia Long applied the Confucianism ideology in making laws. In the preface of the Hoang Viet Luat Le, King Gia Long wrote: "I think: The saints who rule the people all use the law to punish, use morality to educate them" (Hoang Viet Luat Le., 2008). Indeed, living in society, people with endless desires, if there is no law to prevent them, there is no way to lead people to the path of moral education.

The Hoang Viet Luat Le instituted the righteous views of Confucianism to force the mandarins to perform according to their functions as an aide and exercise the power of the king according to their position. List of rules: vol. 2, article 6 about the offender officials, wrote: "If the officials commit crimes, they cannot be tried individually, but must present and ask for the king's opinion. If the King agrees to be allowed to be questioned and subject to the impeachment law, then he will inform the King and wait for the King's decision (Hoang Viet Luat Le., 2008). The law also stipulates that mandarins have had loyal absolute obligations to the king. Article 12 of the Criminal Code, article 1 about the conspiracy to oppose clearly, states: "If a servant dares to conspire against the king, destroy the temple, or jeopardize the Dynasty, it was treason, conspirators or accomplices were executed" (Hoang Viet Luat Le., 2008).

Besides, in the ceremonial laws as in volume 4, section 10, article 10, wrote: "It does not come to court to attend work, not to the workplace", will punished, it was an act of disrespect to the king, and his superior, so he will be punished (Hoang Viet Luat Le., 2008). Acts of infringement upon royal rituals and abuse of privileges belonging to the king were also strictly punished. Volume 9, section LễLuật, the rite section, article 1 of HiepHoa states that: "If the royal physician concocts medicine for the king without prescription, the outside record is wrong, he will be fined 100 whips... The medicine offered to the king, be respectfully prepared according to the original prescription, not to be confused ", "Cook food for the king but violate taboo food, the cook will be fined 100 whips ", "Utensils and vehicles of the king go, caregivers store remodeling without proper permission will be fined 60 whips" (Hoang Viet Luat Le., 2008).

The Three Moral Bonds (Tam Cuong), the Five Constant Virtues (NguThuong) of Confucianism were also clearly shown in feudal laws, and Hoang Viet Luat Le was no exception. These were the basic moral principles of feudal society and the maintenance of King's power was its nucleus. In article 2, volume 1 part Danh Le about the evil crimes, including crimes: treason, betrayal, rebellion, immorality, great disrespect, filial piety, disloyalty, and rebellion. These are 10 crimes that cannot be forgiven for violating the Confucian basic theory, about the discipline of the king, father, and son, husband, and wife, threatening the stability of feudal society and consolidation of the monarchy.

The ultimate goal of the laws was to increase power, protect the king and the court. Therefore, even filial piety must take a step back in case of a conflict between loyalty to the king and filial piety with parents. It can be said that feudal laws were the will of the king, the basic tool to protect the interests of the king and the interests of the royal court.

Confucianism advocated a combination of ceremony and penalty, complementing each other to effectively maintain the maintenance of long-term security and national stability and social stability. The ceremony is about preventing crime, leading people towards good. Confucius once said: "Ceremony is the category of culture, the latter is determined by the nature of man" (The Analects., 1996). Therefore, the Ceremony is firstly understood as rituals and ethical norms

defining the relationship between people and humans in the order of the social status of the Zhou Dynasty. The ceremony is considered to be a right, an obligation that everyone is obliged to obey. Filial piety with parents, brotherhood harmony, the faithfulness of friends ... higher than another level which was the discipline of the country, the social order that regulates human behavior. Thanks to the Ceremony, each person has a sustainable basis to abstain from his mistress and perform his humanity in his life ... Thanks to the Feast, “he, she can cultivate his or her character into the traditional ethical habits and habits” (The Analects., 1996). In Hoang Viet Luat Le, demanding the division of property when living out of the house is one of the filial piety: “All living parents and grandparents, their children and grandchildren are not allowed to have their property. If you want to divide the property into private, it is a filial act” (Hoang Viet Luat Le., 2008), or when grandparents and parents are still alive, their children and grandchildren are not able to show respect for their property, even though their parents no longer have their brothers and sisters together, they must be more polite to the elders. Making laws like that is how to teach people to be filial. Those provisions of Gia Long law have shown the idea of respect for the elderly, mercy on the elderly, brothers and sisters of love ... it clearly shows the initiation of filial piety in Confucianism.

