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### Vietnam's Policy and Law of Social Work in Justice

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#### Abstract

Since the launch of the Đổi Mới economic reforms in 1986, Viet Nam has achieved tremendous economic and social progress. Today, it is one of the most open economies in the world, has enjoyed robust growth and performed well in human development and social inclusion. The legal system has also been gradually improved to ensure the implementation of the people's legitimate rights and interests. Basically, the provisions of law in the fields related to social work are very diverse and rich. Although

there are regulations related to social work, legal policies on social work in the field of Justice still have gaps, scattered, intertwined, lack of synchronization and inadequacies in the implementation process. The article focuses on studying the nature of social work in the field of Justice, understanding the current situation of social work policies and laws in the field of Justice in Vietnam, thereby making some recommendations, proposals to develop social work in the field of Justice.

**Keywords:** Policy, Social Work, Law, Justice

#### 1. Introduction

In recent years, implementing the guidelines and policies of the Party and State, functional ministries and branches, especially the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Justice, and the Ministry of Public Security have gradually advised, complete legal documents on social work (social work) to assist policy beneficiaries and disadvantaged groups. Many codes and specialized laws have been promulgated such as the Labor Code; Elderly Law; Disability Law; Children's Law; Law on Prevention and Control of HIV/AIDS Infection. In addition, there are many decrees, circulars and many programs and projects related to social work. That have formed a whole, a system of legal corridors on social work. community service. Currently, Vietnam's legal document system is constantly changing, contributing to ensuring the exercise of legal rights and interests of policy beneficiaries and disadvantaged groups, minimizing barriers in society, injustice and inequality. Basically, Laws and regulations in fields related to social work are very diverse and rich.

However, there still exist activities in some areas of social work that currently have shortages, gaps, overlaps, scatteredness, overlap, lack of synchronization and inadequacies in the process of implementation, have not even been clearly identified as social work activities. Specifically, resources for propaganda work in this field are limited; Communication activities have not been given due attention, causing a segment of society to have an incorrect or incomplete awareness of the importance of social work. In addition, the legal framework as well as legal documents on social work are still not complete and consistent, the legal framework for developing the social work profession has not been clearly and completely regulated; Many legal documents regulating social work have relatively low legal value, mainly decrees and guiding circulars of relevant ministries and branches. In particular, legal policies on social work in the field of Justice still have gaps, lack of uniformity and inadequacies in the implementation process.

For that reason, in the face of increasing demands for the country and international integration, many issues are being raised that need to continue to improve the Party's policies and the State's laws on social work in the field of social work. Judicial sector.

#### 2. Literature Review

There are many different concepts of social work in the world. Below are some concepts of social work that are referenced and used by a large number of researchers and social work practitioners around the world:

National Association of Social Workers (NASW) (2004) <sup>[7]</sup> said: "Social work is a professional activity used to help individuals, groups or communities increase or restore their capacity to perform social functions and create favorable conditions. Appropriate conditions to achieve those goals".

According to the International Association of Social Workers (IFSW) (2013) <sup>[5]</sup> "Social work is a professional activity that operates based on general theories of social science, social work and knowledge systems. Indigenous knowledge. The basic principles of social work are human rights, collective responsibility and social justice, which are the basic issues for social work practice.

In July 2014, the General Assembly of the International Association of Social Workers (IFSW General Meeting) and the General Assembly of the International Association of Social Work Schools (IASSW General Assembly) agreed globally on the definition of the social work profession. "Social work is a science and a practicing profession that promotes capacity building, freedom, social cohesion, social change and development. The main principles of social work are respect for diversity, collective responsibility, human rights and social justice. Based on social work theory, social science, indigenous knowledge and the humanities, social work connects people and organizations to express life's challenges and improve quality of life.

According to Circular No. 01/2017/TT-BLDTBXH dated February 2, 2017 of the Ministry of Labor, War Invalids and Social Affairs promulgating regulations on professional ethical standards for social workers: "Public *profession Social work is professional activities aimed at solving problems of individuals, families, communities and society; contribute to ensuring the implementation of human rights, justice, social progress and happiness of the people*". Social workers include civil servants, public employees, workers and social work collaborators working in various types of social work service providers and in the community, working directly. Communicate with subjects in the fields of social security, health, education, justice, socio-political organizations, socio-professional organizations and other related fields.

