

**HO CHI MINH NATIONAL POLITICAL ACADEMY**

**NGUYEN TIEN PHUONG**

**APPLYING THE LAW IN THE INVESTIGATION  
CRIMINALS USING CYBERSPACE TO INFRINGE  
NATIONAL SECURITY BY INVESTIGATION SECURITY  
AGENCY, MINISTRY OF PUBLIC SECURITY OF  
VIETNAM**

**SUMMARY OF DOCTORAL THESIS**

**COURSE: THEORY AND HISTORY OF STATE AND LAW**

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## **PREAMBLE**

### **1. Urgency of the topic**

The world is currently witnessing the strong development of the Fourth Industrial Revolution (revolution 4.0), especially information technology and the internet have created a new strategic space - cyberspace. With unique characteristics, cyberspace has developed to become the fifth space of each country besides land, airspace, sea and outer space; with multidimensional and intertwined benefits and impacts.

In recent times, hostile forces and criminals at home and abroad have thoroughly used advanced achievements in science and technology, especially cyberspace, to collect intelligence information and make propaganda, spreading destructive ideas, influencing the process of “self-evolution” and “self-transformation”; gather, incite, and call for protests, riots, and the overthrow of the socialist regime in Vietnam.

In the trend of globalization of the world economy, this new type of crime is also global, has no borders and also causes harm to the economy, politics and society in Vietnam as well as in other countries. The number of law violations caused by criminals using cyberspace to violate national security next year is higher than last year, tending to become increasingly complex, with developments in both the number of cases, nature, level and consequences. Criminal subjects committed in cyberspace may be in one place but cause consequences on a global scale, without borders, so it is very difficult to identify subjects for tracing and arrest; due to barriers in cyberspace, regulatory and territorial legal systems. One of the basic causes of the above situation is the delay in issuing implementation guidance documents related to these new types of crimes by the authorities. The evidence of the case is mostly electronic data, so the issue of collecting, preserving and evaluating evidence also faces many difficulties. In practice, electronic data showing the methods and tricks of criminals using cyberspace to commit crimes has not been considered evidence until now if it is not handled well by means of litigation and transfer, especially during the investigation phase. In addition, the team of investigators who directly fight crime have uneven levels of expertise, and have inconsistent perceptions about crime tactics as well as applying the law to solve the case.

Applying the law must always proceed according to strict and accurate procedures prescribed by law, especially in the investigation phase, which is especially complicated in the investigation of crimes using cyberspace to violate national security. The acts of this type of crime are especially dangerous in that they often focus on the preparation period for the country’s major political events such as the 13th National Party Congress and the National Assembly election XV National Assembly deputies and People’s Council deputies at all levels for the 2021 - 2026,... to organize anti-sabotage activities to create buzz. Reactionary forces use the internet to connect with exiled reactionary subjects and organizations to raise money and call for international support, with the aim of causing social chaos and promoting “peaceful evolution” , “self-transformation”, “color revolution”, turning protests into subversive riots. Use social networks to call for and establish reactionary and opposition organizations, “civil society” associations and groups, and establish opposition parties.

Since its establishment until now, the Security and Investigation Force in general and the Security and Investigation Agency - BCA in particular, in the process of

performing assigned functions and tasks, have promptly detected and apply the law to investigate and handle crimes of infringement. committing national security and other types of crimes; Strictly comply with the provisions of law, advise and propose directions to resolve complex cases related to national security, actively contribute to protecting national security and ensuring social security and order of the country. However, for criminals using cyberspace to violate national security, apply the law activities in the investigation of the Ministry of Public Security of Vietnam have many new and unprecedented factors, posing a need to research and act clear in both theory and practice. Vietnam's legal framework, especially the apply the law form in investigation activities of the Security Investigation Agency, the Ministry of Public Security of Vietnam for this new type of crime has not been updated and supplemented in a timely manner, besides There are still some inadequacies, so apply the law ability to investigate crimes using cyberspace to violate national security of the Security Investigation Agency, Ministry of Public Security of Vietnam is currently the most difficult determined. In recent times, although there have been a number of scientific works and related research topics, up to now there has been no in-depth research on the application of law in investigating crimes using space network violating national security of the security investigation agency, Ministry of Public Security of Vietnam.

For the above topical, urgent, and strategic reasons, the PhD student chose the topic: **“Applying the law in investigating crimes using cyberspace to violate national security expert of the Security Investigation Agency, Ministry of Public Security of Vietnam”** as a research topic for a PhD thesis in Jurisprudence.

## **2. Purpose and research tasks of the thesis**

### **2.1. Research purposes**

The topic has the purpose of analyzing the theoretical basis, evaluating the current situation, building opinions and proposing solutions to ensure apply the law in investigating crimes using cyberspace to violate national security investigated by the Security Agency. The Ministry of Public Security of Vietnam implemented, from there, supplemented, clarified, and developed the theory of applying the law in investigating crimes using cyberspace to violate national security of the Agency - Ministry of Public Security of Vietnam.

### **2.2. Research mission**

The topic is tasked with researching the following issues:

- Survey, research, and overview the research situation at home and abroad related to the thesis topic, thereby clarifying issues that need to be further researched and clarified in the thesis;
- Research and supplement and clarify awareness of apply the law in investigating crimes using cyberspace to violate national security of the Vietnam Security and Investigation Agency - Ministry of Public Security of Vietnam;
- Research and supplement theory on apply the law in investigating crimes using cyberspace to violate national security according to the functions of the Vietnam Security and Investigation Agency - Ministry of Public Security of Vietnam;
- Survey and evaluate the current status of apply the law in investigating crimes using cyberspace to violate national security of the Vietnam Security and Investigation Agency - Ministry of Public Security of Vietnam from 2015 to the end of 2023;

- Forecasting the situation and factors affecting apply activities in investigating crimes using cyberspace to violate national security.
- Propose solutions to improve the effectiveness of apply operations in investigating crimes using cyberspace to violate the national security of the Vietnam Security and Investigation Agency - Ministry of Public Security of Vietnam in the coming time.

### **3. Subject and scope of research of the thesis**

#### **3.1. Research subjects**

Theory on applying the law in investigating crimes using cyberspace to violate national security and practical application of law in investigating crimes using cyberspace to violate national security of the Security Investigation Agency of the Ministry of Public Security Vietnam.

#### **3.2. Research scope**

- Scope of content: Within the scope of the doctoral project in the field of Law, the topic focuses on clarifying the theoretical and practical aspects of applies in investigating crimes using cyberspace to infringe. Security of the Vietnam Security and Investment Agency - Ministry of Public Security of Vietnam. Based on specific data from the Vietnam Security and Investigation Agency - Ministry of Public Security of Vietnam on this activity, propose solutions to ensure apply the law in investigating crimes using cyberspace to violate national security in Vietnam in the coming time.

- Spatial scope: The topic is deployed within the scope of apply the law activities for cases carried out by the Vietnam Security and Investigation Agency - Ministry of Public Security of Vietnam.

- Time scope: The research timeline of the topic is the results of apply the law in investigating crimes using cyberspace to violate national security prosecuted by the Security Investigation Agency - Ministry of Public Security of Vietnam from 2015 to the end of 2023.

