

From De Jure Autonomy to De Facto Autonomy: Implementation Gaps in Vietnam's Higher Education Reform

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Abstract

This article examines the gap between de jure university autonomy and de facto autonomy in Vietnam within the broader context of higher education reform. The study addresses the central research question: Why has the expansion of legal autonomy not fully translated into substantive autonomy in the operational practices of higher education institutions in Vietnam? Drawing on an integrated theoretical framework that combines new public management, state-university relations, and historical institutionalism, the study employed a qualitative institutional analysis. This approach included a systematic content analysis of key legal documents—namely the amended Law on Higher Education (2018), its 2025 revision, and related regulations—alongside a structured synthesis of domestic empirical studies on financial autonomy, governance, and accountability. The findings indicate that Vietnam has significantly expanded institutional autonomy across organizational, academic, and financial dimensions. However, implementation remains constrained by legal fragmentation, administrative inertia, proceduralized accreditation mechanisms, and uneven institutional capacity across universities. The implementation gap thus arises not only from policy design but also from historically embedded institutional legacies and power structures. The study contributes to the literature by identifying the underlying mechanisms that generate the “autonomy gap” in a transitional higher education system and by advancing an analytical approach that integrates legal, organizational, and institutional perspectives. The findings suggest that expanding formal autonomy must be accompanied by governance reform and capacity-building to ensure effective and sustainable institutional autonomy in practice.

Keywords: higher education governance, implementation gap, regulatory state.

1. Introduction

Over the past three decades, reforms in higher education governance worldwide have shifted from models of direct administrative control toward configurations emphasizing institutional autonomy, accountability, and performance-based management. The rise of new public management (NPM) has encouraged the

restructuring of state-university relations through conditional decentralization and strengthened evaluation mechanisms (Hood, 1991; Pollitt & Bouckaert, 2017). In Europe and many member states of the Organisation for Economic Co-operation and Development (OECD), the emergence of the “entrepreneurial university” and hybrid governance arrangements has substantially transformed the role of the state – from direct control to strategic regulation (Clark, 1998; de Boer et al., 2007; Olsen, 2007).

In Asia, however, this transformation has unfolded unevenly, shaped by distinctive political-administrative structures and entrenched traditions of state governance (ADB, 2012; Jarvis & Mok, 2019; Varghese & Martin, 2014). Rather than representing a simple retreat of the state, university autonomy reforms in many Asian systems reflect a recalibration of control mechanisms within existing institutional frameworks.

Within this broader context, Vietnam has positioned university autonomy as a central pillar of higher education reform. The amended Law on Higher Education (2018) (National Assembly, 2018), Decree No. 99/2019/ND-CP (Government of Vietnam, 2019), and the Law on Higher Education (2025) (National Assembly, 2025) have significantly expanded institutional authority in academic, organizational, and financial domains. Domestic reports and studies have documented increasing awareness and organizational adjustments toward autonomy (Bui et al., 2023; Ministry of Education and Training, 2022; Vu, 2021), while also emphasizing the need for governance reform to enhance system effectiveness and accountability (D. C. Nguyen, 2024; Nguyen et al., 2023).

However, the expansion of de jure autonomy does not necessarily translate into fully realized de facto autonomy. Empirical analyses of financial autonomy (Do & Phung, 2019), state governance (Q. S. Nguyen, 2023; T. T. H. Nguyen, 2012), accountability mechanisms (Nguyen & Vu, 2023; Pham, 2023), and organizational culture (Nguyen & Nguyen, 2022) reveal persistent constraints and tensions in the implementation process. Practical experiences at several major higher education institutions further highlight discrepancies between formal regulations and operational realities (Tran, 2024).

From a historical institutionalist perspective, this phenomenon can be interpreted through the concepts of path dependence and increasing returns (Mahoney, 2000; Pierson, 2000). Reforms do not occur in an institutional vacuum; rather, they are shaped by legacies of centralized governance and entrenched power structures. Situating Vietnam within the broader Southeast Asian context (ASEAN Secretariat, 2022; SEAMEO RIHED, 2012) suggests that such implementation gaps are not unique. Instead, they reflect a common feature of transitional systems, where autonomy tends to expand incrementally through negotiation and institutional layering rather than through radical institutional replacement. Vietnam represents a particularly compelling case for examining university autonomy, as it combines strong state coordination with gradual market-oriented reforms. Unlike fully marketized systems, autonomy in Vietnam is expanded within a socialist-oriented regulatory framework, creating a hybrid governance model. This makes Vietnam a critical case for

understanding how de jure reforms interact with entrenched institutional legacies in transitional higher education systems.

