



The legal status of lawyers in civil judgment enforcement: Professional responsibility, rights of practice and effective legal representation from an Asian comparative perspective

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Abstract

Civil judgment enforcement is the point at which a judgment is tested in property relations, business practice and social life. The stage is therefore central to access to justice, yet the legal position of lawyers after judgment is still less developed than their position in adjudication. This article examines the status of lawyers in Vietnamese civil judgment enforcement through the connected issues of professional responsibility, rights of practice and effective legal representation. It takes Vietnam as the principal jurisdiction, with specific attention to the Law on Lawyers and the new Law on Civil Judgment Enforcement No. 106/2025/QH15, and draws comparative references from Japan, South Korea, Singapore and China. The article argues that a lawyer in enforcement should be recognized neither as an informal intermediary nor as a holder of coercive power. The lawyer is a procedural representative whose work can assist lawful recovery, protect debtors against unlawful or excessive measures, defend third-party interests and discipline the use of legal remedies. The present Vietnamese framework provides an important basis for such participation, but it still leaves practical questions concerning access to enforcement records, notice, participation in asset verification, communication with enforcement authorities, digital information, complaints and ethical limits. The article proposes a clearer statutory and professional framework: express recognition of lawyers in enforcement, regulated access to documents, auditable communication channels, guidance on asset concealment and abusive complaints, specialist training, and balanced accountability for both lawyers and enforcement officers.

Keywords: Legal status of lawyers, civil judgment enforcement, professional responsibility, rights of practice, legal representation, Vietnamese law, Asian comparative law

Introduction

In a civil dispute, a judgment has limited value if it cannot be implemented. The judgment creditor may obtain a declaration of right, an order for payment, delivery of property or restitution, but the practical benefit of that decision depends on the capacity of the enforcement system to transform the adjudicated obligation into performance. Civil judgment enforcement is therefore not an administrative afterthought. It is the remedial stage of civil justice, and it is the point at which the authority of adjudication, the rights of the successful party, the legally protected interests of the judgment debtor and the interests of third parties may come into direct conflict.

The enforcement stage also carries risks that are different from those arising at trial. At trial, procedural fairness is organized around pleadings, evidence, hearings and judicial reasons. In enforcement, the dispute often concerns assets, bank accounts, land-use rights, corporate shares, movable property, family property, business equipment or wages. A measure that is legally justified for a judgment creditor may still be excessive if it reaches exempt property or property belonging to another person. Conversely, an objection raised by a debtor may be a legitimate claim of legality, but it may also conceal an attempt to frustrate a final judgment. These competing concerns explain why enforcement must be efficient without becoming arbitrary and protective without becoming a device for delay.

Lawyers occupy a difficult but necessary position in this setting. They do not exercise state coercion. They cannot seize assets, freeze accounts or compel the transfer of property. Those powers belong to competent enforcement bodies or other actors to whom the law allocates public

authority. Yet lawyers can make the enforcement process more lawful by identifying enforceable rights, preparing legally sufficient requests, advising on voluntary compliance, testing the legality of coercive measures, protecting third-party claims and documenting objections. Their professional function is therefore situated between private representation and the public interest in lawful enforcement.

This article addresses that position from the standpoint of legal status. The term legal status is used here to mean more than the existence of a practicing certificate. It refers to the bundle of entitlements, duties, institutional relationships and accountability mechanisms that determine how a lawyer may act in the enforcement stage. The relevant questions are concrete: May a duly authorized lawyer inspect the enforcement file? Must the lawyer receive notices after the party has appointed counsel? Can the lawyer participate in asset verification, valuation or delivery of property? How must enforcement officers respond to written legal submissions? What professional consequences should follow when a lawyer assists asset concealment, sham third-party claims or baseless complaints?

The topic is timely in Vietnam. The Law on Lawyers No. 65/2006^[7]/QH11, as amended, provides the professional foundation for lawyers, while civil judgment enforcement has historically been regulated by the Law on Enforcement of Civil Judgments No. 26/2008/QH12 and subsequent amendments. A significant change is now taking place. The Law on Civil Judgment Enforcement No. 106/2025^[10]/QH15 will take effect on 1 July 2026^[2] and will replace the earlier enforcement law. Its adoption, together with Decree No. 151/2026^[1]/ND-CP on civil judgment

enforcement offices and enforcement officers and Decree No. 152/2026^[1]/ND-CP on implementation measures, gives the lawyer's role in enforcement renewed importance (Government of Vietnam, 2026a, 2026b^[1]; National Assembly of Vietnam, 2025)^[10]. The new framework strengthens the need to identify where legal representation stands in relation to public enforcement authority, private enforcement-support mechanisms and digital administration. The article focuses on Vietnam but uses a selected Asian comparison. Japan, South Korea, Singapore and China are useful reference points because each system separates coercive execution from legal representation while adopting different approaches to professional autonomy, public duties and state supervision. Japan emphasizes bar self-governance and a judicialized execution structure. South Korea expressly characterizes attorneys as legal professionals of public nature. Singapore gives strong doctrinal force to the lawyer's duty to the court. China combines statutory recognition of lawyers with closer state supervision and court-led enforcement. These jurisdictions do not supply ready-made solutions for Vietnam, but they help identify the institutional choices that Vietnam must make.

The article advances three claims. First, effective access to justice requires legal representation beyond the courtroom; it should include the stage at which a judgment is enforced. Second, lawyers in enforcement should be given clear procedural rights, but those rights must be tied to strict professional duties. Third, Vietnam should build a more precise framework for lawyer participation in enforcement, especially in relation to access to information, digital procedures, asset verification, communications with enforcement authorities and discipline for abusive conduct.