### **4. Theoretical basis and research method of the thesis**

#### **4.1. About theoretical basis**

The thesis uses the methodology of dialectical materialism and historical materialism to research issues related to the topic content. The system of views of Marxism-Leninism and Ho Chi Minh's ideology on the State and law in general and the theory of apply the law in particular, our Party's current guiding views on apply the law in criminal investigation, including criminals using cyberspace to violate national security in the context of building a socialist rule of law state, perfecting the legal system as well as perspectives on building and apply the law in the new era.

#### **4.2. About research methods**

Based on the above methodology, the thesis will use the following research methods: analysis and synthesis methods; statistical methods, sociological surveys; Interviewing methods and consulting experts; method of combining theory with practice; historical method; comparative method, scientific forecasting method,... to solve the problems raised in researching the content of the thesis topic.

### **5. New contributions of the thesis**

- Based on research and inheritance of existing documents from Vietnam and other countries around the world, the thesis proposes the concept of criminals using

cyberspace to violate national security. From there, the thesis builds a theoretical basis for apply the law in investigating crimes using cyberspace to violate national security (form, content, influencing factors), pointing out limitations and inadequacies needs to be supplemented and improved in the near future.

- Based on the assessment of the current situation of apply the law in investigating crimes using cyberspace to violate national security of the Vietnam Security and Ministry of Public Security of Vietnam agency in recent times and at the same time inheriting reasonable kernels of theory and theory on apply the law. Can be applied to our country's practice, the thesis proposes perspectives and solutions to ensure apply the law in investigating crimes using cyberspace to violate national security in Vietnam in the near future.

#### **6. Scientific significance of the thesis**

- The research results of the thesis are a documentary basis that provides scientific basis to help agencies and organizations develop guidelines and policies to ensure apply the law in investigating crimes using space network violating national security in Vietnam today.

- The research results of the thesis contribute to raising awareness for agencies, organizations and people about criminals using cyberspace to violate national security.

- The scientific knowledge of the topic will have reference value in research and teaching at specialized training units related to the topic and has good reference value for those interested in the field this area.

#### **7. Structure of the thesis**

In addition to the introduction, conclusion, list of references and appendices, the thesis content is structured into 4 chapters of 10 sections.

**Chapter 1**  
**OVERVIEW OF RELATED RESEARCH**  
**TO THE THESIS TOPIC AND THE PROBLEMS RAISED**  
**FURTHER RESEARCH**

**1.1. OVERVIEW OF THE RESEARCH SITUATION RELATED TO THE THESIS TOPIC**

**1.1.1. Domestic research projects**

***1.1.1.1. Research projects related to crimes using information technology and telecommunications networks and investigating crimes using cyberspace to violate national security***

Research works related to crimes using information technology and telecommunications networks and investigating crimes using cyberspace to violate national security include a number of typical documents: Book “Information Security and Work Crime prevention using high technology” by Colonel, PhD. Tran Van Hoa was compiled for the first time, published in 2011; Book “Crime prevention in the field of high technology” by Associate Professor, PhD. Tran Quang Hien - PhD. Do Duc Hong Ha - MSc. Co-editor by Lo Thi Viet Ha, published by CAND Publishing House in 2023; Article “Strengthening state management, ensuring information security in social media in Vietnam today” by Associate Professor, PhD. Vu Trong Lam and PhD. Vu Huong Giang published in the Electronic Communist Magazine dated October 30, 2021; The article “Protecting the Fatherland in cyberspace” by author Nguyen The Anh was published in State Management Magazine, No. 312 (January 2022); The article “International experience in handling high-tech crimes and some recommendations for Vietnam” by author Nguyen Hoang Chi Mai was published in Procuracy Magazine, No. 16/2022....

***1.1.1.2. Research projects on applying the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency, Ministry of Public Security of Vietnam***

Regarding the issue of apply the law in investigating cases of violation of national security in general, there are related scientific works: Ministerial-level scientific topic “Theoretical and practical issues of apply the law of criminal procedure in investigating cases of violation of law”. “National security - recommendations and solutions” by author Pham Viet Truong, 2004. Master's thesis “Criminal apply the law, Criminal Procedure in investigating terrorism cases against People's Police handled by the Security Investigation Agency- Ministry of Public Security of Vietnam” by the author Author Do Van Binh (2015); Doctoral thesis “Criminal apply the law in criminal investigation of national security” by author Nguyen Anh Tuan (2016)....

**1.1.2. Research works by foreign authors**

Regarding crime investigation using information technology and telecommunications networks, there have been a number of works and research documents in the world such as: The book “High - Technology Crime Investigator's Handbook” by Gerald Kovacich and William C. Boni, Publishing House. Butlerworth - Heinemann, 2006; Book “Investigating High-Tech Crime” by Michael R. Knetzger and Jeremy A. Muraski, Publishing House. Pearson, 2007; Reference

book “The virtual battlefield: perspectives on cyber warfare” by Christian Czosseck, Kenneth Geers, Publishing House. IOS, Amsterdam, Netherlands, 2009; Book “Investigating Cyber Crime” by Angie Timmons and Sara L. Latta, Publishing House. Enslow Publishing, 2018...

## **1.2. GENERAL EVALUATION OF PUBLISHED WORKS AND ISSUES THAT NEED CONTINUOUS STUDY IN THE THESIS**

### **1.2.1. Evaluate research projects related to the thesis**

*Firstly*, the above research works have focused on analyzing, evaluating, and clarifying a number of theoretical and practical issues in specific areas related to crimes using information technology and networks telecommunications and criminal investigation using cyberspace to violate national security.

*Second*, although there are many research projects, they are mainly articles published in conference proceedings, magazines, newspapers and a small number of reference books. Apply the law in investigating crimes using cyberspace to violate national security of the Vietnam Security and Investigation Agency - Ministry of public security is a very new content that has not been studied in depth and academically in recent works. PhD thesis, ministerial-level, state-level topics or monographs. Content that is close to the topic chosen by PhD students will only have access to research; the data and references used to evaluate the current situation are not new data.

*Third*, among all the published topics and works related to apply the law, not only have there not been any works that have fully and deeply researched apply the law in investigating crimes using cyberspace to violate national security of the Vietnam Security and Investment Agency - Ministry of public security, but there is still no work that offers synchronous solutions to promote this activity legally as well as in practice, to overcome legal gaps and contribute Part of further improving the legal system in this field in Vietnam today.

### **1.2.2. The issues raised need further research in the thesis**

From the research results of scientific works related to the thesis topic, it can be affirmed that up to now there has been no scientific work that studies systematically, comprehensively, from the perspective of specialized theory and history. State history and law on the application of law in investigating crimes using cyberspace to violate national security of the Security Investigation Agency of the Ministry of Public Security of Vietnam today, therefore, this is a topic New doctoral thesis, does not overlap research issues with previous scientific works.