Against this backdrop, the present study analyzes the gap between autonomy in theory and autonomy in practice in Vietnam's higher education reform. In doing so, it seeks to clarify both the drivers and the constraints shaping the reconfiguration of state-university relations in a context of ongoing institutional transformation.

2. Theoretical Framework and Methodology

2.1 Theoretical Framework

This study is grounded in three complementary theoretical approaches: (i) higher education governance within the context of NPM reforms; (ii) the state-university relationship model; and (iii) historical institutionalism.

First, NPM emphasizes a shift from traditional administrative control toward governance based on performance, accountability, and organizational autonomy (Hood, 1991; Pollitt & Bouckaert, 2017). In higher education, this shift has been associated with the rise of the "entrepreneurial university" (Clark, 1998) and hybrid governance arrangements in which the state assumes a steering and strategic regulatory role rather than engaging in direct micro-level intervention (de Boer et al., 2007; Olsen, 2007). However, analyses of Asian higher education systems indicate that autonomy-oriented reforms often unfold in contexts where the state retains strong steering capacity, resulting in conditional or managed forms of autonomy (ADB, 2012; Jarvis & Mok, 2019; Varghese & Martin, 2014). Autonomy, therefore, does not necessarily imply state withdrawal but rather a reconfiguration of intervention modes.

Second, the study adopted a state-university relations perspective within the Southeast Asian context. Regional reports by the ASEAN Secretariat (2022) and SEAMEO RIHED (2012) suggest that expanding autonomy is typically accompanied by strengthened quality assurance and accountability mechanisms. As Su (2016) cautioned, however, when accreditation and evaluation systems operate in an overly administrative manner, they may function as instruments of control rather than mechanisms for organizational improvement. In Vietnam, the revised legal framework (Government of Vietnam, 2019; National Assembly, 2018, 2025) significantly expands academic, organizational, and financial autonomy while maintaining a centralized governance structure. This observation aligns with analyses of state governance in the context of public service socialization (Q. S. Nguyen, 2023; T. T. H. Nguyen, 2012), which argue that the transition from administrative control to legal-regulatory steering remains incomplete.

Third, the study draws on historical institutionalism, particularly the concepts of path dependence and increasing returns (Mahoney, 2000; Pierson, 2000). From this perspective, reforms do not proceed linearly but are shaped by accumulated institutional legacies and existing power configurations. In Vietnam, administrative hierarchies and organizational cultures formed prior to reform continue to influence

implementation practices. As Q. S. Nguyen (2023) observed, the coexistence of market-oriented and administrative logics produces a “hybrid” condition characterized as neither fully market-driven nor fully state-controlled. Similarly, T. T. H. Nguyen (2012) emphasized that governance effectiveness depends on substantive decentralization rather than solely on formal legal design.

Collectively, these three approaches provide an analytical lens for understanding the gap between *de jure* and *de facto* university autonomy as an outcome of interactions among institutional design, state power structures, and organizational legacies. University autonomy, therefore, should be understood not merely as a legal reform but as a process of restructuring power relations within the higher education system.

2.2 Methodology

This study employed a qualitative institutional analysis to examine the divergence between *de jure* and *de facto* university autonomy in Vietnam. The methodological design integrated legal analysis with a structured synthesis of empirical literature, guided by the conceptual framework of the study, which combined NPM, state–university relations, and historical institutionalism.

First, a systematic content analysis was conducted on key legal documents, including the amended Law on Higher Education (2018), Decree No. 99/2019/ND-CP, and the revised Law on Higher Education (2025). These documents were selected based on their formal authority and central role in defining institutional autonomy. The legal analysis follows a doctrinal–institutional approach, focusing on the scope of delegated authority across four dimensions: organizational governance, academic affairs, personnel management, and financial autonomy.

