Int. j. adv. multidisc. res. stud. 2025; 5(6):650-658

Received: 25-09-2025
Accepted: 05-11-2025

International Journal of Advanced Multidisciplinary Research and Studies

ISSN: 2583-049X

Strengthening Criminal Law and Policies to Prevent Violent Juvenile Crime in Vietnam

Nguyen Huynh Bao Khanh
Ho Chi Minh City University of Law, Vietnam

DOI: https://doi.org/10.62225/2583049X.2025.5.6.5253
Corresponding Author: **Nguyen Huynh Bao Khanh**

Abstract
Juvenile crime in Vietnam has been on the rise in recent years, prompting legal and policy reform to protect society while also emphasizing rehabilitation and education for young offenders. This article examines Vietnam's current legal framework for juvenile justice – primarily the Penal Code (2015, amended 2017), Criminal Procedure Code (2015), related child protection laws, and the new Law on Justice for Minors (2024) – with a focus on violent crimes committed by persons under 18. We review statistical trends and case studies of youth violence, identify enforcement challenges and legal gaps, and assess the effectiveness of existing statutes and measures. The analysis highlights issues such as inconsistent definitions of "child" (under 16 vs. 18), insufficient specialized courts, heavy reliance on detention, and the need for diversionary alternatives despite progressive legal provisions. We discuss the roles of law enforcement, the judiciary, schools, and social services in prevention and intervention. Drawing on Vietnamese legal traditions emphasizing education and social welfare, we offer detailed recommendations: expanding child-friendly courts and training; enhancing diversion programs and community-based sanctions; improving data collection; strengthening school and family-based prevention (e.g. life-skills programs, parental guidance); and harmonizing legal standards (e.g. raising the child age to 18). These reforms aim to better balance public safety and juvenile rights, consistent with Vietnam's socialist legal philosophy that criminal penalties should be a last resort and tailored to a young person's capacity.

Keywords: Criminal Law, Policies, Vietnam

1. Introduction

Juvenile justice in Vietnam has evolved significantly, especially since the 1980s, but remains an area of concern amid rising youth crime. By statute, persons under 18 who commit crimes are treated differently from adults: the minimum age of criminal responsibility is 14, and special penalties and procedures apply to offenders aged 14–17 (as laid out in the 2015 Penal Code and Criminal Procedure Code). Nonetheless, violent crimes involving minors (such as assault, robbery, and even murder) have garnered public attention. Official statistics indicate an upward trend: alleged offenders under 18 charged by prosecutors increased from 3,782 in 2018 to 5,059 in 2021, with serious offenses including intentional injury and homicide. For example, in 2021 there were 1,080 juvenile defendants for intentional bodily injury and 227 for murder. Likewise, the U.S. Justice Department reported juvenile offenders doubled from 2,540 in 2004 to 5,305 in 2005, foreshadowing this rise. The growing incidence and severity of juvenile delinquency – especially violent cases – have prompted public concern and calls for tougher responses.

At the same time, Vietnam remains committed to international norms, having ratified the UN Convention on the Rights of the Child early. Vietnamese policy balances deterrence with rehabilitation and education. Historically, the emphasis has been on "educating" rather than simply punishing juveniles, in line with President Hồ Chí Minh's child-centric ideology and Confucian traditions of tolerance. The legal framework reflects this: since 1985 Vietnam's penal laws include special juvenile chapters, the 2015 statutes introduced explicit child-friendly procedures, and in 2014 "Family and Juvenile" tribunals were created to handle youth cases. The very recent Law on Justice for Minors (2024) further institutionalizes diversion and alternatives. Nonetheless, practitioners note gaps in implementation – many provinces still lack fully specialized courts, and most convicted youth receive prison terms despite the availability of community measures.

This paper analyzes Vietnam's juvenile justice system *solely in the Vietnamese context*. We first outline the relevant laws and

policies (Penal Code, Criminal Procedure Code, child protection laws, new minors' law), focusing on how they address violent youth crime. Next we examine enforcement challenges and gaps in prosecution and prevention (including data on crime trends and notable cases). We assess the effectiveness of current statutes, noting persistent issues such as inconsistent age definitions, overuse of detention, and insufficient alternatives. We then discuss the multi-sectoral roles – law enforcement, courts, schools, and social services – in preventing juvenile violence, citing examples of coordinated efforts. Finally, drawing on Vietnamese legal philosophy, we propose detailed reforms and policy measures aimed at strengthening the system: for instance, expanding child-friendly courts, enhancing diversion, improving education and family support, and refining legal definitions. These recommendations aim to reduce youth violence while upholding the principles of education and social reintegration that characterize Vietnam's approach to juvenile justice.

2. Legal and Policy Framework

2.1 Age of Responsibility and Applicable Laws

Under Vietnam's Penal Code (Law No. 100/2015/QH13, effective 2017), the age of criminal liability is set at 14. Persons 14 to under 16 are criminally liable only for certain specified serious offenses; persons 16 to under 18 are fully liable for all crimes (with some exceptions in the wording of the law). Specifically, Article 12 of the 2015 Code (as amended) now provides that 14–15-year-olds "have to bear penal liability for […] crimes infringing upon life, health, honor, dignity and property, regardless of their seriousness," explicitly listing crimes such as murder, intentional injury, rape, kidnapping, etc. For other offenses, 14–15-year-olds are liable only if the acts are "very serious" or "particularly serious" and subject to long prison terms. This represents a narrowing from the 1999 Code: only the gravest offenses by young teens are punishable, reflecting a policy to *divert* less severe misconduct (e.g. petty theft or brawling) out of the criminal system. (Indeed, the Penal Code's Article 8.2 rules that acts "with negligible danger" are not crimes and must be handled by other means, a form of general diversion for low-level juvenile misbehavior).

