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State Financial Responsibility in Student Financial Support: Legal Bases and Limits in Vietnam

Bui Thai Ha
Le Hong Phong School for Cadre Training, Hanoi, Vietnam

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ABSTRACT:
Background: Financial support for university students in Vietnam combines budget-funded assistance with preferential lending, but the legal extent of the State's responsibility differs between schemes. Objective: This article identifies the sources, content, institutional allocation and limits of those obligations under legislation adopted through 5 November 2026. Methods: A doctrinal analysis of the Constitution, education and budget legislation, implementing decrees and student-credit decisions is organised through four dimensions derived from Hohfeld's account of legal relations. Australia, England and the United States provide limited functional comparisons. Results: General statutory commitments are specified through eligibility rules, benefit ceilings, administrative responsibilities and risk-allocation arrangements. Teacher-education support is conditional upon subsequent service; student lending combines public funding and interest compensation with household-based repayment. Four regulatory coordination gaps concern overlapping benefits, certification errors, recovery of improper payments and graduate income risk. Conclusion: A cross-regime legal framework is needed to clarify claims, limits and fiscal responsibility. The study concerns legal design, not observed programme effectiveness.

KEYWORDS: student financial support, State financial responsibility, policy credit, tuition exemption, conditional grants, Vietnam.

1. INTRODUCTION

Public financing of higher education is frequently defended by its wider social benefits, imperfect lending markets and unequal household resources (Musgrave, 1959; Stiglitz & Weiss, 1981; Johnstone, 2004). These rationales explain intervention but not the legal claim that follows. Whether a student can demand a payment, which authority must decide, how much the State may spend and who bears a default are questions about the structure of legal obligations. Grants, tuition waivers and loans cannot be analysed as if their financial consequences were identical.

Vietnam uses two broad forms of student support. Budget-financed measures include tuition exemption or reduction, study-cost support and assistance for teacher-education students. Preferential loans are administered through the Vietnam Bank for Social Policies (VBSP). Reforms adopted in 2025 and 2026 have changed the legal setting: Decree No. 238/2025/ND-CP reorganised tuition assistance; Decision No. 29/2025/QD-TTg created a specialised programme for science, technology, engineering and mathematics (STEM); and Decree No. 06/2026/ND-CP revised the institutional framework of the VBSP. Decision No. 50/2026/QD-TTg, issued on 2 November 2026 but effective only on 1 January 2027, doubles the main monthly loan ceiling from VND 4 million to VND 8 million. The Law on Higher Education No. 125/2025/QH15 and State Budget Law No. 89/2025/QH15 also form part of the revised institutional context.

The Ministry of Finance's draft review reported cumulative student-loan disbursements of VND 92,532 billion, an outstanding balance of VND 24,475 billion and overdue loans equal to 0.27% of that balance as of 31 May 2026 (Ministry of Finance, 2026). These figures describe programme scale and portfolio performance, not the affordability of repayments for every graduate. Economic analyses of Vietnamese loans have examined repayment burdens and programme reach (Chapman & Liu, 2013; Doan et al., 2020; Tran et al., 2023); the legal allocation of obligations across support schemes remains less developed.

Three research questions guide the article. RQ1 asks which constitutional and statutory norms authorise State financial support. RQ2 examines how each scheme determines eligibility, payment, administration and financial consequences. RQ3 identifies inconsistencies that arise when the schemes operate together. The contribution is a four-dimensional method of legal comparison, not an assessment of whether one programme produces better educational or fiscal outcomes.

A further distinction is the timing of legal effect. An instrument already enacted may have a deferred commencement date, while benefits granted under earlier contracts can continue through transitional provisions. Treating both as the law currently governing payments would obscure the State's existing liability and its prospective exposure. The discussion therefore identifies legal status at a fixed date and treats subsequent effects as projections, not observed outcomes. This temporal discipline is particularly important for the main student-loan programme, whose revised maximum applies to new disbursements only from 2027.

