

Evaluation of Residential Land Use Right Certificates' Issuance in Thanh Ha District, Hai Duong Province, Vietnam

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Abstract: The study aimed to point out the advantages, limitations, their causes and propose solutions to make the issuance of residential land certificates faster and more convenient for households in Thanh Ha district, Hai Duong province in Vietnam. The study investigated 100 households that had declared documents for the issuance of residential land certificates and 55 officials handling the certification procedures. In the 2016-2020 period in Thanh Ha district, 492.19 ha of residential land were issued with certificates, accounting for 81.1% of the total residential land area to be granted, the remaining 93.24 ha were not issued with certificates, accounting for 18.9% of the total residential land need to be issued with certificates. The backlog of 363 applications for certificates was resolved. According to 81.8% of officials, there is work pressure when dealing with the certification process due to lack of manpower, the big amount of work to be resolved, the time limit for processing is short, and the procedure for the case of land use rights recognition is complex; the land database is not linked and has errors; complex determination of land use fees when recognizing land use rights; The facilities and equipment are still limited. Proposed solutions include ensuring sufficient human resources; completing certification and land database regulations, equipment, and implementation.

Keywords: Certificate, land user, residential land use right, Thanh Ha.

I. INTRODUCTION

According to the provisions of the current Land Law of Vietnam, the full name of the certificate of residential land use rights is the Certificate of residential land use rights and ownership of houses and other land-attached assets (referred to as the certificate), which is a legal certificate issued by the State to confirm the legitimacy of the land use rights, ownership of residential houses and other land-attached assets of the holder (National Assembly, 2013) [11]. The certificate is an important legal basis to protect the legitimate rights and interests of land users. Therefore, granting the certificate to the land users is necessary [3], [5], [6]. Issuing a certificate is an administrative procedure to establish and recognize the rights of land users from the State to land users, including steps to follow with prescribed documents to submit to competent authorities for appraisal, consider issuing the certificate of residential land use rights [4], [5]. This is a

process that takes a lot of time, effort, and financial costs, and even causes complaints, lawsuits, or frustrations from the local people or work pressure on those who accept and settle the case of certificate issuing [5], [10].

So far, there have been several studies on granting the Certificate to propose solutions to overcome difficulties, shortcomings, and inadequacies when granting certificates. According to Nguyen et al. (2020) [5], the main shortcomings when granting certificates are that the documents used as the basis for granting the certificate of residential land use rights are incomplete, inaccurate, and contradictory; land use boundary disputes; difficult to confirm the time of land use. According to Le et al. (2018) [2], the most difficult thing when granting the Certificate is due to the lack of human resources, the most complicated procedure for granting the Certificate, especially in the case of recognition of the land use rights. According to Nguyen & Chu (2019) [4], the most difficulty is due to planning factors, land disputes, position deviation, the boundary between reality and a cadastral map, and unknown land origin. The studies also show the rate of issuance of the certificate for different types of land, despite the attention to direction and supervision of concerned authorities at all levels.

Thanh Ha is a district in Hai Duong province where the rate of granting the certificate in the 2016-2020 period reached over 80% of the total residential land area that needs to be granted the certificate. Although so many cases are still slow, prolonged, or refused to be granted the Certificate due to different reasons (Thanh Ha District People's Committee, 2020a) [7], so far there has been no evaluation study on this issue. Therefore, the purpose of the study is to answer the following questions: *In Thanh Ha district, what are the advantages, limitations, and reasons for granting a certificate? What solutions should be taken to overcome those limitations to grant the certificate faster?*

II. METHODOLOGY

2.1. Scope of research

The study focuses on assessing the current status of granting the certificate of Residential Land Use Rights to the

households in Thanh Ha district for the first time in the 2016-2020 period due to the most complicated issuance of the certificate (Thanh Ha District People's Committee, 2020a) [7].

