

HO CHI MINH NATIONAL ACADEMY OF POLITICS

NGUYEN TRONG LUAN

**APPLICATION OF LAW IN THE INVESTIGATION
OF OFFENCES INVOLVING THE TRAFFICKING
IN OR APPROPRIATION OF HUMAN TISSUES OR
BODY PARTS BY THE CRIMINAL POLICE FORCE
IN VIETNAM**

**DOCTORAL DISSERTATION SUMMARY
MAJOR: THEORY AND HISTORY OF STATE AND LAW**

Mã số: 9380106

HA NOI - 2026

**The dissertation was completed at
Ho Chi Minh National Academy of Politics**

Academic supervisors: 1. Assoc. Prof. Dr. Tang Thi Thu Trang



2. Assoc. Prof. Dr. Hoang Hung Hai



Reviewer 1:

.....

Reviewer 2:

.....

Reviewer 3:

.....

**The dissertation will be defended before the Academy-level Dissertation
Evaluation Council at Ho Chi Minh National Academy of Politics**

At..... hours,..... date..... month..... year 2026

**The dissertation is available at National Library of Vietnam and Library
of Ho Chi Minh National Academy of Politics**

INTRODUCTION

1. Rationale of the Study

In the context of globalization and the rapid advancement of science and technology, the global and domestic crime landscape has grown increasingly complex. The combat against and prevention of crime constitutes a paramount, urgent, regular, and long-term task aimed at safeguarding national security, social order and safety, and human rights. Within this overarching context, offences involving the trafficking in, or appropriation of, human tissues or body parts have emerged as an exceptionally dangerous category of non-traditional crime. These offences severely infringe upon fundamental human rights - specifically the sacred rights to physical inviolability, honor, and human dignity - while simultaneously causing social disorder and negatively impacting the State's humanitarian policies within the healthcare sector.

Guided by the imperative global demand for human rights protection, adhering strictly to the Communist Party's directing viewpoints regarding the enhancement of Party leadership in crime prevention and control under contemporary circumstances, and materializing the spirit of the 2013 Constitution on safeguarding human rights, the 2015 Penal Code (amended and supplemented in 2017), for the first time in national legislative history, established a distinct statutory offence entitled "Trafficking in or appropriation of human tissues or body parts" under Article 154. This represents a monumental legislative advancement that reflects the profound commitment of the State, establishing a solid legal foundation for law enforcement agencies, including the Criminal Police force, to conduct criminal investigations and prosecute offenders. Nevertheless, bridging the gap between substantive law provisions and effective legal application in practice requires a scientific, coherent, and uniform mechanism for the application of law.

The practical enforcement realities over nearly a decade of implementing the 2015 Penal Code - as amended and supplemented in 2017, 2024, and 2025 (hereinafter referred to as the 2025 Penal Code) - spanning from 2017 through July 2026 demonstrate that the Criminal Police force has made significant efforts to deploy comprehensive measures and achieved commendable results. However, alongside these positive outcomes, the practical execution of legal application in investigating offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam has also exposed numerous limitations and systemic deficiencies. Criminal operations have become increasingly sophisticated, frequently disguised under the cloak of "humanitarian organ donation" and operating through closed, transnational syndicates, which results in a remarkably high rate of undetected or unprosecuted crimes (the dark figure of crime), thereby imposing formidable challenges on investigative

activities. Furthermore, legal impediments and ambiguities persist, as several provisions within Article 154 of the 2025 Penal Code and its accompanying implementation guidelines remain unclear and inconsistent with specialized statutes (such as the Law on Donation, Removal and Transplantation of Human Tissues and Organs), posing substantial hurdles to criminal legal qualification and evidence gathering. In terms of institutional capacity, the proficiency in legal application among a segment of Criminal Police officers remains uneven and lacks specialized training in forensic biomedicine, while inter-agency coordination mechanisms have yet to fulfill practical imperatives.

Against this background, the PhD candidate has selected the topic: ***"Application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam"*** for a doctoral dissertation in the discipline of Theory and History of State and Law. This study aims to construct a comprehensive framework of scientific and legal arguments to enhance the efficacy of legal application in criminal investigations generally, and specifically in the investigation of trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam, thereby contributing to the maintenance of security and social order and the protection of human rights in the contemporary era.

2. Objectives and Tasks of the Research

2.1. Research Objectives

The dissertation aims to elucidate the theoretical foundations of the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force. On this basis, it systematically analyzes and evaluates current practical realities, ultimately formulating jurisprudential perspectives and actionable solutions to guarantee the effective application of law in investigating these crimes by the Criminal Police force in Vietnam

2.2. Research Tasks

First, to conduct a comprehensive literature review of existing domestic and international research related to the topic, thereby identifying established areas of inquiry, research gaps unaddressed by prior studies, and critical issues requiring further academic investigation.

Second, to synthesize, systematize, and analyze theoretical issues concerning the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force.

Third, to research, survey, analyze, and evaluate the empirical status of legal application, while identifying achievements, shortcomings, and the underlying root causes of both successful outcomes and existing deficiencies in the application of law during the investigation of these offences by the Criminal Police force in Vietnam.