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2. LITERATURE REVIEW

2.1. Public finance, credit constraints and access

Musgrave (1959) places education within the public-finance question of how governments allocate and distribute resources. Stiglitz and Weiss (1981) explain why lenders may restrict credit when information is imperfect, while Lochner and Monge-Naranjo (2012) connect credit constraints to investment in human capital. Johnstone (2004) describes tuition cost-sharing arrangements in which public subsidies must be assessed alongside household burdens. Comparative work shows that tuition and student assistance are designed as interacting systems rather than isolated policies (Czarnecki et al., 2021). Research on grants finds context-dependent benefits for persistence and completion, without supporting a universal effect of financial aid (Herbaut & Geven, 2020). None of these accounts specifies which administrative body becomes legally liable for a particular student payment.

2.2. Student lending and the allocation of repayment risk

Conventional instalment loans place uncertainty about post-graduation income primarily on the borrower. Income-contingent arrangements link repayments to earnings and shift part of this risk to the public sector (Chapman, 2006). Comparative studies of Australia, England and the United States show that repayment thresholds, collection systems, write-off rules and fiscal subsidies determine the actual distribution of risk (Barr et al., 2019; Britton et al., 2019). Evidence from Australia identifies behavioural responses to earnings-linked repayment, while English interviews document varied effects on graduates' life decisions (de Silva, 2025; de Gayardon & Callender, 2025). The Dutch grant-to-loan reform and evidence on US grant substitution show that the interaction of aid instruments also matters (Bolhaar et al., 2024; Marx & Turner, 2018). These are comparative lessons, not findings about Vietnamese legal entitlements.

2.3. Legal rights and Vietnamese policy research

Hohfeld (1913) distinguishes a claim-right correlated with another party's duty from powers that can create or alter legal relations. This is a useful starting point for distinguishing a governmental policy aspiration from an individual entitlement. Internationally, the right to education entails progressive action and nondiscrimination, but does not predetermine the budgetary amount of a student grant (Committee on Economic, Social and Cultural Rights, 1999). US scholarship similarly questions the fit between the legal form of ordinary debt and public student-loan systems that include income-based repayment and forgiveness (Brooks & Levitin, 2020).

Vietnamese research has examined determinants of repayment, access to credit and the implementation of student-support policies (Hoang et al., 2021; Nguyen & Nguyen, 2021; Nguyen et al., 2024; Ninh, 2025). A World Bank policy note describes a pronounced decline in recipients of the VBSP student-loan programme and discusses income-contingent alternatives (Tran et al., 2023). Legal commentary addresses the structure of social policy credit and governance of the VBSP (Nguyen & Nguyen, 2025; Nguyen, 2026). Together these studies illuminate policy performance but do not provide a common legal classification of State responsibility across grants, conditional assistance and loans. That classification is the specific gap addressed here.

The distinction between access policy and enforceable entitlement also matters for institutional accountability. A broad governmental commitment may guide the design of annual expenditure, but a properly established individual claim requires a competent body to apply prescribed criteria. Legal analysis must therefore trace the chain from constitutional principle to statute, delegated regulation, determination and payment. It must also ask whether the same chain works in reverse when a benefit is refused or public money is paid incorrectly. The present study uses this sequence to expose legal interfaces rather than to infer how frequently disputes occur.

3. MATERIALS AND METHODS

3.1. Doctrinal approach and source boundary

The study employs doctrinal legal research: it identifies the authoritative texts, interprets the conditions they prescribe and compares their distribution of rights and obligations. Primary materials comprise the Constitution of 2013, the Education Law of 2019 as amended in 2025, the 2025 higher-education and budget laws, and selected decrees and Prime Ministerial decisions governing tuition support, teacher education, social policy banking and student lending. The legal cut-off is 5 November 2026. Decision No. 50/2026/QD-TTg is considered an adopted instrument, not a rule already in effect; its operative date is 1 January 2027. Decree No. 116/2020/ND-CP is considered together with its amendment, Decree No. 60/2025/ND-CP.

3.2. Four analytical dimensions

Drawing from Hohfeld's correlativity of claims and duties, the author develops four questions. D1 (legal trigger) asks which norm and qualifying facts create an individual entitlement or a governmental policy direction. D2 (content and ceiling) identifies the benefit, amount, period and applicable limits. D3 (decision and delivery) distinguishes bodies that certify eligibility, determine benefits and transfer funds. D4 (financial consequences) asks who ultimately bears compensation costs, erroneous payments and unpaid loans. These analytical categories are not four duties expressly enumerated together in Vietnamese legislation.