- To prove the research hypothesis and answer the research questions, the thesis needs to clarify the following issues:

*Theoretical:* Research to build concepts, clarify characteristics, roles, content, form, influencing factors, conditions to ensure the application of law in investigating crimes using cyberspace to invade Security investigation by the Security Investigation Agency of the Ministry of Public Security of Vietnam. Specify the characteristics and identify the contents that need to be evaluated regarding practical applications in investigating crimes using cyberspace to violate the law of the Security Investigation Agency of the Ministry of Public Security of Vietnam.



*In practice:* Analyze and evaluate the current state of law application in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security of Vietnam recently, on the basis of That points out the causes and offers solutions to promote the effectiveness of applying the law in investigating this new type of crime by the Security Investigation Agency of the Ministry of Public Security of Vietnam in the coming time.

## **Chapter 2**

### **THEORETICAL BASIS FOR APPLYING THE LAW IN INVESTIGATIONS CRIMINALS USING CYBERSPACE TO INFRINGE NATIONAL SECURITY OF AN INVESTIGATION SECURITY AGENCIES VIETNAM MINISTRY OF PUBLIC SECURITY**

#### **2.1. CONCEPT, CHARACTERISTICS, ROLE OF LAW APPLICATION IN INVESTIGATION OF CRIMES USING CYBERSPACE TO INFRINGE NATIONAL SECURITY OF THE INVESTIGATION SECURITY AGENCIES OF THE MINISTRY OF PUBLIC SECURITY OF VIETNAM**

##### **2.1.1. Concept of applying the law in investigating crimes using cyberspace to violate national security of the Security Investigation Agency of the Ministry of Public Security of Vietnam**

###### ***2.1.1.1. Concept of criminals using cyberspace to violate National Security***

Crimes using cyberspace to violate national security are particularly dangerous acts for society, intentionally committed by people with criminal liability capacity using the facility's connection network. Information technology infrastructure that violates the stable existence and strong development of national security is stipulated in the Penal Code and is subject to penalties.

###### ***2.1.1.2. Concept of investigating crimes using cyberspace to violate national security of the Security Investigation Agency of the Ministry of Public Security of Vietnam***

Investigation of crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security of Vietnam is an investigation activity according to the Criminal Procedure Law of the Security Investigation Agency of the Ministry of Public Security with the aim of Determine the truth of the case objectively, comprehensively and completely through the activities of preparing documents to request handling, finding the causes and conditions of the crime as a basis for prosecution or not criminal responsibility.

###### ***2.1.1.3. Concept of applying the law in investigating crimes using cyberspace to violate national security of the Security Investigation Agency of the Ministry of Public Security of Vietnam***

Applying the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security is an activity of State power and is one of the forms of law enforcement, specifically, strictly organized, in which the Investigation Security Agency, Head of the Investigation Security Agency and investigators base on the provisions of the Criminal Code, Criminal Procedure Code and Other legal regulations to promulgate legal documents

that create, change or terminate legal relationships in all stages and stages of the criminal investigation process.

### **2.1.2. Characteristics of applying the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security of Vietnam**

*Firstly*, applying the law of the Investigation Security Agency of the Ministry of Public Security is an organizational and power activity of the State. Within the scope of its tasks and powers, the Investigation Security Agency of the Ministry of Public Security security is allowed to proceed and is required to be carried out by the subject being applied as well as other relevant subjects.

*Second*, just like when applying the law in investigating other types of crimes, applying the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security must Carry out seriously and fully the provisions of criminal procedure law from the basis, conditions, order, procedures, rights and obligations of the parties in the process of applying the law.

*Third*, applying the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security is an individual and specific adjustment activity for the Social relations that are directly related to the subject being applied are criminals who use cyberspace to violate national security.

*Fourth*, applying the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency is an activity that requires capacity, professional qualifications, and information technology levels along with Very high creativity (creativity within the scope of legal regulations).

*Fifth*, applying the law in investigating crimes using cyberspace to violate national security must always serve political and foreign affairs requirements; religious and ethnic policies of the Party and State.

### **2.1.3. The role of applying the law in investigating crimes using cyberspace to violate national security of the Security Investigation Agency of the Ministry of Public Security of Vietnam**

*Firstly*, applying the law in general and applying the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security in particular contributes to ensuring the right to freedom, citizen democracy; ensure political security, social order and safety; Protecting the Party, State and socialist regime for stability and strong development on the basis of legal principles must be implemented synchronously and consistently, all violations must be detected and handled. strictly and promptly.

*Second*, applying the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security contributes to ensuring that the subjects of this legal relationship carry out their actions. in accordance with the provisions of law. For the applicable subject, the Investigation Security Agency of the Ministry of Public Security, it must comply with the procedures and fully implement the responsibilities and tasks assigned to the Investigation Security Agency of the Ministry of Public Security when conducting

proceedings as well as ensuring Protect the rights and legitimate interests of the subject and participants in the proceedings.

*Third*, applying the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security is one of the measures and ways to convey legal knowledge to the public. with everyone effectively, making an important contribution to improving understanding of the law as well as the sense of respect for the law for individuals and organizations.

*Fourth*, applying the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security contributes to discovering additional legal gaps and issues that need to be supplemented to perfect the law. Timely advise and recommend to the leaders of the Ministry of Public Security to propose to the National Assembly and the Government to supplement and improve the legal system to become more complete, complete, synchronous and effective.

*Fifth*, applying the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security contributes to propagandizing people to understand the importance of national security. From there, enhance the responsibility of yourself, your family and society in using cyberspace effectively, safely, in accordance with the law and not being exploited by hostile forces or bad actors, inciting participation in activities that violate national security.

## **2.2. STAGES OF LAW APPLICATION AND CONTENTS OF LAW APPLICATION IN INVESTIGATION OF CRIMES USING CYBERSPACE TO INFRINGE NATIONAL SECURITY BY SECURITY AGENCY INVESTIGATIONS OF THE MINISTRY OF PUBLIC SECURITY OF VIETNAM**

### **2.2.1. Stages of applying the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security of Vietnam**

- Determine the nature of the incident (correctly and accurately analyze and evaluate the details, circumstances, and conditions of the actual incident) to make handling decisions.

- Select appropriate legal regulations and analyze and clarify the content and meaning of legal regulations for cases where they need to be applied.

- Promulgate documents to apply the law in investigating crimes using cyberspace to violate national security and organize the implementation of documents to apply the law.

### **2.2.2. Content of applying the law in investigating crimes using cyberspace to violate national security of the Security Investigation Agency of the Ministry of Public Security of Vietnam**

- Applying the law to make decisions to prosecute cases and prosecute defendants against people who use cyberspace to commit crimes.

- Applying the law to conduct investigative activities to clarify issues that need to be proven in cases of crimes using cyberspace to violate national security.

- Applying the law to end the investigation of criminal cases using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security.