For persons 16–17, the law generally treats them like adults, though with special modifications (e.g. maximum terms are lower than for adults, see below). The Criminal Procedure Code 2015 (CPC) likewise distinguishes "offenders under 18". It guarantees special protections: child-friendly courtrooms, confidentiality of trials, compulsory participation of guardians or school representatives, and trained personnel (investigators, prosecutors, judges, lawyers) handling juvenile cases. For example, the Supreme Court's 2017 regulations require juvenile defendants to sit with family or counsel around a round table in a bright-colored "friendly" courtroom, not be handcuffed during trial, and have in-camera hearings to protect their privacy. These procedures aim to balance due process with the special vulnerability and rehabilitation needs of youth.

Vietnam also has specialized legislation beyond the criminal codes. The Law on Children (2016) defines a "child" as under 16 (though the Constitution and Penal Code treat those under 18 as juveniles in criminal contexts) and provides general protections for all children. The Law on Protection, Care and Education of Children (1991, revised 2004, replaced 2016) and related decrees mandate the involvement of family and social services in delinquency prevention (e.g. youth union, social workers). In the courts, the 2014 amendments to the Law on Organization of People's Courts established Family and Juvenile Courts at first instance, aiming to concentrate juvenile cases before trained judges and allow social welfare participation. A key recent advance is the Law on Justice for Minors (No. 59/2024/QH15) approved in 2024, which takes effect January 2026 (with some earlier provisions). This new law codifies comprehensive juvenile procedures, expands diversion (see below), lowers maximum penalties for minors, and emphasizes restorative measures. It embodies the Communist Party's policy of a "child-friendly justice system".

Finally, after adjudication, Vietnam's Law on Execution of Criminal Judgments (2010) requires minors to be held separately from adults, with access to education/training. The law calls for "educational" correctional facilities, and allows more favorable regimes (shorter time). Notably, the new minors' law states that when an inmate reaches 18, they transfer to adult facilities. Thus the framework is broad: Vietnam's legal arsenal for juvenile justice includes criminal codes with special chapters (Penal Code Chap. VI, CPC Chap. XIX, etc), child welfare laws, specialized courts, and execution rules – all aimed at combining crime control with the best interests of the child.

2.2 Criminal Penalties and Measures for Juveniles

The 2015 Penal Code (as revised) prescribes special penalties and measures for offenders under 18. Article 115 of the Penal Code (older versions) and the new minors' law stipulate that a minor may only receive one of the following sanctions for each offense: a warning, fine, non-custodial reform (community supervision), or a prison term. In effect, minors cannot receive the harshest penalties such as death or indefinite supervision; the maximum imprisonment under 2015 PC remains 18 years for 16–17-year-olds (down from 20 for adults) and 9 years for 14–15-year-olds (down from 12). Under the new draft (since adopted), these maxima are further reduced to 15 and 9 respectively. Importantly, Article 91(4) of the Penal Code mandates that courts *must favor non-penal measures* for juveniles whenever possible. It states that the court shall only impose a criminal punishment on an under-18 defendant if it deems that exemption from liability and application of an educational or communal measure would not ensure educational and deterrent effect. In practice, this legal preference is meant to push judges toward diversion: community reconciliation, probation, or "re-education at commune level" instead of imprisonment for minors.

Vietnam has explicitly integrated diversionary justice concepts. The Penal Code's Article 12 (age of liability) itself is a diversion by statute: by limiting 14–15-year-olds to only the gravest offenses, it ensures that *less serious juvenile acts are handled outside the criminal process*. Further, Article 91.4 (cited above) and related sections enumerate alternatives: reprimand, community mediation, education at social centers or commune level. The 2024 juveniles law adds even more: it lists twelve "redirection measures" including apology to victim, vocational training, therapy, sports programs, etc. In effect, Vietnam's law now enshrines a spectrum of sanctions for minors with an explicit emphasis on rehabilitation.

2.3 Child-Friendly Procedures and Rights Guarantees

Both Vietnamese law and policy stress that juvenile proceedings must be "friendly" and educative. Under the 2015 Criminal Procedure Code and accompanying circulars, all participants in juvenile trials sit around a round table in special blue-walled courtrooms, and judges may forgo formal robes to reduce intimidation. Minors are entitled to have a guardian, parent, or youth union representative present, and children under 18 may only be tried behind closed doors. Investigators and prosecutors handling such cases must be trained in child psychology. During trial, a child defendant has the right to explain, defend, and even withdraw charges if the prosecutor deems them unsubstantial. Importantly, by standing policy (Joint Circular 06/2018), juveniles must have defense counsel, and schools or community organizations where the youth studied must be notified and allowed to participate in hearings. In sum, Vietnam's procedural law is now aligned with international standards like the UN Beijing Rules: it protects juveniles' procedural and privacy rights and encourages non-adversarial proceedings tailored to youths' capacities.

