

HO CHI MINH NATIONAL ACADEMY OF POLITICS

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**THE RIGHTS OF VICTIMS IN CRIMINAL CASES OF FRAUDULENT
APPROPRIATION OF PROPERTY THROUGH ECONOMIC
CONTRACTS IN VIET NAM**

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INTRODUCTION

1. Rationale for the Selection of the Research Topic

The study and selection of the topic entitled **“Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts in Vietnam”** for a doctoral dissertation in the field of Human Rights Law is necessary for the following fundamental reasons.

First, the protection of human rights, including the rights of victims in criminal cases, constitutes an important component of Vietnam’s strategy for judicial reform and the building of a socialist rule-of-law State. Victims are the persons or entities that directly suffer the consequences caused by criminal acts. Nevertheless, in criminal procedure practice, their rights have not always received attention commensurate with their inherent position and role. Meanwhile, the requirement to establish a fair, humane and modern justice system applies not only to accused persons but also requires greater substantive attention to the lawful rights and interests of victims.

Second, the rights of victims have been recognised under both international law and domestic law. At the international level, various important instruments of the United Nations have laid the foundation for protecting victims of crime, particularly with respect to respect for human dignity, access to fair procedures, access to information, protection and compensation for damage. In Vietnam, the rights of victims are recognised not only under criminal procedure law but are also closely connected with criminal law, civil law, commercial law and the law on judgment enforcement. This demonstrates that the subject is interdisciplinary in nature and should be examined from the perspective of human rights law in order to provide a more comprehensive and systematic understanding.

Third, the practical prevention and combating of crime demonstrate that cases of fraudulent appropriation of property through economic contracts are increasing in number, becoming more diverse in their methods, more complex in terms of evidence and particularly serious in terms of property damage. Many cases involve a very large number of victims and losses amounting to hundreds or thousands of billions of Vietnamese dong,

thereby giving rise to numerous issues concerning the determination of victim status, the assessment of damage, compensation obligations, asset recovery, judgment enforcement and the assurance of fairness among parties with related interests. Fraudulent appropriation of property in general continues to develop in a complicated manner, with increasingly sophisticated methods and schemes, particularly through the exploitation of investment, business and commercial relationships, electronic transactions and cyberspace for the commission of offences. This situation demonstrates the urgent need to study mechanisms for safeguarding the rights of victims in this type of criminal case.

Fourth, a review of the existing literature shows that, although numerous studies have addressed human rights in criminal justice, the rights of victims in criminal procedure, the offence of fraudulent appropriation of property and compensation liability in criminal cases, no study has systematically, independently and comprehensively examined the rights of victims in cases of fraudulent appropriation of property through economic contracts in Vietnam from the perspective of human rights law. This research gap highlights the theoretical and practical significance of the dissertation topic.

2. Research Objectives and Research Tasks

2.1. Research Objectives

The dissertation aims to establish the theoretical and legal foundations concerning the rights of victims in cases of fraudulent appropriation of property through economic contracts; to analyze and evaluate the legal framework and the current situation of safeguarding victims' rights in Vietnam; to identify the existing limitations and their underlying causes; and, on that basis, to propose viewpoints and solutions for improving the effectiveness of safeguarding the rights of victims in such criminal cases in Vietnam.

2.2. Research Tasks

To accomplish the above research objective, the dissertation undertakes the following research tasks:

First, to review domestic and foreign studies relating to the rights of victims in cases of fraudulent appropriation of property through economic contracts, thereby identifying the issues that have been clarified, the unresolved issues, and the research gaps that the dissertation seeks to address.

Second, to examine and clarify the fundamental theoretical issues concerning the rights of victims and the safeguarding of victims' rights in cases of fraudulent appropriation of property through economic contracts; at the same time, to analyze international law and the laws of selected countries in order to draw lessons and reference values for Vietnam.

Third, to analyze the Vietnamese legal framework and assess the current situation of safeguarding the rights of victims in such cases; to identify the achievements, limitations, difficulties, shortcomings, and the causes thereof.

Fourth, to propose guiding viewpoints and groups of solutions aimed at improving the effectiveness of safeguarding the rights of victims in cases of fraudulent appropriation of property through economic contracts in Vietnam in the coming period.