### **2.3. CONDITIONS TO ENSURE THE APPLICATION OF THE LAW IN INVESTIGATION OF CRIMES USING CYBERSPACE TO INFRINGE NATIONAL SECURITY BY THE INVESTIGATION SECURITY AGENCIES OF THE MINISTRY OF PUBLIC SECURITY OF VIETNAM**

**2.3.1. Political guarantees**

**2.3.2. Legal guarantee**

**2.3.3. Ensuring the organizational structure and quality of investigation officers of the Security Investigation Agency of the Ministry of Public Security of Vietnam**

**2.3.4. Guaranteed from legal awareness and support from the People**

## **Chapter 3**

### **CURRENT STATUS OF LAW APPLICATION IN INVESTIGATIONS CRIMINALS USING CYBERSPACE TO INFRINGE NATIONAL SECURITY OF AN INVESTIGATION SECURITY AGENCIES VIETNAM MINISTRY OF PUBLIC SECURITY**

#### **3.1. RESULTS OF APPLYING THE LAW IN THE INVESTIGATION OF CRIMES USING CYBERSPACE TO INFRINGE NATIONAL SECURITY BY THE INVESTIGATION SECURITY AGENCY OF THE MINISTRY OF PUBLIC SECURITY OF VIETNAM, POSITIVE IMPACT FACTORS AND CAUSES**

**3.1.1. Results of applying the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security of Vietnam**

***3.1.1.1. Results of applying the law in the stage of determining the nature of the incident to make handling decisions***

*The results of applying the law in the stage of determining the nature of the incident serve as a basis for prosecuting the case and prosecuting the accused*

As a result of the practical application of law to investigate cases, the Security Investigation Agency of the Ministry of Public Security has fully collected, without missing objects, documents, etc,... and classified them to facilitate the process. The future research process will be systematic, quick and most effective in proving the crime, contributing to the correct and objective resolution of the case. Objects and documents with evidentiary value are preserved and handled according to regulations. Objects and documents that are no longer relevant or have no probative value are returned to the owner or confiscated and destroyed according to regulations and under the authority of the Investigation Agency during the investigation phase case. At the same time, the Security Investigation Agency of the Ministry of Public Security has made appropriate calculations to most effectively use the collected documents and

evidence to apply the law to make decisions to prosecute the case, prosecuting defendants in investigating criminal cases using cyberspace to violate national security.

*Results of applying the law in conducting preventive measures to investigate the nature of the incident*

Arrest, detention, detention and search activities are strictly regulated by criminal procedure law in terms of authority, order and procedures. On the other hand, practice shows that the investigation agency's arrest, search, detention, and temporary detention activities are also the target of hostile opposing elements and forces, which is a main direction of defense activities and is also the focus of press and public opinion. This issue becomes sensitive when the Security Investigation Agency of the Ministry of Public Security applies measures to arrest, detain, and detain cyberspace users with special identities who violate national security. Due to full and correct awareness of the complexity, seriousness, necessity and importance of arresting criminals in cases of using cyberspace to violate national security, the Security Agency investigates. The investigation applied both accurately, flexibly and skillfully the provisions of criminal procedure law, cases, forms and tactics of arrest, while best ensuring political and professional requirements service.

*Results of applying the law in investigation activities and collecting evidence to determine the nature of the incident*

*- Results of applying the law in search, seizure and temporary detention activities:*

To detect, seize, and temporarily detain evidence, the Security Investigation Agency of the Ministry of Public Security conducts searches of people, objects, and vehicles, searches residences, locations, workplaces, or searches mail, telegram, parcel, postal item or by other professional actions for the subject to submit. The Security Investigation Agency of the Ministry of Public Security has applied Articles 140, 141, 142, 143, 144, 145, 147, 148, 149 of the 2015 Criminal Procedure Code regulating the basis and authority to issue orders, Procedures for search, seizure, and temporary detention of objects and documents, responsibilities of the person issuing the order, responsibility for preserving objects and documents, and making records of search, seizure, and temporary detention. Based on the application of criminal procedure law, the Security Investigation Agency of the Ministry of Public Security has combined with criminal investigation operations to bring the highest efficiency in detecting and collecting evidence. It's just electronic data.

*- Results of applying the law in questioning the accused:*

Interrogating suspects accused of using cyberspace to violate national security plays a particularly important role, not only clarifying all the details and events of the crime and the identity of the offender, expanding the scope of investigation, continuing reconnaissance work, but also converting secret professional documents, ensuring the closure of previous reconnaissance work. Therefore, applying legal regulations to interrogation requires being very proactive and flexible to both ensure the law and collect and consolidate evidence. In the process of investigating cases of using cyberspace to violate national security, interrogation is always an investigative measure that the Security Investigation Agency attaches special importance to, identifying this as a method of collecting information. Collecting and consolidating evidence is very

important, and in some cases it is even decisive in the outcome of our trial. The Security Investigation Agency of the Ministry of Public Security has applied Articles 129, 130, 131, 132 of the Criminal Procedure Code regulating the summoning and escorting of suspects and interrogation procedures to conduct investigative measures check this out.

*- Results of applying the law in taking testimony of witnesses:*

In cases of using cyberspace to violate national security, taking witness statements is an important investigative activity. This is both a professional investigative measure and a measure to collect evidence according to law. Criminal Procedure Law. The Security Investigation Agency of the Ministry of Public Security has applied Articles 133, 134, 135, 136 of the 2015 Criminal Procedure Code to regulate issues related to methods of taking witness statements. Investigators of the Security Investigation Agency of the Ministry of Public Security conducted testimony one by one. Before taking testimony, the investigators explained the rights and obligations of witnesses, clearly verifying the evidence. The relationship between the witness and the accused and personal details of the witness, and the preparation of a record of the witness's testimony are all guaranteed to comply with regulations.

*- Results of applying the law on appraisal solicitation:*

According to the provisions of Article 155 of the Criminal Procedure Code, when deemed necessary, the Security Investigation Agency shall issue a decision to request expertise. In investigating cases of using cyberspace to violate national security, soliciting expertise is an important activity. Especially with the case of propaganda against the State of the Socialist Republic of Vietnam, for this crime, the subjects were mainly prosecuted, investigated and handled for the acts specified in Point c, Clause 1 , Article 88 of the Penal Code (1999) and Article 117 of the Penal Code (2015), which is the act of creating, storing, and circulating documents and cultural products with content against the State of the Social Republic of Vietnam. To prove the subjects' behavior, it is necessary to clarify the content of the documents that the subjects created, stored and circulated. In order to clarify the behavior and handle the subject convincingly, the Security Investigation Agency of the Ministry of Public Security conducts an assessment.

***3.1.1.2. Select appropriate legal regulations and analyze and clarify the content and meaning of legal regulations for cases where they need to be applied***

- Choose appropriate legal norms to make decisions to prosecute the case and prosecute the accused.

- Choose the time to prosecute the case and prosecute the accused.

***3.1.1.3. Promulgate and organize the implementation of decisions to apply the law***

*- Results in law application activities, promulgating decisions to prosecute cases, prosecute suspects and organize the implementation of law application decisions*

The promulgation of decisions to prosecute cases and prosecute defendants for cases of using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security are based on reality and solid legal basis, based on authentic documents and evidence, collected, examined, evaluated and used in accordance with the provisions of law. Decisions to prosecute the case and prosecute

the accused are made according to a template and ensure complete information content, complying with the provisions of the Criminal Procedure Code. These decisions not only facilitate effective direction for investigation work, but also ensure accurate, strict, appropriate prosecution and subsequent trial, and effective handling of criminals sin. All cases of prosecution are based on the law, the crime is correct, between the actual act and the act that emphasizes the decision to prosecute, ensuring order, procedures, authority and ensuring evidence. In cases where prosecution is needed to serve professional requirements, there is no imposition but is based on the documents and evidence collected for evaluation, ensuring legal requirements.