Fourth, to articulate jurisprudential perspectives and propose constructive solutions to optimize and guarantee the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam.

3. Object and Scope of Research

3.1. Object of Research

The dissertation focuses on examining theoretical and practical issues regarding the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam, evaluated through the disciplinary lens of the Theory and History of State and Law.

3.2. Scope of Research

- *Substantive scope*: The study focuses on legal provisions governing the investigation of offences involving the trafficking in or appropriation of human tissues or body parts, encompassing the following legal institutions: (1) Legislation on investigative jurisdiction; (2) Legislation on the initiation of criminal cases, the institution of criminal charges against the accused, and the application of preventive measures; (3) Legislation on procedural investigative measures; (4) Legislation on the temporary suspension, suspension, or formal conclusion of criminal investigations into these offences.

- *Subjective scope*: Procedural actors conducting investigative activities, specifically Heads, Deputy Heads, Investigators, and Investigating Officers of the Criminal Police force at all administrative levels within the Ministry of Public Security of Vietnam.

- *Temporal scope*: The dissertation analyzes data, legislative developments, and empirical practices spanning from 2017 to the present

- *Spatial scope*: The research is geographically delimited to the territory of Vietnam.

4. Theoretical Framework and Research Methodology

4.1. Theoretical Framework

The dissertation is grounded upon the theoretical foundations of dialectical materialism and historical materialism within Marxist-Leninist philosophy, alongside Ho Chi Minh's thought, as well as the directives of the Party and the policies and laws of the State regarding the State and law, crime prevention and control, and the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

4.2. Research Methodology

Methodologically, the dissertation relies on the core principles of dialectical and historical materialism of Marxism-Leninism, Ho Chi Minh's thought, and the official guidelines and principles of the Party and State regarding crime control

and the application of law in investigating these offences. Additionally, the dissertation employs specific research methods, including: documentary research; empirical field survey; statistical analysis and synthesis; case study method; human rights-based approach; and comparative legal analysis.

5. Original Contributions of the Dissertation

First, the dissertation conceptualizes and clarifies the theoretical foundations of legal application in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in a more comprehensive, rigorous, and profound manner.

Second, the dissertation systematically investigates, analyzes, and evaluates achieved results, the underlying factors contributing to these achievements, as well as existing limitations and their root causes regarding the application of law in the investigation of these offences by the Criminal Police force in Vietnam.

Third, the dissertation formulates jurisprudential perspectives guiding legal application in investigating these offences by the Criminal Police force in Vietnam, thereby proposing 07 targeted solutions to ensure and optimize the application of law in the investigation of trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam.

6. Theoretical and Practical Significance of the Research

6.1. Theoretical Significance

The research findings of the dissertation furnish robust scientific and legal arguments that contribute to refining the general jurisprudence of legal application, as well as the specialized theory of legal application in criminal investigations conducted by the Criminal Police force.

6.2. Practical Significance

The empirical and theoretical outcomes of the dissertation can serve as a reference for competent state authorities during the drafting and refinement of legal policies and statutory regulations governing the investigation of trafficking in or appropriation of human tissues or body parts. Simultaneously, they offer scientific grounds for the Criminal Police force across all administrative levels to innovate and enhance the quality of legal application in their investigative endeavors moving forward.

Furthermore, the findings of this dissertation serve as a useful academic reference for research, teaching, and learning activities within legal educational institutions whose academic programs align with the research scope.

7. Structure of the Dissertation

Apart from the introduction, conclusion, list of the author's published scientific works related to the dissertation, reference list, and appendices, the dissertation is structured into 4 chapters comprising 12 sections.

Chapter 1

OVERVIEW OF THE RESEARCH LITERATURE RELATED TO THE DISSERTATION TOPIC

1.1. DOMESTIC RESEARCH LITERATURE

1.1.1. Research works related to the application of law in criminal investigation

The dissertation has focused on comprehensively reviewing domestic research works related to the application of law in criminal investigations in the form of books, dissertations, scientific research projects, and scientific journal articles that hold theoretical and practical reference value for the PhD candidate.

1.1.2. Research works related to offences involving the trafficking in or appropriation of human tissues or body parts

The dissertation has focused on comprehensively reviewing domestic research works related to offences involving the trafficking in or appropriation of human tissues or body parts in the form of books, dissertations, scientific research projects, and scientific journal articles that hold theoretical and practical reference value for the PhD candidate.

1.2. INTERNATIONAL RESEARCH LITERATURE

1.2.1. Research works related to criminal investigation

The dissertation has focused on comprehensively reviewing international research works related to criminal investigation in the form of books, dissertations, scientific research projects, and scientific journal articles that hold reference value for the PhD candidate when analyzing the theoretical and practical legal frameworks and experiences of several countries globally.

1.2.2. Research works related to offences involving the trafficking in or appropriation of human tissues or body parts

The dissertation has focused on comprehensively reviewing international research works related to offences involving the trafficking in or appropriation of human tissues or body parts in the form of books, dissertations, scientific research projects, and scientific journal articles that hold reference value for the PhD candidate when analyzing the theoretical and practical legal frameworks and experiences of several countries globally.