Speaking of the Justice sector, it can be understood as the activities of state agencies directly related to court proceedings such as judicial assistance, investigation, prosecution, trial, and judgment enforcement. Thus, social work in the field of Justice can be understood as professional activities aimed at solving the problems of individuals, families, communities and society in activities in the field of Justice such as: Supporting counsel. law, investigation, prosecution, trial, judgment enforcement, contributing to ensuring the implementation of human rights, justice, and social progress. In essence, social work in the judicial sector is activities aimed at supporting and helping people in difficult circumstances and vulnerable people (elderly people, people with disabilities, people under 18 years old, People living with HIV, homeless people...) related to the justice system have early access to a fair, transparent, equal justice system, with their legal rights and interests protected, like violators. Breaking the law, criminals, victims, convicted people, people in the process of serving a sentence and have completed serving the sentence; people who need alimony in divorce cases; People claiming unemployment benefits, accident insurance in labor and employment cases.

Social Work in the Justice sector has both a support role and an enforcement role, in which the main support role is the provision of targeted individual social work and therapy services to support those who violate the law and their families address the issues that contributed to their offending behavior, supporting them on their path to desist

from offending behavior. The enforcement role involves implementing decisions of the Court and other competent authorities when law violators are subject to measures or penalties in the community.

Thus, it can be seen that social work plays a particularly important role in implementing the following issues:

- Providing individual, family and community support services to solve psycho-social problems including: Consulting, consulting, treatment of psychological, emotional and behavioral disorders; improve relationships between individuals and with society.
- Connecting people with resources and systems of social services, as well as promoting social organizations that provide services and resources for people to operate effectively and humanely.
- Promote the implementation and advocacy of policies to support disadvantaged groups to promote social security and justice;
- Organize research on social issues to improve the legal framework and increase appropriate response services for target groups.
- Community education to raise awareness and capacity to solve social problems.

### 3. Results of Legal Regulations on Social Work in the Field of Justice

Basically, legal regulations in fields related to social work are very diverse and rich. The social work profession has been officially recognized by the government according to Decision No. 32/QD-TTg dated March 25, 2010 of the Prime Minister on approving the Project to develop the social work profession for the period 2010-2020 (Decision No. 32 /QD-TTg) and followed by Decision No. 112/QD-TTg dated January 22, 2021 Promulgating the Social Work Development Program for the period 2021-2030. The general goal of this Project is to develop the social work profession as a profession in all sectors and levels in accordance with the country's socio-economic development conditions in each period; raise social awareness of the social work profession; Developing an adequate social labor force in both quantity and quality to meet the needs of the social service delivery system at different levels in order to build a modern social welfare system. Thus, after 10 years of implementing Decision No. 32/QD-TTg, the results have created important milestones in social work development, especially the assignment of job codes for social work practitioners and social work education and expand not only in the field of social welfare but also in health, education and justice. The system of social work services has been focused on building and developing in important areas such as: Labor, war invalids and social affairs, health, education and justice. In particular, the social work development program for the period 2021-2030 has made more important progress by mentioning and emphasizing social work development in the field of Justice.

In recent years, implementing the guidelines and policies of the Party and State, ministries and functional agencies, especially the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Justice, the Ministry of Public Security have gradually improved Legal documents on social work to assist subjects such as: Elderly people, people with disabilities, child protection, people with HIV, drug addicts, prostitutes, domestic violence, minors, the poor, policy beneficiaries and disadvantaged groups. Many codes

and specialized laws have been promulgated such as: Labor Code; Elderly Law; Disability Law; Children's Law; Law on Prevention and Control of HIV/AIDS Infection; Law on Prevention and Control of Domestic Violence; Legal Aid Law; Law on Drug Prevention and Control; Law on Handling of Administrative Violations; Criminal Procedure Code, Law on Execution of Criminal Judgments, Law on Organization of People's Courts... In addition, there are many Decrees, Circulars and many programs and projects related to social work... that have created the legal framework and system on social work.