*- Results of applying the law at the end of the investigation:*

This is a period that clearly demonstrates the professional expertise of the Security Investigation Agency of the Ministry of Public Security. The Security Investigation Agency of the Ministry of Public Security usually ends the investigation of cases of using cyberspace to violate National Security when it has collected sufficient evidence to clearly identify the crime and the issue of criminal liability of each defendant, aggravating and mitigating circumstances of criminal liability as well as details about the offender's identity and other issues necessary to prove in the case.

***3.1.1.4. Results of coordination between the Security Investigation Agency of the Ministry of Public Security with the Supreme People's Procuracy and the Supreme People's Court in investigating crimes using cyberspace to violate national security***

In practical application of the law in criminal proceedings, prosecution, investigation, prosecution, and trial are successive stages undertaken by different agencies. These stages take place continuously, successively, and the results of the previous stage are the basis and premise for the next stage. This is the very basic factor that creates the need for coordination in the process of applying the law in investigating crimes using cyberspace to violate national security between three agencies: Security agencies Investigate the Ministry of Public Security, the Supreme People's Procuracy, and the Supreme People's Court. The relationship and coordination between these three agencies is a functional relationship on the basis of provisions in the Criminal Procedure Law, and at the same time, it is a combat contract relationship.

**3.1.2. Factors that positively impact the application of law in investigating crimes using cyberspace to violate national security**

The attention and leadership of the Party and State, and directly of the Central Public Security Party Committee and leaders of the Ministry of Public Security, in cases of violating National Security investigated by the Security Agency of the Ministry of Public Security implementation, with special attention paid to criminal cases using cyberspace to violate National Security.

Vietnam's legal system is increasingly improving. In response to practical requirements, many Codes, Decrees, Circulars, Instructions, etc. Have been researched and supplemented to promptly adjust new legal relationships arise. Crimes of infringing upon national security have been stipulated in full and detailed terms in Chapter XIII of the 2015 Penal Code, amended and supplemented in 2017 and the 2015 Criminal Procedure Code as the legal basis important for the Security Investigation Agency of

the Ministry of Public Security to apply in investigating crimes using cyberspace to violate National Security in recent times.

Close coordination between the Security Investigation Agency of the Ministry of Public Security and professional units in the Police sector (Department of Foreign Security, Department of Domestic Security; Department of Internal Political Security, Department of Cyber Security and crime prevention using high technology, Department of Professional Technology,...) as well as with the Supreme People's Procuracy, Supreme People's Court in providing records and related documents in The process by which the Security Investigation Agency of the Ministry of Public Security conducts investigations and applies the law to investigate and handle cases.

The Party Committee and leaders of the Security Investigation Agency of the Ministry of Public Security have regularly paid attention to sending officers and soldiers in the unit to train, foster and improve their qualifications, especially information technology qualifications to be able to Proficient in using computers and technical means of communication, mastering the methods and tricks of criminals in using cyberspace to commit crimes, contributing to effective implementation of operations. Applying the law in investigation, especially collecting documents and electronic data as evidence of the case.

Law propaganda, dissemination and education in recent times have received attention and emphasis from all levels and sectors. Awareness of officials, civil servants, and public employees in state agencies, armed forces, and people about crimes using cyberspace in general, criminals using cyberspace to violate national security in general Particularly, increasing day by day, from then on, there is a spirit of vigilance; awareness of proactive and safe use of cyberspace; The number of users installing anti-virus and anti-malware software is increasing. At the same time, they actively denounce and participate in coordinating with the Security Investigation Agency of the Ministry of Public Security in investigating and handling crimes.

The international community has thoughts and perceptions that show a very high level of consensus on the dangerous nature of criminals using cyberspace to violate national security, and since then, there have been commitments and actions coordinate and provide judicial support between countries for this new type of crime.

### ***3.1.3. Reasons for the results achieved***

#### ***3.1.3.1. Objective reasons***

Achieving results in applying the law in investigating crimes using cyberspace to violate national security of the Security Investigation Agency as above is due to the attention and direct leadership, comprehensive and close supervision of the Central Public Security Party Committee, leaders of the Ministry of Public Security and party committees, leaders at all levels, supervision and facilitation of law application activities of the Ministry's Security Investigation Agency Police.

The National Assembly and competent State agencies have promulgated the Penal Code in 2015 (amended and supplemented in 2017); The 2015 Criminal Procedure Code and many Decrees, circulars, and documents guiding the implementation of the Penal Code and Criminal Procedure Code have been promulgated, updated and continued to improve, creating a corridor. Favorable legal regulations to meet the requirements of applying the law in investigating criminal cases



in general and applying the law in investigating crimes using cyberspace to violate national security. In particular, the Security Investigation Agency of the Ministry of Public Security, the positive impact of the above legal documents has improved the effectiveness of law application activities in investigating crimes using cyberspace to violate security. national security in recent times.

The Party's Resolutions related to judicial reform that have been issued have shown the interest of the Communist Party of Vietnam and the State of the Socialist Republic of Vietnam in continuing to improve the quality and operational efficiency of judicial agencies, including the Security Investigation Agency of the Ministry of Public Security. Especially the effect of Resolution No. 49-NQ/TW dated June 2, 2005 on our country's judicial reform strategy to 2020 as well as Resolution No. 08-NQ/TW dated January 2, 2002 of the Ministry of Politics on some tasks in judicial work in the coming time; Conclusion No. 92-KL/TW dated March 12, 2014 of the Politburo on continuing to implement the judicial reform strategy until 2020...

Thus, from the above analysis, we see that the system of Party and State documents has had a positive impact on the operation of the Investigation Agency system and not only affects those who work to apply it law but also has a strong direct impact on the awareness of the entire political system and society about the meaning and importance of the system of judicial agencies, especially the law application work of the agency investigation agency in general and the Security Investigation Agency of the Ministry of Public Security in particular. This is one of the main reasons that determines the quality and effectiveness of this work. On the other hand, the improved legal system enhances the legal awareness of the entire society, and that is also a favorable and important factor that affects the results and quality of law application in the legal system. Investigate crimes using cyberspace to violate national security by the security investigation agency of the Ministry of Public Security.

#### *3.1.3.2. Subjective reasons*

The Security Investigation Agency of the Ministry of Public Security has regularly proactively and actively coordinated closely with law enforcement agencies, especially the Supreme People's Procuracy and the Supreme People's Court, to operate Applying the law in investigating crimes using cyberspace to violate national security has been conducted promptly, objectively and very cautiously. Therefore, it has basically limited the situation of injustice, wrongdoing or the omission of criminals.