1.3. EVALUATION OF RESEARCH WORKS RELATED TO THE DISSERTATION TOPIC

1.3.1. Issues the dissertation can inherit

Within the scope of the research works related to the dissertation topic that the author has synthesized, it is evident that numerous domestic and international

studies pertain to the dissertation's subject matter, from which the author can inherit and develop during the research process. However, there has been no in-depth specialized study on the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam.

1.3.2. Issues related to the dissertation that remain unresolved

First, regarding the theoretical aspect: There is currently no scientific work that has comprehensively researched the theory of legal application in this domain. At present, foundational scientific works merely stop at examining the general theory of the application of law or criminal investigation broadly, without delving into the specific characteristics of legal application in investigating offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force. Consequently, no scholarly publication has been able to provide a complete theoretical foundation or specifically analyze the contents, distinctive stages of legal application, or the enforcement of penal sanctions in the investigation of these offences by the Criminal Police force.

Second, regarding the practical aspect: Thus far, the aforementioned works have not deeply analyzed the practical realities of specifically applying the specialized legal regulations by the Criminal Police force when conducting investigations into offences involving the trafficking in or appropriation of human tissues or body parts. Moreover, contemporary scientific literature has yet to address several other critical issues during the execution of investigative activities pertaining to these crimes by the Criminal Police force, nor has it empirically evaluated the outcomes of the Criminal Police force's application of legal provisions throughout the entire investigative process of these offences.

Third, regarding the system of viewpoints, solutions, and recommendations: No existing study has put forth specific, detailed solutions to guarantee the application of law specifically in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts. Current research predominantly remains at the level of proposing generalized, broad solutions. Furthermore, existing studies have not deeply analyzed the difficulties or proposed remedial solutions for the coordination mechanisms between the Criminal Police force and internal or external law enforcement bodies, nor have they addressed international cooperation in applying scientific and technological advancements to ensure and elevate the efficacy of legal application when investigating this category of crime.

1.3.3. Issues the dissertation needs to continue researching

First, regarding the theoretical aspect: The dissertation needs to elucidate and refine the concepts, characteristics, roles, legal contents, and stages of legal application in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts, grounded in the theory of State and law. The research must be predicated on the general theory of legal application and the actual investigative realities of this crime by the Criminal Police force. It is necessary to clearly analyze the impacts, influences, and guaranteeing conditions when applying the law to the investigation of these offences by the Criminal Police force.

Second, regarding the practical aspect: The dissertation must investigate the empirical realities of legal application in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam today. The research content is implemented concerning legal application during the execution of investigative steps for this crime. Simultaneously, it must evaluate and clearly analyze the achieved results and existing limitations when conducting legal application in the investigation of these crimes by the Criminal Police force in Vietnam.

Third, regarding the system of viewpoints, solutions, and recommendations: The dissertation must continue researching to define viewpoints and propose feasible, specific solutions to ensure the effective application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam. Concurrently, the dissertation also researches and proposes specialized solutions exclusively tailored for the Criminal Police force in Vietnam.

1.4. RESEARCH HYPOTHESES AND RESEARCH QUESTIONS

1.4.1. Research hypotheses

Hypothesis 1: The theoretical foundation of legal application in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force is one of the fundamental and pivotal contents for the Criminal Police force to conduct legal application specifically in the investigation of these crimes.

Hypothesis 2: Alongside the fundamental advantages, evaluating the influencing factors and the practical realities of legal application in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam has revealed several limitations.

Hypothesis 3: In the current context, researching and mastering jurisprudential viewpoints while synchronously implementing a system of solutions serves as the prerequisite condition to guarantee the effective application of law in the investigation of these offences by the Criminal Police force in Vietnam in the forthcoming period.

1.4.2. Research questions

1. What is the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force, and what are its characteristics and roles? What are the contents of legal application in the investigation of these offences by the Criminal Police force? Which stages must the process of legal application undergo during the investigation of these crimes by the Criminal Police force? What do the guaranteeing conditions for the activities of legal application in investigating these offences by the Criminal Police force entail?

2. Regarding the influencing factors and practical realities of legal application in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam, what results have been achieved, and what are the causes of these achieved results? What are the limitations and the underlying causes of those limitations?

3. What systematic viewpoints and solutions must be formulated to perfect the legal institutions, elevate the quality of prosecuting subjects, and optimize the organizational mechanisms for executing legal application activities in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam?

Chapter 2

THEORETICAL FOUNDATIONS OF THE APPLICATION OF LAW IN THE INVESTIGATION OF OFFENCES INVOLVING THE TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE

2.1. CONCEPT, CHARACTERISTICS, AND ROLE OF THE APPLICATION OF LAW IN THE INVESTIGATION OF OFFENCES INVOLVING THE TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE

2.1.1. Concept of the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force

2.1.1.1. Concept of offences involving the trafficking in or appropriation of human tissues or body parts

Tissue is a collection of metabolic cells, with similar or distinct structures, joined together to perform specific functions within the human body.