Regarding social work training, in the late 80s, the social work training program was allowed to be included in the bachelor's curriculum in Women's Studies at Ho Chi Minh City Open University. At the same time, also in Ho Chi Minh City, Community Development and Social Work Research and Consulting work was formed, and a number of civil society organizations also participated in providing social work services at some level. small degree. In Hanoi, a few international NGOs and United Nations development agencies have begun to introduce social work into short-term in-service training courses for officials of the Women's Union and Trade Unions. By 1997, such courses were being taught at the College of Labor and Social Affairs (now the University of Labor and Social Affairs). Next, in 2004, the Ministry of Education and Training approved the social work curriculum at the bachelor's level. Since then, the program has developed until now, social work has been included in teaching. According to Mr. Tran Canh Tung, Head of the Social Work Department, Department of Social Protection (Ministry of Labor, War Invalids and Social Affairs), up to now, there have been 55 universities, colleges and 21 vocational training establishments providing training. create a social work major. Of these, there are 4 schools training master's degrees, 2 schools training doctoral degrees in social work. Every year, the above organizations provide training and vocational training for about 3,000 people, and social work training for both work and study for about 3,500 targets/year. This number has increased significantly compared to 2010, when there were only 1 to 2 intermediate social work training establishments.

In Vietnam today, there still exist a number of inadequacies and limitations in social work in the field of Justice, including:

*Firstly, the law stipulates* In the field of Justice, there are still gaps, scattered, intertwined, lacking in uniformity and inadequacies in the implementation process. It can be mentioned that in the field of Justice, there are currently no legal documents directly and specifically regulating the social work profession or social workers. The law on handling administrative violations does not specifically stipulate the role of the social work profession in the process of handling administrative violators. Criminal law and criminal procedure do not have specific and direct regulations related to the role and tasks of the social work profession. Current Vietnamese law still does not have clear, specific regulations on social workers participating in the justice system in a systematic way, such as: There are no regulations on positions, roles, functions, responsibilities and rights. The limitations of social workers lead to limitations in developing professional services as well as ensuring the process of supporting those in need. In addition, regulations on support and assistance for subjects in the judicial system are still scattered and fragmented in

many different legal documents. This also affects the development of regulations for developing professional social work services in the field of Justice and other fields.

*Secondly*, social work in the field of justice currently only focuses on supporting and helping people who violate the law, criminals, people convicted, and serving sentences without really focusing on providing services. Social work for victims, victims of law violations, cases such as victims of human trafficking, victims of sexual abuse..., especially victims under 18 years old.

*Thirdly*, the team of people working in social work and providing services in the judicial sector is still limited such as a lack of number of social workers, weak capacity, so professional quality is not guaranteed, and activities are lacking. professional. The team of officials, employees, and social work collaborators is still thin and unprofessional because the majority are trained from other industries and professions. The team of social work collaborators in the community has just been initially formed in some localities. Although the capacity of the staff, staff, and social work collaborators has been trained, they only have theoretical knowledge, their skills are not adequate, and they lack practical knowledge. Besides, professional capacity is also a challenge because this team of officers has not been properly and in-depth trained in the field of social work in the judiciary, has not learned psychology, skills, and knowledge of contact with subjects. Subjects need assistance and often work part-time, greatly limiting the effectiveness of assistance. In particular, the assignment of responsibilities to organizations such as schools, trade unions, Youth Unions, Women's Unions... further demonstrates the unprofessionalism of the social work profession in Vietnam; With the way responsibilities are assigned to organizations, the selection of officials to do this work often lacks legal knowledge, supervision and education skills. There are currently no specific, clear criteria for selecting individuals assigned to provide support and assistance. These people can be selected from social organizations such as the Women's Union or the Veterans Association, and they work with a spirit of volunteerism. Therefore, there are staff members who do not have the knowledge and skills to handle supervision, education, and rehabilitation cases, thus leading to low implementation efficiency.

*Moreover*, Social work training at universities and colleges only focuses on quantity; There is no connection between theoretical and practical training; Awareness of the role and position of social work in the process of building the country's advanced social security at many levels and sectors is still limited. Currently, there is no systematic and specialized short-term or long-term training program on social work in the field of Justice. The standardization of social work staff becomes even more inadequate in the context that social work programs and textbooks are lacking, the quality and teaching methods of social work lecturers are limited while the system of teaching facilities is limited. The social work profession is lacking in quantity and cannot meet training needs.