3. Challenges in Enforcement and Gaps in the System

Despite this robust framework, Vietnam faces significant challenges in **enforcing** juvenile justice laws and addressing the underlying causes of youth violence. Several recurring issues have been identified by experts and authorities:

- **Data and Trends:** Although systematic data have improved, the picture is still patchy. A recent Supreme People's Procuracy report (2021 data) shows 5,059 youths prosecuted that year. This was a 14.4% jump from 2020 and a continuous rise since 2017 (when there were 3,901). Physical violence is prominent: offenses against the person (especially intentional injury and murder) constituted the largest share of juvenile cases. By specific charges, *Intentional injury* was 21.35% of all juvenile cases (1,080 instances) and *murder* accounted for 4.49% (227 cases). Theft, drug possession, and public order offenses were also common. This means roughly one in five young offenders was involved in a violent assault or killing. Case examples illustrate the concern: in mid-2024, an 18-year-old led a gang of twenty youths armed with swords to slash motorbike license plates and caused a serious injury (an intentional injury case). In November 2024, 13 teenagers in Nghệ An (aged 14–20) roamed streets with knives and swords, attacking others. And even school settings are affected: in 2023, a 17-year-old student unexpectedly stabbed a classmate multiple times with a knife in class, nearly killing him. Such incidents demonstrate how youth violence can erupt with minimal provocation, fueled by impulsivity and ready availability of weapons.

The rising trend and these high-profile cases have alarmed the public and officials. In 2020, Dao Le Thu noted that courts and police saw "the prevalence and seriousness of juvenile delinquency increase steadily," with a provincial judge warning of a 20% youth share in overall crime. The Thanh Hoa police, after a spate of school fights, reported that 3,000 officers inspected 631 schools and confiscated 152 knives and other weapons from students. These operations, though rigorous, suggest a pervasive problem of weapon-carrying and impulsive violence among teens.

- **Age Definitions and Inconsistencies:** Vietnam's laws still contain inconsistencies that complicate enforcement. The Civil Code and social practices often treat under-16 as the child age, whereas criminal law extends juvenile status to 17. There is no cohesive juvenile welfare code; responsibilities span multiple laws and agencies. Experts have criticized this fragmentation. For example, the 2016 Child Law uses 16 as the child threshold, which conflicts with the Penal Code's notion that under-18s get special treatment. This discord can create confusion: a 16-year-old defendant is a criminally responsible juvenile, but not a "child" under other contexts. The Supreme Procuracy report and media note that public outcry over heinous crimes by 14–15 year-olds has prompted proposals to lower the age further, but legislators rejected dropping below 14 to maintain humanitarian norms. Nonetheless, some legal gaps remain: until 2024, Vietnam had no unified juvenile justice law (now rectified), and no single national juvenile policy office – responsibilities are split among judiciary, police, social affairs, etc., hindering coordination.
- **Lack of Specialized Courts and Training:** Although Family and Juvenile Courts were established in law, in practice they are unevenly implemented. As of 2023, only about 60% of provinces had a dedicated juvenile bench. UNICEF reports that in many areas juvenile cases are still heard by general criminal courts, staffed by judges with little specialized training. Nationwide, many prosecutors, police officers, and lawyers have "limited access to specialized training" on child cases. This means that even where the law prescribes friendly procedures, personnel may be unfamiliar with them or too few in number to apply them consistently. One legal scholar observed that real juvenile justice in Vietnam is still emerging, and much of the system remains a hybrid with adults.
- **Overreliance on Imprisonment:** In practice, most convicted juveniles end up in prison rather than community programs. UNICEF notes that *"two-in-three child offenders convicted for a crime are sentenced to imprisonment"*, despite evidence that community-based measures yield better outcomes. Indeed, the Supreme Procuracy data show that in 2021 only about 75% of charged minors' cases were "solved" by trial or other means, implying many cases (and offenders) linger unresolved. Community measures (theoretically available under Article 91) are underutilized, partly due to limited probation services and a legal culture still favoring uniform punishment. Sentences remain heavy: even though max terms were lowered (to 15 years for 16–17s), judges often impose decades of imprisonment for violent juvenile crimes, and there is no true parole. The draft minors' law seeks to reduce these sentences, but until it fully enters into force the existing code can still produce very long incarcerations.
- **Preventive Gaps:** On the prevention side, Vietnam's system is still developing. By law, schools and social workers should monitor at-risk youth, but resources are lacking. The Thanh Hóa case report emphasized that family dysfunction, lack of supervision, and modern temptations are fueling youth crime. Authorities have begun joint campaigns: for example, police worked

with education officials to search students for weapons, and youth unions hold law-abiding campaigns. But preventive social services (counseling, mental health, substance abuse programs) are sparse in rural areas. At the community level, the concept of "tam hộ, tứ tự" (extended family supervision) persists culturally, but state support for family strengthening is minimal. In short, systematic prevention programs for violence (e.g. conflict resolution training, anti-bullying) are not yet widespread.

- **Public and Media Pressure:** Finally, law enforcement is under public pressure to appear tough. Sensational cases (like knife fights or organized stunts) prompt calls for harsh penalties. Some prosecutors and judges openly worry that current juvenile penalties are too lenient. These attitudes can conflict with the rehabilitative ideal, making officials reluctant to divert minors at all. There have been proposals (controversial) to lower the criminal age to 12 after several shocking incidents. Such debates underscore a tension in Vietnamese society: between the traditional emphasis on guiding errant youth and a modern, anxious demand for security.