Human body parts are organs that constitute the body and are formed from various types of tissues to perform specific organ-system functions within the human body.

The offence involving the trafficking in or appropriation of human tissues or body parts is a socially dangerous act, defined in the Penal Code, committed by a person with full criminal capacity who intentionally entices, recruits, deceives, uses force, threatens to use force, or employs other artifices to appropriate or exchange human tissues or body parts as a commodity for money, property, or other benefits, which under statutory provisions must be subject to criminal liability.

2.1.1.2. Concept of criminal investigation and the investigation of offences involving the trafficking in or appropriation of human tissues or body parts

Criminal investigation is a stage of criminal proceedings conducted by investigative agencies or agencies assigned to perform certain investigative activities in accordance with criminal procedure law, carried out from the issuance of a decision to initiate a criminal case until the issuance of an investigation conclusion recommending prosecution or a decision to temporarily suspend or suspend the investigation, aimed at collecting, examining, and evaluating evidence to determine whether or not a crime was committed, the perpetrator, fault, motives, criminal intent, nature and extent of damage caused by the criminal act, along with other circumstances subject to proof in the criminal case, serving as the basis for legal adjudication pursuant to statutory provisions.

The investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force is an activity within the criminal procedural process, in which Heads, Deputy Heads, Investigators, and Investigating Officers of the Criminal Police force under the Ministry of Public Security proceed according to their jurisdiction, sequences, and procedures prescribed by the Criminal Procedure Code, through collecting, examining, and evaluating lawful evidence to identify, process, and hold criminally liable individuals who commit the act of "trafficking in or appropriating human tissues or body parts", thereby penalizing offenders and ensuring the comprehensive and accurate application of law.

2.1.1.3. Concept of application of law and concept of application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force

The application of law is a specific form of legal implementation characterized by state authority, carried out by authorized individuals or agencies who, based on legal provisions, individualize those legal norms to specific cases and subjects following a strict procedure established by law; it possesses an individualized and specific nature toward particular social relations and constitutes an activity requiring creative intellectual effort.

The application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force is the execution by Heads, Deputy Heads, Investigators, and Investigating Officers of the Criminal Police force within the People's Public Security of the provisions of criminal procedure law and relevant legislation during the investigation of crimes involving the trafficking in or appropriation of human tissues or body parts, aiming to detect and handle criminal acts while safeguarding the legitimate rights and interests of involved parties in strict compliance with legal provisions.

2.1.2. Characteristics of the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force

First, legal application in the investigation of offences involving the trafficking in, appropriation of human tissues or body parts by the Criminal Police force is an activity characterized by state organizational authority.

Second, legal application in the investigation of offences involving the trafficking in, appropriation of human tissues or body parts by the Criminal Police force is a complex and highly specialized activity of evidence collection and evaluation, because evidence comprises not merely conventional testimonies and physical items, but also medical records, donation-transplantation documentation, forensic medical expertise conclusions, financial and bank transfer data, clandestine agreements, as well as DNA and biological forensic analysis results.

Third, legal application in the investigation of offences involving the trafficking in, appropriation of human tissues or body parts by the Criminal Police force targets novel, complex, and distinct subject matters.

Fourth, legal application in the investigation of offences involving the trafficking in, appropriation of human tissues or body parts by the Criminal Police force is conducted from the issuance of the decision to initiate a criminal case until

the conclusion of the investigation, serving as the legal predicate for prosecuting the accused before the law.

Fifth, legal application in the investigation of offences involving the trafficking in, appropriation of human tissues or body parts by the Criminal Police force is an activity characterized by individualized and specific regulation toward each unlawful act.

2.1.3. Role of the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force

First, legal application in the investigation of offences involving the trafficking in, appropriation of human tissues or body parts by the Criminal Police force contributes to implementing the policies and guidelines of the Party and state legislation on safeguarding human rights and citizens' rights, while curbing crime in the coming period.

Second, legal application in the investigation of offences involving the trafficking in, appropriation of human tissues or body parts by the Criminal Police force contributes to elevating the efficacy of investigating organized crime and ensuring national security, social order and safety, as well as the legitimate rights and interests of involved entities.

Third, legal application in the investigation of offences involving the trafficking in, appropriation of human tissues or body parts by the Criminal Police force prevents miscarriages of justice and the failure to prosecute criminals, thereby reinforcing societal trust.

Fourth, legal application in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts contributes to enhancing professional competence, skills, and occupational fortitude among the Criminal Police force.

Fifth, legal application in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts contributes to advisory work, formulation of recommendations, and the development and refinement of legislation.

2.2. LEGAL CONTENTS AND STAGES OF THE APPLICATION OF LAW IN THE INVESTIGATION OF OFFENCES INVOLVING THE TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE

2.2.1. Legal contents in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force

The PhD candidate focuses on researching and analyzing the following primary contents:

First, legislation on the initiation of criminal cases, institution of criminal charges against the accused, and execution of investigative activities pursuant to criminal procedure regarding offences involving the trafficking in, appropriation of human tissues or body parts by the Criminal Police force.