#### **4. Some Suggestions and Recommendations to Develop Social Work in the Field of Justice**

To perfect policies and laws on social work in the field of Justice in the coming time, it is necessary to focus on implementing some of the following basic contents:

**Firstly**, research is needed to build a clear and complete legal framework for developing the social work profession in general and social work in the field of Justice in particular. Building and perfecting the legal system is both an urgent and long-term strategic task. Based on the guiding viewpoints on building and perfecting Vietnam's socialist rule-of-law state, including perfecting the legal system, the Politburo, the National Assembly, and the Government have set out tasks and solutions. basic measures for implementation. The basic views on perfecting the legal system that our Party has identified are of inheritance and development, consistent with the country's development trend in the new context. May consider promulgation a specialized document regulating the social work profession in general, including regulations on social work in the field of Justice to create a uniform and unified legal environment for the development of the social work profession, more clearly affirming its position. of the social work profession, which identifies social work as a profession that needs to be properly and professionally trained with the services or groups of social work services provided. In addition to promulgating a specialized legal document regulating the social work profession as above, it is also necessary to study amendments and supplements to other related legal documents to specifically regulate the order and procedures. Continuing to provide social work services in the judicial sector, as prescribed by the Law on Handling of Administrative Violations, the Criminal Procedure Code, the Law on Execution of Criminal Judgments, the Law on Marriage and Family. Need to be carried out in parallel the development of legal documents on social work activities along with the development of a Decree on social work. To determine the roles and responsibilities of social workers in the Vietnamese legal system, it is necessary to determine "who is a social worker". There is a need for a specialized document at the level of the Decree adjusting social work to serve as a reference standard on a number of issues with long-term orientation for social work in Vietnam. Clearly identifying the specific characteristics and unique social work concepts of Vietnam is very important. Currently, most legal documents on social work provide descriptions and definitions that are not coherent, inconsistent, and heavily borrowed from different countries. Unifying and outlining the principles of social work with Vietnamese identity but still absorbing and consistent with the most advanced things in other countries is an important step at this time. In this text, we can focus on some key issues such as:

- Social work services in the field of Justice.
- Roles, positions, functions, and responsibilities of social workers in providing professional social work services in the justice system.
- Recruitment mechanism for social workers in the field of Justice.
- Requirements for capacity and professional qualifications of social workers in the field of Justice.
- Process and order of implementing a professional social work service model in the process of intervention and support for law violators, victims, and witnesses as a model to protect legal rights and interests; Support, rehabilitation and community reintegration services for

law violators.

- Managing and related agencies managing human resources and social work services in the field of Justice.

**Secondly**, it is necessary to plan and develop a network of organizations providing social work services and a team of officials, employees, and professional social work collaborators in the direction of connection and communication with judicial agencies, such as the Police, Procuracy, Court, judgment enforcement, agencies and judicial support organizations at all administrative levels. The Department of Labor, War Invalids and Social Affairs is the state management agency for social work services, and in the judicial field, there needs to be a coordination mechanism between judicial agencies and the Department of Labor, War Invalids and Social Affairs. in the area to connect in providing social work services to subjects who need to access these services and judicial agencies in the process of resolving cases and cases. Social work service providers can also be considered an extended arm for judicial agencies in the process of resolving cases and cases. There needs to be a plan to build a team of social workers in the field of Justice. Soon complete the regulations on specific titles, standards and salary scales for each social work professional level. Recruitment and placement of staff with qualifications in social work training must comply with regulations and practical skill requirements of each job position. Promote the use of professional social workers in many fields. In the immediate future, special attention should be paid to the arrangement and use of staff in the fields of Labor, War Invalids and Social Affairs, Health, Education, and Courts. court, police, judiciary. It is necessary to adjust salary policies and payroll targets for professional social workers. Avoid letting an employee without social work knowledge or skills have to take on many different tasks in a commune and also do social work. There needs to be a regime for collaborators and social work networks. At the same time, organize recruitment, training, and professional development to ensure the professionalism of intervention services. Vietnam must have plans, strategies, and roadmaps to train high-quality social workers and staff to fully meet the needs of society.

**Thirdly**, it is necessary to survey and re-evaluate social work training programs and methods. Re-plan the network of universities and colleges providing social work training. Develop specialized training programs in the field of Justice at different levels (college, university, master) and short-term training programs to supplement in-depth knowledge. Develop capacity building programs at each stage of the support staff participation process and support methods. Training programs can basically be structured into three parts: The theoretical part aims to supplement and update new knowledge related to the profession of the trained position. The skills training section aims to equip professional skills for each position. This section is structured in modules. Each module consists of three parts: Introduction, Situation solving part (including two structures: exercise and skill development) and finally dialogue. Real part Internship is the part that tests what has been learned through practice. In this part, students can return to practice at practice facilities.

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