

The role of Chinese-Vietnamese in the legal system in Vietnam

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Abstract: Borrowing some of the words from another country to enrich one's own language is the way many Asian countries have performed such as Japan, Vietnam, and Korea. In Vietnam, the borrowing from Han to create a new class called Chinese- Vietnamese (Sino-Vietnamese) plays an important role in the Vietnamese vocabulary system in general and the legal system of Vietnam in particular. Statistics and analyzes for the study of Sino-Vietnamese law in the Vietnamese legal system are very essential for determining whether the legal language is strict and accurate; therefore, without Sino-Vietnamese, the Vietnamese legal system would be difficult to accomplish. Moreover, the role of the Sino-Vietnamese in the legal system of Vietnam in some cases when there have not been available Vietnamese words or even the use of pure Vietnamese would be less formal, serious, and unclear meaning in the law. Through this research, the law drafters would be able to select and use the Sino-Vietnamese words more precisely for serving the practical purposes of conducting and accomplishing the legal system.

Keywords: Sino-Vietnamese, Vietnamese, role, legal system, Vietnam.

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I. INTRODUCTION

Researching the use of language in law is vital for determining whether the legal system of the country is concrete and how to use the language in the law carefully. Therefore, the evaluation of language is one of the contents of the evaluation of legal documents which should be concerned during the process of drafting documents (Nguyen, 2009). Thus, the study of language in law is a routine practice of every nation. In Vietnam, the study of the language in the law has attracted many people. (Nguyen, 2015) affirmed the language using in Vietnamese law needs to achieve the high accuracy, the accuracy of the word leads to a strict legal content. Similarly, (Lu, 2017) agreed studying the written language in legal documents is not only meaningful but also very practical for the constructional activities and the improvement of the legal system. As a result, the language in the legal text is probably the most important amongst other languages for different functions because the strictness of the law forces the language in the text to express its accuracy, seriousness but simplicity. The necessity of systematically and comprehensively completing the law sets the task of improving the quality of the drafting process. The quality of the language influences the quality of the legal documents. Therefore, researching language in legal documents has been essential to point out the correct use of words to compile legal documents in order to achieve the highest efficiency in the development of a legal document (Nguyen, 2009).

Vietnamese is spoken by the majority of people in the country of Vietnam, so it is official and popular. Therefore, using Vietnamese for composing legal documents is not only a legal requirement but also a scientific issue. This is regulated by the law "language in legal documents is Vietnamese" (Law on Promulgation of Documents, 2015, p16). However, in the Vietnamese language system there are many Sino-Vietnamese words, so the study of Sino-Vietnamese in the Vietnamese legal documents still has to put it in the Vietnamese system. Sino-Vietnamese words are borrowed from Han sources but there are also many differences in borrowing these borrowing factors are more or less changing in meaning and form (Vo, 2015), especially tone. It is undeniable that thanks to the elements borrowed from Chinese language that the system in the Vietnamese language is more completed, rich, diversified and less obstacles as well as difficulties in thinking and communicating in society (Nguyen, 2011). Borrowing, refining, diversifying the vocabulary of the national language is crucial and creative, especially in the trend of global integration as today. Thanks to this borrowing, the drafters are not confused in the use and choice of words when composing Vietnamese legal documents. With the enormous and diversified Sino-Vietnamese words, it is possible to take charge of legal documents, especially ensuring the accuracy and generality of law as well as expressing is the statute of the law. Sino-Vietnamese is a topic that has been considered by many people and a source of inspiration for many researchers. Since Sino-Vietnamese is not only a subject of study for linguists but a subject in scientific documents, and a phenomenon is directly related

to daily communication, it draws concern and interest from both scholars and people from many different fields. The question is that why the Sino-Vietnamese is used more in the legal documents of Vietnam. According to Nguyen (2015) As Sino-Vietnamese words are formal and accurate (almost mono-meaning), they should be given more priority than pure Vietnamese. However, the Sino-Vietnamese role in Vietnamese legal system has not been analyzed thoroughly. Consequently, we research this issue from the perspective of sociology in order to highlight its role. To modify the role of Sino-Vietnamese in legal system, we used statistics methods to show the frequency of using Sino-Vietnamese in legal documents for readers as well as investigate several specific examples from legal paper to present the necessary role of these words.