Second, legislation on the temporary suspension of investigation, suspension of investigation, and conclusion of investigation, along with transferring case files recommending prosecution of the accused before the law by the People's Procuracy regarding offences involving the trafficking in, appropriation of human tissues or body parts by the Criminal Police force.

2.2.2. Stages of the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force

During the investigation of offences involving the trafficking in, appropriation of human tissues or body parts in Vietnam, the Criminal Police force executes stages of legal application to ensure transparency, fairness, and efficacy. These stages comprise:

First, correctly and accurately analyzing and evaluating objective circumstances, conditions, and background details, while clarifying the essential legal attributes of the factual incident that occurred by the Criminal Police force.

Second, selecting applicable legal norms required in the investigation of offences involving the trafficking in, appropriation of human tissues or body parts by the Criminal Police force.

Third, issuing legal application acts (official legal documents) in the investigation of offences involving the trafficking in, appropriation of human tissues or body parts by the Criminal Police force.

Fourth, organizing the execution of legal application acts and inspecting and supervising the enforcement of legal application decisions in the investigation of offences involving the trafficking in, appropriation of human tissues or body parts by the Criminal Police force.

2.3. GUARANTEEING CONDITIONS FOR THE APPLICATION OF LAW IN THE INVESTIGATION OF OFFENCES INVOLVING THE TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE

Fundamental conditions guaranteeing legal application in the investigation of offences involving the trafficking in, appropriation of human tissues or body

parts by the Criminal Police force comprise: Political guaranteeing conditions; legal guaranteeing conditions; material resource guaranteeing conditions; organizational apparatus and human resource guaranteeing conditions; and inter-agency coordination relationship guaranteeing conditions.

2.4. INTERNATIONAL EXPERIENCE ON THE APPLICATION OF LAW IN THE INVESTIGATION OF OFFENCES INVOLVING THE TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY CRIMINAL POLICE FORCES AND REFERENCE VALUES FOR VIETNAM

2.4.1. Experience of selected countries on the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts

The PhD candidate selected and referenced the legal application experiences of the following countries in investigating offences involving the trafficking in, appropriation of human tissues or body parts: China, Russia, the United Kingdom, and the United States.

2.4.2. Reference values for Vietnam

First, the stages of legal application in investigating offences involving human tissues or body parts require the establishment of a uniform, rigorous, and explicit procedure.

Second, there is a need to broaden the scope of constituent acts forming the crime of trafficking in or appropriating human tissues or body parts.

Third, criminalizing the act of brokering the trade and transplantation of human tissues and body parts as an independent statutory offence.

Fourth, establishing strict legal regulations governing the phenomenon of "organ transplant tourism".

Fifth, combating offences involving the trafficking in, appropriation of human tissues or body parts requires not only a comprehensive and synchronized legal system but also an effective coordination mechanism among competent authorities, particularly investigative agencies, the procuracy, medical establishments, security services, and social organizations.

Sixth, training and fostering the contingent of Investigators and Investigating Officers of the Criminal Police force to become legal application experts in investigating offences involving the trafficking in or appropriation of human tissues or body parts.

Chapter 3

INFLUENCING FACTORS AND THE REALITY OF THE APPLICATION OF LAW IN THE INVESTIGATION OF OFFENCES INVOLVING THE TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE IN VIETNAM

3.1. FACTORS AFFECTING THE APPLICATION OF LAW IN THE INVESTIGATION OF OFFENCES INVOLVING THE TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE IN VIETNAM

3.1.1. Natural, economic, and social conditions of Vietnam affecting the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam

Vietnam possesses natural characteristics that subjects committing acts of trafficking in or appropriating human tissues or body parts exploit to traffic victims (the poor, the easily deceived) abroad for surgeries, exchanges, and to evade authorities, thereby creating difficulties for the Criminal Police force in verifying and collecting evidence. Furthermore, Vietnam is a developing country with a profound wealth gap, which, coupled with the impacts of a market economy, leads the poor, unemployed, or debt-ridden to be easily enticed into selling their kidneys, livers, or other body parts. Concurrently, Vietnam is among the countries with high population density, with a population scale exceeding 100 million people, yet social welfare still faces limitations, inadequacies, difficulties, and challenges. Medical achievements in the field of organ transplantation are increasingly promoted and thoroughly applied, but the actual demand remains unmet.

3.1.2. The situation of offences involving the trafficking in or appropriation of human tissues or body parts in Vietnam

The situation of offences involving the trafficking in or appropriation of human tissues or body parts over the years from 2017 to July 2026 indicates that this category of crime has evolved in a complex manner, with fluctuations in both the number of cases and the number of offenders depending on the specific phase of each year. This evolutionary trend stems from various socio-economic and multifaceted causes in daily life. From 2017 to July 2026, there were 145 cases, involving 191 offenders and 346 victims; on average, 14 cases occur annually, accounting for approximately 0.036% of all criminal offenses. The erratic

evolution of offences involving the trafficking in or appropriation of human tissues or body parts in Vietnam implies that the results reflecting legal application in investigating these crimes by the Criminal Police force require regular and continuous summation and lesson-drawing.