2.2. Data collection

Secondary data on natural, and socio-economic conditions, and the certificate issuance are collected at relevant units in Thanh Ha district, Hai Duong province. Primary data is collected through a direct survey with randomly pre-printed forms distributed to the households applying for the certificate issuance and all those directly related to the certificate issuance handling process. The content of the survey form forms distributed to the households applying for the certificate issuance includes basic information about the respondent, evaluation of the procedure, deadline for returning results, instructions, communication, satisfaction level of the local people, etc. The total number of household survey questionnaire forms is calculated according to formula 1 (Yamane, 1967) [12].

$$n = \frac{N}{1 + e^2 * N} \quad (1)$$

Where: n – total number of questionnaire forms; N – the total number of households registering for issuance of residential land certificates for the first time; e - allowable error (e = 5-15%). In the 2016-2020 period, there are 5,321 households registered for issuance of residential land certificates in the whole District, so e value should be 10% (the average value of the permissible error), and the total number of questionnaires calculated is 98.16, which is rounded by 100 forms. To represent the communes and towns, 100 forms are distributed to communes and townships according to the number of households registered for the issuance of residential land certificates according to formula 2.

$$n_i = \frac{n * N_i}{N} \quad (2)$$

Where: n_i - the number of questionnaire forms in the i th commune/town; n – total number of questionnaire forms; N_i – total number of households registered for issuance of residential land certificates in the i th commune/town; N – total number of households registered for issuance of residential land certificates in the 2016-2020 period in the whole District.

The study also investigated all 55 officials, civil servants, and public employees directly related to the certificate issuance of Thanh Ha District People's Committee, the People's Committees of communes and towns, and Thanh Ha District Land Use Rights Registration Office. Contents of the questionnaire forms include Basic information about respondents; a review of the procedure; work pressure; direction and supervision of all levels; facilities and equipment; procedures for certificate issuance, work pressure, allowance levels, etc.

2.3. Processing, analyzing, comparing, evaluating data

Secondary and primary data were collected and processed by SPSS 20.0 software. Compare the results of granting certificates by year, each administrative unit and by the number of households, registered area with the number of households, the area that has been granted, not yet issued,... Evaluating the grant of the certificate according to the following criteria: procedures for granting certificates, granting deadlines, area rates and the number of households with granted certificates; human resources and work pressure; physical facilities for certificate issuances; satisfaction level of applicants for certificate issuances; the attention and direction of authorities in all levels, the level of overtime allowance, etc.

III. RESULTS AND DISCUSSIONS

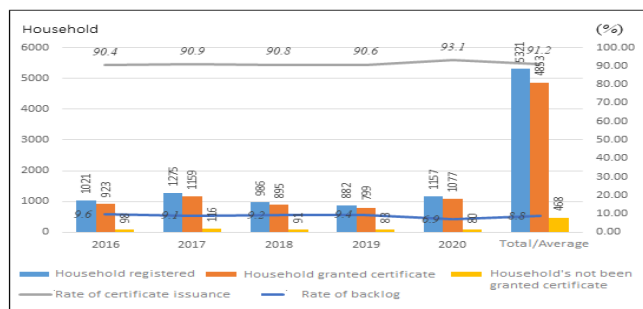
3.1. Overview of Thanh Ha district

In 2020, Thanh Ha district has a population of 159,554 people (within working age 101,881 people, accounting for 63.8% of the total population) in 19 communes and 1 town. Ratio of agriculture-fishery structure; construction industry; trade-service is 33.2%; 34.5%; 32.3%, respectively. The total natural area is 14,070.64 ha, of which residential land is 2,377.4 ha, accounting for 16.90% of the total natural land area (rural land 2,174.49 ha; urban land 202.91 ha) [7], [8].