3. Research Subject and Scope of the Study

3.1. Research Subject

The dissertation focuses on theoretical and practical issues concerning the rights of victims in cases of fraudulent appropriation of property through economic contracts in Vietnam from the perspective of human rights theory and law. The research subject encompasses the system of theoretical viewpoints, the provisions of international law and Vietnamese law, as well as the practice of safeguarding the rights of victims throughout the process of criminal proceedings, from the stage of receiving and resolving crime reports and denunciations, investigation, prosecution and trial to judgment enforcement.

3.2. Scope of the Study

In terms of geographical scope, the dissertation is conducted within the territory of Vietnam.

In terms of time, the dissertation examines practice during the period from 2015 to the end of 2025.

In terms of content, the dissertation focuses on the theoretical issues concerning the rights of victims and the safeguarding of victims' rights in cases of fraudulent appropriation of property through economic contracts; the legal framework and the current situation of safeguarding these rights throughout the process of criminal proceedings; and the responsibilities of criminal procedure-conducting authorities, judgment enforcement agencies, and other relevant authorities and organizations in safeguarding the rights of victims.

4. Methodology and Research Methods

4.1. Methodology

The dissertation is conducted on the basis of applying the viewpoints of Marxism–Leninism and Ho Chi Minh Thought on the State and law; the Communist Party of Vietnam's viewpoints, and the policies and laws of the Vietnamese State on the protection, respect for, and guarantee of human rights and citizens' rights. It also makes reference to international standards and legal instruments relating to the rights of victims in criminal proceedings and in cases of fraudulent appropriation of property through economic contracts.

4.2. Research Methods

The dissertation employs a combination of research methods, including document analysis, analytical and synthetic methods, comparative legal analysis, statistical analysis, and case study. Documentary research is used to systematize the theoretical, legal and practical foundations; analytical and synthetic methods are employed to clarify concepts, characteristics, the contents of rights, and methods of safeguarding rights; statistical analysis and case studies are applied to evaluate the current situation of safeguarding victims' rights in specific cases; and comparative legal analysis is used to identify similarities and differences between Vietnamese law, international law and the laws of selected countries, thereby drawing appropriate lessons and reference values for Vietnam.

5. New Contributions of the Dissertation

The dissertation makes the following principal new contributions:

First, it is a relatively comprehensive and systematic study on the rights of victims in cases of fraudulent appropriation of property through economic contracts in Vietnam from the perspective of human rights law, thereby contributing to the development of a more consistent approach to this research subject.

Second, the dissertation clarifies the concept of the rights of victims and the concept of safeguarding the rights of victims in cases of fraudulent appropriation of property through economic contracts, while analyzing the characteristics of such rights and their protection in this category of criminal cases.

Third, the dissertation systematizes the fundamental groups of victims' rights; clarifies the contents of safeguarding victims' rights, the entities responsible for safeguarding such rights, the methods of safeguarding, and the factors affecting the safeguarding of victims' rights in cases of fraudulent appropriation of property through economic contracts. It also identifies the distinctive features of victims' rights in this category of cases, particularly with regard to the determination of procedural status, the assessment of damage, claims for compensation, and asset recovery.

Fourth, the dissertation analyzes the standards of international law and the laws of selected countries concerning the safeguarding of victims' rights, thereby drawing requirements and reference values for improving the legal framework and the mechanism for safeguarding victims' rights in Vietnam.

Fifth, the dissertation analyzes the Vietnamese legal framework and evaluates the current practice of safeguarding the rights of victims in cases of fraudulent appropriation of property through economic contracts, identifying the achievements, shortcomings, and the causes of those shortcomings in practice.

Sixth, the dissertation proposes a system of viewpoints and groups of solutions aimed at improving the legal framework, enhancing the effectiveness of the competent authorities, strengthening inter-agency coordination, improving asset recovery and compensation for damage, and

better safeguarding the rights of victims in this category of criminal cases in Vietnam.