This article aims to analyze profoundly Sino-Vietnamese in legal documents to the law composers would select words carefully and strictly. However, this study would only investigate several special Vietnamese words originated from Chinese called Sino-Vietnamese. To help readers understand clearly Sino-Vietnamese is and the reason why it is important in national legal system, this study includes two main ideas which are the overview of research about Sino-Vietnamese words and their function in legal documents.

II. LITERATURE REVIEW

According to Nguyen (2015), to achieve accuracy at the highest level, the drafters of legal documents always carefully consider the use of the word; concurrently, the author also believe that the relationship between the Han and Vietnamese words have been resolved well in the Vietnamese legal documents. Lu (2017) proposed a number of recommendations in the Vietnamese language in legal documents such as promulgation of legal documents regulating Vietnamese language or revision of language regulations. In addition, Do (2016) believed there must be specific requirements in the use of Sino-Vietnamese in documents associated with the national management. Through these articles, the readers recognize the importance of language in the documents of state management in general and legal documents in particular. However, the role and importance of Sino-Vietnamese in the Vietnamese legal documents have not been studied. Sino-Vietnamese is a special kind of word borrowed from the Chinese language and requires a complete study of the type of words in the text. In Vietnam, due to the special historical circumstances there is a cultural encounter with the Chinese people over two thousand years ago (Alves, 2008). Hence, it left the most prominent mark in the Vietnamese vocabulary system is the Han language in the Tang Dynasty (Nguyen, 1979). Han words borrowed by Vietnamese people called Sino-Vietnamese has a strong influence in all fields such as culture, economics, politics, law and so on. It has contributed positively to making the Vietnamese more rich, sophisticated, standard, and competent and flexible enough to meet all requirements in communication as well as in the field of science that sometimes people cannot find pure Vietnamese equivalent instead (Nguyen, 2011). However, this article only studies the role of Sino-Vietnamese in the Vietnamese legal documents. Concurrently, this also considers the Sino-Vietnamese in terms of social linguistics to better see the role of the Han words for social communication.

Many countries in the world often expose and impact each other in many aspects, including language. In the age of globalization, the phenomenon of borrowing language to name things, natural phenomena that the language of our country does not have or do not happen quickly and strongly. The social conditions of linguistic contact are governed by the need for mutual communication between members of ethnic and linguistic groups due to the economic, political, cultural, society promote (Jarceva, 1990). In Asia, China is considered as an early civilization, since ancient times they have made great inventions such as paper, compass, and gunpowder. The invention of paper is a revolution in the spread of writing. China's civilization not only affects Asian countries but also the whole world (Vu 2010). Particularl in Vietnam, the influence of Chinese culture is revealed by the borrowing of Chinese characters to supplement Vietnamese. The borrowing is relatively special which means the words are borrowed from the Han root and read in Sino-Vietnamese then called Sino-Vietnamese (Le 2005). This is a creative way to help Vietnamese people remember the Chinese characters. Afterwards, the Vietnamese used Latin letters to record the Sino-Vietnamese sound. Since it is a special word, it has long been studied by scholars at home and abroad.

Henri (1992), the author of the book *Etudes sur la phonetique historique de la langue annamite*, les initiales Concluded that about 65% of Sino-Vietnamese in Vietnamese. This is the first important milestone setting for the Sino-Vietnamese topic study.

Wang (1948), in a research conducting on the classification of Sino-Vietnamese words, divides the Vietnamese words into two categories based on their origins in Vietnamese and Chinese. Based on the time of formation in Vietnamese Wang Lee power divided into three types of Han is the ancient Vietnamese; Chinese; and Vietnamese language. This article is very important meaning for Vietnamese language. In 2016, graduate student Vu of Hubei University, in his essay, spent time studying from Sino-Vietnamese. With the method of analysis, statistics and inductive, the author mainly go to answer what is the Han, it is a type of word widely used in all activities of the Vietnamese.