3.1.3. The structure, organization, and operation of the Criminal Police force in Vietnam

From March 1, 2025, to the present, the structure, organization, and operation of the Criminal Police force in Vietnam have undergone changes and adjustments, specifically the dismantling of the Criminal Police force at the district level, leaving only two levels: the Department (central) and provincial levels. At the commune and ward levels, grassroots crime prevention and combat teams are established, bearing the roles and duties of preventing and fighting various types of crimes, and serving as the focal point for receiving and processing crime denunciations within the locality. The function of legal application in investigating crimes in general, and offences involving the trafficking in or appropriation of human tissues or body parts specifically, previously under the jurisdiction and duties of the district level, has been transferred to the provincial level, with Investigators and Investigating Officers deployed to the commune level within the province to support this activity. This organizational structure engenders both advantages and challenges for legal application activities in general, and legal application in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts in particular, by the Criminal Police force in Vietnam.

3.2. THE REALITY OF THE APPLICATION OF LAW IN THE INVESTIGATION OF OFFENCES INVOLVING THE TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE IN VIETNAM

3.2.1. Achieved results regarding the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam and the underlying causes

3.2.1.1. Achieved results regarding the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam

The PhD candidate has analyzed and evaluated the achieved results of legal application in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam through each stage as follows:

First stage: Correctly and accurately analyzing and evaluating the objective circumstances, conditions, and background details, and clarifying the legal characteristics of the actual occurred incident.

Second stage: Selecting the legal norms required to be applied in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

Third stage: Issuing legal application acts in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

Fourth stage: Organizing the execution of the legal application acts and inspecting and supervising the enforcement of legal application decisions in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

3.2.1.2. Causes of the achieved results regarding the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam

First, objective causes.

First, the direct, comprehensive, and close leadership, direction, and attention of the Central Public Security Party Committee, the leadership of the Ministry of Public Security, as well as Party committees and leaders at all levels; along with the supervision and facilitation for the legal application activities of the Criminal Police force in Vietnam.

Second, the legal provisions concerning this category of crime have been promulgated, updated, and increasingly perfected, creating a favorable legal corridor.

Third, the working conditions and environment for the Criminal Police force have been increasingly prioritized by the Party and the State.

Second, subjective causes.

First, the Criminal Police force in Vietnam generally exhibits a strong sense of responsibility toward all assigned tasks.

Second, the Criminal Police force in Vietnam has actively fostered domestic inter-agency, extra-agency, and international cooperation relationships regarding legal application in the investigation of crimes in general and offences involving the trafficking in or appropriation of human tissues or body parts in particular.

Third, the Criminal Police force in Vietnam consistently upholds a resolute and relentless spirit in the prevention and combat of crimes in general, and offences involving the trafficking in or appropriation of human tissues or body parts in particular.

3.2.2. Limitations in the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam and the underlying causes

3.2.2.1. Limitations regarding the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam

The PhD candidate has analyzed and evaluated the limitations in legal application in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam through each stage as follows:

First stage: Limitations in correctly and accurately analyzing and evaluating objective circumstances, conditions, and background details, and in clarifying the legal characteristics of the actual occurred incident.

Second stage: Limitations in selecting the legal norms required to be applied in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

Third stage: Limitations in issuing legal application acts in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

Fourth stage: Limitations in organizing the execution of the legal application acts and inspecting and supervising the enforcement of legal application decisions in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

3.2.2.2. Causes of limitations in the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam

First, objective causes.

First, the limitations and inadequacies in the legal provisions related to legal application in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

Second, direct equipment, technical means, and material facilities have not met actual practical requirements.

Second, subjective causes.

First, causes stemming from the Criminal Police force itself when conducting legal application activities in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

Second, the issue of legal barriers in constructing coordination mechanisms and international cooperation between the Criminal Police force and functional agencies within and outside the Public Security sector, and between Vietnam and regional as well as international countries.

Third, the preliminary and final summation work regarding legal application activities in the investigation of crimes in general, and offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam in particular, has not been implemented regularly and continuously, and remains superficial and perfunctory.

Chapter 4

VIEWPOINTS AND SOLUTIONS TO GUARANTEE THE APPLICATION OF LAW IN THE INVESTIGATION OF OFFENCES INVOLVING THE TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE IN VIETNAM

4.1. VIEWPOINTS ON GUARANTEEING THE APPLICATION OF LAW IN THE INVESTIGATION OF OFFENCES INVOLVING THE TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE IN VIETNAM

4.1.1. Guaranteeing the thorough grasp of guidelines and viewpoints of Party committees at all levels on crime prevention and combat, and the requirement to elevate the efficacy of the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam

First, crime prevention and combat is the task of the entire political system and all citizens.

Second, combining prevention and combat; the Party emphasizes that prevention is a pivotal and strategic element in preventing and combating all types of crimes.

Third, executing crime prevention and combat within the legal framework.