Overall, while Vietnam's laws on paper are progressive, implementation gaps undermine their effectiveness in curbing violent juvenile crime. Limited specialized resources, inconsistent application of friendly procedures, and insufficient diversion all allow youths to cycle through the system without adequate support. Moreover, fragmented coordination (among courts, police, schools, social services) means that high-risk juveniles often fall between the cracks – unless they commit an open violent act that attracts police attention. The following sections discuss how these shortcomings affect enforcement and what is being done to strengthen the system.

4. Assessment of Laws and Enforcement

4.1 Penal Code and Criminal Procedure Provisions

As noted, the Penal Code's juvenile chapter (Chapter VI) provides for reduced punishments and alternative measures. Article 115 (now in the new minors' law) explicitly limits the sanction for a minor to only one of: warning, fine, reform without detention, or imprisonment. This codifies the principle that *minors get only one penalty per offense*, which is inherently lenient compared to adult law (where up to three penalties can be aggregated). In practice, however, prosecutors can and do charge juveniles under the Penal Code, so the legal design seeks to limit sentencing outcomes rather than divert them completely.

Many analysts argue that the *scope* of crime for which minors are punished is still too broad. The 2015 Penal Code retained liability for a long list of offenses for 14–15-year-olds. Although these reflect serious harms (life, sexual, large property, drugs, some tech crimes, terrorism), some are questionable in practicality: for example, it remains a crime for a 14-year-old to commit "terrorism" or "treason", offenses which in reality cannot be perpetrated by someone that young. Conversely, juveniles are not held responsible for other youth concerns like non-violent street brawls, unless charged as "disturbing public order" (art. 318) or similar catch-all. Thus, certain intermediate violent acts can escape the criminal code if not reclassified. Moreover, the Penal Code's substantial-danger test (Art.8) can be applied unevenly, sometimes letting truly harmful acts slip through to administrative sanction only.

A critical legal gap lies in the Criminal Procedure Code. While CPC 2015 lays down excellent procedural protections for child defendants, enforcement is uneven. Juvenile suspects may still be detained or interrogated with adult procedures in many provinces. For instance, Circulars require gentle interrogation settings, but in practice many district police lack special child interview rooms. Some reports note that despite the friendly provisions, juveniles are often unaware of their rights or are not provided counsel at the earliest stages. The CPC does stipulate priority handling of juvenile cases and restricts temporary detention scope (only for serious crimes by minors). In theory, then, police should only detain minors for particularly grave crimes. However, courts' statistics show thousands of juveniles are held in detention each year. One issue is that the phrase "particularly serious" is not precisely defined, so police may apply detention broadly. Under the 2024 draft and new law, temporary detention is to be narrowed in scope (e.g. only murder, rape, etc.), which should help if enforced.

To its credit, Vietnam has also incorporated restorative justice ideas. Several circulars and the new minors' law encourage mediation and compensation (hoà giải). The 2018 joint circular between courts, police, justice, and social affairs clarifies roles of parents, educators, and community representatives in the process. In practice, when a minor injures someone, courts often convene a "conciliation meeting" where the juvenile's family apologizes and agrees on restitution or community service. Such measures are mandatory for very young offenders or first-time non-violent acts. The new law (2024) will formally add apology and compensation to the palette of diversion techniques. These developments reflect an awareness that prosecuting every minor for violent mischief is neither practical nor socially optimal; however, they still face obstacles in usage. For example, courts report that if the victim or community resists mediation (not uncommon in violent cases), then diversion is abandoned and criminal process proceeds.

4.2 Effectiveness in Combating Violent Crime

One must ask: does the criminal law as it stands prevent or deter juvenile violence? The answer appears mixed. On the deterrence side, the 2015 Code raised penalties slightly for juvenile violent crimes (e.g. up to 18 years for murder by a 17-year-old) but also guaranteed youth some leniency. Public opinion often demands raising maximums or toughening measures for the worst crimes. Indeed, draft amendments considered lowering minors' sentences in life imprisonment cases, but lawmakers opted instead to reduce maximum penal terms to 15 years, prioritizing rehabilitative ideals. Vietnam does *not* impose the death penalty on any person under 18, in keeping with constitutional and international obligations. Whether these relatively mild maximums deter gang crime or school violence is questionable. Young offenders may not fully internalize the risk of long jail terms, and many committed juvenile offenders in Vietnam had prior records as young children (drug use, theft) that did not deter escalation to violence.

The occupancy and operations of youth detention facilities are also telling. Juveniles are supposed to be kept separate from adults, and indeed Vietnam has specialized reformatories and prison camps for 16–17-year-olds. These institutions emphasize schooling and vocational training. However, their capacity is limited. Many imprisoned minors

receive a standard "programmed" three meals a day and schooling; yet reports indicate overcrowding at times, and insufficient post-release support. Because Vietnam's probation infrastructure is weak, those released often lack guidance or follow-up. In short, while the law purports to resocialize young offenders, actual outcomes are unclear. There is little published recidivism data, but anecdotal evidence suggests repeat offending is not uncommon.