In Vietnam, Sino-Vietnamese words are also considered to exist a long time ago in 1979, the linguist Nguyen (1979) illustrated a lot of information to find out the origin and process of forming the Han reading.

This is the first research of Sino-Vietnamese that has set the benchmark for Sino-Vietnamese research and is a scientifically meaningful document for the Vietnamese linguistics. In 1981, Phan (1981) wrote *Thae* word originated Han root with the preservation of clarity of Vietnamese words by the Social Sciences Publisher. The book emphasizes the preservation of the clarity of the Vietnamese language, but does not mean that it is not allowed to use foreign words. Through this article, the author also asserted that Sino-Vietnamese had an important place in the system in Vietnamese language. In 1991, Cao wrote a book *Vietnamese, a functional grammar*, including a part to discuss Sino-Vietnamese. Through this section, the author helps readers understand more about what is Vietnamese. In 1999, Dinh (1999), published a book called *Vietnamese Language Learning Style*, comprising an article to the Han language. Through borrowed words, the readers better understand the class from Sino-Vietnamese in Vietnamese. In 1996, linguistic researcher Nguyen (1996) wrote the book *Linguistic Perspectives* published by the Education Publisher, which partly devoted to the Sino-Vietnamese word. The most important part in this section is the author's definition of what is the Vietnamese Han, through which readers understand what the Han is, why the Han exist in the Vietnamese system. Also in 1996, Professor Nguyen (1996) (editor) wrote a book *Dictionary of Linguistic Terms*, published by Educational Publisher. The book has clearly explained to readers that "Sino-Vietnamese is Vietnamese but originated from Chinese, has entered the Vietnamese vocabulary system, subjected to the rule of language grammar, grammar and semantics of Vietnamese, also known as Han Chinese" (Nguyen (editor), *Dictionary of Linguistics*, GD, H 1996, p.369). This is a dictionary that merely explains the linguistic terminology, it is not an in-depth book on Sino-Vietnamese.

In the magazine *Young Talent* in 2015, Vo (2015) wrote the article *Sino-Vietnamese and Vietnamize aspects*, about the Sino-Vietnamese's sound changes to suit the Vietnamese language system. This article also has many points that opens to readers with thoughts, such as the mechanism of pronunciation from Sino Vietnamese, how to create new Han Pinyin. Regarding the studied subject the book of *200 Vietnamese legal terms* is mentioned (Nguyen 1999). The terms used in Vietnamese law originated from Han language, and the book explains to us a better understanding of legal terms when using the Han language. This book is merely a list of terms used in Vietnamese law that use the Sino-Vietnamese word to explain it. Similarly, Do (2016) wrote the article *Requirements for using Sino-Vietnamese words in state management documents* which stated that using the Sino-Vietnamese words in the national management documents and indicates 7 requirements when using these words. However, the reason why the Sino-Vietnamese words are used in the text of national management, and what their roles are still less considered. In 2015, Vietnam Law newspaper, Nguyen (2015) wrote *The accuracy of the language of Vietnamese law*, the article affirmed the language in the legal documents is the language requires high accuracy. However, the choice of words in the legal documents to achieve the high accuracy, the article did not mention. Lu (2017) emphasized that there should be clear regulations in the use of Vietnamese language, especially the system of borrowed words, including the Vietnamese. The author also proposes two regulations on the use of Vietnamese in legal documents. However, the article has not yet discussed the role of Sino-Vietnamese in legal documents.

In general, the above article has shown us a colorful picture of the word Han in many different areas. However, Sino-Vietnamese in the legal system of Vietnam has not been mentioned much, especially the role of Sino-Vietnamese in the legal system of Vietnam is not specifically mentioned. So we will spend time to study the role of this word in the legal system of Vietnam.