Second, the study synthesized domestic empirical research to capture the *de facto* dimension of autonomy in practice. The selection of studies followed three criteria: (i) relevance to university autonomy and governance in Vietnam; (ii) publication in peer-reviewed journals or official policy reports; and (iii) empirical focus on implementation practices between 2015 and 2025. A purposive sampling strategy was employed to ensure coverage of key themes, including financial autonomy, accountability mechanisms, and institutional governance capacity.

Third, the analytical process proceeded in three steps. Step 1 identified formal provisions of autonomy from legal texts, Step 2 extracted recurring patterns and constraints from empirical studies through thematic coding, and Step 3 compared the two dimensions to identify mechanisms generating the implementation gap. This comparative logic enabled a systematic linkage between policy design and institutional practice.

By explicitly defining data selection criteria, analytical steps, and methodological integration, this approach enhances transparency and analytical rigor, addressing potential limitations associated with qualitative institutional analysis.

3. Results and Discussion

3.1 The Expansion of De Jure Autonomy

The expansion of university autonomy in Vietnam over the past decade has been closely associated with progressive adjustments and consolidation of the legal framework at both statutory and sub-statutory levels. A major turning point was the promulgation of the amended Law on Higher Education in 2018 (National Assembly, 2018), which established a clearer legal foundation for institutional authority in academic affairs, organizational structure, personnel management, and financial governance. The Law not only reaffirmed the role of the university council as the central internal governing body but also emphasized the principle that autonomy must be coupled with accountability and quality assurance mechanisms.

Subsequently, Decree No. 99/2019/ND-CP (Government of Vietnam, 2019) operationalized the provisions of the Law, particularly regarding institutional governance structures, the authority of university councils, and decision-making power in academic, financial, and human resource matters. This regulatory development marked a transition from pilot-based delegation of authority to the establishment of a permanent autonomy framework. It reflects broader NPM principles (Hood, 1991; Pollitt & Bouckaert, 2017) and a shift from traditional administrative control toward regulatory steering based on standards and performance (de Boer et al., 2007).

Vietnamese scholarship has documented a significant expansion of the legal space for autonomy following these reforms (Bui et al., 2023; Vu, 2021). Nevertheless, implementation practices reveal a degree of misalignment between formal provisions and operational realities, particularly in public universities that remain fiscally dependent on state budgets (Do & Phung, 2019). Viewed through the lens of path dependence (Mahoney, 2000; Pierson, 2000), this discrepancy can be interpreted as a consequence of institutional legacies inherited from the previous centralized governance model. Established administrative routines and hierarchical control mechanisms continue to shape institutional behavior, resulting in a gradual and uneven transition toward substantive autonomy.

The 2025 Law on Higher Education (National Assembly, 2025) further underscores the need to refine decentralization mechanisms, clarify the responsibilities of line ministries and supervisory authorities, and strengthen transparency in university governance. These orientations signal an effort to enhance coherence between higher education legislation and related regulatory domains—such as public budgeting, public investment, and asset management—thereby addressing institutional bottlenecks that constrain the decision-making capacity of universities. At the same time, reinforced accreditation and quality assurance mechanisms (SEAMEO RIHED, 2012; Su, 2016) are framed as safeguards to ensure that expanded autonomy does not compromise social accountability.

Regional comparison reveals similar reform trajectories across several Asian systems, where governance restructuring has been linked to imperatives of competitiveness

and international integration (ADB, 2012; Jarvis & Mok, 2019; Varghese & Martin, 2014). However, as Olsen (2007) argued, institutional transformation in higher education tends to be evolutionary rather than disruptive, contingent upon interactions among legal frameworks, organizational culture, and internal governance capacity. Recent Vietnamese studies likewise suggest that the expansion of de jure autonomy must be accompanied by enhanced governance competence and strengthened ethical standards among institutional leaders (C. A. Nguyen, 2024; D. C. Nguyen, 2024).

Comparative policy research further supports this perspective. In examining China's reform experience, Mai (2020) contended that expanded legal autonomy yields tangible effects only when accompanied by internal power restructuring and independent oversight mechanisms. This lesson offers a useful analytical lens for assessing Vietnam's reform trajectory, where formal legal empowerment has not always translated into structural changes in internal governance arrangements.