Research Methods

The article uses qualitative legal research. Doctrinal analysis is applied to Vietnamese law governing lawyers, civil judgment enforcement, civil procedure and professional conduct. The principal Vietnamese sources are the Law on Lawyers No. 65/2006^[7]/QH11 as amended by Law No. 20/2012^[8]/QH13, the Civil Procedure Code No. 92/2015^[9]/QH13, the Law on Civil Judgment Enforcement No. 106/2025^[10]/QH15 and the Code of Ethics and Conduct for Vietnamese Lawyers issued under Decision No. 201/QD-HDLSTQ. The analysis also refers to the older enforcement law because many practical assumptions and institutional routines in Vietnam have been formed under that framework and will continue to influence implementation of the 2025 law during the transitional period.

Comparative analysis is used functionally. The purpose is not to rank legal systems or to import foreign rules without regard to Vietnamese conditions. Instead, the comparison asks how different Asian jurisdictions define the lawyer's professional identity, how they separate representation from execution power, and how they control professional conduct when lawyers act in proceedings that affect property and personal interests. Japan, South Korea, Singapore and China were selected because they represent different combinations of civil-law influence, common-law procedure, bar self-regulation, court-centered execution and administrative supervision.

The article also uses normative evaluation. It assesses whether the existing and forthcoming Vietnamese framework gives sufficient legal form to the lawyer's role in enforcement. The evaluation is based on three criteria:

effectiveness of representation, legality of enforcement and accountability of professional conduct. The article does not propose that lawyers should become enforcement officers or acquire coercive powers. The central issue is whether a person who is already entitled to legal assistance should lose meaningful representation once the case leaves the courtroom and enters the enforcement stage.

International standards are used as a supporting frame. The United Nations Basic Principles on the Role of Lawyers provide that persons are entitled to call upon a lawyer of their choice to protect and establish their rights, and require governments to ensure that lawyers can perform professional functions without improper interference (United Nations, 1990)^[18]. Those principles are often discussed in criminal justice and trial proceedings, but their logic is relevant to enforcement because enforcement is where established civil rights obtain practical effect. The IBA Standards on the Independence of the Legal Profession are used in the same limited way: they do not dictate Vietnamese procedure, but they help identify the conditions under which legal representation can be effective and responsible (International Bar Association, 1990)^[3].

The research has two deliberate limits. It does not attempt a statistical evaluation of enforcement outcomes, because the necessary case-level data on lawyer participation are not publicly available in a consistent form. It also does not analyze every Asian jurisdiction mentioned in the conference theme. The selected jurisdictions are used as models of institutional design, not as a comprehensive regional survey. These limits support the article's normative focus: identifying the legal position that Vietnamese law should assign to lawyers when enforcement affects rights already confirmed by adjudication. The proposed reforms should therefore be read as doctrinal and institutional recommendations requiring later empirical testing in Vietnamese enforcement practice.

Discussion

1. Civil judgment enforcement as part of access to justice

Access to justice is incomplete if it stops at judgment. A legal system that issues enforceable decisions but cannot secure performance creates paper rights. The successful party may have complied with procedural rules, paid litigation costs and received a final adjudication, but still remain without remedy. At the same time, enforcement cannot be measured only by recovery rates. A system may be fast and still unlawful if it disregards procedural guarantees, exceeds the scope of the judgment or interferes with property that is legally protected from execution. The rule-of-law value of enforcement lies in the combination of effectiveness and restraint.

Lawyers contribute to that combination in several ways. For judgment creditors, counsel may draft the request for enforcement, determine whether the judgment is enforceable, identify limitation issues, request appropriate measures, communicate with banks or registries through lawful channels and challenge unjustified inactivity. For judgment debtors, counsel may assess whether the enforcement measure corresponds to the judgment, whether the debtor has a lawful ground for postponement, whether assets are exempt, whether valuation is defective and whether payment arrangements can avoid unnecessary coercion. For third parties, counsel may protect ownership,

secured interests, co-ownership, possession or other legal positions affected by attachment, delivery or auction.

The lawyer's value is especially visible where enforcement concerns assets rather than simple payment. Land-use rights, houses, corporate shares, vehicles, pledged or mortgaged assets and family property often have multiple legal interests attached to them. The enforcement officer may have statutory competence, but the parties and affected persons often need legal assistance to frame objections, supply documents and explain legal consequences. If lawyers are treated as merely external visitors to the enforcement office, the quality of legal protection is reduced precisely when the consequences of the proceeding become most immediate.

The right to legal assistance in enforcement should therefore be understood as a continuation of the right to effective remedy. This does not mean that every act of enforcement must become a new trial. It means that the person whose right or property is affected must have a realistic opportunity to obtain legal advice, submit relevant documents and challenge illegality within a predictable procedure. The presence of lawyers can shorten disputes when counsel advises voluntary compliance or narrows the issues. It can also prevent later complaints by ensuring that enforcement decisions are made after the relevant legal objections have been recorded.

The main danger is abuse. A debtor's lawyer may use complaints to postpone enforcement without a serious legal basis. A creditor's lawyer may press for measures beyond the judgment or use professional status to support informal pressure. A third-party lawyer may advance a manufactured ownership claim. These risks are real, but they do not justify marginalizing lawyers. They justify a legal design that distinguishes professional advocacy from obstruction. In practice, that distinction requires clear procedural rights, written communication, transparent records and enforceable ethical duties.