From the Head and Deputy Heads to the investigators, the Investigation Officers in the Security Investigation Agency have basically always actively overcome difficulties, always upholding a sense of responsibility and completing all targets, assigned tasks. The majority of investigators and investigation officers of the Security Investigation Agency of the Ministry of Public Security always uphold a sense of responsibility, have a sense of professional self-improvement, and always improve their professional qualifications and working capacity, the ability to use information technology, training in political bravery and moral qualities. Many individuals are always proactive and creative in researching and accessing legal scientific documents and innovating thinking to improve the quality of applying the law in general and criminal investigation. Using cyberspace to violate national security in particular.

Facilities, equipment, means to serve work and policies for officers and soldiers of the Security Investigation Agency of the Ministry of Public Security have gradually been led by the Central Public Security Party Committee. The Ministry of Public Security is interested in investing and perfecting, basically creating trust and peace of mind for investigators and investigation officers.

### **3.2. RESTRICTIONS ON THE APPLICATION OF THE LAW IN INVESTIGATION OF CRIMES USING CYBERSPACE TO INFRINGE NATIONAL SECURITY BY THE SECURITY INVESTIGATION AGENCY OF THE MINISTRY OF PUBLIC SECURITY OF VIETNAM, OBSTRUCTING FACTORS AND CAUSES**

#### **3.2.1. Restricting the application of laws in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security of Vietnam**

- The phenomenon of disagreement between the investigative security agency of the Ministry of Public Security and the Supreme People's Procuracy when applying the law still occurs. Especially disputes over legal bases and crimes in decisions to apply the law, arrest warrants, search warrants, temporary detention, etc. Although the outcome of the Supreme People's Procuracy still remains agree with the investigation agency's application of the law, but in some specific cases it also leaves consequences such as: delayed case investigation progress, missed opportunities when applying or supplementing the law. Some procedures to legalize and then implement the decision to apply, the efficiency of converting reconnaissance documents into evidence is not as calculated professionally.

- There are also signs of rigidity or overemphasis on legal aspects when applying legal regulations to the arrest, search, detention, and temporary detention of defendants who commit crimes of using cyberspace to infringe. National security. The awareness of some officials is still one-sided, not clearly seeing the influence of political and professional requirements, thereby leading to some errors and negligence. In some cases, bad elements have taken advantage of these loopholes, causing unfortunate consequences. In the perception of a few investigators, applying the law to arrest, search, detention, and temporary detention activities due to the implementation of the information and reporting regime can slow down the progress of the investigation. Sometimes in some cases, we miss professional opportunities.

- Some very difficult points in the regulations on witnessing procedures when applying arrest measures need to be amended to suit practicality and convenience in application. The procedures in the regulations on time limits and supervision when making emergency arrests are still heavy on formality, causing troubles for security agencies and investigators, while the time required is very urgent. Decide quickly and quickly.

#### **3.2.2. Factors hindering the application of the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security of Vietnam**

- Criminal activities of subjects are often "anonymous", and "non-traditional" methods of operation are very sophisticated and cunning, in a way that is public on the internet but secret about the subject implementation (no one knows anyone's face, does

not provide personal information, does not meet to contact) has caused many difficulties in the work of detecting, collecting and consolidating evidence.

- Some case-based appraisal agencies are not yet bold in making conclusions, are afraid or push responsibility, leading to refusal of appraisal or not fully concluding the contents according to the request of the Security Agency. Security investigation of the Ministry of Public Security.

- The coordination mechanism between the Security Investigation Agency of the Ministry of Public Security and the reconnaissance force in collecting and transferring case evidence still faces many difficulties. In many cases of criminals using cyberspace to violate national security, the Security Investigation Agency of the Ministry of Public Security must collect documents that were collected by the reconnaissance force from the beginning to be able to use them as information evidence, leading to subjects being able to delete or change distributed content, making it difficult to investigate and handle subjects.

- International cooperation in crime prevention and combat still faces many difficulties in terms of legal corridors, coordination mechanisms, human resources, and qualifications of law enforcement officers and directly human resources. Security investigation agency of the Ministry of Public Security.

### **3.2.3. The cause of the limitations**

#### **3.2.3.1. Objective reasons**

- The legal system serves as the legal basis for the Security Investigation Agency of the Ministry of Public Security to properly and fully perform its role in applying the law in investigating criminal cases in general and applying the law. The law on investigating crimes using cyberspace to violate national security in particular has basically been increasingly strengthened, creating a solid legal corridor to ensure the application of the law by the National Security Agency security investigation.

- The situation of criminals using cyberspace to violate national security in recent years has become very complicated, the nature, extent, and consequences of damage are increasingly serious to stability and sustainable development of national security, making it difficult to investigate and handle this type of crime.

- Hostile forces both at home and abroad find every reason to intervene more and more violently and blatantly in the process of resolving criminal cases using cyberspace to violate national security by the National Security Agency. Security investigation carried out by the Ministry of Public Security.

#### **3.2.3.2. Subjective reasons**

- In the process of performing tasks, a part of investigators and investigation officers assigned to resolve criminal cases using cyberspace to violate national security are not fully aware of their position, the role and authority of the Security Investigation Agency of the Ministry of Public Security in criminal proceedings in general as well as investigation activities in particular.

- Although the infrastructure and facilities for work have been significantly improved, they still cannot meet the speed of development of modern science and technology, in the context of the scientific and technological revolution. Technology 4.0 today.

- Proactive interdisciplinary coordination between judicial agencies, especially between the Security Investigation Agency of the Ministry of Public Security, the Supreme People's Procuracy and the Supreme People's Court in resolving cases. Criminal cases using cyberspace to violate national security are sometimes lacking in rigor and quality.

## **Chapter 4**

### **FORECASTING THE SITUATION, VIEWPOINTS AND SECURITY SOLUTIONS APPLYING THE LAW IN INVESTIGATION OF CRIMES USING CYBERSPACE TO INFRINGE NATIONAL SECURITY OF THE INVESTIGATION SECURITY AGENCY OF THE MINISTRY OF PUBLIC SECURITY OF VIETNAM**

#### **4.1. FORECAST OF THE SITUATION**

**4.1.1. The use of cyberspace to violate national security by hostile and reactionary forces will continue to become complicated in the coming time, following the trend of becoming increasingly public and challenging the government.**

**4.1.2. The methods and tricks of using cyberspace to violate national security by hostile and reactionary forces are becoming more sophisticated and dangerous.**

**4.1.3. Forecast of difficult factors and conditions in the application of laws investigating crimes using cyberspace to violate national security by the Security Investigation Agency - Ministry of Public Security of Vietnam**

#### **4.2. VIEWPOINT ON ENSURING LAW APPLICATION IN INVESTIGATION OF CRIMES USING CYBERSPACE TO INFRINGE NATIONAL SECURITY OF THE SECURITY INVESTIGATION AGENCIES OF THE MINISTRY OF PUBLIC SECURITY OF VIETNAM IN THE FUTURE TIME**

*Firstly*, the application of the law in investigating crimes using cyberspace to infringe upon national security by the Security Investigation Agency of the Ministry of Public Security must ensure timeliness, accuracy, comprehensive objectivity, and no omissions avoid criminals and do not wrong innocent people.