Overall, the expansion of de jure autonomy in Vietnam represents a deliberate and legally institutionalized reform process. Successive legislative and regulatory instruments have progressively clarified institutional authority and governance responsibilities. Yet the substantive effectiveness of autonomy ultimately depends on the synchronization of the broader legal system, the reform of supervisory mechanisms, and the cultivation of organizational cultures aligned with the model of the autonomous, knowledge-based university (Amaral et al., 2003; Clark, 1998). The critical question, therefore, is whether legal reform can be effectively converted into governance reform. The answer hinges not solely on statutory design but on the capacity of institutions to internalize new governance logics and to operate within a regulatory environment that balances autonomy with accountability.

3.2 Implementation Practices and the Limits of Autonomy

While the legal dimension reflects a relatively clear trajectory of expanding de jure autonomy, significant gaps are revealed in its implementation practices. The divergence between "granted authority" and "exercisable authority" illustrates a characteristic implementation gap in higher education reforms within transitional contexts (Andrews et al., 2013; Tran, 2024).

First, with regard to organizational governance and personnel management, although the amended Law on Higher Education (National Assembly, 2018) and Decree No. 99/2019/ND-CP (Government of Vietnam, 2019) formally establish the central role of the university council, many institutions in practice continue to operate under substantial influence from line ministries or cross-sectoral administrative regulations. At the national conference on "Autonomy in Higher Education", several contributions emphasized that the implementation of university autonomy remains significantly shaped by traditional administrative governance mechanisms (Ministry of Education and Training, 2022). In many public universities, hierarchical relations and dependence on supervisory authorities continue to structure organizational behavior.

This context partially constrains the substantive role of university councils in strategic planning and executive oversight.

At the level of governance structure, Hai and Anh (2022) observed that ambiguities in the delineation of authority between university councils and rectors, as well as between institutions and line ministries, weaken the effectiveness of organizational autonomy. When powers and responsibilities are not clearly and transparently defined, autonomy risks becoming largely symbolic: formally granted in legal terms yet difficult to operationalize in practice.

Second, concerning financial autonomy, although policies permit universities to determine tuition levels and manage legally generated revenues, the broader regulatory framework governing state budgets, public investment, and public asset management continues to impose substantial constraints (Do & Phung, 2019). According to Do and Phung (2019), most public universities have primarily gained greater discretion in internal budget allocation, while resource mobilization mechanisms and public asset management remain tightly regulated under public finance legislation. This situation produces a structural paradox: financial responsibility has increased, but control over resources has not expanded proportionately.

Budget-dependent public institutions face particular challenges in restructuring their financial bases, especially when required to reconcile financial self-reliance with the obligation to provide public education services under regulated tuition ceilings. Bui et al. (2023) further argued that inconsistencies between higher education legislation and public finance laws reduce flexibility in resource allocation and long-term investment planning. As a result, the formal expansion of *de jure* financial autonomy does not automatically translate into enhanced fiscal capacity or strategic financial governance.

Third, in the academic domain, universities have been granted expanded authority to introduce new programs, design curricula, and engage in international cooperation. Nevertheless, quality assurance and accreditation mechanisms – while necessary to safeguard standards – sometimes operate in a proceduralized and compliance-oriented manner, increasing administrative burdens rather than fostering substantive innovation (SEAMEO RIHED, 2012; Su, 2016). This dynamic produces another paradox: academic autonomy may be formally broadened yet effectively constrained by compliance-driven oversight processes.

In such circumstances, regulatory steering intended to balance autonomy and accountability can inadvertently reinforce bureaucratic practices, thereby limiting the transformative potential of reform. The cumulative effect across organizational, financial, and academic dimensions suggests that *de facto* autonomy remains contingent upon institutional capacity, regulatory coherence, and the recalibration of state–university relations.

From a historical institutionalist perspective, these constraints cannot be understood merely as technical shortcomings of implementation; rather, they are rooted in a path-dependent developmental trajectory (Mahoney, 2000; Pierson, 2000). Vietnam's higher education system was formed within a highly centralized governance framework in which the state assumed primary responsibility for planning and resource allocation. Consequently, the transition toward an autonomy-based model requires not only legal amendments but also a restructuring of organizational culture and internal governance capacity (Clark, 1998).