2. Vietnamese legal framework and the 2025 institutional shift

Vietnamese law recognizes lawyers as persons meeting statutory conditions and providing legal services at the request of individuals, agencies or organizations. The Law on Lawyers also attaches a social function to the profession: lawyers contribute to the protection of justice, legitimate rights and interests, and legality in social relations. That foundation matters in enforcement because representation after judgment is not simply a private service. It affects the authority of final judgments and the legality of state coercion. The professional principles of independence, honesty and respect for objective truth are particularly relevant where clients may ask the lawyer to intensify pressure or to evade performance (National Assembly of Vietnam, 2006, 2012) ^[7, 8].

The Code of Ethics and Conduct for Vietnamese Lawyers supplies a second foundation. It requires lawyers to maintain independence, honesty, professional dignity and respect for the law, and it operates as a basis for supervision, complaints and discipline within the bar structure (Vietnam National Bar Council, 2019) ^[19]. These standards are broad enough to apply to enforcement practice, but they are not yet sufficiently tailored to the recurring ethical questions of that practice. Asset concealment, sham transfers, pressure on debtors, informal contact with enforcement officials,

public disclosure of debt information and repeated complaints are not merely strategic issues. They raise professional-responsibility issues that should be addressed in more concrete guidance.

On the enforcement side, the older Vietnamese framework has given central importance to civil judgment enforcement agencies, enforcers and the rights and obligations of judgment creditors, judgment debtors and related persons. Lawyers may participate as representatives or protectors of lawful rights and interests, but the law has not defined their procedural position with the same detail found in civil litigation. This has created uneven practice. In some cases, lawyers obtain necessary documents and communicate effectively with enforcement authorities; in others, access depends on local interpretation of authorization, confidentiality or administrative convenience.

The Law on Civil Judgment Enforcement No. 106/2025 ^[10]/QH15 changes the institutional environment in which these questions will be asked. The law was promulgated in December 2025 ^[10] and is scheduled to take effect on 1 July 2026, replacing the earlier civil judgment enforcement law (National Assembly of Vietnam, 2025) ^[10]. It reorganizes the enforcement framework and is accompanied by implementing decrees on civil judgment enforcement offices, enforcement officers and detailed enforcement measures (Government of Vietnam, 2026a, 2026b) ^[1]. Because the conference and prospective publication occur around the date of entry into force, a paper that analyzes Vietnamese civil judgment enforcement should account for this new law rather than rely only on the 2008 and 2014 framework.

Two aspects of the 2025 framework are especially relevant to lawyers. The first is the continued need to protect the rights of judgment creditors, judgment debtors and persons with related rights and obligations. These categories are the procedural anchor for representation. A lawyer's authority should flow from the party's or related person's recognized legal interest, not from discretionary permission by an enforcement officer. The second is the emergence of a more diversified enforcement environment, including civil judgment enforcement offices and enforcement officers regulated by Decree No. 151/2026 ^[1]/ND-CP. The participation of non-court and non-traditional enforcement actors increases the need for clear rules on communication, information access and professional boundaries.

The new regulatory context also intersects with digitalization. Decree No. 152/2026 ^[1]/ND-CP provides the general implementing framework for the 2025 law and is connected with the use of digital platforms and electronic means in civil judgment enforcement. Digital enforcement may make procedures faster, but it also creates new questions for lawyers: what data an authorized lawyer may access, how electronic notices are treated, how errors in databases are corrected, and how confidential or personal data are protected. A digital system that excludes counsel from meaningful access would improve administrative speed at the expense of representation. A digital system that gives authorized lawyers secure and auditable access would strengthen both efficiency and legality.

3. Procedural position of lawyers in enforcement

A coherent legal status for lawyers in enforcement should begin with authorization. Once a judgment creditor, judgment debtor or related person has validly appointed a

lawyer, the enforcement authority should record the appointment and treat the lawyer as a recognized procedural participant within the scope of that mandate. This does not require the enforcement authority to accept every request made by the lawyer, but it does require official communication with counsel on matters affecting the client. In the absence of such recognition, representation becomes dependent on the goodwill of individual officials.

The second element is access to enforcement records. Counsel cannot advise a client competently without knowing the enforcement decision, notices, service status, asset verification results, valuation documents, auction materials, payment records, complaints and decisions resolving complaints. Access may be restricted for legitimate reasons such as state secrets, personal data, bank confidentiality or third-party privacy. However, restriction should be the exception and should be explained in writing. The default rule should be that a duly authorized lawyer may inspect and obtain copies of documents necessary to protect the client's lawful interests. This protects the lawyer, the client and the enforcement officer because the scope of access is formally recorded.

The third element is participation in decisive enforcement steps. Lawyers do not need to attend every administrative act. Yet they should be notified and allowed to submit views where a measure materially affects property or legal position, such as attachment of immovable property, valuation, auction, delivery of property, distribution of proceeds, determination of priority or recognition of third-party claims. Participation should be structured: the lawyer may submit evidence and legal arguments, but cannot obstruct the physical execution of a lawful measure. The enforcement officer should record the submission and address material points in the decision or minutes.

The fourth element is formal communication. Enforcement practice often depends on meetings, phone calls and informal explanations. Such communication may be useful, but it also creates risks of misunderstanding and suspicion. Professional communication should move toward official channels: written submissions, electronic filing, appointment records, minutes of meetings, time-stamped requests and written responses. Digital procedures can support this shift. When communication is auditable, it becomes easier to distinguish legitimate representation from improper influence and easier to identify administrative inaction or abusive repetition.