*Second*, applying the law in investigating crimes using cyberspace to violate national security requires each investigator and investigation officer in the Security Investigation Agency to always be aware and act. Actual action to protect human rights during criminal proceedings, especially protecting human rights during case investigation.

*Third*, apply the law in investigating crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security. If the subject is a minor, it is necessary to accurately determine age are minors and must distinguish between juveniles of two ages (from 14 years old but not yet 16 years old and 16 years old but not yet 18 years old) to decide on the application of preventive measures to serve them effective investigation.

*Fourth*, applying the law in investigating crimes using cyberspace to violate national security, the Security Investigation Agency of the Ministry of Public Security needs to ensure investigation activities according to the provisions of the Criminal Procedure Code. The investigative security agency of the Ministry of Public Security and investigators, when interrogating the accused, taking statements from witnesses, and taking statements from people with rights and obligations related to the case, need to ensure objectivity and the right to defend their defense at the investigation stage and subsequent stages in the proceedings.

*Fifth*, applying the law in investigating crimes using cyberspace to violate national security needs to clearly recognize the increasing trend in the number of cases and the increasingly dangerous and sophisticated nature of the crime. Use this information to take appropriate legal measures; do not be subjective and let down your guard.

### **4.3. SOLUTIONS TO ENSURE THE APPLICATION OF THE LAW IN THE INVESTIGATION OF CRIMES USING CYBERSPACE TO INFRINGE NATIONAL SECURITY OF THE SECURITY INVESTIGATION AGENCIES OF THE MINISTRY OF PUBLIC SECURITY OF VIETNAM IN THE FUTURE TIME**

#### **4.3.1. General solution group**

*4.3.1.1. Amending, supplementing and completing legal documents to create a legal basis for the application of law in investigating crimes using cyberspace to infringe upon national security by the Security Investigation Agency. Ministry of Public Security of Vietnam*

- Supplement and complete legal documents specifying the Law on Cyber Security, the Law on Protection of State Secrets, related to ensuring information security, in which it is necessary to specifically stipulate the provision of and posting information on the Internet such as publishing electronic newspapers, radio and television on the Internet, managing blogs, management work and sanctions for violations; Specify and clearly regulate the rights and obligations of telecommunications service providers in ensuring information security.

- Complete legal documents on management of associations and non-governmental organizations in Vietnam. Accordingly, soon promulgate a law on professional associations (do not combine the currently proposed types of associations) at an appropriate time and amend, supplement or promulgate new replacements for a number of sub-law documents such as the Decree. No. 45/2010/ND-CP dated April 21, 2010 on organization, operation and management of associations (the content of the current Decree does not regulate illegal associations and groups); Decision No. 97/2009/QĐ-TTg dated July 27, 2009 of the Prime Minister on the list of fields in which individuals can establish science and technology organizations.

- Complete the provisions of the Penal Code related to crimes using cyberspace to violate national security.

- Improve the Criminal Procedure law on proceedings for criminals using cyberspace to violate national security.

*4.3.1.2. The Security Investigation Agency of the Ministry of Public Security of Vietnam advises the Ministry of Public Security to propose to the Party and State to promptly and thoroughly resolve complex economic and social issues, not allowing*

***subjects to take advantage of or provoke them Actively use cyberspace to conduct activities that violate national security***

To promptly and thoroughly resolve complex economic and social issues that arise, based on apply the law functions, tasks and practices in investigating crimes using cyberspace to violate national security. The security investigation agency of the Ministry of Public Security needs to focus on doing well the following contents:

- The Ministry of Public Security's security investigation agency advises the Ministry of Public Security to propose to the Party and State to resolve issues related to sovereignty, national territory, land border markers, and maritime borders between countries us with neighboring countries, especially China and Cambodia. At the same time, propose and recommend to competent agencies such as: Central Propaganda Department, Ministry of Information and Communications, news agencies and press to do a good job of propaganda and orienting public opinion for the masses the people, youth, and students on the views and policies of the Party and State in resolving sovereignty and border disputes with neighboring countries, especially disputes in the East Sea between Vietnam and China, exposing the plots and activities of hostile and reactionary forces taking advantage of this issue using cyberspace to incite the masses to participate in anti-Party, State, and infringing activities National security.

- The Security Investigation Agency of the Ministry of Public Security advises the Ministry of Public Security to propose to the Party and State to promptly and effectively resolve complex social cases and internal conflicts without allowing enemies. Enemies and reactionaries take advantage of and use cyberspace to incite and entice the public to participate in activities that violate national security.

**4.3.2. Specific solution group**

***4.3.2.1. Improve the qualifications and professional capacity, qualities and sense of responsibility of Heads, Deputy Heads, Investigators and investigation officers competent to apply the law in investigating crimes using cyberspace violating the national security of the Security Investigation Agency of the Ministry of Public Security of Vietnam***

Investigators and investigation officers need to be both knowledgeable and professional, have political theoretical qualifications, and be fully aware of the Party's policies and guidelines, the State's legal policies, and awareness of the Party's policies and laws. Full information about the fight against crime in general and the fight against crimes using cyberspace to violate national security in particular. At the same time, the Security Investigation Agency of the Ministry of Public Security needs to, on the one hand, calculate and consider how to apply the law to handle subjects who use cyberspace to commit crimes of infringing upon national security to ensure the requirements politics, law and profession.

At the same time, it is necessary to continue to improve the quality of the team of investigators and investigation officers and the conditions to ensure the good performance of the tasks of investigators and investigation officers. There is a regime for promptly rewarding achievements as well as strictly disciplining officials when violations occur to promptly encourage and motivate officials with achievements in the fight against crime as well as promptly rectify violations in work. Because the human factor is always the key, the "root of work".

The selection and appointment of investigators must ensure quality, correct procedures, and meet the standards to always meet the task requirements of the investigation of crimes using cyberspace to violate national security in situations of new picture.

***4.3.2.2. Ensure necessary facilities for the activities of the team of investigators and investigation officers, with remuneration appropriate to specific professional activities.***

Facilities, working facilities as well as policies for investigators and investigation officers of the Investigation Security Agency of the Ministry of Public Security are always issues that need attention. Implementing the policy of judicial reform, in recent years the Party and State have strengthened leadership, paid attention to investment, and installed facilities, equipment, and means of working and serving work; Implement many regimes and policies for officers of the Security Investigation Agency of the Ministry of Public Security. Therefore, the facilities, working equipment and policies for officials of judicial agencies in general, and for investigators and investigation officers of the Investigation Security Agency in particular are Investing, gradually meeting mission requirements, significantly improving equipment and facilities for work as well as necessary daily life for officers and soldiers. However, compared to the requirements of fighting crime in the current market economy and information explosion, especially serving the fight against criminals using cyberspace to violate National security. Furthermore, the audio and video recording equipment used to interrogate the accused is still lacking and cannot meet all work requirements due to the conditions of the public sector's facilities, equipment and working facilities. Security is still lacking in synchronization. Remuneration and policies for investigators and investigation officers are still modest, not creating real motivation to encourage quality improvement and meet work requirements.