The nature of the ritual and the punishment reflected the interests and wills of the ruling class. Rituals and punishments are complementary to each other, taking the ceremony as the leader, taking the punish as a model, taking the ceremony to change people’s ideas and opinions, making the people understand Ceremony; using punish to warn the evil world, making people aware of the majesty of the law; use rituals to love and care for the people, promote law enforcement, and at the same time use punish to code morals, causing people to build up a righteous morality.

The close association between Ceremony and punish in the laws has protected the traditional values of the nation such as filial piety, respect for grandparents, parents of descendants, harmony between husband and wife, respect compromise between brothers, the tradition of religious respect ... At the same time, it had a great effect on adjusting behavior in the family, making people aware of their obligations, responsibilities, and self-fulfillment. Duties in each specific position with his family. Thus the law is the foundation for ethical education in the family and in society, upholding traditional ethical standards and values.

In East Asian countries in general and in Vietnam in particular, the traditional moral and ethical issues are always geared towards building a sustainable, long-term family. The Analects saying: “The man who has just been born has to be a filial and harmonious son, who has devoted his whole life to his family and took the job of building a family to be happy for himself. Happiness and personal honor are closely linked with happiness and family honor” (The Analects., 1996). Gia Long law also advocated using the law to direct family relations according to such Confucianism morality, in order to create a Confucianism family power. In the evil crimes, there are 4 crimes belonging to the scope against family morality: filial piety, rebellion, disrespect, and disagreement. Through the tool, family morality has brought into the minds of the people the awareness of “filial piety, gratitude, and respect”, concepts which were both morality and legal thought attached to the body of political mechanisms in which they live to guide behaviors and lifestyles.

Gia Long’s law allowed the family members to protect and conceal each other’s crimes, prohibiting denunciation of parents and grandparents - that is a tradition of filial piety of Vietnamese people has been institutionalized into the law for many generations. On the surface, this regime of concealment is against the law, but the profound nature reflects deeply the Confucianism moral ethics. In the hearts of every Vietnamese person, ever since he was born, he has been

educated and behaved according to this principle, which is the duty that he must respect and be respectful to his parents and his parents, and respect the glass above. The Vietnamese believe that filial piety is the personality of the person, the root of religion as a human being, and a noble social value. In the volume 1 of the *DanhLuat Le*, article 31 of the relative acquaintance (relatives and relatives concealing each other's crimes) stated: "In case of relatives of the everybody who are in grave mourning, his grandparents, his grandmother, his parents-in-law, his son-in-law, his husband, his brothers, and his wife are very grateful, if they commit crimes, they can hide their crimes from each other" (Hoang Viet Luat Le., 2008). Or in volume 2 of the *Danh Le*, article 17 stated: "If you commit a crime of imprisonment, exile, and an elderly parent who has no caregiver, he will beat 100 whips, the other crime gives you a ransom, at home to take care of parent" (Hoang Viet Luat Le., 2008). This showed clearly the advantage of filial piety, even if there is a conflict between filial piety and the law, filial piety is considered the root to regulate human behavior. Confucianism promotes filial piety and related ceremonies, making the close blood relation with the family fully affirmed. Piety was the feeling of being protected naturally by people towards close relatives. Piety was an important key to maintaining close family relationships. It protected the apostolic regime, minimized the disruption of the Confucianism family order, thus preserving the moral values in the family, which were also the moral values of Confucianism.

The humanitarian ideology in Gia Long law was most clearly expressed inhumane regulations such as leniency policy for offenders, protection of the elderly and children; helping disabled and disadvantaged people, people in difficult circumstances and those who are guilty have confessed.