3.2. Results of granting the certificate of residential land Use rights from 2016 to 2020

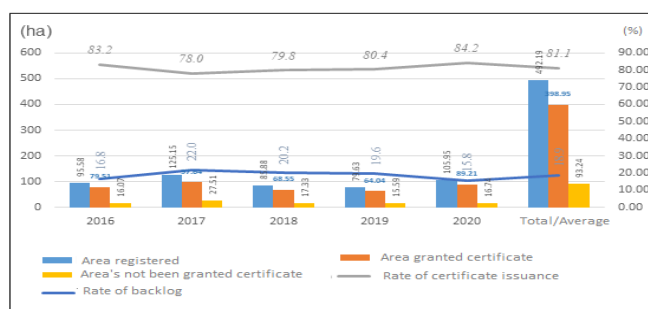
During the 2016-2020 period, the average rate of certificate issuance in Thanh Ha district was 91.2% of the total number of households applying for the certificate (Figure 1) and equal to 81.1% of the total residential land area in need of the certificate (Figure 2). The rate of certificate issuance in the district is smaller than the rate of the certificate based on the required land area in Hai Duong province (86.9%) [1]. During the research period, there were 443 backlogs, of which 52 backlogs were from before 2016; 391 records were generated during the study period (Table 1). Backlogs are those that have not been received by the first time the application is submitted due to a dispute, or that the land plot for which the Certificate of Residential Land Use Rights is to be issued is not suitable for residential land use planning, or because the land is of encroached origin, occupy, or for other reasons, or due to several reasons at the same time and need more time to verify, clarify, or supplement documents as prescribed, etc. Some backlogs and rate Completion rates vary from case to case and from year to year. During the 2016-2020 period, 363 backlogs have been resolved (Table 2) (accounting for 81.94% of backlogs), the remaining 80 cases have not been resolved (Table 1) and will be resolved after 2020. (accounting for 18.06% of the backlog). It takes over 5 years for processing backlogs (Table 2).

Figure 1. Results of issuance of Certificate of Residential Land Use Rights by households in the period of 2016 – 2020



(Source: Thanh Ha District Land Use Rights Registration Office, 2021)

Figure 2. Results of issuance of Certificate of Residential Land Use Rights by area for the period of 2016 – 2020



(Source: Thanh Ha District Land Use Rights Registration Office, 2021)

Table 1. Settlement of backlog of certificate applications

Year and reason for refused issuance of the Certificate	Number of carried documents from the previous year	Number of additional documents	Total documents	Handled		Uncompleted	
				Number of documents	Percent (%)	Number of documents	Percent (%)
In 2016							
Dispute	13	28	41	21	51.22	20	48.78
Unsuitable to the planning	21	40	61	20	32.79	41	67.21
Encroachment	10	19	29	11	37.93	18	62.07
Others	8	25	33	14	42.42	19	57.58
Total/in average:	52	112	164	66	41.09	98	58.91
In 2017							
Dispute	20	13	33	6	18.18	27	81.82
Unsuitable to the planning	41	23	64	21	32.81	43	67.19
Encroachment	18	30	48	28	58.33	20	41.67
Others	19	14	33	7	21.21	26	78.79
Total/in average:	98	80	178	62	32.63	116	67.37
In 2018							
Dispute	27	12	39	14	35.90	25	64.10
Unsuitable to the planning	43	10	53	17	32.08	36	67.92
Encroachment	20	19	39	27	69.23	12	30.77
Others	26	22	48	30	62.50	18	37.50
Total/ in average:	116	63	179	88	49.33	91	50.67
In 2019							
Dispute	25	21	46	30	65.22	16	34.78
Unsuitable to the planning	36	27	63	31	49.21	32	50.79
Encroachment	12	8	20	5	25.00	15	75.00
Others	18	11	29	9	31.03	20	68.97
Total/in average:	91	67	158	75	42.61	83	57.39
In 2020							
Dispute	16	19	35	18	51.43	17	48.57
Unsuitable to the planning	32	24	56	26	46.43	30	53.57
Encroachment	15	9	24	12	50.00	12	50.00
Others	20	17	37	16	43.24	21	56.76
Total/in average:	83	69	152	72	47.78	80	52.22