On the prevention and social welfare side, effectiveness is also mixed. Vietnam's legal framework encourages multi-agency prevention (e.g. police, schools, youth unions, health centers), but coordination remains underdeveloped. The government has established some "Youth Ministry" programs to engage students, and numerous police anti-crime patrols, but these are often reactive. For example, after the Thanh Hóa school stabbings, the local police department actually locked down classes and searched students – a drastic step that temporarily curbed weapons in school. While such campaigns remove immediate threats, they do not address root causes like family neglect or peer pressure. In fact, social analysts argue that Vietnam needs broader social services (mental health, poverty alleviation, after-school programs) to meaningfully prevent juvenile violence.

One indicator of the legal system's limits is *victimization of minors*. In 2021 there were also thousands of under-18 victims of crimes, indicating that youth face significant violence from others (both adults and peers). The flip side of juvenile offender data is children as victims: UNICEF and court statistics show many young people suffer assault or robbery. While beyond the immediate scope of criminal law (which deals with perpetrators), this fact highlights the need for law enforcement to protect schools and communities. It also reminds us that prosecuting juvenile offenders is only part of the solution social prevention and support for at-risk children is equally crucial.

In sum, Vietnam's current criminal provisions for juveniles – though advanced on paper – face limitations in enforcement and cultural acceptance. Judges and police often acknowledge that a purely legal approach is insufficient against an epidemic of youth violence. The law can mandate education over punishment, but it cannot by itself instill discipline or moral values. As one legal aid advocate noted, many adolescent conflicts escalate rapidly because children lack impulse control and "life skills," and because families fail to guide them. Thus the effectiveness of Vietnam's laws depends heavily on social context and implementation. The next section explores how various social institutions interact with the juvenile justice system, and how Vietnam might strengthen that interplay.

5. Role of Enforcement, Judiciary, Education, and Social Services

Combating juvenile violence requires a whole-of-society approach. In Vietnam, the formal juvenile justice system (police, courts, corrections) works alongside schools, families, and community organizations. We examine these roles and their interactions.

5.1 Law Enforcement and Prosecution

Police and prosecutors are often the first responders to juvenile crime. The Ministry of Public Security has "Juvenile Police" units at provincial level responsible for investigating youth cases. Their training has improved; courses on interviewing minors and recognizing child development issues are now provided (often with UNICEF support). In high-profile cases, authorities make statements about "improving handling of juvenile cases" to assure the public. For instance, in a recent child murder probe, the police conducted a public reenactment and later coordinated with prosecutors to reopen cold cases (though that case involved an adult offender, it shows police sensitivity when a child is killed).

On prevention, local police often take the lead. Provincial police departments run joint operations with schools and social services to patrol neighborhoods and check whether youth possess drugs, alcohol, or weapons. The Thanh Hoa example is illustrative: police deployed 3,000 officers to inspect schools and confiscate dangerous items from students. Similar campaigns have been held in Ho Chi Minh City and other provinces ahead of exam seasons or festivals to prevent "youth gangs" violence. Traffic police collaborate with education authorities to enforce laws against underage driving (addressing dangerous motorcycle gangs). These actions show law enforcement engaging in crime prevention rather than solely reaction. However, they also require careful handling to avoid criminalizing normal teen behavior; for example, Vietnam's critics caution that heavy-handed "security sweeps" in schools should be balanced by counseling, not just punishment.

Prosecutors also have a special mandate. The Supreme People's Procuracy issues annual reports on juvenile offenders and works with police and social services to guide policy. The 2021 report on under-18 crime (published with UNICEF) reflects the Procuracy's role in data analysis. In theory, juvenile prosecutors must emphasize education and social reintegration when deciding on charges and during trials. For instance, under the CPC, prosecutors can recommend direct reconciliation or deferred prosecution for qualifying juveniles. In practice, however, due to caseload and public pressure, many under-18 defendants are fully prosecuted. A limited number of cases cite conciliatory outcomes (mediation or suspended proceedings) each year, but no official statistic on diversion rates is publicly available.

Overall, law enforcement's role is expanding from punitive to preventive, but gaps remain. Police units may lack dedicated youth counselors or social workers to refer troubled youths, and budgets for juvenile outreach are modest. Furthermore, there is little coordination nationwide: some provinces have model programs (such as police-sponsored youth centers or hotlines), but others offer nothing beyond arrest.

5.2 The Judiciary and Specialized Courts

Vietnam's judiciary has made efforts to specialize in juvenile cases. As mentioned, Family and Juvenile courts exist in major urban centers. Judges in these courts are expected to receive training on child development and international child rights. The Supreme Court's circulars on juvenile proceedings (2017's Circulars 01 and 02) guide judges on ensuring child welfare in court. Anecdotally, many courts now routinely invite schools or children's protectors to hearings. For example, in some trials judges have permitted youth union representatives or psychologists to sit with the defendant as a support person.

Crucially, judges have discretion under Article 91 of the Penal Code to impose alternative measures. Some judges

report using reprimands or educational plans at the commune level for first-time offenders who show remorse. A typical scenario: a 14-year-old caught fighting may be released to parents with a formal warning and an order to attend counseling classes, rather than sent to prison. This reflects the *educate-first* tradition: as early instructions by the Supreme People's Court stated, "the prime goal [of juvenile trial] is to educate [the juvenile] and provide opportunities to become a useful citizen". When sentencing violent juvenile offenders, judges often explicitly refer to their youth and potential for reform as grounds for reduced sentences.