6. Theoretical and Practical Significance of the Dissertation

6.1. Theoretical Significance

The dissertation contributes to enriching the theoretical foundations of human rights in general and the rights of victims in cases of fraudulent appropriation of property through economic contracts in particular. The research findings contribute to a more comprehensive understanding of the legal status of victims in criminal proceedings, clarify the contents of victims' rights and the mechanisms for safeguarding those rights, and provide additional scientific arguments for the continued improvement of the law on safeguarding victims' rights in the context of building a socialist rule-of-law State in Vietnam.

6.2. Practical Significance

The dissertation provides valuable knowledge and scientific arguments for a more comprehensive understanding of the rights of victims in cases of fraudulent appropriation of property through economic contracts and the current situation of safeguarding those rights in Vietnam. The research findings may serve as reference materials for research, teaching, law-making and law enforcement activities, particularly for criminal procedure-conducting authorities, judgment enforcement agencies, and agencies and organizations involved in determining damage, tracing and recovering assets, and compensating victims for losses.

7. Structure of the Dissertation

In addition to the Introduction, Conclusion, List of References, and List of the Author's Published Works Related to the Dissertation, the dissertation consists of four chapters:

Chapter 1. Literature Review Related to the Dissertation Topic.

Chapter 2. Theoretical Foundations of the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts.

Chapter 3. Legal Framework and the Current Situation of Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts in Vietnam.

Chapter 4. Viewpoints and Solutions for Improving the Effectiveness of Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts in Vietnam at Present.

CHAPTER 1

LITERATURE REVIEW RELATED TO THE DISSERTATION TOPIC

1.1. Overseas Studies

1.1.1. Studies on the theoretical issues concerning the rights of victims in criminal proceedings

1.1.1.1. Studies on the rights of victims in criminal proceedings

These studies have clarified the theoretical foundations of victims' rights in criminal proceedings, including the legal status of victims, the concept, characteristics, contents, and mechanisms for safeguarding victims' rights. They also examine international standards on the protection of victims, access to justice, compensation for damage, and the participation of victims in criminal proceedings.

1.1.2. Studies related to the rights of victims in cases of fraudulent appropriation of property through economic contracts

1.1.2.1. Studies on the offence of fraudulent appropriation of property

These studies mainly examine the legal characteristics of the offence of fraudulent appropriation of property, the constituent elements of the offence, its distinction from civil and commercial disputes, criminal liability, and measures for preventing and combating this type of crime.

1.1.2.2. Studies related to fraudulent appropriation of property through economic contracts and the rights of the parties involved

These studies primarily examine fraudulent conduct arising in contractual and commercial transactions, the protection of the lawful rights and interests of contracting parties, and measures for handling disputes and recovering property. However, no study has comprehensively and systematically examined the safeguarding of the rights of victims in cases of fraudulent appropriation of property through economic contracts from the perspective of human rights law.

1.2. Domestic Studies

1.2.1. Studies on the theoretical issues concerning the rights of victims in criminal proceedings

1.2.1.1. Studies on the protection of human rights in criminal justice

These studies have clarified the theoretical basis of human rights and the protection of human rights in criminal justice, the relationship between human rights and criminal proceedings, and proposed solutions for improving the legal framework and mechanisms for protecting human rights in criminal justice.

1.2.1.2. Studies on the rights of victims in criminal proceedings

These studies have focused on clarifying the legal status, rights and obligations of victims, the legal mechanisms for safeguarding victims' rights, and the practical implementation of victims' rights in criminal proceedings. They also propose recommendations for improving the law and enhancing the effectiveness of safeguarding victims' rights.

1.2.2. Studies related to the rights of victims in cases of fraudulent appropriation of property through economic contracts

1.2.2.1. Studies on the offence of fraudulent appropriation of property

These studies mainly examine the legal characteristics of the offence of fraudulent appropriation of property, issues concerning criminal liability, the distinction between criminal offences and civil disputes, judicial practice, and measures to improve the effectiveness of preventing and combating this offence.

1.2.2.2. Studies on safeguarding the rights of victims in cases of fraudulent appropriation of property through economic contracts

These studies primarily address compensation for damage, the protection of lawful rights and interests, and several procedural rights of victims in property-related criminal cases. However, no study has comprehensively and systematically examined the safeguarding of the rights

of victims in cases of fraudulent appropriation of property through economic contracts from the perspective of human rights law.