III. Research Methodology

In order to see the density of Sino-Vietnamese words used in Vietnamese laws and codes, using statistical methods is the best method. Statistics are a part of science that associates data, analyzes, explains or discusses a problem, and presents data (Moses & Lincoln, 1986). The sources used for statistics are 217 laws and current Vietnamese law, and the subjects are Sino-Vietnamese words in the Vietnamese legal system. The choice of Vietnamese legal texts is because they all use conceptual words, which are conceptual words that use the Vietnamese word. Random selection of statutes to statistics is the way the article will do. The possibility of random selection is to see the appearance of the Sino-Vietnamese word in the laws and the law is very much. The method is to count the number of laws and codes that use the word Pinyin, then see how often. Select any law page to count the number of Sino-Vietnamese words in the law page, thus making it easy for the reader to understand the important role of this word in legal documents. The statistics, combined with the analysis of some of the Sino-Vietnamese words used in the legal documents to highlight the role of this word in the Vietnamese legal system.

IV. The role of the Sino-Vietnamese in the Vietnamese legal system

As legal documents are state-specific, the language in legal documents is the national standard language, officially used by the state authority. The state has set certain requirements for the language system used in the text to express specific guidelines, policies and orders. This has been stipulated by the Vietnamese

Constitution (Article 5) and the Law on Documents (Clause 1, Article 8). Therefore, the use of Sino-Vietnamese words in legal documents plays a vital role in each law, in some cases pure Vietnamese can not convey the content. The statistics of all the laws that use the word Sino-Vietnamese that randomly selected a law page to count the number of Sino-Vietnamese words and the frequency of using random Sino-Vietnamese words is to confirm the more essential role of this word. As follows:

1	Total number of current laws		
	Total legal documents	Legal documents used from Sino-Vietnamese	Percentage
	217	217	100%
2	Total Sino-Vietnamese words in page 2 of Marriage and Family Law		
	Total of words	Sino-Vietnamese words	Percentage
	502	124	24,7%
3	The frequency of "marriage" word in Marriage and Family Law		
	Total of words	The frequency	Percentage
	19469	83	0.0042%

Looking at the statistics table, it is easy to see 100% of the rules use the word Sino-Vietnamese. The most commonly used Sino-Vietnamese is the Civil Law 2015, the reason why the law uses many of the Sino-Vietnamese words is because there are many concepts, many of which the Vietnamese language does not convey. Therefore, choose from Sino-Vietnamese to name the objects, these concepts. Each rule uses at least 2 Sino-Vietnamese words, while the most commonly used is up to 10 Sino-Vietnamese words. As a result, in case there is no Sino-Vietnamese text system is difficult to complete, this is expressed in many different roles:

- **The first: The independence of Sino-Vietnamese**

Due to their specific requirements, the language in the legal documents is characterized by: authenticity and objectivity (Nguyen, 2015). Language in the legal documents required to meet this requirement in order to get the authenticity and objectivity is partly due to the high independence Sino-Vietnamese. The independence of the Sino-Vietnamese word is that it can stand alone and separated but still expresses the logical content of the text. It means that every word of Han is full of content. In different laws and fields, some concepts are expressed in Han, while there is no equivalent Vietnamese word. For example, to refer to "the Socialist Republic of Vietnam is an independent, sovereign, united and territorial country, including land, islands, waters and air" (Article 1 of the Constitution of the Republic of Vietnam), the compiler of the Constitution has used many Sino-Vietnamese words such as independence, sovereignty, unity, territory, islands, each standing Sino phrase a content, but still express the full meaning that a normal Vietnamese can understand. For example, the word "united" does not need to be explained, the Vietnamese still understand that: they form a group, have the same organizational structure and management. The word "independent" Vietnamese people understand that it means not to depend on anyone and decide themselves everything. These concepts are only from the independent Sino-Vietnamese can express the full content that no pure Vietnamese words can replace. Similarly, economic, cultural, political, legal, policy, resolutions, decrees, government, parliament, committees, and prime ministers are used in the Vietnamese Constitution and other laws, Sino-Vietnamese words do not have the equivalent of pure Vietnamese. Therefore, in these cases, the Sino-Vietnamese interpretation of the meaning exactly, not meaningful, does not make the reader misunderstand. Every word is a tight content that cannot be misinterpreted or distorted in the other direction.