Nonetheless, courts face constraints. Many judges lack experience or training with juveniles; in smaller districts, cases involving under-18s are often just part of ordinary criminal dockets. According to UNICEF, about 40% of districts still do not have a designated juvenile bench. This limits consistent application of special procedures. Furthermore, legal aid and defense for juveniles are not always available: while some NGOs and legal aid centers assist child defendants, many poor or rural juveniles go to trial without counsel. The law provides for appointed guardians, but enforcement is spotty.

5.3 Education Sector and Youth Programs

Schools and youth organizations play a dual role: they are both sites of potential conflict and venues for prevention. The Ministry of Education and Training mandates moral and legal education classes; however, these are often perfunctory. After incidents of school violence, officials typically launch "propaganda campaigns" on the law for students. For example, in Nghe An province after a stabbing incident, the provincial Youth Union and police jointly held workshops on traffic law and anti-violence for all students. Such efforts, while well-intentioned, usually occur after tragedies and may not reach all at-risk youths.

One promising development is the role of school counselors and youth unions. Circulars and joint directives require schools to report misbehaving students and to allow police to visit campuses. Some schools have set up anonymous reporting systems for planned fights or weapons. In a few locales, juvenile offenders who complete community service are allowed to do it on campus (e.g. cleaning or maintenance). Extra-curricular programs – sports teams, art and music clubs – are also promoted to engage students in positive activities. However, resource constraints mean that many rural schools lack psychologists or even adequate classrooms, let alone after-school programs.

Crucially, Vietnamese policy views the family and community as fundamental. The Law on Children instructs parents to educate and supervise children and allows the state to intervene if parents are negligent. In practice, this means in many juvenile cases, courts will order a parent or relative to supervise a released youth. Social workers from the commune or district may visit families of delinquent children to counsel them. The 2024 minors' law even adds mandatory family-based measures (like reprimanding a child at home) as part of diversion. Community organizations – such as Women's Union, Farmer's Union, and youth clubs – are encouraged to partake in mediation or provide apprenticeships to young offenders. For instance, some provinces have pilot "youth rehabilitation centers" run jointly by the Youth Union and the Women's Union, offering vocational training to minor offenders.

5.4 Social Services and Mental Health

Finally, social welfare and health sectors are increasingly involved. Under inter-ministerial regulations, social affairs officers can be appointed to juvenile case panels to evaluate a child's background. Probation and aftercare services (under the Ministry of Labor, Invalids & Social Affairs) are being piloted to follow up juvenile cases. For example, certain NGOs work under government contracts to provide psychological counseling and family mediation for accused juveniles. These services may screen for substance abuse; indeed, the 2008 report noted that many juvenile offenders were drug-addicted or alcoholic. Public health departments have begun outreach to schools on drug prevention and mental wellness, recognizing these as related to violence.

However, comprehensive social support is still inadequate. Only a few specialized child mental health clinics exist, mostly in major cities. Many youths involved in crime have family problems (poverty, domestic violence) that social services struggle to address. There is a National Program on Child Protection, but its focus has historically been on abuse and exploitation, not delinquency per se. One recommendation (below) is to integrate juvenile prevention into the existing social protection system, so that at-risk families receive support before crimes occur.

In sum, the institutions of enforcement, justice, education, and welfare each contribute pieces of juvenile violence prevention, but coordination and coverage remain incomplete. Vietnam's model envisions close collaboration among police, schools, local government, and families – a vision partly realized through joint circulars and pilot programs. Still, a gap often appears between lofty policies and on-the-ground realities. The next section suggests how these sectors might be better aligned under renewed legal and policy reforms.

6. Policy and Legal Reform Recommendations

Grounded in Vietnamese legal and social traditions, the following reforms are proposed to strengthen prevention and response to juvenile violent crime. Each recommendation leverages existing structures (courts, laws, community networks) while pushing for enhancements consistent with international standards.

1. **Fully Implement the Law on Justice for Minors (2024)**. The recently passed Law on Justice for Minors (effective 1/1/2026) should be rapidly integrated into practice. Its provisions—such as expanded diversionary sanctions, reduced maximum penalties, and clearer procedures for juvenile cases mark significant progress. All agencies (courts, prosecutors, police, social affairs) must prepare to apply these rules. In particular, early entry of the more favorable measures (currently slated for late 2024) will help pending implementation. Training programs should be launched for judges, police, and lawyers on the new law's contents. By doing so, Vietnam will solidify its legal framework for juvenile justice and fulfill international calls for a unified child justice law.
2. **Raise the Age of Child in Civil/Protections Laws to 18**. To eliminate legal inconsistencies and align with the Convention on the Rights of the Child (to which Vietnam is a party), the definition of "child" in non-criminal laws should be harmonized to under 18. A proposed amendment to the Child Law (currently under discussion) would raise the threshold from 16 to 18.

This change would ensure a coherent system: all persons under 18 would receive child welfare protections in all contexts (education, health, social work, family law). It would support the best-interest principle by preventing any gap where 16–17-year-olds fall outside both child welfare and juvenile justice systems. UNICEF and others have advocated for this harmonization.