Moreover, Andrews et al. (2013) argued that in developing countries, the gap between policy reform and implementation frequently stems from limited institutional capacity at the organizational level. The Vietnamese case clearly reflects this pattern. The governance capacity of university councils, as well as the strategic planning and financial management skills of institutional leaders, remains uneven across institutions (C. A. Nguyen, 2024; D. C. Nguyen, 2024). As a result, the realization of autonomy varies considerably: large, research-intensive universities with diversified revenue streams are better positioned to leverage the expanded autonomy space to restructure their organizations and enhance competitiveness. In contrast, many local or smaller institutions encounter difficulties in translating formal legal authority into effective operational capacity.

At the governance level, C. A. Nguyen (2024) emphasized that autonomy necessitates a shift from an administrative mindset toward strategic leadership. However, the professionalization of university governance in Vietnam has not kept pace with the rapid expansion of *de jure* autonomy, thereby contributing to the persistence of the gap between *de jure* and *de facto* autonomy.

From an NPM perspective, university autonomy entails not simply a reduction of direct state control but a reconfiguration of the state-university relationship toward "steering at a distance" (de Boer et al., 2007; Pollitt & Bouckaert, 2017). In Vietnam, however, this model has only partially emerged. The state continues to exercise strong coordinating authority through regulatory standards, planning instruments, and approval procedures, producing a form of conditional autonomy.

Overall, implementation practices suggest that university autonomy in Vietnam remains in a transitional state: it no longer conforms to a purely administrative control model, yet it has not reached the level of substantive autonomy observed in more market-oriented higher education systems (ADB, 2012; Jarvis & Mok, 2019). The gap between *de jure* and *de facto* autonomy thus becomes the central issue of reform. Narrowing this gap requires not only further legal refinement but also strengthened institutional capacity, clearer accountability arrangements, and a redefinition of the state's role – from direct managerial control to strategic regulatory steering.

3.3 Mechanisms Generating the Implementation Gap

The gap between *de jure* autonomy and *de facto* autonomy is not merely the result of insufficient implementation commitment; rather, it is produced by an interrelated set

of institutional mechanisms. An examination of these mechanisms helps clarify the structural nature of the implementation gap in Vietnam's higher education reform.

The first is the mechanism of legal overlap and regulatory fragmentation. While the amended Law on Higher Education (National Assembly, 2018) and subsequent revisions in the 2025 Law on Higher Education (National Assembly, 2025) have further expanded and clarified institutional autonomy, the exercise of these rights is simultaneously governed by the Law on State Budget, the Law on Public Investment, the Law on Management of Public Assets, and related regulatory instruments. The lack of coherence between higher education legislation and public finance law results in a situation of "delegated authority under restrictive conditions", particularly in asset management and investment decision-making (Do & Phung, 2019). Consequently, financial autonomy – though formally institutionalized – remains constrained in practice by cross-cutting fiscal regulations that reduce institutional flexibility.

The second mechanism is path dependence and administrative inertia. Historical institutionalism emphasizes that established governance structures tend to reproduce themselves through organizational routines and behavioral norms (Mahoney, 2000; Pierson, 2000). In Vietnam, the previous centralized governance model shaped an administrative culture grounded in command-and-compliance principles. According to Tran (2024), even when autonomy is formally expanded, universities often continue to seek approval from supervisory authorities to mitigate accountability risks. Hai and Anh (2022) further argued that ambiguities in the allocation of authority contribute to delays or overly cautious decision-making in strategic matters, thereby weakening the effectiveness of organizational autonomy. In this context, formal decentralization does not automatically dismantle deeply embedded hierarchical practices.

Third is the mechanism of "conditional autonomy" through accreditation and accountability requirements. University autonomy is inherently linked to quality assurance and transparency obligations (de Boer et al., 2007). However, when accreditation systems operate in a highly proceduralized manner, they may function as an additional layer of control rather than as instruments for quality enhancement (SEAMEO RIHED, 2012; Su, 2016). In the Vietnamese context, processes such as program approval, accreditation reviews, and institutional ranking often require substantial administrative resources, thereby increasing compliance burdens. As a result, supervisory mechanisms intended to ensure accountability may inadvertently narrow the space for academic innovation and strategic experimentation.