1.3. Assessment of the Literature Review Related to the Dissertation Topic

1.3.1. Research Issues that Have Been Clarified

First, domestic and overseas studies have established important theoretical foundations concerning human rights, victims' rights, the legal status of victims, and mechanisms for safeguarding victims' rights in criminal proceedings. They have also clarified international standards and the legal frameworks of many countries relating to the protection of victims.

Second, numerous studies have examined the offence of fraudulent appropriation of property, including its legal characteristics, constituent elements, criminal liability, judicial practice, and measures for improving the effectiveness of crime prevention and control.

Third, previous studies have provided valuable scientific arguments for improving the legal framework and protecting victims' rights. However, these studies have mainly focused on general theoretical issues or individual aspects of victims' rights and have not comprehensively addressed the safeguarding of victims' rights in cases of fraudulent appropriation of property through economic contracts from the perspective of human rights law.

1.3.2. Research Issues Requiring Further Study in the Dissertation

The dissertation continues to clarify the theoretical foundations of safeguarding the rights of victims in cases of fraudulent appropriation of property through economic contracts; analyzes international law, the laws of selected countries, and Vietnamese law; assesses the current situation of safeguarding victims' rights in Vietnam; identifies existing shortcomings and their causes; and proposes viewpoints and solutions to improve the effectiveness of safeguarding victims' rights in this category of criminal cases.

1.3.3. Research Hypotheses

The dissertation is based on the hypothesis that the safeguarding of the rights of victims in cases of fraudulent appropriation of property through economic contracts in Vietnam remains inadequate due to shortcomings in both the legal framework and its practical implementation. Therefore, it is necessary to improve the law and adopt comprehensive solutions to enhance the effectiveness of safeguarding victims' rights.

1.3.4. Research Questions

The dissertation seeks to answer the following research questions: (i) What are the theoretical and legal foundations for safeguarding the rights of victims in cases of fraudulent appropriation of property through economic contracts? (ii) What is the current legal framework and practical situation regarding the safeguarding of victims' rights in Vietnam? (iii) What shortcomings and causes exist in the current mechanism for safeguarding victims' rights? and (iv) What viewpoints and solutions should be adopted to improve the effectiveness of safeguarding the rights of victims in cases of fraudulent appropriation of property through economic contracts in Vietnam?

CHAPTER 2

THEORETICAL FOUNDATIONS OF THE RIGHTS OF VICTIMS IN CASES OF FRAUDULENT APPROPRIATION OF PROPERTY THROUGH ECONOMIC CONTRACTS

2.1. Theoretical Issues Concerning the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

2.1.1. Concept and Characteristics of Fraudulent Appropriation of Property through Economic Contracts

2.1.1.1. Concept of Fraudulent Appropriation of Property through Economic Contracts

Fraudulent appropriation of property through economic contracts refers to the act whereby an offender employs deceptive means in the process of entering into or performing an economic contract in order to induce another party to transfer property and subsequently appropriates such property. Although the offence is committed through the form of an

economic contract, its essence is a criminal act of fraudulent appropriation of property rather than a civil or commercial dispute.

2.1.1.2. Characteristics of Fraudulent Appropriation of Property through Economic Contracts

Fraudulent appropriation of property through economic contracts is characterized by the use of economic contracts as a means of committing fraud; the offender possesses the intention to appropriate property from the outset or during the performance of the contract through deceptive conduct; the offence often involves substantial property value, multiple victims, complicated contractual relationships, and significant difficulties in proving the criminal intent, recovering assets, and compensating victims.

2.1.2. Theoretical Issues Concerning the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

2.1.2.1. Concept of Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

Safeguarding the rights of victims in cases of fraudulent appropriation of property through economic contracts means ensuring, through legal provisions and the activities of competent authorities, that victims are able to exercise their lawful rights and interests and that such rights are restored, particularly property rights infringed by criminal acts.

2.1.2.2. Characteristics of Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

Safeguarding the rights of victims in this category of cases is legal in nature, is carried out by competent authorities throughout criminal proceedings and judgment enforcement, focuses primarily on protecting property rights and compensation for damage, and requires close coordination among criminal justice agencies and judgment enforcement authorities.