D1	D2	D3	D4
Legal trigger	**Content and ceiling**	**Decision and delivery**	**Financial consequences**

Figure 1. Four dimensions of State financial responsibility
Source: Analytical synthesis of Hohfeld (1913) and the cited Vietnamese legal instruments.

3.3. Comparison and limitations

Each instrument was read for the eligible party, competent authority, payment rule, applicable budget or banking mechanism and treatment of repayment or recovery. The same questions were applied across four regimes, after which unresolved interfaces were recorded. Australia's Higher Education Support Act 2003, student-loan collection in England and the US Supreme Court's Biden v. Nebraska (2023) decision were used as

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functional references concerning tax-linked recovery and limits on executive authority; they are not presented as directly transferable models. The analysis uses published secondary statistics descriptively. It includes no interviews, administrative case files, budget audit or causal evaluation. The absence of an express provision in the instruments examined does not establish that all other Vietnamese legal rules are silent on a disputed case.

For consistency, norms were distinguished from interpretive and empirical material. A statute or regulation establishes formal legal rules; a judicial decision illustrates a legal question in its own jurisdiction; and policy reports describe administrative experience without changing an enactment. The dates of adoption and commencement were checked separately. Where the selected rules did not clearly allocate a financial consequence, the analysis recorded that bounded omission instead of assuming an unqualified absence of remedies throughout the legal system. No judicial or administrative dispute files were reviewed to test the practical operation of these interpretations.

4. RESULTS

4.1. Legislative architecture and temporal status

Article 39 of the Constitution recognises the right and obligation to study. Article 61 identifies education as a national priority and directs the State to provide appropriate scholarship and tuition policies. Articles 84 and 85 of the Education Law develop preferential credit, scholarships, assistance for specified groups and teacher-education support. These provisions establish commitments and legal authority, while eligibility and payment claims are made operational in subordinate instruments. The higher-education and budget laws regulate institutions and finance without themselves assigning a uniform student-level benefit.

Table 1. Principal Vietnamese legal instruments relevant to the analysis

Instrument	Principal regulatory function	Status at 5 November 2026
Constitution (2013); Education Law (2019, amended 2025)	General education rights; support-policy mandates	In force
Law on Higher Education No. 125/2025/QH15; State Budget Law No. 89/2025/QH15	Institutional and budget architecture	In force
Decree No. 238/2025/ND-CP	Tuition exemption/reduction and study-cost assistance	In force since September 2025
Decree No. 116/2020/ND-CP, amended by Decree No. 60/2025/ND-CP	Conditional support for teacher-education students	Amended regime in force
Decree No. 06/2026/ND-CP; VBSP debt-risk decisions	Social policy banking and risk administration	In force
Decision No. 157/2007/QD-TTg, amended 2022	Main student credit before 2027	Currently applicable
Decision No. 29/2025/QD-TTg	Specialised STEM student credit	In force since 2025
Decision No. 50/2026/QD-TTg	Replacement main student-credit programme	Adopted; effective 1 January 2027

Source: Author's classification of the instruments listed under Legal Instruments and Cases.

4.2. Non-repayable and conditional budget assistance

Decree No. 238/2025/ND-CP specifies categories eligible for tuition exemption, reduction, tuition support and study-cost assistance. The claim depends on satisfying specified conditions and documentation requirements. Public expenditure is thus shaped by the eligible population and regulated benefit levels rather than a general promise to cover all educational costs. Eligibility decisions and transfers involve education institutions and competent local or budgetary authorities, depending on the scheme. The decree replaced the earlier tuition-policy framework under Decrees No. 81/2021/ND-CP and No. 97/2023/ND-CP.

Teacher-education support is legally different from an unconditional grant. Decree No. 116/2020/ND-CP provides tuition support and a living allowance of VND 3.63 million per month, subject to its conditions and subsequent amendment by Decree No. 60/2025/ND-CP. A beneficiary who does not satisfy prescribed post-graduation service requirements can incur a reimbursement obligation. The scheme begins as budget support but may generate a public claim for recovery after the service condition fails. Its D4 consequence is therefore distinct from an ordinary tuition waiver, even though both are initially non-loan assistance.