The fourth mechanism is asymmetric institutional capacity. Andrews et al. (2013) noted that implementation gaps frequently stem from disparities in institutional capacity between central authorities and implementing units. In Vietnam, governance capacity varies considerably across institutions (C. A. Nguyen, 2024; D. C. Nguyen, 2024). Some large universities possess the expertise to develop diversified financial strategies and adopt governance practices aligned with international standards, whereas many local institutions lack the resources and managerial experience

necessary to operate complex autonomy frameworks effectively. This asymmetry results in uneven implementation outcomes, whereby the realization of autonomy is contingent upon organizational context rather than solely on legal design.

Taken together, these mechanisms demonstrate that the implementation gap is structurally embedded rather than incidental. It emerges from regulatory fragmentation, institutional legacies, compliance-oriented oversight, and uneven governance capacity. Understanding these interacting mechanisms is essential for explaining why expanded *de jure* autonomy does not automatically produce substantive *de facto* autonomy within Vietnam's higher education system.

The fifth mechanism is strong state steering within a "regulatory state" model. Although reform initiatives aim to strengthen institutional autonomy, the state continues to maintain a central coordinating role through planning instruments, enrollment quotas, and professional standards. Pollitt and Bouckaert (2017) observed that in transitional countries, public governance reforms tend to be evolutionary, preserving the regulatory role of the state rather than producing radical transformation. This interpretation aligns with Olsen's (2007) argument that universities constitute distinctive institutions in which change unfolds cumulatively rather than through sudden and radical transformations.

Accordingly, the mechanisms generating the implementation gap in Vietnam are not incidental but arise from the interaction of fragmented legal structures, administrative inertia, compliance-oriented oversight mechanisms, and asymmetries in institutional capacity. The 2025 Law on Higher Education, which reaffirms and further expands institutional autonomy, demonstrates policy commitment at the highest legislative level. However, narrowing the implementation gap requires a coordinated reform strategy: harmonizing related legal frameworks, clarifying the boundaries of responsibility between the state and higher education institutions, streamlining accreditation and approval procedures, and investing in the development of internal governance capacity.

Only when these gap-generating mechanisms are systematically identified and recalibrated can university autonomy evolve from a predominantly legal construct into a sustainable operational reality.

3.4 Regional Comparison and Vietnam's Distinctive Features

Situating Vietnam's university autonomy reform within the broader Southeast Asian and Asian context enables a clearer identification of both its shared patterns and distinctive characteristics. Over the past two decades, many countries in the region have advanced higher education governance reforms aimed at expanding institutional autonomy, diversifying revenue sources, and strengthening accountability, in line with NPM principles (Hood, 1991; Pollitt & Bouckaert, 2017). Nevertheless, the degree and modalities of implementation vary considerably across systems.

In systems such as Singapore and Hong Kong, university reform has been closely aligned with national strategies for knowledge competitiveness and strong internationalization. The state has shifted from direct administrative control to a model of “steering at a distance”, granting extensive authority to universities in financial management, personnel decisions, and academic strategy, while maintaining performance-based evaluation mechanisms (de Boer et al., 2007; Jarvis & Mok, 2019). In these cases, de facto autonomy relatively approximates de jure autonomy due to the alignment between legal reform and funding allocation mechanisms.

By contrast, in several developing Southeast Asian countries – such as Indonesia, the Philippines, and Thailand – autonomy reforms have also been introduced but are frequently accompanied by legal and fiscal constraints similar to those observed in Vietnam (ADB, 2012; Varghese & Martin, 2014). Andrews et al. (2013) explained that, in these contexts, implementation gaps are common, largely attributable to uneven institutional capacity and overlapping regulatory frameworks between education law and public finance legislation. From this perspective, Vietnam is not structurally exceptional in facing such challenges.

Vietnam’s distinctive feature, however, lies in what may be characterized as an evolutionary yet strongly regulated reform trajectory. The amended Law on Higher Education in 2018 and subsequent updates in the 2025 Law on Higher Education (National Assembly, 2018, 2025) indicate an increasingly explicit policy commitment to expanding institutional autonomy. Yet, unlike more market-oriented models, Vietnam continues to maintain strategic state coordination through network planning, graduate outcome standards, accreditation mechanisms, and tuition policies. This reflects a form of regulatory statism, in which the state does not withdraw but rather reconfigures its role – from direct managerial control toward governance through legal frameworks and standards (Pollitt & Bouckaert, 2017).