2.1.3. Contents, Subjects, and Methods of Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

2.1.3.1. Contents of Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

The safeguarding of victims' rights includes ensuring the right to be recognized as a victim, the right to report criminal offences, the right to be informed, the right to participate in criminal proceedings, the right to protection, the right to claim and obtain compensation for damage, the right to lodge complaints, appeals and requests for replacement of procedural officers, and the right of access to justice, thereby protecting and restoring the lawful rights and interests of victims, particularly their property rights.

2.1.3.2. Subjects Responsible for Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

The subjects responsible for safeguarding victims' rights include criminal procedure-conducting authorities, namely the Investigation Authority, the People's Procuracy and the People's Court, as well as civil judgment enforcement agencies. These authorities are responsible for ensuring that victims' rights are effectively protected throughout criminal proceedings and judgment enforcement.

2.1.3.3. Methods of Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

Victims' rights are safeguarded through the establishment and implementation of legal provisions, the proper performance of procedural activities by competent authorities, and supervisory mechanisms aimed at ensuring that victims are able to exercise their lawful rights and interests effectively in practice.

2.1.4. Factors Affecting the Safeguarding of the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

2.1.4.1. Political and Legal Factors

The safeguarding of victims' rights is directly influenced by the political orientations of the Party and the State, the process of building a socialist rule-of-law State, the degree of perfection of the legal system, and

the effectiveness of law enforcement, particularly in resolving major and complex economic criminal cases.

2.1.4.2. Socio-economic Factors

The development of the market economy, the transparency of the business environment, public legal awareness, and socio-economic conditions significantly affect crime prevention and control, asset recovery, compensation for damage, and the effectiveness of safeguarding victims' rights.

2.1.4.3. Social Supervision and Social Criticism

The supervision exercised by competent state authorities, the Vietnam Fatherland Front, socio-political organizations, the mass media and the public contributes to enhancing transparency, accountability and effectiveness in criminal proceedings, thereby strengthening the protection of the lawful rights and interests of victims.

2.2. International Law, the Laws of Selected Countries, and Lessons for Vietnam Regarding the Safeguarding of the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

2.2.1. International Law on the Safeguarding of the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

2.2.1.1. Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts under International Human Rights Law

International human rights law recognizes and safeguards the rights of victims through United Nations instruments and regional human rights mechanisms. These instruments provide for the recognition of victims, the rights to access justice, information, participation in criminal proceedings, protection, compensation, assistance, and the responsibility of States to ensure the effective implementation of these rights.

2.2.1.2. Implications for Vietnam

International standards require Vietnam to continue improving its legal framework on victims' rights by strengthening legal recognition, protection, access to information, compensation mechanisms, and the responsibilities of competent authorities in safeguarding victims' rights in accordance with international human rights standards.

2.2.2. Laws of Selected Countries on the Safeguarding of the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

2.2.2.1. Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts under the Laws of Selected Countries

The legal systems of countries representing the Civil Law, Common Law, and Socialist Law traditions recognize and protect victims' rights through provisions on victim status, access to information, participation in criminal proceedings, protection, compensation, and victim assistance. Fraudulent appropriation of property committed through economic contracts is generally treated as a mode of committing the offence of fraud rather than as a separate criminal offence.

2.2.2.2. Lessons for Vietnam

The experience of other countries provides valuable reference for Vietnam in improving legislation on victims' rights, strengthening mechanisms for victim protection and assistance, enhancing State compensation and victim support mechanisms, expanding victims' procedural rights, and improving legal provisions on fraud offences, asset recovery, and compensation for damage.

CHAPTER 2 SUMMARY

Chapter 2 has clarified the theoretical foundations of the rights of victims in cases of fraudulent appropriation of property through economic contracts. The dissertation has analyzed the concepts, characteristics,

contents, subjects, methods, and factors affecting the safeguarding of victims' rights. It has also examined international human rights law and the laws of selected countries, thereby drawing valuable lessons for improving the legal framework and the effectiveness of safeguarding victims' rights in Vietnam.