***4.3.2.3. Strengthen coordination between units under the Ministry of Public Security and between the Ministry of Public Security and other agencies and units***

- Regarding strengthening coordination between units under the Ministry of Public Security: The coordination of the Technical Reconnaissance and Cyber Security forces will contribute to ensuring that investigation activities have the right direction in the resolution process decide the case. Security investigation agencies need to regularly coordinate with Technical Reconnaissance and Cyber Security forces to open popular training conferences and update investigators and investigation officers on crime methods and tricks. Crime of using cyberspace to violate national security, tools and means that subjects regularly use for prosecution agencies and relevant agencies to apply in crime prevention and control.

- Regarding strengthening the coordination between the Security Investigation Agency of the Ministry of Public Security and the Supreme People's Procuracy: The process of applying the law in general criminal investigation and investigating crimes using cyberspace to invade National security violations in particular by the Security Investigation Agency of the Ministry of Public Security should be placed under the supervision of judicial activities in general and investigation activities in particular by the People's Procuracy.

#### ***4.3.2.4. Strengthen management, direction and administration***

Strengthen management, direction and administration of important national information systems. Information systems important for national security must be regularly inspected, evaluated, and protected appropriately and continuously from the design, construction, development, operation, and use stages. The People's Public Security Force advises the Government to promulgate conditions on cybersecurity for information systems important for national security; Preside over the assessment and certification of cyber security eligibility and cyber security supervision for information systems important for national security, except for military information systems and cipher information systems under the Board of Directors Government cipher.

#### ***4.3.2.5. Strengthen the Party's leadership role***

History has proven the leadership role of the Communist Party of Vietnam in the State and society. Article 4 of the 2013 Constitution recognized: "The Communist Party of Vietnam - The vanguard of the working class, and at the same time the vanguard of the working people and of the Vietnamese people, a loyal representative of the interests of the Vietnamese people. of the working class, the working people and the nation, taking Marxism-Leninism and Ho Chi Minh's thought as the ideological foundation, as the leading force of the State and society". In Police work, the Party leads directly and absolutely in all aspects. This is the leading factor creating the success of Police work in general, and the investigation of cases using cyberspace to violate national security in particular. The Party's leadership is expressed by policies, guidelines, and mottos, based on the economic and political situation in each period, each area, and each specific case through resolutions of party committees at all levels Party. That leadership is about giving directions, principles, requirements, handling methods, etc, not about deep, direct, specific intervention in the specific form and level of handling for each individual case, each defendant.

#### ***4.3.2.6. Strengthen international cooperation***

In recent years, the crime situation in Vietnam as well as countries around the world has become very complicated and serious. The prevention and combat of international crimes has become a special concern of all countries and territories in the world. Therefore, promoting international cooperation in investigating this type of crime is an urgent issue.

With a very important position, role and function, the Security Investigation Agency of the Ministry of Public Security has many favorable conditions in coordinating with investigation agencies inside and outside the People's Public Security force as well as As with international organizations on crime prevention in general, criminals using cyberspace to violate national security in particular. Therefore, working closely with investigation agencies and international organizations such as the International Criminal Police Organization (INTERPOL) and taking advantage of projects of international organizations to serve the work Investigating crimes using cyberspace to violate national security to train staff and train, learn to share experiences, and foster resources for this work will contribute to making operations more effective action of the Security Investigation Agency of the Ministry of Public Security of Vietnam.



## CONCLUDE

Through choosing and researching the thesis topic, the author draws the following basic issues:

- Criminal acts of infringing on national security are particularly serious crimes, specified in articles in Chapter XIII of the 2015 Penal Code, amended and supplemented in 2017. This is an act of directly threatening or harming the existence and strength of the people's government, the stability and sustainable development of the socialist regime and the State of the Socialist Republic of Vietnam, the possibility of violating the independence, sovereignty, unity, territorial integrity of the Fatherland, the stability of the political system, the people's trust in the Party and State, and the image of the Nation in the international arena. Therefore, fighting to defeat all criminal acts that violate national security, including applying the law in investigating crimes using cyberspace to violate national security, is an important issue especially important in the work of protecting national security and the socialist regime.

- The process of applying the law in investigating cases of crimes using cyberspace to violate national security by the Security Investigation Agency of the Ministry of Public Security is essentially the process of the Investigation Agency applying measures. Public proceedings, in accordance with the grounds, authority, order, procedures, and time limits prescribed by the Criminal Procedure Code to contribute to clarifying the subject of proof of the case of infringing use of cyberspace national security, through prosecution activities, collecting and evaluating evidence, applying preventive measures, building dossiers, and proposing forms of handling as a basis for resolving the case in the next stages of proceedings. Through research on the current status of law application in investigations by the Security Investigation Agency of the Ministry of Public Security, it shows that this is an extremely difficult and complicated job. It is the process of fighting against subjects who often have a deep sense of class opposition, have sophisticated, cunning, and difficult to detect crime methods; The litigation process is always interfered with by hostile propaganda, our investigation and handling are always under a lot of pressure from political, professional and foreign affairs requirements; The process of proving the truth of the case is very difficult and complicated.

- In the process of investigating criminal cases using cyberspace to violate national security, the Security Investigation Agency applies measures prescribed by law to collect and evaluate evidence to contribute to the investigation process. shed light on the case. When applying the law, the Security Investigation Agency must strictly comply with the provisions of criminal procedure law on grounds, authority, order, procedures, and deadlines. However, this process cannot be separated from the process of applying criminal investigation and security measures, but must always be skillfully combined. It is necessary to avoid the mindset of only focusing on professional application or only focusing on the application of criminal procedure law, but need to combine these activities in a creative, flexible and effective way.

- Applying the law in investigating crimes using cyberspace to violate national security is a complex and difficult job, requiring the mobilization of the combined strength of many forces, levels, and sectors participate, in which the investigative

security force plays a core and presiding role, Party committees at all levels promote their leadership role, professional leaders at all levels promote their guiding role, and professional forces Reconnaissance plays a close coordinating role. Whether or not the application of the law is good in investigating this type of case depends largely on the effectiveness of the coordination relationship. This coordination process takes place continuously, regularly, long-term, and closely, not only in the initial reconnaissance stage but also in the later processing stage, not only in the goal of solving the case but must also contribute to expanding reconnaissance work in the long-term struggle with hostile forces.

- In the coming time, plots and activities that violate national security will continue to take place extremely complicatedly by many forces, many interwoven international interests outside, and many complicated political ideological developments in the country. At the same time, the development of science and technology is extremely strong,...which will create extremely favorable conditions for criminals to use cyberspace to violate national security more and more frequently, more complicated, very difficult to fight and handle. Opposing forces continue to interfere in the proceedings and continue to pressure us on political and diplomatic fronts. Therefore, in the coming time, the Security Investigation Agency of the Ministry of Public Security needs to continue to concentrate forces and measures, under the leadership and direction of competent leaders at all levels, to promptly prevent and fight against corruption fight early, thoroughly and effectively deal with those who commit this type of crime. It is necessary to pay special attention to the application of law in case investigation, considering this as a direct fighting measure, with full basis and legal basis to promote effective fighting along with professional measures other service./.

### **LIST OF SCIENTIFIC WORKS OF THE AUTHOR RELATED TO THE THESIS**

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