From a historical institutionalist perspective, this distinctive trajectory can be explained through the lens of path dependence (Mahoney, 2000; Pierson, 2000). Vietnam’s higher education system was established within a socialist-oriented developmental state framework, in which education has long been regarded as a strategic public good. Consequently, autonomy reform has not unfolded as an institutional rupture but rather according to a logic of “layering” – that is, adding new regulatory layers onto existing structures instead of fully replacing them (Mahoney & Thelen, 2012). The outcome is a hybrid governance model in which autonomy and state regulation coexist in a dynamic yet constrained equilibrium.

Comparison with China further reveals notable similarities. Since the 1990s, China has expanded university autonomy, particularly in financial management and international collaboration, while retaining strong political oversight and strategic direction at the central level (ADB, 2012). Vietnam exhibits a comparable pattern, albeit on a smaller scale. A key difference lies in financial capacity: Vietnam’s more limited level of public investment and institutional funding compels universities to rely more heavily on tuition fees and service-based revenues.

Another distinctive feature of Vietnam is the pronounced internal stratification of its higher education system. National universities and selected flagship institutions are better positioned to operationalize autonomy due to stronger resource bases, institutional prestige, and international networks. In contrast, many local institutions face significant challenges in transitioning toward more autonomous governance models (C. A. Nguyen, 2024; D. C. Nguyen, 2024). This differentiation produces a multilayered autonomy landscape rather than a relatively uniform system, as observed in countries with higher public investment and more centralized structures.

Overall, regional comparison suggests that Vietnam aligns with the broader Asian trend toward expanding university autonomy, yet follows a distinctive trajectory characterized by evolutionary reform, sustained state regulatory capacity, and strong path-dependent influences. The combination of legal expansion and preservation of central coordinating authority has produced what may be termed a model of “regulated autonomy” – an intermediate configuration situated between highly marketized systems and traditional administrative control models. Recognizing this distinctive configuration is essential for assessing the feasibility and long-term sustainability of reform in the next phase of higher education development.

3.5 Discussion

The findings indicate that university autonomy reform in Vietnam has achieved significant progress at the legal level, yet a substantial gap persists between *de jure* and *de facto* autonomy. This discussion situates these findings within the theoretical frameworks of NPM, historical institutionalism, and institutional change through “layering”, thereby clarifying the nature and drivers of the implementation gap in the Vietnamese context.

From the perspective of NPM, university autonomy is conceptualized as a mechanism for restructuring the relationship between the state and public organizations, shifting from input-based control toward results-based steering (Hood, 1991; Pollitt & Bouckaert, 2017). Legal reforms in Vietnam – particularly the amended Law on Higher Education in 2018 and the 2025 Law on Higher Education (National Assembly, 2018, 2025) – clearly reflect this orientation: decision-making authority in organizational, financial, and academic matters has been devolved to higher education institutions, accompanied by strengthened accountability and quality assurance requirements. Conceptually, this represents a transition from direct managerial control to “steering at a distance” (de Boer et al., 2007).

However, the results suggest that Vietnam does not operate under a pure NPM model. The state continues to exercise strong coordinating authority through network planning, professional standards, and budget allocation mechanisms. This observation aligns with Olsen’s (2007) argument that universities constitute distinctive institutions in which market logics cannot be simplistically applied. In Vietnam’s transitional context, autonomy does not equate to state withdrawal; rather,

it entails a reconfiguration of regulatory authority – a form of adaptive regulatory state (Pollitt & Bouckaert, 2017).

Second, from a historical institutionalist perspective, the implementation gap can be explained through path dependence. Mahoney (2000) and Pierson (2000) contended that institutions formed in earlier periods generate powerful inertia, compelling new reforms to adapt to existing structures rather than replace them entirely. In Vietnam, the previous centralized governance model shaped an organizational culture grounded in administrative hierarchy and approval-based procedures. Consequently, even as legal frameworks expand institutional autonomy, actors continue to operate within established norms, resulting in cautious autonomy or continued reliance on supervisory guidance (Do & Mai, 2021; A. T. Nguyen, 2022; Tran, 2024).

