

## On Japanese Legal Technical Cooperation on Civil Procedure for Vietnam. Discussions among Japanese Scholars about Giám đốc thẩm.

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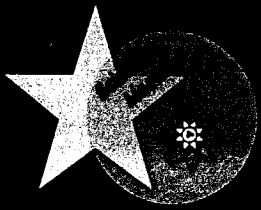
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This paper aims to explain Japanese Legal Technical Cooperation on Civil Procedure for Vietnam and to provide several critical view among Japanese Legal Scholars about Giám đốc thẩm. The methods to be applied are legal historical approach and comparative law approach.

Section 1 deals with a brief Vietnamese legal history. Section 2 explains the Japanese contribution for Vietnamese legal development. Section 3 focuses on legal technical cooperation on civil procedure and picks up several arguments. Section 4 focuses on Giám đốc thẩm. A brief explanation of Giám đốc thẩm will be provided and followed by critics from Japanese scholars and also defensive arguments for Vietnam. Section 5 is a conclusion part. A new Vietnamese law provide a solution for Giám đốc thẩm issue by making a way to seek compensation for the result occurred by Giám đốc thẩm. Giám đốc thẩm should be limited as well by limiting reasons to ask for Giám đốc thẩm so that the role of court to give an end to a dispute will be fulfilled. On the other hand, Giám đốc thẩm should not be discouraged when justice need to be done.

### References

- [1] Misaki SHUTO, Et.al. Kaihatsu Hogaku 2013. Vietnam Shiho Seido ni tsuite no Kosatsu. Horitsugaku Kenkyu No.51.Keio Kijuku Ddaigaku. Tokyo. (2014).
- [2] Misaki SHUTO. Et.al. Vietnam Shakai Shugi Kyowakoku. Vietnam.(Kantokushin) Toitsu Shiryo. (2013). <http://cale.law.nagoya-u.ac.jp/2013renkeikikaku/> (2014.07.02.)
- [3] Fuminori ITO, Vietnam no Tochi Kiko, Shiho Seido no Gaikan. Kokusai Kenkyu I. ICD News No.28. Ministry of Justice of Japan. Osaka. (2006).
- [4] Masahiro ISEKI, Nihon Ho to Hikaku shite no Tokucho. (Saibankan, Kantokushin, Kinkyuhozen nado). ICD News No.21. Ministry of Justice of Japan. Osaka. (2005).
- [5] Kenichi KIKEGAWA, Vietnam Ho • Shiho Seido Kaikaku Shien Project ni tsuite. Project Shokai. ICD News No.34. Ministry of Justice of Japan. Osaka. (2008).
- [6] Takafumi KOKUBUN, Vietnam to Hanrei no Bimyo na Kankei. Hoseibishien ni Manabu ③. Soto kara Minaoshita Nihon no Seido. Hoso. Hosokai. Tokyo. (2006).
- [7] Shusaku TATARA, Vietnam no Grass Roots Wakai ni Kansuru Kanren Hoki. Gaikoku Horei Shokai. ICD News No.53. Ministry of Justice of Japan. Osaka. (2012).
- [8] Shusaku TATARA, Kaisei Vietnam Minjisosho Ho no Gaiyo. ICD News No.52. Ministry of Justice of Japan. Osaka. (2012).
- [9] Yoko OBATA, Vietnam Minjisosho ni Okeru Hanrei to Hanketsu no Kokai. Ronsetsu. Hakuoh Daigaku Hoka Daigakuin Kiyō. No.6.Hakuoh Daigaku. Tochigi. (2012).
- [10] Takako OKADA, Kinnen Kokaisarehajimeta Vietnam no Hanrei Shokai. Patent 2012. Vol.65. No.8. (2012).
- [11] Mikine ETO, Dai 12 Kai Hoseibishien Renrakukai. Tokushu. ②. ICD News No.47. Ministry of Justice of Japan. Osaka. (2011).
- [12] Vu The Doan, Tokubetsu Koen. 『Nihon no Shien wo Ukete Vietnam ga Kofushita Minjisoshoho no Chokumen shiteiru Mondai ni Kansuru Hyoka』.ICD News No.47. Ministry of Justice of Japan. Osaka. (2011).
- [13] Yuka KANEKO, Vietnam Minjisosho no Kaikaku to Dotai. Nihon no Hoseibishien wo meguru Ichikosatsu. Kobe Law Journal. Vol.59. No.3. Kobe University. Kobe. (2009).



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