The fifth element is complaint and review. Lawyers often prepare complaints against enforcement decisions or acts. The law should protect good-faith complaints that raise arguable questions of legality, valuation, ownership, exemption or proportionality. At the same time, repeated complaints that merely reproduce rejected arguments or rely on facts known to be false should have consequences. Those consequences should be procedural and professional: the enforcement authority may reject clearly abusive submissions according to law, and the bar organization may consider discipline where a lawyer knowingly assists false claims or uses professional status to delay lawful enforcement.

A final element is equality between creditor and debtor representation. It is sometimes assumed that creditor counsel supports enforcement while debtor counsel delays it. That assumption is too simple. A creditor's lawyer may use improper pressure; a debtor's lawyer may assist lawful

settlement. A debtor's objection may identify a serious illegality; a creditor's request may correct administrative inertia. The legal status of lawyers should therefore be neutral. It should give equivalent procedural recognition to counsel for all affected persons, while judging conduct by legality and professional ethics rather than by the side represented.

4. Professional responsibility in post-judgment representation

Professional responsibility in enforcement begins with competence. Civil judgment enforcement requires knowledge that differs from ordinary trial advocacy. A lawyer must understand enforceability, time limits, voluntary and compulsory enforcement, security interests, co-ownership, valuation, auction, payment priority, bankruptcy interfaces, complaint mechanisms and the legal status of related persons. In commercial cases, counsel may also need to understand corporate structures, secured lending, bank accounts, receivables and asset tracing. In family or residential cases, counsel must understand the social consequences of enforcement and the legal protection of essential assets. Lack of competence can harm the client and burden the enforcement system.

For the lawyer representing a judgment creditor, professional responsibility requires a lawful recovery strategy. The lawyer should verify that the judgment is enforceable, identify the proper enforcement authority, assess limitation periods, determine the scope of the obligation and advise on measures proportionate to the judgment. Counsel should not encourage public shaming, intimidation, seizure outside legal procedures or pressure through unrelated administrative channels. A creditor has a right to enforcement, but the lawyer's duty is to pursue that right through lawful methods. The lawyer should also advise the creditor when voluntary payment, settlement or installment arrangements are more effective than immediate coercion.

For the lawyer representing a judgment debtor, the duty is not to defeat the judgment at all costs. The lawyer may challenge unlawful attachment, excessive enforcement, mistaken valuation, seizure of third-party assets or failure to observe procedural requirements. The lawyer may also negotiate payment plans and help the debtor comply without unnecessary loss. However, the lawyer must not assist asset concealment, fraudulent transfers, false declarations, sham divorce or family-property arrangements, fictitious third-party claims or repetitive complaints lacking legal basis. A debtor's right to legal protection is not a license to nullify a final judgment.

For lawyers representing third parties, the central problem is evidentiary integrity. Third-party claims may be genuine; for example, a spouse may have a legitimate co-ownership interest, a secured creditor may have priority, or a purchaser may have acquired an asset before attachment. But third-party claims may also be manufactured after enforcement begins. Counsel must examine the documents, timing and factual basis of the claim before submitting it. A lawyer who advances a fabricated claim damages not only the creditor but the professional credibility of all legitimate third-party representation.

Professional responsibility also governs the lawyer's relationship with enforcement officers. Lawyers should insist on legality without personalizing the dispute. Written

objections should identify the decision, the legal ground, the factual basis and the requested remedy. Accusations of misconduct should be made only where the lawyer has a sufficient basis. Enforcement officers, in turn, should not treat lawyers as obstacles. The lawyer's submissions may improve the quality of decision-making and reduce later litigation. A predictable relationship requires respect on both sides: lawyers must avoid obstruction, and enforcement authorities must recognize lawful representation.

Confidentiality raises additional issues. In enforcement, lawyers may receive information about assets, accounts, family property, business operations or settlement capacity. The duty of confidentiality protects the client, but it does not permit the lawyer to participate in illegality. Where a client proposes to hide assets or make false statements, the lawyer must refuse assistance. If the lawyer has already submitted false information, professional rules should require corrective action consistent with confidentiality and applicable law. Vietnamese professional guidance would benefit from concrete examples because general ethical language may not be enough for enforcement practice.

Public communication also deserves attention. In debt enforcement, parties may be tempted to use social media, press statements or public disclosure to pressure the other side. Lawyers should be cautious in associating professional services with such methods. Public communication may violate privacy, reputation or fair procedure and may distort the enforcement process. A lawyer may explain legal steps to a client or issue lawful procedural notices, but should not turn enforcement into reputational coercion. This is an area where bar guidance could prevent misconduct before it becomes disciplinary or criminal.

5. Comparative Asian perspectives

Japan provides a strong example of professional autonomy within a public execution system. The Attorneys Act states that an attorney has the mission of protecting fundamental human rights and achieving social justice, and that the attorney must perform duties in good faith and endeavor to maintain social order and improve the legal system (Japan, 1949) ^[4]. The Japan Federation of Bar Associations plays a central role in registration and professional governance (Japan Federation of Bar Associations, n.d.). Civil execution, however, remains a public procedure. Under the Civil Execution Act, civil execution is carried out by a court or a court execution officer upon petition (Japan, 1979) ^[5]. The lesson is that lawyer independence does not require transferring execution power to lawyers. It requires a protected profession operating within a law-governed execution structure.