The “layering” approach advanced by Mahoney and Thelen (2012) provides a deeper explanation of this process. Rather than displacement, reform in Vietnam has largely involved adding new regulatory layers onto pre-existing structures. The 2018 and 2025 Laws on Higher Education did not eliminate the coordinating role of the state but recalibrated and redefined it. The outcome is a hybrid governance arrangement in which autonomy and control coexist. While this configuration creates flexibility, it simultaneously generates overlap and tension – particularly where related legal frameworks governing state budget, public investment, and public asset management remain insufficiently harmonized (Do & Phung, 2019).

Third, the findings reaffirm the pivotal role of institutional capacity in either narrowing or widening the implementation gap. Andrews et al. (2013) emphasized that the divergence between policy design and policy enactment in developing countries often stems from disparities in capacity between central authorities and implementing institutions. In Vietnam, the stratification between flagship universities and local institutions indicates that autonomy becomes meaningful only when accompanied by adequate governance capacity, strategic financial management, and an adaptive organizational culture (C. A. Nguyen, 2024; D. C. Nguyen, 2024). This finding is consistent with Clark’s (1998) notion of the “entrepreneurial university”, which argues that autonomy translates into competitive advantage only when institutions possess the internal capability for self-regulation and innovation.

Fourth, in regional comparison, Vietnam shares common features with other Southeast Asian countries in expanding autonomy in response to globalization and competitive pressures (ADB, 2012; Varghese & Martin, 2014). However, its distinctive characteristic lies in the sustained strength of state regulation as a mechanism to safeguard developmental orientation and social equity. This raises an important theoretical question: Can a model of “layered regulatory statism” emerge in higher education governance – one in which the state simultaneously devolves authority and maintains strategic coordination? The findings suggest that Vietnam represents a prototypical case of such a configuration.

From a policy perspective, the results indicate that further refinement of the legal framework, while necessary, is insufficient in itself. More critical is the harmonization of cross-sectoral legislation, the simplification of accreditation and compliance procedures, and the strengthening of transparency in accountability mechanisms. Equally important is sustained investment in institutional governance capacity at the organizational level, which is decisive in transforming formal autonomy into effective practice.

Finally, this discussion contributes to the broader theoretical understanding of higher education reform in transitional contexts. The Vietnamese case demonstrates that university autonomy does not constitute a linear shift from administrative control to market coordination; rather, it is a complex process of institutional negotiation shaped by historical legacies, organizational culture, and state power structures. The implementation gap, therefore, should not be interpreted merely as policy failure but as an expression of ongoing institutional restructuring.

In this sense, the theoretical contribution of the study lies not only in documenting the divergence between *de jure* and *de facto* autonomy, but also in explicating the mechanisms that generate this gap. These mechanisms operate within an evolutionary reform model in which autonomy is progressively expanded while remaining closely intertwined with the state's strategic regulatory role.

4. Conclusion

This article has examined the trajectory of university autonomy reform in Vietnam from an institutional perspective, emphasizing the divergence between *de jure* autonomy and *de facto* autonomy. The findings indicate that over the past decade, the legal framework – particularly through the amended Law on Higher Education in 2018 and its subsequent updates in 2025 – has substantially expanded the decision-making authority of higher education institutions in organizational, financial, and academic domains. Nevertheless, the realization of these formal rights continues to be shaped by multiple institutional mechanisms, including legal fragmentation, administrative inertia, compliance-oriented oversight structures, and asymmetries in governance capacity.

Theoretically, the study demonstrates that reform in Vietnam has not followed a model of radical institutional displacement, but rather an evolutionary process characterized by layering. The state has not withdrawn from higher education; instead, it has reconfigured its role toward strategic regulation. The result is a model of “regulated autonomy”, in which institutional discretion is broadened yet remains embedded within a framework of strong state coordination. The implementation gap, therefore, should not be interpreted merely as a technical failure of execution but as an expression of the complex interaction between institutional legacies and contemporary governance reform imperatives.

From a policy standpoint, narrowing the gap between *de jure* and *de facto* autonomy requires three strategic priorities: (i) harmonizing cross-sectoral legal frameworks to reduce regulatory overlap; (ii) strengthening institutional governance capacity and

accountability at the organizational level; and (iii) redesigning accreditation and quality assurance mechanisms to support innovation rather than intensify procedural burdens. Only when institutional conditions and governance capacities are aligned can university autonomy evolve from a formal legal provision into a substantive driver of quality enhancement and systemic competitiveness within Vietnam's higher education system.

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