3. **Expand Family and Juvenile Courts Nationwide**. The judicial system should reach full coverage of specialized juvenile benches. The goal (cited by UNICEF) of having Family and Juvenile Courts in every province by 2026 must be met. Provinces or city districts without such courts should establish them (possibly as designated sections of district courts) and assign trained judges. The Supreme Court might issue model procedures and performance standards for these courts, ensuring uniformity in applying child-friendly rules. Adequate funding is needed for separate juvenile courtrooms and support staff (guardians ad litem, social workers). Achieving universal juvenile jurisdiction courts will reinforce the message that Vietnam takes youth justice seriously and give each child access to the specialized handling they deserve.
4. **Strengthen Training and Professionalization**. Judges, prosecutors, police, and lawyers need ongoing professional development in juvenile justice. The curriculum should cover child psychology, modern restorative justice methods, and international standards (Beijing Rules, Mandela Rules, etc.). It would include practical modules on interviewing children, assessing maturity, and designing rehabilitation plans. In-service training could be mandated periodically, perhaps in partnership with universities or international bodies. Social workers and psychologists should be integrated as regular members of multi-disciplinary teams dealing with juvenile cases, as envisioned by the Law on Social Work. By improving human capacity, Vietnam can better realize the friendly and educational goals set out in law.
5. **Enhance Diversion and Community-Based Sanctions**. The deterrent value of the criminal law could be balanced with more robust diversion. Building on the existing legal basis (Penal Code Art. 91 and juvenile law), the state should **mandate** referral of eligible juvenile cases to diversion programs. For example, all minor assault cases could be diverted to mandatory anger management and community service, with monitoring. Clear national guidelines should be issued: cases meeting certain criteria (no prior record, non-major injury) would be presumptively diverted unless the victim objects. Funding should be allocated to community service agencies and youth centers that supervise these programs. Research shows diversion reduces reoffending; Vietnam should quantitatively track outcomes. The new law's added community measures (e.g. vocational courses, sports activities) are a good start; these must be piloted widely and, if effective, expanded. Prioritize non-punitive remedies: for example, a teen caught vandalizing could be required to repair damage and attend a workshop on civic responsibility rather than jail. By demonstrating the success of such alternatives, public confidence in a rehabilitative approach will grow.
6. **Improve Data Collection and Research**. The Supreme Procuracy's 2021 report provides a model for evidence-based policy. Such data collection should become routine and more granular: including recidivism rates, juveniles' socio-economic background, school status, and mental health. A nationwide database on juvenile cases could be created (e.g. under MPS or the Justice Ministry) to enable analysis by region, ethnicity, or offense type. Regular publication of this data in English and Vietnamese would inform both policymakers and researchers. Additionally, case studies and qualitative research (like interviews with offenders) should be encouraged to understand why youths commit violence. This knowledge can then inform targeted interventions (e.g. if data show many teen assaults involve drunk driving, then emphasis on alcohol education is warranted).
7. **Strengthen School-Based Prevention and Education**. Given that many juvenile violent incidents occur among school-age youth, the education system must play a central preventive role. Schools should incorporate conflict resolution and emotional regulation into curricula from middle school onward. Teachers and administrators ought to be trained to recognize and de-escalate bullying and gang recruitment. Budget permitting, each high school should have at least one social counselor or liaison to local youth services. Vietnam should also regulate and ban **weapons on campus**: stricter enforcement (as in Thanh Hóa) is justified, but it must be paired with student education. For example, after confiscating weapons, schools can hold workshops on the legal consequences of violence, possibly inviting ex-offenders to speak on reform. The Ministry of Education could require that any student caught with a weapon attend a rehabilitation program. The aim is to create a school culture where violence is actively discouraged and moderated by peer and adult supervision.
8. **Engage Families and Communities**. In Vietnamese tradition, the family is the primary unit for moral guidance. The state should support this by equipping parents with parenting skills and legal knowledge. Public media campaigns (TV, internet) can raise awareness about warning signs of juvenile delinquency and parental responsibilities. Local "community justice" initiatives – involving elders, village chiefs, religious and youth leaders – have potential; Vietnam could pilot community service days where youth offenders work alongside elders on communal projects, fostering respect and restorative dialogue. Furthermore, vocational training and job placement for former juvenile offenders (through the Youth Union and labor department) would help reintegrate them. These measures resonate with Vietnam's **socialist legal philosophy**: as the Supreme Court once declared, criminal penalties are "a last resort" and should be paired with educational treatment. Strengthening family and community networks leverages this ideology to prevent youths "going astray."
9. **Harmonize Criminal Laws with Social Policies**. Many juvenile issues (substance abuse, mental illness, poverty) lie at the intersection of criminal and social policy. Vietnam should adopt a more integrated approach: for instance, when a child is arrested for

violence, social services should automatically assess family circumstances. If neglect or abuse is found, the case might be transferred to child welfare agencies. Legally, this means writing protocols (e.g. a juvenile arrest triggers a protective social service review). Administratively, Ministries of Public Security, Justice, Education, and Labor/Social Affairs could form an inter-ministerial committee on juvenile justice, ensuring consistent follow-through. Such cross-sector collaboration is suggested by UN models and is partly already envisioned in Vietnam's child protection system. By aligning criminal penalties with supportive social measures (e.g. providing foster care or counseling as needed), Vietnam can address root causes of violence rather than treating only symptoms.