South Korea uses a concept that is particularly useful for Vietnam: attorneys are independent legal professionals of

public nature. The Attorney-at-Law Act provides that every attorney-at-law performs duties independently and freely as a legal professional of public nature (Republic of Korea, n.d.-a). Civil execution is governed by a court-centered framework under the Civil Execution Act (Republic of Korea, n.d.-b). This model recognizes that lawyers serve clients but also have a public dimension because their work affects the administration of justice. In enforcement, that formulation supports both procedural rights and ethical restraint.

Singapore reflects a common-law approach that places heavy weight on duties to the court and to the administration of justice. The Legal Profession (Professional Conduct) Rules 2015 ^[16] provide that a legal practitioner's paramount duty to the court takes precedence over the duty to the client (Singapore, 2015) ^[16]. Enforcement proceeds through court-sanctioned procedures under the Rules of Court 2021 (Singapore, 2021) ^[17]. The Singaporean model is relevant because it makes clear that representation is not simply client obedience. Counsel must pursue the client's lawful interests in a manner consistent with candor, procedural discipline and the integrity of the court process. That principle can be adapted to Vietnamese enforcement authorities even though Vietnam does not use the same common-law vocabulary of officers of the court.

China presents a more state-centered model. The Lawyers Law defines lawyers as practitioners who provide legal services upon authorization or appointment and states that lawyers protect clients' lawful rights and interests, ensure correct implementation of law and safeguard social fairness and justice (People's Republic of China, 2017) ^[11]. Civil enforcement is primarily court-led under the Civil Procedure Law (People's Republic of China, 2023) ^[12]. The Chinese model shows the advantage of statutory recognition, but also the risk that strong administrative supervision may narrow the space for lawyers to challenge official action. For Vietnam, the lesson is to preserve meaningful representation even where enforcement is publicly organized and administratively intensive.

These jurisdictions differ in legal tradition and political setting, but none treats lawyers as holders of ordinary coercive execution power. Coercion remains public. The comparison instead turns on three questions: how independent the legal profession is, how clearly the lawyer may participate in post-judgment procedures, and how seriously professional discipline is applied when representation becomes abuse. Vietnam can draw from all four systems without copying any one of them: Japan's professional self-governance, South Korea's public-nature concept, Singapore's clear conduct rules and China's statutory recognition of lawyers' role in protecting lawful interests.

Table 1: Comparative models of lawyers in civil judgment enforcement.

Jurisdiction	Professional and enforcement model	Lesson for Vietnam
Japan	Attorney mission linked to human rights and social justice; strong bar self-governance through the JFBA; civil execution by courts or court execution officers.	Lawyer independence can support legality without giving lawyers coercive execution power.
South Korea	Attorneys perform duties independently and freely as legal professionals of public nature; civil execution remains court-centered.	Vietnam can treat lawyers as public-responsibility professionals in enforcement.
Singapore	Strict conduct rules; paramount duty to the court; enforcement through court-sanctioned procedures.	Ethical rules should address candor, non-obstruction and duties in enforcement submissions.
China	Lawyers protect lawful interests and fairness under statutory recognition; civil enforcement is court-led and state-supervised.	Where enforcement is administratively strong, representation needs explicit safeguards.

6. Information asymmetry, digital enforcement and lawyer participation

Enforcement disputes are often shaped by information asymmetry. The judgment creditor may not know whether the debtor has bank accounts, land-use rights, receivables, shares or movable property. The judgment debtor may not understand which assets may be seized, what objections are available or what consequences follow from non-cooperation. Third parties may not receive information in time to protect their property. Enforcement officers may have authority but limited time, heavy caseloads and incomplete databases. Lawyers can reduce this asymmetry by organizing evidence, identifying legal issues and converting factual uncertainty into legally relevant submissions.

Digitalization can improve enforcement, but it also changes the lawyer's role. Electronic filing, online service, digital asset databases, electronic auction platforms and inter-agency data sharing can make enforcement faster and more transparent. At the same time, they create risks: inaccurate data, inadequate notice, unauthorized access, privacy breaches, overreliance on automated entries and exclusion of counsel from electronic systems. If an authorized lawyer can submit requests, obtain notices and review permitted documents through a secure platform, digitalization will strengthen representation. If only enforcement authorities can see the digital file, parties may find it harder to understand or contest decisions.

The 2026 implementing framework for Vietnam makes this issue immediate. Decree No. 152/2026^[1]/ND-CP is linked to the development of digital civil judgment enforcement procedures, while Decree No. 151/2026^[1]/ND-CP regulates civil judgment enforcement offices and enforcement officers (Government of Vietnam, 2026a, 2026b)^[1]. These changes should be accompanied by rules for lawyer access, authentication of authorization, electronic receipt of submissions, notification, data protection and audit trails. The objective is not to give counsel unrestricted access to all state data. It is to ensure that authorized representation remains meaningful in a digital environment.

Digital communication also helps reduce informal contact. When requests, responses and meetings are recorded in an electronic system, suspicion of private influence decreases. Lawyers can prove that they submitted documents on time, and enforcement authorities can prove that they responded. This is particularly important in cases involving high-value commercial assets or socially sensitive property. A transparent record protects professional integrity and administrative accountability at the same time.

Digitalization should not be treated as a substitute for ethical regulation. A lawyer can misuse an electronic system just as a lawyer can misuse paper complaints. The bar should therefore develop guidance on electronic submissions, protection of personal data, use of information obtained from enforcement files and duties when correcting erroneous digital records. In the long term, professional competence in enforcement will include digital competence. Lawyers who represent parties in enforcement must understand both the legal procedure and the electronic infrastructure through which the procedure increasingly operates.