Fourth, strengthening international cooperation relations.

Fifth, applying scientific and technological advancements.

4.1.2. Guaranteeing the principles and procedures of the Penal Code and criminal procedure regarding the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam

Legal application activities in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam must fully comply with the principles and procedures of Vietnam's criminal law and criminal procedure to ensure the right person and the right crime are addressed, preventing miscarriages of justice. When exercising their functions, duties, and powers regarding legal application in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts, the Criminal Police force in Vietnam must respect and adhere to the principles and procedures of the Penal Code and Criminal Procedure Code.

4.1.3. Guaranteeing human rights and citizens' rights in the investigation of crimes in general and offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam

The application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force currently in Vietnam must always be oriented toward the values of human rights and citizens' rights affirmed in the Constitution, specifically ensuring the right to life and human health within a progressive society with healthy development.

4.1.4. Guaranteeing the application of scientific and technological achievements in the application of law regarding the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam

First, the Criminal Police force in Vietnam must promptly apply digital transformation and science and technology to legal application work in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

Second, it is necessary to focus on developing information technology, communication, and transmission infrastructure, synchronized with force organization, management, operational command, and training activities, to meet human resource needs in addressing security and information safety risks.

Third, it is necessary to ensure the training and fostering of new knowledge related to science, technology, informatics, foreign languages, law, and professional skills.

Fourth, it is necessary to ensure the establishment of specific procedures for the process of donating and receiving human tissues and body parts.

Fifth, the Criminal Police force in Vietnam must prioritize the prevention and early detection of offences involving the trafficking in or appropriation of human tissues or body parts in cyberspace.

4.2. SOLUTIONS TO GUARANTEE THE APPLICATION OF LAW IN THE INVESTIGATION OF OFFENCES INVOLVING THE TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE IN VIETNAM

4.2.1. Perfecting the Penal Code, Criminal Procedure Code, Law on Organization of Criminal Investigation Bodies, and legal provisions related to the investigation of offences involving the trafficking in or appropriation of human tissues or body parts

First, perfecting criminal legislation related to the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

Second, perfecting criminal procedure legislation related to the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

Third, perfecting the Law on Organization of Criminal Investigation Bodies related to the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

4.2.2. Continuing to innovate the organizational apparatus and build a regular, elite, and gradually modernized Criminal Police force in Vietnam in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts

First, the Ministry of Public Security and competent functional agencies should advise and propose the Government to permit the establishment of investigative teams for offences involving the trafficking in, appropriation of human tissues, or body parts within the Divisions under the Criminal Police Department; each Public Security Department of a province or centrally run city should establish one investigative team for these offences.

Second, consolidating the apparatus of the Criminal Police force in the spirit of "streamlined Ministry, strong province, commune closely attached to the grassroots," with two specialized levels: the Ministry level and the provincial level.

Third, the Ministry of Public Security must continue to perfect the functions and duties of the Criminal Police Department and Criminal Police Divisions at

local Public Security units, associated with adjusting task assignments and decentralization.

4.2.3. Elevating the legal application capacity and proficiency in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts of officers and soldiers serving in the Criminal Police force in Vietnam

First, elevating the political consciousness and ethical qualities of the contingent of Heads, Deputy Heads, Investigators, and Investigating Officers within the Criminal Police force in Vietnam.

Second, elevating the professional proficiency and capacity of the contingent of Heads, Deputy Heads, Investigators, and Investigating Officers within the Criminal Police force in Vietnam.

Third, implementing a timely reward regime for Heads, Deputy Heads, Investigators, and Investigating Officers through various forms of commendation to help each individual feel recognized, thereby enhancing their sense of responsibility and dedication.

4.2.4. Strengthening discipline, regulations, and organizational/management work within the People's Public Security regarding the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts

First, organizing inspection delegations to review the case files of offences involving the trafficking in or appropriation of human tissues or body parts handled by units within the Criminal Police force to promptly remind, rectify limitations and shortcomings for correction and lesson-drawing.

Second, intensifying the building of a truly clean and strong Criminal Police force in Vietnam, consistently upholding the spirit of "setting an example and taking the lead" in implementing and enforcing the discipline and regulations of the Ministry of Public Security.

Third, every officer and soldier in the People's Public Security force in general, and the Criminal Police force in particular, must be "industrious, thrifty, honest, and righteous," possess steadfast political fortitude, pure revolutionary moral qualities, exemplary and clean lifestyles, progressiveness, civilization, honesty, high organizational discipline, and constantly uphold the spirit of enduring hardships and sacrifices, ready to accept and excellently accomplish all assigned tasks.

Fourth, addressing the negative impacts of the market economy, negativities, social vices, and daily living hardships that, alongside other objective and

subjective causes, continuously affect every officer and soldier in the People's Public Security force.

Fifth, strengthening management and inspection work within the People's Public Security regarding the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts.

4.2.5. Enhancing material resources and applying scientific and technological achievements to guarantee the Criminal Police force's application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts

First, there is a need to continue planning investments in material facilities and working equipment for the Criminal Police force in Vietnam across all operational fronts.