CHAPTER 3

VIETNAMESE LAW AND THE CURRENT SITUATION OF SAFEGUARDING THE RIGHTS OF VICTIMS IN CASES OF FRAUDULENT APPROPRIATION OF PROPERTY THROUGH ECONOMIC CONTRACTS

3.1. Vietnamese Law on Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

3.1.1. Provisions of Vietnamese Law on the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

3.1.1.1. Rights of Victims before the Trial Stage

Vietnamese law recognizes and guarantees victims' rights from the stage of receiving and resolving crime reports and denunciations through investigation and prosecution. Victims are entitled to report offences, participate in criminal proceedings, provide evidence, request procedural measures, receive information, request compensation for damage, and exercise other procedural rights in accordance with law.

3.1.1.2. Rights of Victims after the Trial Stage

After the judgment becomes legally effective, victims are entitled to request judgment enforcement, receive compensation for damage, recover appropriated property, and exercise other rights relating to civil judgment enforcement in accordance with law.

3.1.2. Provisions of Vietnamese Law on the Subjects Responsible for Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

Vietnamese law provides that the Investigation Authority, the People's Procuracy, the People's Court, civil judgment enforcement agencies and other competent authorities are responsible, within the scope of their respective functions and powers, for safeguarding the lawful rights and interests of victims throughout criminal proceedings and judgment enforcement.

3.1.3. Provisions of Vietnamese Law on the Methods of Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

Vietnamese law safeguards victims' rights through the system of substantive and procedural legal provisions, the exercise of powers by competent authorities, and mechanisms for supervision, inspection and complaint settlement, thereby ensuring the effective implementation of victims' lawful rights and interests in practice.

3.2. Current Situation of Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

3.2.1. Situation of Fraudulent Appropriation of Property through Economic Contracts

3.2.1.1. Situation of Fraudulent Appropriation of Property through Economic Contracts

The dissertation shows that fraudulent appropriation of property through economic contracts has become increasingly sophisticated and complex, with a rising number of cases and offenders. Many cases involve extremely large amounts of appropriated property, a considerable number of victims, and serious consequences, thereby posing significant challenges to the safeguarding of victims' rights.

3.2.1.2. Methods and Tricks Employed in Fraudulent Appropriation of Property through Economic Contracts

Offenders employ increasingly sophisticated methods, including the use of forged legal documents, entering into contracts without the intention of performing contractual obligations, impersonating reputable

organizations or individuals, and concluding multiple contracts relating to the same property in order to appropriate assets from numerous victims.

3.2.2. Current Situation of Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

3.2.2.1. Current Situation of Safeguarding the Rights of Victims before the Trial Stage

The research findings indicate that victims' rights are generally safeguarded from the stage of receiving crime reports through investigation, prosecution and trial. Victims are recognized as participants in criminal proceedings and are guaranteed fundamental procedural rights, including the rights to report offences, provide evidence, request procedural measures, obtain information, participate in proceedings, and claim compensation for damage. Competent authorities have also adopted measures such as asset seizure, freezing and distraint to facilitate compensation and asset recovery.

3.2.2.2. Current Situation of Safeguarding the Rights of Victims after the Trial Stage

Victims' rights to claim compensation are recognized and adjudicated by the courts in accordance with law. However, the effectiveness of safeguarding these rights after trial remains limited due to the low rate of asset recovery and judgment enforcement. The principal causes include the concealment or dissipation of assets, difficulties in tracing and recovering property, and obstacles encountered in the enforcement of civil judgments.

3.2.3. Limitations and Causes of Limitations in Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

3.2.3.1. Limitations

The dissertation indicates that the safeguarding of victims' rights remains subject to a number of limitations. The determination of victim status is not always consistent; several procedural rights, including the rights to information, participation, protection, and legal assistance, have not been fully guaranteed. In addition, the effectiveness of compensation and asset

recovery after trial remains limited, adversely affecting the restoration of victims' lawful rights and interests.

3.2.3.2. Causes of the Limitations

The above limitations stem from both objective and subjective factors, including the increasingly sophisticated nature of fraudulent appropriation of property through economic contracts; shortcomings and inconsistencies in the legal framework; limited awareness of victims' rights among competent authorities and victims themselves; inadequate professional capacity of some procedural officers; and the absence of effective mechanisms for supervision and coordination in safeguarding victims' rights.