7. Civil judgment enforcement offices, enforcement officers and the boundary of legal practice

The 2025 reform creates a new reason to define the boundary between lawyers, civil judgment enforcement

offices and enforcement officers. Decree No. 151/2026^[1]/ND-CP regulates the organization and operation of civil judgment enforcement offices and enforcement officers, and it is scheduled to take effect on the same date as the 2025 law. This development is significant because it introduces a more diversified institutional environment around enforcement. The judgment creditor may deal not only with state enforcement agencies but also with an office authorized to perform specified functions under law. Where more actors enter the enforcement field, the lawyer's status must be distinguished with greater precision.

The distinction should begin with function. A lawyer advises, represents, drafts submissions, protects lawful interests and argues legal grounds. A civil judgment enforcement office or enforcement officer performs functions assigned by enforcement law and its implementing regulations, such as certain enforcement-related services, verification, service of documents or fact-recording functions within the statutory framework. These functions may interact, but they should not be conflated. A lawyer should not present professional legal representation as if it were a coercive enforcement service. Conversely, an enforcement office should not turn its statutory function into legal representation unless the law expressly permits it.

This boundary matters for professional independence. If lawyers become too closely associated with enforcement service providers, creditors may expect counsel to guarantee recovery rather than to provide legal advice. Debtors may perceive lawyers as part of the enforcement apparatus rather than as independent professionals. Third parties may be uncertain whether communications with a lawyer are confidential legal communications or operational communications with an enforcement actor. The clearer the distinction, the easier it is to protect both legal privilege-like confidentiality and the legitimacy of enforcement.

The boundary also matters for conflicts of interest. A law firm advising a judgment creditor may have professional relations with an enforcement office. That relationship should not compromise counsel's independent assessment of whether a requested measure is lawful, proportionate or strategically sound. Similarly, a lawyer who has previously advised a debtor or related company should not participate in a creditor's enforcement strategy if confidential information may be misused. Enforcement-specific conflict guidance would help lawyers identify these issues before accepting instructions.

The 2025 framework also requires lawyers to advise clients on institutional choice. A creditor may ask whether to request action from a state enforcement agency, use the services of a civil judgment enforcement office where legally available, seek asset verification, negotiate voluntary compliance or combine several lawful steps. The lawyer's professional task is not to choose the most aggressive route automatically. It is to assess legality, cost, timing, evidentiary needs and risk of later challenge. This advisory function becomes more important as enforcement options become more diversified.

For debtors and third parties, the presence of civil judgment enforcement offices may require earlier legal advice. A debtor who receives documents from an enforcement office may not understand the legal consequences of failing to respond. A third party may not know whether a fact-recording document, service record or verification result affects later objections. Lawyers should therefore be able to explain the legal nature of each act and, where necessary,

challenge irregularities through the appropriate channel. Access to records and auditable communications are necessary in this setting as well.

The reform should also be read in the context of commercial enforcement and regional integration. Vietnamese judgments, arbitral awards, security interests and corporate assets increasingly intersect with foreign parties, cross-border transactions and insolvency proceedings. Clear rules on lawyer participation will improve the reliability of enforcement for both domestic and foreign actors. A commercial creditor needs lawful and predictable recovery. A debtor or third party needs assurance that enforcement will not exceed legal limits. Lawyers can help produce that predictability only if their role is officially recognized and ethically disciplined.

8. Comparative lessons for Vietnam

The first lesson is that legal representation must be recognized after judgment. If access to counsel is treated as important only during adjudication, the legal system leaves parties without professional assistance at the moment when rights are implemented against assets and daily life. Vietnam should affirm, in enforcement legislation or implementing regulations, that judgment creditors, judgment debtors and related persons may appoint lawyers throughout enforcement and that validly authorized lawyers have recognized procedural standing within the scope of representation.

The second lesson is that recognition must be operational. A general statement that parties may have representatives is insufficient. The law should specify access to documents, notice, participation in material enforcement steps, electronic filing and responses to submissions. Japan and South Korea show that public execution can coexist with lawyer participation. Singapore shows that procedural participation should be matched by duties of candor and non-obstruction. China's experience shows why statutory recognition must be supplemented by safeguards for independence when lawyers deal with public authorities.

The third lesson is that bar organizations should guide enforcement practice. Vietnamese bar institutions already possess a general ethical code. The next step is interpretive guidance for civil judgment enforcement: duties when advising creditors, limits when representing debtors, treatment of third-party claims, asset verification, settlement communications, electronic data, public statements, complaints and relations with enforcement officers. Such guidance would help lawyers avoid misconduct and would give enforcement authorities a professional standard against which to assess conduct.

The fourth lesson concerns training. Civil judgment enforcement should be included in continuing legal education for lawyers and in joint training with enforcement officers. Many conflicts arise from uncertain expectations. Lawyers may not understand administrative constraints; enforcement officers may not understand the legal significance of counsel's submissions. Joint training can produce a shared vocabulary and reduce the perception that lawyers are either debt collectors for creditors or obstructionists for debtors. The shared premise should be that lawful enforcement is the common objective.

The fifth lesson is that accountability must operate in two directions. Lawyers who assist asset concealment, false claims or abusive complaints should face professional

discipline. Enforcement officers who deny lawful access, ignore material submissions or communicate only informally should also be subject to administrative review. A one-sided accountability model will fail. Effective enforcement requires both a disciplined legal profession and a disciplined enforcement administration.