One of the main views of Vietnamese people respects the elderly and love children. So in Gia Long law also applied in some laws for these two subjects. As shown in volume 3 of *Danh Le*, article 21 stated: "If the elderly are 70 years old or older, children 15 years old and under and people disabled (damaged eyes, broken legs) guilty of being saved downwards for redemption ... The elderly 80 years old or older, children 10 years old or younger seriously ill, committing murder, the conspiracy will be summoned to the king awaiting the decision of king ... Elderly 90 years or older, children 7 years old or younger even if they commit a crime of death, there is no penalty ... " (Hoang Viet Luat Le., 2008). Article 22 then writes: "While committing crimes but not yet old, not yet disabled, but when the offenses are discovered, they shall be dealt with according to the crimes of old age and disability". volume 19 of *HinhLuat*, article 10 stipulates: "Those who are over 70 years old (compassion for the elderly), 15 years old or younger (because of their love for the young), disabled (love disabled people) if they commit a crime, the official is not allowed to use the interrogation penalty, only based on the evidence that condemns the crime" (Hoang Viet Luat Le., 2008).

Despite being influenced by Confucianism ideology about gender prejudice, some provisions in Gia Long law pay some attention to the rights and status of women. In feudal times, the status of women was greatly underestimated, but to some extent, the dignity of the woman was still appreciated and respected. The law prohibits and punishes people who commit fraud to get married. Volume 7 of the *Law on Marriage*, Article 12, Forced to win of a woman, wrote: "Forcing a wife and a daughter to be sold to others as a concubine, or to a royal family, or a royal court of honor, awaiting stranglehold" (Hoang Viet Luat Le., 2008). Or in Volume 7 of the *Law on Marriage*, Article 15 of Leaving wife, states: "If a husband leaves his wife and goes away for 3 years, during that period he does not inform, then leaves, he will punish 80 whips, arbitrarily get

more wives will punish 100 whips” (Hoang Viet Luat Le., 2008). Thus the man was more responsible for women, more concerned about his family.

Vietnamese people always uphold and protect the good moral values of people, such as their kindness, filial piety towards parents, spousal gratitude, etc. Those ethical standards are recognized and upheld in Gia Long law. All those who commit crimes of cruelty are punished most severely. Appreciating filial piety, Volume 9, Section of Le Luat, Article 17, Stipulates: “Old people with illnesses must wait for their children to take care of them so that they can rest. If the child is with his parents, grandchildren with grandparents over 80 years of age who are seriously ill, no one in his family takes care of him, but does not return to parent, greed glory, profit... this crime ends up giving up the duty to care for parents. Or some people were opposite to their parents who were sick but lie that their not sick parents, don’t want someone to take care of them. So one is to abandon his parents, to be inhuman, and on the other hand to be a nonsense to the king, so punish 80 whips” (Hoang Viet Luat Le., 2008). The love of teachers and students is also appreciated, the teacher is the one who teaches morality as a person, deep gratitude, volume 15, Figure law, Article 10, Hurting teachers: “If you beat your teacher, increase by two guilty than fighting ordinary people. After beating the teacher to the disabled, handled 100 whips and exiled three thousand miles” (Hoang Viet Luat Le., 2008).

### **SOME COMMENTS:**

From studying Confucianism imprints in ancient laws during the feudal dynasties of Vietnam, some of the following can be drawn:

Affirming the unique position of the king: Confucianism said that the king was the son of heaven, sent by heaven to rule and educate the people. Therefore, the king’s power was absolute. The word of the king was the opinion of heaven (Thanh Chi). Not following the king’s words, contrary to the will of the king condemned to “blasphemy”, may be beheaded or may be “Chu di tam toc” (killing everyone in three generations), “Chu di cuu toc” (killing everyone in nine generations). In China, from the time of An and Zhou to Qin, that was, from the seventeenth to the third century BC, the concept of an authoritarian emperor gradually manifested in Qin Shi Huang and fully supplement under the Han Dynasty, making a model for the dynasties from Qin-Han Dynasties to Minh-Thanh Dynasties. In Vietnam was the same. The tyrannical king considers himself to be the one with the destiny of heaven, to own the whole world, to have the ownership of all resources, to consider all his subjects, to have the right and responsibility to arrange everything. The tyrannical king focused all his authority on himself.

About economy with ownership belongs to the king: all resources of land, mountains, forests, rivers and the right to use everyone’s labor and control the status of everyone. The king granted land (such as dividing the land and construction), collected taxes (instead of renting land), granted fortune to the mandarins, created the “eat and wear the king’s dress” gift to the mandarins and for people “inch of land, a bunch of vegetables also by the king”. It was a subsidized, distributed state. Some nobles were granted perpetual enjoyment and the people also had their land, but in theory it was a right to use, not ownership. The king did not divide ownership to the mandarins and the people. The king who had the right to grant land also has the right to withdraw. So apart from the king no one had the ownership of the land, the land belongs to the king.