According to Table 2, the highest percentage of case backlogs successfully resolved (46.92% of cases) for more than 2 years to 3 years; followed by the successful resolution rate (21.23% of cases) over 3 to 4 years. The percentage of successful cases with the remaining time is less than 7% of cases. The largest number of backlogs (115 records) that have been granted certificates related to the planning, land use schedule is settled after the planning, land use schedule is approved by the competent authority. The waiting time for settlement is mainly 2-4 years. In particular, 13 cases have a settlement time of more than 5 years because the land is requested to be granted a certificate because they have to wait for the adjustment of the land use schedule. The second highest number of backlogs (89 applications) issued with a certificate are mainly related to disputes over land use boundaries or the division of inherited property orally, without writing, or in writing but not recorded. specific boundaries and areas.

The third largest number of backlogs (83 applications) were issued with the certificates related to encroachment, occupation of public land alternating in residential areas, and land in the traffic safety corridor with the settlement time from 1 to 3 years. Other backlog files (76 records) issued with certificates related to undocumented land use rights trading, especially buying and selling through different people, must wait for the Court's decision, or there is a discrepancy in terms of land use rights. area and boundary between the field and on the cadastral map; or do not match information between documents in the application for a certificate such as a name, year of birth, type of land, origin, land area; or lack of information on financial obligations performed, documents on land allocation, etc., which are mainly granted for 2 to 4 years. The above shortcomings as well as the shortcomings have been pointed out in the researches of Nguyen et al. (2020) [4]; Nguyen et al. (2021) [5]; Nguyen & Chu (2019) [6].

Table 2. Time to complete the backlog of certificate applications

Cases	Number of handled documents	Handling time											
		< 1 year		1 -2 years		>2 – 3 years		>3 – 4 years		>4 – 5 years		> 5 years	
		Number of documents	Percent (%)	Number of documents	Percent (%)	Number of documents	Percent (%)	Number of documents	Percent (%)	Number of documents	Percent (%)	Number of documents	Percent (%)
Dispute	89	6	6.74	15	16.85	37	41.57	14	15.73	12	13.48	5	5.62
Unsuitable to the planning, the land use schedule	115	0	0.00	0	0.00	76	66.09	23	20.00	3	2.61	13	11.30
Land encroachment	83	8	9.64	23	27.71	26	31.33	19	22.89	6	7.23	1	1.20
Others	76	5	6.58	9	11.84	37	48.68	20	26.32	1	1.32	4	5.26
Total/Average	363	19	5.74	47	14.10	176	46.92	76	21.23	22	6.16	23	5.85

3.3. Certification issuance assessment

3.3.1 The local people's assessment of registration for certification issuance

According to 65.00% of asked households, the procedure for granting the Certificate (Table 3) is still complicated because many documents need to be prepared with confirmation from many people. The process of handling applications for issuance of Certificates is considered by the majority to be following regulations, but 19.00% believe that it is not according to regulations, and 19.00% do not know how to apply, so there is no assessment. Thus, it can be seen that the dissemination of the law on the issuance of certificates is still limited. According to 29.00% of the respondents, returning the result of granting the Certificate was not on time and it was explained that the dossier was complicated and needed more time for the appraisal. This is

one of the reasons leading to a decrease in people's satisfaction levels (73% of households are less satisfied, and 6% of households are dissatisfied).