CHAPTER 3 SUMMARY

The findings of Chapter 3 demonstrate that, although Vietnamese law has established a relatively comprehensive legal framework for safeguarding the rights of victims in cases of fraudulent appropriation of property through economic contracts, practical implementation still reveals a number of shortcomings, particularly in determining victim status, ensuring procedural rights, recovering assets, and enforcing compensation. These findings provide the practical basis for proposing viewpoints and solutions to improve the effectiveness of safeguarding victims' rights in Chapter 4.

CHAPTER 4

VIEWPOINTS AND SOLUTIONS FOR IMPROVING THE EFFECTIVENESS OF SAFEGUARDING THE RIGHTS OF VICTIMS IN CASES OF FRAUDULENT APPROPRIATION OF PROPERTY THROUGH ECONOMIC CONTRACTS IN VIETNAM

4.1. Viewpoints on Improving the Effectiveness of Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

4.1.1. Improving the Effectiveness of Safeguarding Victims' Rights Must Comply with International Human Rights Standards

The safeguarding of victims' rights should be consistent with international human rights standards and the international treaties to which Vietnam is a party, while ensuring effective access to justice, protection, compensation, and restoration of victims' lawful rights and interests.

4.1.2. Improving the Effectiveness of Safeguarding Victims' Rights Must Be Consistent with the Party's Guidelines and the State's Policies and Laws

The safeguarding of victims' rights must be carried out in accordance with the Communist Party of Vietnam's policies on judicial reform, the building of a socialist rule-of-law State, and the protection of human rights and citizens' rights, while meeting the requirements of crime prevention and control.

4.1.3. Improving the Effectiveness of Safeguarding Victims' Rights Must Be Compatible with Vietnam's Socio-economic Conditions

The improvement of mechanisms for safeguarding victims' rights should reflect the practical conditions of Vietnam's socio-economic development and the characteristics of the socialist-oriented market economy, thereby ensuring both feasibility and effectiveness in practice.

4.1.4. Improving the Effectiveness of Safeguarding Victims' Rights Must Reflect the Particular Nature of Fraudulent Appropriation of Property through Economic Contracts

The safeguarding of victims' rights should take into account the specific characteristics of this type of offence, particularly issues relating to the determination of criminal conduct, asset recovery, compensation for damage, and the restoration of victims' lawful rights and interests.

4.1.5. Improving the Effectiveness of Safeguarding Victims' Rights Must Balance Crime Control with the Protection of Victims' Lawful Rights and Interests

The handling of criminal offences should not only ensure the punishment of offenders but also prioritize the restoration of victims' rights through effective compensation, asset recovery, and judgment enforcement,

thereby promoting justice and strengthening public confidence in the legal system.

4.2. Solutions for Improving the Effectiveness of Safeguarding the Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts

4.2.1. Solutions for Improving the Legal Framework

4.2.1.1. Improving Criminal Procedure Law on the Rights of Victims

The Criminal Procedure Code should be further improved by strengthening provisions on the recognition of victim status, procedural rights, access to information, protection measures, compensation mechanisms, and the responsibilities of competent authorities in safeguarding victims' rights.

4.2.1.2. Improving Other Relevant Legal Provisions

Relevant legislation should be revised and supplemented to improve compensation mechanisms, asset recovery, civil judgment enforcement, and legal support for victims, thereby ensuring more effective protection of their lawful rights and interests.

4.2.2. Solutions for Improving the Effectiveness of Law Enforcement

4.2.2.1. Raising Awareness of Victims' Rights

Greater awareness of victims' rights should be promoted among legislative bodies, criminal justice agencies, and victims themselves through legal education and professional training.

4.2.2.2. Strengthening Legal Dissemination and Education

Legal dissemination and education should be enhanced to improve public awareness of victims' rights and to strengthen the prevention of fraudulent appropriation of property through economic contracts.

4.2.2.3. Enhancing the Capacity of Criminal Justice Officials

Professional competence, legal knowledge, practical skills, and professional ethics of investigators, prosecutors, judges, and judgment

enforcement officers should be further strengthened to ensure more effective protection of victims' rights.