- **The second: The accuracy, formality, and popularity of Sino-Vietnamese**

"Language used in legal documents must be accurate, universal, expressions must be simple, easy to understand. For specialized terminology that needs to be clearly defined, it must be defined in the text (Law on the Promulgation of Legal Documents, 1996, p16). What makes the accuracy, tight, clear language of the law, partly thanks to the Han. In many cases, Sino-Vietnamese is serious, high accuracy, not evocative, emotional and special from Sino Vietnamese more formal than pure Vietnamese meaning should be appropriate with the seriousness, page The importance of legal documents. For example, in Vietnamese, there is a pair of words for women / women, which means the same, but when drafting the Laws, the drafters choose only the Vietnamese word *women* to use. The author of the Law selects the word *women* for use in legal documents because it is solemn, serious, very elegant and very polite. The word can be used both in text and in everyday communication, in any circumstance it retains its seriousness, politeness. From the Vietnamese *women* is often used in the chat, joke so when using the sound seems less luxurious and less serious. Therefore, when drafting legal documents, in some cases it is compulsory for the draftsman to use the Vietnamese word *women* to develop the text. Similarly, one can use the word *women* to form an organization called the *Women's* to help

women in all matters of life. This Vietnamese term is used in Marriage and Family in 2015 and many other legal documents. When naming this organization, every Vietnamese people feel the respect, seriousness. Therefore, no law documents use the Vietnamese word for *women*. If you use this word, it is very hard to pronounce, and it is only suitable for joking. Thus, if in some cases there is no Sino-Vietnamese word, the Vietnamese law will not be complete, and extremely difficult to express the content.

Language in legal documents is different from that of other types of administrative documents. It must be serious, accurate, and Sino-Vietnamese has done this. Sino-Vietnamese words are capable of accurately conveying the connotation of the concepts of law, but many words of pure Vietnamese mean the same. For example, in Vietnamese, there are two synonyms, but the Law on Marriage and the Family of Vietnam 2015 selects from Sino-Vietnamese marriage to use in the drafting of the law: Marriage is the fact that men and women establish spousal relationships under the provisions of this Law on conditions for marriage and marriage registration. When it comes to *get married*, one thinks of the issue seriously, cautiously, and consensus on both sides, and is legally recognized by the law. When it comes to *marry*, it is thought that the issue is being discussed in a serious, non-orthodox way and does not mean that the law recognizes the marriage. So the word *get together* is used only in daily conversation. The reason is that the word marriage is used many times in the law because it is not only serious but it also has high accuracy in the meaning of the word, expressing the true nature of the problem. Thus, the use of the word *get married* in this case is accurate, superior, assuring the seriousness and authority of the law and concurrently enough to imply the provisions of the law of Vietnam.

The language used in legal documents must be serious so that the law is respected. On the other hand, if the language is seriously lacking, it will greatly affect the solemnity and authority of state management, creating a psychological disregard for law. In terms of social linguistics, Sino-Vietnamese has had a positive impact on society, especially on its powerful features.

- **The third: The monotonousness of Sino-Vietnamese**

From a linguistic perspective, Sino-Vietnamese is a unit of language that is structurally stable and monochromatic (Hoang, 2011), so there is no misunderstanding when using it; similarly, Nguyen (2015) said stereotypical legal language. The stereotype of Sino-Vietnamese word is the stability of the structure, the uniqueness. This feature complies with the requirements of the accuracy of legal documents. Legislation cannot use words that have many meanings, giving different interpretations to law enforcement. Therefore, in order to overcome and limit this, in Vietnamese legal documents, in some cases the lawmakers have chosen the words Sino Vietnamese to replace the pure Vietnamese.