10. **Maintain Cultural Values of Tolerance and Rehabilitation**. Crucially, all reforms should be phrased and implemented in a way that respects Vietnamese cultural and ideological traditions. Recommendations (e.g. limiting detention or expanding diversion) must be justified not as "soft on crime" but as "restorative justice in the Communist tradition." For example, policies might be described as implementing President Hồ Chí Minh's vision that "education is the remedy" for juvenile wrongdoing. Emphasizing notions like "building good citizens" and "family solidarity" will resonate. In practice, even when a juvenile commits a violent crime, punishment in Vietnam should be coupled with opportunities for redemption (good conduct certificates for release, letters of apology to victims) – these customs appeal to both socialist and Confucian values of moral improvement. By rooting legal reform in familiar ideology (socialist humanism, national unity), policymakers can smooth public acceptance of new measures.
11. **Strengthen Enforcement of Anti-Weapon Laws for Youth**. Specific to violent crimes is the availability of weapons. Vietnam already prohibits under-18s from possessing firearms or certain knives, but the recent spate of sword fights indicates loopholes. Lawmakers could explicitly ban imitation weapons and dangerous objects (including certain martial arts weapons) for minors. Penalizing those who supply or fail to prevent youth access to weapons (e.g. parents or retailers) might also help. On the preventive side, authorities should keep tightening licensing and sale of items like lighters or alcohol to minors, since these can accelerate violence. This focus on weapons control is analogous to traffic law enforcement in Vietnam: a heavy hand against disallowed motorcycles or guns can reduce opportunities for violent incidents.

In summary, combating juvenile violence in Vietnam requires multifaceted reform. On the legislative side, the new minors law should be fully utilized and aligned with Vietnamese values of education and community support. The criminal law should continue to emphasize diversion and rehabilitation over incarceration, while retaining proportionate penalties for the worst crimes. On the policy side, the state must empower schools, police, families, and social services to play active roles in prevention. The recommendations above sketch a system where law enforcement, the judiciary, and society share responsibility: consistent with Vietnam's legal tradition, punishment is never the only option, and reintegration is prioritized.

7. Conclusion

Juvenile crime prevention in Vietnam stands at a crossroads. On one hand, the country has made admirable progress in building a child-friendly legal framework: the 2015 codes and the 2024 Law on Justice for Minors codify principles of education-first justice. These instruments align with Vietnam's heritage of treating errant youths with compassion and integrating sociocultural values into law. On the other hand, real-world challenges have underscored the limits of law in isolation. Vietnam faces a tangible problem with violent youth offenses – as shown by rising statistics and alarming incidents – that cannot be solved by statutes alone.

A well-functioning juvenile justice system must be more than the sum of its laws; it must be embedded in the fabric of society. That means effective implementation, vigilant enforcement of protections, and comprehensive preventive measures involving all stakeholders. In Vietnam's context, solutions must harmonize "socialist legality" (with its emphasis on harmony, collective welfare and education) and the demands of modern public safety. For example, increasing detention rates for juveniles might appease immediate concerns but would contravene deeper Vietnamese values of redemption and education for children. Therefore, strengthening the system means bolstering those very values: expanding rehabilitation, fostering family and community participation, and equipping youth with life skills to deter violence.

Looking forward, sustained political will and cross-sector cooperation are crucial. The new Law on Justice for Minors provides a legislative foundation, but its promise will be realized only through training judges and police, educating families and schools, and building robust support networks for children. Data-driven policies can keep reforms on track: as juvenile crime patterns change, the system must adapt. Ultimately, by reinforcing the principle that *every child deserves a second chance* and that society must guide rather than simply punish its young, Vietnam can reduce juvenile violence while nurturing the next generation of responsible citizens.

8. References

1. Law on Justice for Minors: A progressive legal framework for juvenile justice in Vietnam, Vietnam Law Magazine, Jan 6, 2025.
2. Phuong Mai DT. Juvenile justice principles under criminal procedure and penal laws. Vietnam Law Magazine (Courts section), Jul 10, 2022.
3. Quang CT. Handling Juvenile Offenders Under Criminal Law in Vietnam (2004-2006). UNAFEI Resource Material Series, 2008. (abstract via U.S. DOJ).
4. Draft law proposes reducing imprisonment sentences for juvenile delinquents. Vietnam Law Magazine (In the Pipeline), Jul 4, 2024.
5. Vietnam's juvenile justice as compared to common juvenile justice models around the world. Dao Le Thu, Vietnam Law Magazine, Aug 10, 2020.
6. Criminal liability of juvenile offenders under new Penal Code. Vietnam Law Magazine, (no author), (year not indicated).
7. Tai ND. Rehabilitative approaches in juvenile justice: An international perspective with focus on Vietnam. Vietnam Law Magazine (Courts section), Jan 8, 2024.

8. Supreme People's Procuracy. Situation of Under-18 Offenders and Victims of Crime in Viet Nam (2021). Report (in Vietnamese), Hanoi, 2023.
9. 13 Teenagers in Nghe an Prosecuted for Carrying Knives and Swords to Chase and Fight each other, VTC News (via Vietnam.vn), Nov 18, 2024.
10. Viet Tuan. Gang slashes motorbike plates with swords for social media stunts. VnExpress International, Aug 14, 2024.
11. Social prevention to curb juvenile delinquency. Báo Thanh Hóa (via Vietnam.vn), Jun 8, 2023.
12. UNICEF Vietnam. Justice for Every Child: Strengthening access to a child-friendly justice system. UNICEF Viet Nam program overview (accessed 2025).
13. Viet Nam is committed to improve justice for minors. UNICEF News, UNICEF Viet Nam Press Release about Juvenile Justice Improvements, 2023.