Recommendations for Improving Vietnamese Law and Practice

First, Vietnamese law should expressly define the lawyer's procedural position in civil judgment enforcement. The Law on Civil Judgment Enforcement or its implementing regulations should state that a party or related person may appoint a lawyer to represent or protect lawful rights and interests at every stage of enforcement. The appointment should be recorded in the enforcement file, and the lawyer should receive notices and procedural communications within the scope of authorization. The rule should apply equally to counsel for judgment creditors, judgment debtors and related persons.

Second, the law should provide a clear mechanism for access to enforcement records. A duly authorized lawyer should be able to inspect and obtain copies of necessary documents, including enforcement decisions, notices, service records, minutes, asset verification records, valuation reports, auction documents, payment records, complaints and decisions resolving complaints. Refusal should be made in writing and should specify the legal basis, such as confidentiality, personal-data protection or protection of third-party rights. This mechanism would reduce arbitrary restriction and protect enforcement officers from accusations that documents were withheld without legal ground.

Third, participation in material enforcement steps should be clarified. The law should identify circumstances in which counsel must be notified or may attend, such as valuation of immovable property, auction, delivery of property, distribution of proceeds, recognition of competing claims and determination of asset ownership where third-party interests are apparent. Attendance should not allow the lawyer to interrupt lawful enforcement, but it should allow submission of documents and recording of objections. This balance protects representation without giving counsel a veto over enforcement.

Fourth, communication should be formalized and auditable. Enforcement agencies should receive lawyer submissions through official paper or electronic channels, issue receipts, record meetings and provide written responses to material requests. Digital platforms should allow authorized lawyers to file documents, receive notices and monitor procedural status within lawful limits. Such channels would reduce informal contact and improve confidence in the enforcement process. They would also create a record for later review if disputes arise.

Fifth, the Vietnam Bar Federation and local bar associations should issue enforcement-specific ethical guidance. The guidance should cover at least seven matters: prohibition on assisting asset concealment or fraudulent transfers; prohibition on false third-party claims; limits on repeated complaints; duties of candor in submissions to enforcement authorities; protection of confidential and personal data; rules on public communication and debt pressure; and proper interaction with enforcement officers. The guidance should be practical, with examples drawn from enforcement scenarios.

Sixth, continuing legal education should treat civil judgment enforcement as a specialist field. Training should cover enforceability, limitation periods, requests for enforcement, asset verification, secured transactions, real-property enforcement, valuation, auction, bankruptcy and insolvency interfaces, complaint procedures, digital enforcement and ethical issues. Competent counsel can shorten enforcement disputes by identifying the real legal question early. Incompetent counsel may increase delay and produce avoidable complaints.

Seventh, enforcement officers should be trained to work with lawyers. The problem is not only lawyer misconduct. Some practical difficulties arise because enforcement officers lack clear guidance on authorization documents, access requests, electronic submissions or the scope of counsel's role. Joint training between enforcement authorities and bar organizations would help normalize professional communication. It would also reduce the practice of treating lawyers as outsiders rather than as representatives of legally interested persons.

Eighth, accountability mechanisms should be coordinated. Complaints against unlawful enforcement acts should remain available and effective. At the same time, bar discipline should be used when lawyers knowingly mislead enforcement authorities, assist unlawful asset transfers or abuse complaint procedures. Coordination does not mean that enforcement agencies control lawyers; professional discipline should remain within the appropriate bar framework. It means that misconduct in enforcement should not fall into an accountability gap.

Ninth, the new framework on civil judgment enforcement offices and enforcement officers should include specific rules on lawyers. Because these offices may interact directly with parties, the law should state how they receive lawyers' authorizations, how they provide records, how they respond to submissions and how complaints about their conduct are handled. The transition from the former Thua phat lai model to the 2026 civil judgment enforcement office framework should be used to design transparent lawyer-facing procedures from the beginning.

Tenth, Vietnam should monitor the effects of lawyer participation empirically. Useful data would include the number of enforcement cases involving lawyers, types of submissions, complaint outcomes, cases of voluntary compliance after counsel's advice, disciplinary matters arising from enforcement, and disputes over access to records. Without data, reform may be driven by anecdote: creditors may emphasize delay, debtors may emphasize coercion and enforcement authorities may emphasize workload. Empirical monitoring would allow more balanced reform.

Eleventh, the Ministry of Justice and the Vietnam Bar Federation should consider model forms for lawyer participation. These forms could include a notice of lawyer appointment, a request for file inspection, a receipt for lawyer submissions, a minute of meeting with counsel, a standard refusal of access stating legal grounds and an electronic authorization template. Model forms are modest instruments, but they can change practice. They reduce uncertainty for local enforcement bodies and give lawyers a predictable way to assert procedural rights without resorting immediately to complaints.

Twelfth, implementation should be phased. The 2025 law and the 2026 ^[2] decrees enter into effect together, but

professional practice will not change automatically on that date. A transitional plan should identify pilot localities, publish guidance before implementation, train enforcement officers and lawyers, and review problems after the first year. The transition from the older enforcement framework to the new model should be treated as an opportunity to build lawyer-facing procedures rather than simply to rename institutions or transfer existing routines into a new legal form.

Finally, the reform should connect enforcement with the broader reform of the legal profession. The conference theme concerns the legal status of lawyers, professional responsibility, rights of practice and comparative Asian perspectives. Civil judgment enforcement is a precise field in which those themes converge. If Vietnam can define the lawyer's position clearly in the post-judgment stage, it will strengthen not only enforcement efficiency but also the credibility of the legal profession and the practical meaning of adjudicated rights.