4.3. Student credit: funding, repayment and fiscal risk

Under Decision No. 157/2007/QD-TTg as amended in 2022, the main student loan was generally channelled through the household, with a ceiling of VND 4 million per student per month. Decision No. 50/2026/QD-TTg retains household-based lending as the usual route and provides direct student borrowing under specified family circumstances. From 1 January 2027, new disbursements may reach VND 8 million per month; the

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decision sets a 12-month post-study interval before the first repayment and places limits on repayment duration. Agreements signed before that date generally continue under their existing terms, subject to the decision's transitional provisions. These future rules must not be described as operative in November 2026.

Decision No. 29/2025/QD-TTg creates a separate route for eligible STEM learners. It provides tuition lending calculated after deducting relevant scholarships and other school support, up to VND 5 million a month for living and related study expenses, and an annual rate of 4.8%, with overdue interest at 130% of the contracted lending rate. Its deduction rule addresses one overlap between benefits but does not provide a universal ordering principle for all student-support schemes.

State responsibility for policy credit is not exhausted by an initial budget transfer. The VBSP combines State capital with mobilised funds and local entrustment; financial arrangements include interest differentials and management costs. The Ministry of Finance's 2026 draft review identified VND 6,530 billion of budget capital, VND 17,866 billion mobilised by the bank and VND 79 billion of entrusted local capital in the main student-credit portfolio at the reported date (Ministry of Finance, 2026). Non-repayment is addressed under a general VBSP risk-handling regime, including specified objective events, rather than a repayment schedule expressly contingent on graduates' earnings. A low overdue-loan ratio therefore describes collection outcomes, not the equitable allocation of income risk.

The prospective loan reform also creates a transitional analytical problem. Before the commencement date, the existing legal ceiling and contractual commitments remain relevant; after commencement, the new maximum can change the scale of future disbursement and potential public funding costs. Neither a larger permitted loan nor a lower recorded overdue ratio reveals whether borrowing is sufficient for tuition, whether graduates can meet instalments or how the budget will accommodate interest support. These questions require separate borrower-level and fiscal evidence. The four dimensions are useful precisely because they keep the definition of a legal obligation distinct from the future effects of expanding it.

4.4. Comparison across the four regimes

Table 2. Allocation of legal responsibility across student-support regimes

Regime	D1–D2: Trigger, entitlement and ceiling	D3–D4: Delivery and financial consequences
Tuition and study costs	Prescribed beneficiary category and documented eligibility; limited to regulated support.	Institutions/local authorities and budgets; no comparable scheme-wide recovery rule specified in the reviewed instrument.
Teacher education	Enrolment and scheme conditions; tuition and VND 3.63 million monthly living support.	Institutions and public budgets; reimbursement may arise when service conditions fail.
Main student credit	Eligible hardship and enrolment; VND 4 million/month currently, VND 8 million for new lending from 2027.	VBSP and household-based borrower; budget and bank cost allocation plus general risk mechanism.
STEM credit	Specified field and academic conditions; eligible tuition net of school support plus VND 5 million/month living-cost ceiling.	VBSP lending; 4.8% annual interest and contractual repayment obligations.

Source: Author's application of dimensions D1–D4 to the cited Vietnamese instruments.

4.5. Regulatory interfaces requiring clarification

Four points remain insufficiently coordinated within the selected framework. First, although STEM tuition credit deducts specified other support, no single cross-regime rule determines the order of overlapping assistance for one learner. Second, certification of household hardship or enrolment is required but the reviewed instruments do not express the financial consequences of inaccurate certification in equivalent terms. Third, teacher-education legislation expressly addresses reimbursement, whereas the tuition-support regime lacks an equally articulated recovery structure in the instruments analysed. Fourth, the VBSP's general debt-risk mechanism is not designed specifically for low post-graduation income. These are bounded legal findings, not estimates of erroneous claims, financial losses or affected graduates.

Table 3. Regulatory interfaces and legal implications

Interface	Legal question	Legal and administrative implication
Overlapping regimes	Which benefit pays first and what costs may not be financed twice?	Set a common sequencing and disclosure rule without merging distinct schemes.
Eligibility certification	Which body corrects a defective certification and bears resulting costs?	Define correction, notification, review and financial accountability procedures.
Erroneous assistance	When and by whom can support paid in error be recovered?	Specify recovery powers and safeguards appropriate to each non-loan regime.
Graduate income risk	Does a fixed instalment schedule allocate repayment risk appropriately?	Evaluate income-based alternatives, collection authority and fiscal exposure before reform.