About politic: with the notion of Heaven’s destiny, the king ruled, created and abolished vassal states, appointed and removed governors at the central and local levels (stopped in the district). The king decided every political policy, organization, and control of the bureaucracy to

follow. The king also mastered the “conquering, music ceremony”, ie military activities, cultural, academic and artistic activities. Only the emperor has the right to “make ceremonies, compose music”, that was, set forth rituals, dances, and music (mainly speaking dances in court and for sacrifices).

About the law: the king was the one who sets all the rules and is the one who decides the big sentences. The king’s thinks is the law, the king is both a legislator, an executive and a judiciary, “Quânxửthàntử, thầnbáttửbáttử” (the king who catches death must die, if not dead, he is disloyal to the king”.

About military: king was the only one in power to conquer and mobilize army. The generals were assigned to hold the army but must have the king’s command with the order, sword, seal and emblem of the king to command. The king did not share military power with anyone, the military general had to be under the king’s control and administration. During the feudal dynasties of Vietnam established the king’s standing army.

About religion: the king was the only one who was “Te” (prayed to) Heaven, Earth, and the gods of rivers and mountains, in other words the king is the lord. Moreover, the king also considered the gods as his servant so he considered himself to be able to reward and punish the gods. In the state apparatus, there is a ceremony for the administration of the gods, considering the arrangement of titles for the gods is like the order of reorganizing titles for mandarins.

## **CONCLUSION:**

Studying Vietnamese ancient laws from the 11th to the 19th centuries, recognizing the imprints of Confucianism in those laws, we have the right to be proud of a legal heritage that previous generations spend a lot of effort and intellect to build and issue. Positive and good values have been and will continue to be referenced and promoted in the work of building a rule of law state, building a democratic society and developing progressively. Over the past 70 years, the Vietnamese state has continued to assert and develop the right and progressive conceptions of the monarchy states about the position and important role of law in the management and administration of the country. Regulations on the responsibilities of mandarins, on the sanctioning of negative acts are being exploited and promoted in the implementation of administrative reform and anti-corruption. Experiences and limitations in the legislative field have been consulted and applied by contemporary Vietnamese lawmakers. The profound human values of the old laws are also the basis for traditional education, building Vietnamese people who can integrate into the world, while preserving the confirmed national identity persisted throughout history. Besides, the negative factors, not suitable for today’s society have also been overcome and limited.

In addition to the negative factors, it is undeniable that positive elements of Confucianism are clearly shown in the Laws, especially the 02 laws: The Hong Duc and the Hoang Viet Luat Le. Basically and primarily, Confucianism was a political - social and ethical doctrine that has one of its main functions of educating, educating, perfecting people and stabilizing and improving feudal society. From the Han Dynasty onward, Confucianism was also an ideology and a tool of dominance of the feudal landlords in the building, consolidation and maintenance of the central feudal state system and feudal regime in protecting and maintaining the socio-economic base of the feudal regime and society as well as the status and interests of that class. With the above characteristics and functions, Confucianism proposed a consistent way to govern the country and the conditions and requirements to implement this line. It can be said that the idea of “administer nation” is the most important thought and content in Confucian political-social and ethical doctrine.

The basic condition for Confucianism to exist, develop, have a position, role and affect Vietnamese society and people is that it must be more or less modified to suit the socio-economic basis, the literature, customs ... of Vietnamese society, meeting the needs of existence and development of the feudal society of Vietnam and meeting the requirements and practical tasks of Vietnamese society. Therefore, Vietnamese Confucianism cannot be “refracted”, “localized”, and “restructured”. That is, it is filtered, developed and expanded by Vietnamese people, but as many Confucian researchers in Vietnam assert, Vietnamese Confucianism is not Chinese Confucianism, it is a product of Vietnamese people, is a core part of Vietnamese traditional culture.

**Declaration of ownership:**

This report is my original work.

**Conflict of interest:**

None.

**Ethical clearance:**

I confirm that the paper is original unpublished work, not submitted or to be submitted for consideration elsewhere. All procedures performed in studies involving human participants were in accordance with the ethical standards in academic research.

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