Conclusion

Civil judgment enforcement is where adjudicated rights meet the practical conditions of property, business, family and administration. A judgment that cannot be enforced weakens confidence in courts. Enforcement that disregards legal limits weakens confidence in the rule of law. The lawyer's role lies between these two dangers. Lawyers can support lawful recovery, protect debtors against excessive measures, defend third-party interests and help enforcement authorities address legal issues before disputes escalate.

The legal status of lawyers in enforcement should therefore be understood through a combined framework of representation, rights of practice, institutional recognition and professional responsibility. Lawyers should not exercise coercive power; that power must remain public and legally controlled. But lawyers should not be reduced to informal messengers. A validly appointed lawyer should have recognized access, notice, communication channels and the ability to make recorded legal submissions. Those procedural rights must be matched by duties of honesty, competence, confidentiality, non-obstruction and respect for lawful enforcement.

Vietnam's forthcoming Law on Civil Judgment Enforcement No. 106/2025 ^[10]/QH15 and its implementing decrees provide an important opportunity to clarify this field. The new framework should be read together with the Law on Lawyers and the Code of Ethics and Conduct for Vietnamese Lawyers. Comparative experience from Japan, South Korea, Singapore and China confirms that lawyers' participation in enforcement can coexist with public control of coercion. The decisive issue is legal design: rights must be clear enough to make representation effective, and duties must be strict enough to prevent abuse.

The analysis also shows why enforcement should be included in debates on rights of practice. The lawyer's right to practise is not exhausted by courtroom advocacy, contract drafting or legal consultation. It also includes the capacity to act for a client when a final decision is implemented by public authority or by legally authorized enforcement actors. If that capacity is uncertain, the legal profession remains visible at the moment of adjudication but partially absent at the moment of remedy.

For Vietnam, the immediate tasks are concrete: recognize lawyers in enforcement procedure; regulate access to

records; formalize communication; develop ethical guidance; train lawyers and enforcement officers; coordinate accountability; and design digital enforcement so that authorized counsel can participate through secure and auditable channels. These reforms would not privilege lawyers over enforcement efficiency. Properly implemented, they would make enforcement more predictable, more lawful and more credible.

References

1. Government of Vietnam. Decree No. 151/2026/ND-CP on the organization and operation of civil judgment enforcement offices and enforcement officers. Hanoi, 2026. <https://vanban.chinhphu.vn/?docid=218078&pageid=27160>
2. Government of Vietnam. Decree No. 152/2026/ND-CP detailing a number of articles and measures for implementation of the Law on Civil Judgment Enforcement. Hanoi, 2026. <https://vanban.chinhphu.vn/?classid=1&docid=218079&orggroupid=2&pageid=27160>
3. International Bar Association. IBA standards for the independence of the legal profession. International Bar Association, 1990.
4. Japan. Attorneys Act (Act No. 205 of 1949, as amended). Japanese Law Translation, 1949. Retrieved May 29, 2026. from <https://www.japaneselawtranslation.go.jp/en/laws/view/3636/en>
5. Japan. Civil Execution Act (Act No. 4 of 1979, as amended). Japanese Law Translation, 1979. Retrieved May 29, 2026. from <https://www.japaneselawtranslation.go.jp/en/laws/view/70/en>
6. Japan Federation of Bar Associations. What is the JFBA? Retrieved May 29, 2026, from <https://www.nichibenren.or.jp/en/about/us/profile.html>
7. National Assembly of Vietnam. Law on Lawyers No. 65/2006/QH11. Hanoi, 2006.
8. National Assembly of Vietnam. Law No. 20/2012/QH13 amending and supplementing a number of articles of the Law on Lawyers. Hanoi, 2012.
9. National Assembly of Vietnam. Civil Procedure Code No. 92/2015/QH13. Hanoi, 2015.
10. National Assembly of Vietnam. Law on Civil Judgment Enforcement No. 106/2025/QH15. Hanoi, 2025. <https://vanban.chinhphu.vn/?classid=1&docid=216552&orggroupid=1&pageid=27160>
11. People's Republic of China. Lawyers Law of the People's Republic of China, as amended. Beijing, 2017.
12. People's Republic of China. Civil Procedure Law of the People's Republic of China, as amended. Beijing, 2023.
13. Republic of Korea. Attorney-at-Law Act. Korea Law Translation Center. Retrieved May 29, 2026, from https://elaw.klri.re.kr/eng_service/lawView.do?hs eq=766&lang=ENG
14. Republic of Korea. Civil Execution Act. Korea Law Translation Center. Retrieved May 29, 2026, from https://elaw.klri.re.kr/eng_service/lawView.do?hs eq=60227&lang=ENG
15. Singapore. Legal Profession Act 1966. Singapore Statutes Online, 1966. Retrieved May 29, 2026, from <https://sso.agc.gov.sg/Act/LPA1966>
16. Singapore. Legal Profession (Professional Conduct) Rules 2015. Singapore Statutes Online, 2015. Retrieved May 29, 2026, from <https://sso.agc.gov.sg/SL/LPA1966-S706-2015>
17. Singapore. Rules of Court 2021. Singapore Statutes Online, 2021. Retrieved May 29, 2026, from <https://sso.agc.gov.sg/SL/SCJA1969-S914-2021>
18. United Nations. Basic principles on the role of lawyers. Office of the United Nations High Commissioner for Human Rights, 1990. Retrieved May 29, 2026, from <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>
19. Vietnam National Bar Council. Decision No. 201/QD-HDLSTQ promulgating the Code of Ethics and Conduct for Vietnamese Lawyers. Vietnam Bar Federation, 2019.