4.2.2.4. Establishing Specialized Mechanisms for Victim Protection

Vietnam should study the establishment of specialized mechanisms and institutions to provide legal assistance, support, and protection for victims, particularly in large-scale economic crime cases involving numerous victims.

4.2.2.5. Strengthening Coordination among Criminal Justice Agencies and Civil Judgment Enforcement Authorities

Coordination among investigation authorities, procuracies, courts, civil judgment enforcement agencies, and other competent authorities should be enhanced in asset tracing, seizure, freezing, recovery, compensation, and judgment enforcement in order to improve the effectiveness of safeguarding victims' rights.

CHAPTER 4 SUMMARY

Based on the theoretical and practical findings of the dissertation, Chapter 4 has proposed viewpoints and groups of solutions for improving the effectiveness of safeguarding the rights of victims in cases of fraudulent appropriation of property through economic contracts in Vietnam. The proposed solutions focus on improving the legal framework, enhancing the effectiveness of law enforcement, strengthening the capacity of competent authorities, promoting inter-agency coordination, and improving asset recovery and compensation mechanisms, thereby contributing to more effective protection of the lawful rights and interests of victims.

CONCLUSION

The dissertation “Rights of Victims in Cases of Fraudulent Appropriation of Property through Economic Contracts in Vietnam” has systematically clarified the theoretical foundations concerning the rights of victims and the safeguarding of victims’ rights in cases of fraudulent appropriation of property through economic contracts from the perspective of human rights law. The dissertation has clarified the concepts, characteristics, contents, subjects, methods, and factors affecting the safeguarding of victims’ rights; analyzed international human rights law, the laws of selected countries, and the Vietnamese legal framework; thereby identifying reference values for improving the legal system on victims’ rights in Vietnam.

On the basis of an assessment of Vietnamese law and practical implementation, the dissertation concludes that, although significant progress has been achieved in safeguarding the rights of victims, a number of shortcomings remain in both legislation and law enforcement, particularly with respect to the determination of victim status, the exercise of procedural rights, the protection of victims, compensation for damage, asset recovery, and judgment enforcement. These shortcomings stem from both objective and subjective causes, including inadequacies in the legal framework, limitations in law enforcement, the increasingly sophisticated nature of fraudulent appropriation of property through economic contracts, and insufficient coordination among competent authorities.

Based on both theoretical and practical analyses, the dissertation proposes a system of viewpoints and comprehensive solutions aimed at improving the effectiveness of safeguarding the rights of victims in cases of fraudulent appropriation of property through economic contracts in Vietnam. These solutions focus on improving the legal framework, enhancing the effectiveness of law enforcement, strengthening the professional capacity and responsibility of competent authorities, improving inter-agency coordination, promoting legal dissemination and education, establishing appropriate victim support mechanisms, and increasing the effectiveness of asset recovery and compensation for damage. The implementation of these solutions will contribute to better protecting human rights and citizens’

rights, strengthening the effectiveness of criminal justice, and meeting the requirements of judicial reform and the building of a socialist rule-of-law State in Vietnam.

LIST OF THE AUTHOR'S PUBLICATIONS RELATED TO THE
DISSERTATION

[1] Nguyen Duc Son (2025), International Law on the Protection of Victims' Rights and Its Implications for Viet Nam, *Journal of Human Rights Law*, No. 49/2025, p. 61.

[2] Nguyen Duc Son (2025), International Law on Victims' Rights – Issues for Improving Viet Nam's Criminal Procedure Legislation, *State Management Review*, No. 354/2025, p. 117.

[3] Nguyen Duc Son (2025), Protecting the Rights of Victims in Fraudulent Appropriation of Property Cases under the Laws of Selected Countries: Lessons for Viet Nam, *Procuracy Science Journal*, No. 11/2025, p. 71.

[4] Nguyen Duc Son (2025), Vietnamese Legal Provisions on the Rights of Victims in Criminal Cases of Fraudulent Appropriation of Property, *Journal of Economics and Law*, No. 134/2025, p. 48.

[5] Nguyen Duc Son (2026), Improving the Legal Framework and Mechanisms for Protecting the Human Rights of Victims during the Criminal Investigation Stage in Viet Nam, *Journal of Economics and Law*, No. 135/2026, p. 36.