Source: Author's doctrinal synthesis of the selected legal instruments.

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5. DISCUSSION

5.1. Why legal form matters

The analysis separates the reasons for intervention from the form of the resulting obligation. Constitutional priorities and access-oriented financing theories can justify public support, but they do not supply a ceiling, beneficiary list or remedial procedure. A useful legal taxonomy must distinguish unconditional assistance, conditional budget grants and repayable credit. Teacher-education assistance shows the significance of this distinction: a later reimbursement duty changes D4 without transforming the original payment into an ordinary loan. This finding parallels concerns that the legal vocabulary of student debt may conceal complex public financing arrangements (Brooks & Levitin, 2020).

5.2. Public credit and comparative options

The principal policy choice for student credit concerns who bears uncertainty about earnings after study. Evidence on fixed-repayment burdens in Vietnam supports examining that issue rather than assuming a low reported overdue ratio resolves it (Chapman & Liu, 2013; Tran et al., 2023). Australia and England demonstrate that income-contingent repayment requires an earnings measure, an authorised collection channel and rules for debt cancellation or write-off (Barr et al., 2019; Britton et al., 2019). International evidence also cautions that such systems may create behavioural costs and do not eliminate all hardship (de Silva, 2025; de Gayardon & Callender, 2025). Any Vietnamese adaptation would require statutory, fiscal, administrative and data-protection assessment; the study does not recommend automatic transplantation.

The comparative US decision in Biden v. Nebraska (2023) illustrates the importance of legislative authority when the executive changes public exposure to student debt. Vietnamese policy relies extensively on decrees and Prime Ministerial decisions to specify benefit and lending parameters. This permits regulatory adjustment, but also makes it important to identify which features of State financial exposure should be established by statute and which may properly be delegated. The present analysis identifies the question; it does not resolve the constitutional distribution of all budgetary powers.

5.3. Coordination and research limits

A common coordination rule should focus on disclosures, sequencing, duplicate funding and correction of administrative mistakes, while retaining the distinct legal purposes of each programme. Where the State intends to recover payments, the law should specify the debtor, trigger, procedure and appropriate review rights. Clarifying these matters could improve accountability without presuming that every beneficiary receives overlapping support. The four-dimensional framework can guide a programme audit because it connects benefit design to institutional responsibility and financial consequences.

The study is confined to documented legal norms and secondary programme figures. It does not measure administrative errors, the prevalence of overlapping claims, borrower incomes, the value of write-offs or the effects of the 2027 loan rules. The comparative jurisdictions illustrate possible legal mechanisms rather than a ranking of national systems. Further research should examine implementation records and household-level repayment experience after the new decision enters into force, with clear separation between legal compliance, programme access and distributional effects.

An implementation-oriented legal review could begin by mapping one hypothetical student's eligibility across every relevant programme, identifying the office that verifies each fact and tracing the public payment or lending decision to its funding source. It could then test alternative circumstances: a mistaken family classification, withdrawal from teacher education, a duplicate tuition payment or graduation into low-paid employment. These scenarios are hypothetical and do not describe documented incidents. Such testing would identify where notice, appeal, correction, reimbursement and risk-management procedures require greater precision before a regulatory amendment is drafted.

6. CONCLUSION

Vietnamese student financial support rests on broad constitutional and statutory commitments that are made operational through more specific implementing instruments. Across tuition assistance, teacher-education support, mainstream student credit and STEM lending, State financial responsibility varies in its legal trigger, benefit ceiling, implementing institutions and treatment of losses or recovery. The four-dimensional framework exposes those differences without conflating policy objectives with enforceable claims.

The principal unresolved interfaces concern combinations of benefits, inaccurate eligibility certification, recovery of support paid in error and the allocation of graduate income risk. A coherent reform agenda would clarify these interfaces at an appropriate legal level, identify public financial exposure and evaluate any earnings-linked repayment option before adoption. Decision No. 50/2026/QD-TTg expands future access to lending from 1 January 2027, but its implementation and fiscal effects remain questions for subsequent empirical research.

DECLARATIONS

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Corresponding Author: Bui Thai Ha