Table 3. The local people's assessment of the certification issuing procedure

Evaluation criteria	Survey Forms	Percent (%)	Evaluation criteria	Survey Forms	Percent (%)
1. Administrative procedures for issuance of Certificates			Punctually	71	71.00
Simple	17	17.00	Not punctually	29	29.00
Normal	18	18.00	4. Satisfaction		
Complicated	65	65.00	Very satisfactory	15	15.00

2. Procedures for receiving and handling applications for issuance of the Certificates			Quite satisfactory	4	4.00
Comply with regulations	62	62.00	Normal	2	2.00
Non-comply with regulations	19	19.00	Less satisfactory	73	73.00
Unknown	19	19.00	Dissatisfactory	6	6.00
3. Returning the results					

According to Table 4, 83.00% of the total number of households said that the procedures for processing the application for issuance of a Certificate of Origin have been made public. evaluated by all households as fair and open. Over 90.00% of the total households assessed that the officials were friendly, listened to people's opinions, and answered people's questions, the remaining less than 10.00% of the total households gave that the certificate issuing officers were not friendly, did not listen to the local people's opinions and did not explain clearly the questions.

Table 4. The local people's assessment of the certificate issuing officers

Evaluation criteria	Survey Forms	Percent (%)	Evaluation criteria	Survey Forms	Percent (%)
1. Publicize the procedures for processing the application for issuance of a certificate			3. Listen to the local people's opinions		
Yes	83	83.00	Yes	94	94.00
No	17	17.00	No	6	6.00
2. Behaviors of the certificate issuing officers			4. Response questions		
Friendly	95	95.00	Clear	91	91.00
Unfriendly	5	5.00	Unclear	9	9.00

3.3.2. Assessment of the certificate issuing officers

According to the assessment of 81.82% of officials, the processing of dossiers for certificate issuance is still under pressure due to a lack of human resources, a large number of documents to be processed, short processing time, incomplete cadastral records, and errors, not yet updated (Table 5). Officers have to perform many tasks outside of granting certificates such as inspecting and settling land complaints; compensation and site clearance; land allocation, land acquisition, and some other part-time jobs. According to the opinion of 80.00% of the total number of officials, human resources related to the issuance of certificates are lacking in number. The professional qualifications of some officers did not meet the job requirements as assessed by 29.09% of the total number of officers. Facilities and equipment are also limited in quantity and quality as assessed by 56.36% of the total certificate issuing officers (Table 6). Like the assessment

of the vast majority of households, the procedure for granting a certificate is still complicated, through many evaluation steps, and many accompanying documents, especially for the land area proposed for recognition of the use right (according to the assessment of 69.09% of total certificate issuing officers). However, due to the responsibility of officials, most of the cases were granted the Certificate of Residential Land Use Rights on time, the rest were not issued on time, mainly due to complicated documents and more time to check, appraisal, or errors in the records, lack of necessary documents to supplement. In addition, the transfer of documents related to the certificate issuance between natural resources and environment agencies, and tax agencies is still limited.

Table 5. Assessment of work pressure, allowance, and interest of authorities at all levels

Evaluation criteria	Survey Forms	Percent (%)	Evaluation criteria	Survey Forms	Percent (%)
1. Human resources to carry out administrative procedures			The land database is incomplete	31	56.36
The number of human resources is enough	11	20.00	The processing time is too short	3	5.45
The number of human resources is not enough	44	80.00	4. Overtime allowance		
The quality of human resources is not satisfactory	16	29.09	Suitable	9	16.36
2. Work pressure			Unsuitable	46	83.64
With work pressure	45	81.82	5. Interest of authorities at all levels		
Without work pressure	10	18.18	With interest	42	76.36
3. Causes of pressure			Without interest	13	23.64
The amount of settlement documents is too large	21	38.18			

Table 6. Summary of assessment of administrative procedures and facilities and equipment

Evaluation criteria	Survey Forms	Percent (%)	Evaluation criteria	Survey Forms	Percent (%)
1. Procedures for issuance of Certificates			4. Reasons for delay		
Simple	5	9.09	Information declared wrong order	4	7.27
Normal	12	21.82	Long file transfer time	3	5.45
Complicated	38	69.09	Slow fulfillment of financial obligations	2	3.64