Second, augmenting investments in documents, curricula, reference books, legal texts, law bookcases, and electronic libraries to serve the research and legal application needs of Investigators and Investigating Officers.

Third, continuing to reform the salary and allowance regime so that officers and soldiers feel secure in their work, without wavering or falling prey to temptations and bribery while performing their assigned duties.

Fourth, regularly and continuously executing and utilizing digital technology applications in legal application activities in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts through applicable investigative measures and the transformation of documents and evidence.

Fifth, researching or advising competent authorities to build a database network on offences involving the trafficking in or appropriation of human tissues or body parts and the victims of this crime, utilizing data analytics tools and artificial intelligence.

Sixth, maximizing the value and efficacy of the National Population Database, citizen identification, and the results of implementing the Government's Project 06.

Seventh, the Ministry of Public Security and the Criminal Police force at all levels in Vietnam need to strengthen and expand international cooperation relations.

Eighth, applying scientific and technological achievements to shorten forensic and testing procedures, reducing costs for activities related to finding and collecting evidence.

4.2.6. Strengthening cooperation between the Criminal Police force in Vietnam and other domestic and international forces regarding the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts

First, building coordination relationships with forces within the Public Security sector.

Second, maintaining coordination relationships with other agencies outside the Public Security sector.

Third, strengthening international cooperation regarding the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force.

4.2.7. Regularly summarizing, evaluating, and drawing lessons on the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam

First, the Criminal Police force at all levels in Vietnam must establish programs and plans to make the summation work a regular and focused activity.

Second, the Criminal Police force at all levels in Vietnam should advise the leadership of the Ministry of Public Security to direct the block of Investigative Agencies within the People's Public Security to summarize the enforcement of legal provisions related to investigating offences involving the trafficking in or appropriation of human tissues or body parts.

Third, regarding the assignment of forces and participating agencies to execute summations and draw lessons, it should be directed specifically toward individual cases.

Fourth, the summary reports on lessons learned regarding the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam must be disseminated to every officer, soldier, procedural agency, and on a nationwide scale.

CONCLUSION

On the basis of researching the activities of the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam, the thesis draws the following conclusions:

First, the thesis researches and analyzes the state of research regarding the application of law and the investigation of offences involving the trafficking in or appropriation of human tissues or body parts domestically and internationally, in order to provide suitable scientific bases of reference value.

Second, the thesis researches and analyzes to present the concepts and characteristics of criminal investigation and offences involving the trafficking in or appropriation of human tissues or body parts. Simultaneously, it provides important theoretical bases regarding the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam, such as concepts, characteristics, contents, phases... From there, it is possible to compare and learn from the experiences of several countries on this issue to serve as a reference value in Vietnam.

Third, the thesis focuses on, analyzes, and evaluates the current reality of the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam. It points out the characteristics, relevant situations, achieved results, limitations, and identifies the influencing causes.

Fourth, the thesis provides the bases and contents of forecasted impacts, thereby proposing solutions to guarantee and elevate the efficacy of legal application activities in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam./.

LIST OF AUTHOR'S PUBLISHED WORKS RELATED TO THE THESIS TOPIC

1. Nguyen Trong Luan (2021), *Enhancing the efficiency of examining traces on the victim's body in investigating offences involving the trafficking in or appropriation of human tissues or body parts according to the functions of the Criminal Police force*, Proceedings of the Scientific Workshop of the People's Police Academy, Hanoi.

2. Nguyen Trong Luan (2023), *Offences in the field of trafficking in or appropriation of human tissues and body parts in the criminal law of Vietnam*, International Workshop of the Academy of Law and Penal Enforcement - Federal Penal Service of the Russian Federation, Russian Federation.

3. Nguyen Trong Luan (2023), *Some issues on international cooperation in preventing and combating the trafficking in or appropriation of human tissues or body parts in Vietnam in the current period*, International Workshop of the Ministry of Internal Affairs of the Russian Federation - Moscow University, Russian Federation.

4. Nguyen Trong Luan (2025), *Perfecting legislation on the investigation of offences involving the trafficking in or appropriation of human tissues or body parts in Vietnam*, State Management Journal, No. 358 (11/2025), Hanoi.

5. Nguyen Trong Luan (2025), *The application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts by the Criminal Police force in Vietnam today*, Journal of Social Science Human Resources, Special Issue No. 2 (11/2025), Hanoi.

6. Nguyen Trong Luan (2026), *Solutions to enhance the efficiency of fighting, preventing, and combating offences involving the trafficking in or appropriation of human tissues or body parts in Hanoi*, Journal of Social Science Human Resources, No. 1 (01/2026), Hanoi.

7. Nguyen Trong Luan (2026), *International experience on the application of law in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts*, Procuracy Journal, No. 11 (6/2026), Hanoi.

8. Nguyen Trong Luan (2026), *Guaranteeing the human rights of victims in the investigation of offences involving the trafficking in or appropriation of human tissues or body parts in Vietnam*, State Management Journal, No. 366 (7/2026), Hanoi.