For example:

1. *Sniper Hoang Xuan Vinh.*
2. *Shooter Hoang Xuan Vinh.*

"*Sniper*" is a Sino-Vietnamese word in any situation is only understood in a single sense, with the pure Vietnamese "*Shooter*" has many different understandings. This word, if not placed in a certain context, will have two ways, easy to confuse. Or the phrase Sino-Vietnamese "traffic participants" with the phrase pure Vietnamese "người đi đường" meaning the same. However, in the Road Traffic Law of Vietnam, the phrase "người đi đường" cannot be used to replace the phrase "traffic participants", because "người đi đường" does not mean participating in traffic. For example, a person walking alone and walking on a deserted track cannot be called "traffic participant". Meanwhile, "traffic participant" is understood to be on the road with many people and other means of transport which are influenced and interacted each other. Therefore, the Road Traffic Law of Vietnam uses the phrase "traffic participant" because it has only one meaning but reveals the true nature of the matter. Language in law is not allowed to use with many meanings which mislead the sense of main meaning. Therefore, in similar cases, using Sino-Vietnamese is considered as the best method.

Thus, it could be concluded that Sino-Vietnamese does not cause conflict in the understanding. Due to the strict nature of the Pinyin compound, they are often used as technical terms or scientific terminology, especially in the drafting of legal documents, lawmakers often choose to use Sino-Vietnamese words..

- **The fourth: The generality of Sino-Vietnamese**

In the legal document language requires ritual and the most radical accuracy (Nguyen, 2015). To achieve ritualistic and radical accuracy in the legal text is partly due to the highly generalized Sino-Vietnamese system which represents the abstract concept. A Sino-Vietnamese word can describe the content of the word pure Vietnamese must be expressed by a very long word combinations. This is evident in many Vietnamese laws. For example, the Respondent in Vietnam Civil Procedure Code 2015 is understood as the person being sued in court." But when interpreting, it must use a combination of words very long. "Respondent in the civil case is the person sued by the plaintiff or other agencies, organizations and individuals prescribed by this Code to initiate lawsuits to love. The court shall resolve the civil case when it considers that the lawful rights and

interests of the plaintiff are infringed upon by such person” (Clause 3, Article 68 of the Civil Procedure Code). That is, only one word "Respondent" can generalize a whole concept. Also in the Penal Code (2015): Prohibition is to force the sentenced person to live, work, live and rehabilitate in a certain locality, with his own control and education. Local people and rights. (The Penal Code, 2015). The only Sino-Vietnamese word is "probationary", but it is possible to generalize a long-term concept of just one offender's offense. When using the word again, there is no need to explain that the reader still understands the concept of "probation." Vietnamese legal documents are often short, concise and easy to understand, partly thanks to the generality of the word, which makes the legal text concise, concise, yet meaningful.

V. CONCLUSION

The Sino-Vietnamese is a special word and plays an indispensable part of the Vietnamese vocabulary. Studying Vietnamese words plays an important role in completing the legal system in Vietnamese. The results of this study are not only significant in terms of perception but also very practical for the development and improvement of legal documents. This article will help legal document compilers strictly adhere to the choice of words to improve the effectiveness of legal documents. In the Vietnamese Laws, the selected Sino-Vietnamese words are capable of conveying the will of the state, while at the same time being highly accurate, reaching the highest point of shortening. Therefore, in many cases, it is preferable to use some Sino-Vietnamese words in legal documents. Thus, the seriousness and solemnity of the new legal documents are enhanced. However, when choosing from Sino-Vietnamese to use, the subject of drafting legal documents should be carefully selected, avoiding unnecessary use of Sino. The purpose of this article is to wish that new legal documents are formulated with a correct choice of words, so that the text is more and more complete. But at other angles such as in the press, television, or in everyday life, Sino-Vietnamese is still the topic to be considered more, so that users have more options of words to use.

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