2. Complicated reason			5. Facilities		
Need a lot of documents	11	20.00	Satisfactory	24	43.64
Many steps, many agencies	1	1.82	Dissatisfactory	31	56.36
3. Handling time			6. Reasons for not meeting the demand		
Punctually	46	83.64	Quantity is not enough	31	56.36
Not punctually	9	16.36	Quality does not meet the requirements	12	21.82

3.4. Solutions to completing the certificate issuance

3.4.1. Ensure sufficient human resources to handle certification procedures

To reduce the work pressure on officials, the competent authorities should consider supplementing the certificate issuing officers. When there is no additional certificate issuing officer, it is necessary to allow organizations to recruit contract workers and deduct funds collected from granting certificates to pay; and when it is not possible to hire a contract worker, a reasonable overtime allowance should be provided. At the same time, conduct a review of certificate issuing officers who have not met the job requirements to have a plan to improve their qualifications.

3.4.2. Complete regulations on issuance of Certificate of Residential Land Use Rights

The procedure for granting a certificate of land use certificate for a land area that has been used stably, per the planning and has houses on the land is still very complicated and takes a lot of time and effort because it has to consider specific times of land use, the origin of the land, the financial obligations that have been fulfilled, the purchase and sale documents, handwritten, or undocumented, etc. To issue a certificate of this land area, the State needs to issue simpler regulations for people to use. people and agencies, functional units easier to implement. Besides, to overcome the situation that the dossiers are eligible for issuance of land use right certificates, but people are not able to pay off the land use money, they need to owe the land use money to the people. The debt amount is converted into the outstanding area for land use and recorded in the Certificate of Residential Land Use Rights. When the land user transfers the land use right, the transferred area must fulfill the outstanding financial obligations. The outstanding land use fee is calculated according to the specific land price at the time of transfer.

3.4.3. Update the land database system and secure the equipment supplies

It is necessary to review and update cadastral records to ensure accuracy, completeness, and communication between natural resources and environment agencies, and tax authorities. The process of processing application for issuance

of a certificate should be made public online so that people can look up and receive results and can fulfill their financial obligations online, in addition to the face-to-face form. To determine financial obligations quickly, accurately and by the law, it is necessary to build software (modules) with specific case assumptions according to regulations so that the software can automatically determine financial obligations. In addition, it is necessary to supplement the missing equipment and repair or replace equipment that does not meet the job requirements.

3.4.4. Complete the implementation of certificate issuance

To issue certificates on time, leaders at all levels need to pay attention to directing, monitoring, and further inspecting the implementation of granting certificates, as well as promptly solving problems that arise. In particular, it is necessary to enhance the role of socio-political organizations at the commune level in the conciliation of disputes when determining the boundaries, area, or division of land use rights inherited but not yet granted a certificate. When conciliation fails, the relevant agencies should coordinate well with the agency in charge of the settlement by the provisions of law. Applicants for certificate issuance must also have the responsibility to coordinate well with the settlement agencies.

IV. CONCLUSIONS

In the 2016-2020 period, in Thanh Ha district, the residential land area that has been granted a certificate is 492.19 ha, accounting for 81.1% of the total residential land area to be granted, the remaining 93.24 ha has not been granted a certificate, accounting for the remaining 93.24 ha. 18.9% of the total residential land area to be allocated. The majority of households were granted certificates on time and were satisfied because they were guided, answered questions, and directed by officials at all levels. Even so, there are still 468 households who have declared but have not been granted the Certificate due to disputed land use rights, unqualified records, or some other reasons. In addition, there are also some cases where the Certificate of Residential Land Use Rights has not been issued on time due to complicated documents requiring a long time for verification or a large number of dossiers while human resources are limited with a short processing time, or because the establishment whether the land is not connected, has errors, has not been updated; The quality of equipment and facilities is still limited. To issue certificates of land faster, it is necessary to ensure sufficient human resources and complete the land database system; complete the regulations on certificate issuance; facilities, equipment, and implementation.

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