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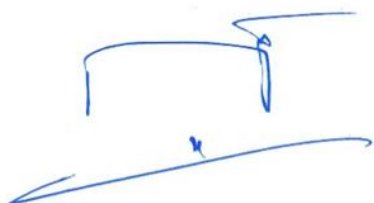
**APPLICATION OF LAW ON EXEMPTION FROM CRIMINAL
LIABILITY FOR THE ACCUSED BY THE CRIMINAL
INVESTIGATION POLICE AGENCY IN VIETNAM**

**SUMMARY OF DOCTORAL DISSERTATION
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INTRODUCTION

1. Rationale for the research topic

Under Vietnamese criminal law, exemption from criminal liability is an institution reflecting the State's humanitarian and lenient policy toward persons who have committed acts containing all constituent elements of a crime and would otherwise be subject to criminal liability, but who, because they fully satisfy the statutory grounds and conditions, are not required to bear criminal liability. Proper application of this institution contributes to individualizing the handling of offenders; encourages them to voluntarily surrender, make truthful declarations to competent authorities, voluntarily repair damage, compensate for loss, remedy consequences, reconcile with victims, and reintegrate into the community.

In practical terms, during the 2018 - 2025 period and the first six months of 2026, the Criminal Investigation Police Agency issued decisions to terminate investigation on the ground of exemption from criminal liability for nearly 4,000 accused persons, thereby contributing to the implementation of the humanitarian policy of criminal law, protecting the lawful rights and interests of relevant subjects, and encouraging offenders to actively cooperate, compensate for damage, and remedy consequences. According to the 2024 Report on Crime and Law-Violation Prevention and Combat, “the situation of crimes against social order continued to be complicated, with the number of criminal cases increasing by 12.53% compared with the same period of the previous year”, while the proportion of accused persons whose investigation was terminated on the ground of exemption from criminal liability in the last three years, out of the total number of accused persons whose investigation was terminated on this ground during 2018 - 2025, continuously decreased from 10.5% in 2023 to 9.4% in 2024 and 8.1% in 2025. This non-corresponding movement raises the need to examine the degree of correspondence between developments in the crime situation and the practical implementation of humanitarian and lenient criminal policy through exemption from criminal liability, while also requiring clarification of the causes, conditions, and degree of consistency in the application of law. This does not mean that exemption from criminal liability for the accused should be expanded, but requires that every case be identified and considered on the proper grounds and conditions and that no case satisfying the conditions for exemption from criminal liability under law be overlooked.

In response to the need to improve the theoretical foundation, accurately assess the current situation, and propose solutions to ensure objective application of law in accordance with the proper grounds, competence, order, and procedures, the doctoral candidate selected the topic *“Application of Law on Exemption from Criminal Liability for the Accused by the Criminal Investigation Police Agency in Vietnam”* for the doctoral dissertation in the major of Theory and History of State and Law.

2. Research purpose and tasks of the dissertation

2.1. Research purpose

On the basis of clarifying theoretical issues, analyzing the law, and assessing the current situation of application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency, the dissertation proposes viewpoints and solutions to ensure such application of law in Vietnam.

2.2. Research tasks

The dissertation performs four principal research tasks: reviewing domestic and foreign research and identifying issues requiring further study; clarifying the theoretical foundation, legal provisions, stages of application of law, ensuring conditions, and international experience; analyzing influencing factors and assessing the results, limitations, and causes of the current situation of application of law in Vietnam; and, on that basis, proposing viewpoints and solutions to ensure application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency.

3. Research subject and scope of the topic

3.1. Research subject of the topic

The research subject consists of theoretical and practical issues concerning application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam.

3.2. Research scope of the topic

In terms of content, the dissertation examines application of law on exemption from criminal liability for accused individuals by the Criminal Investigation Police Agency within the People's Public Security Forces during the investigation stage, focusing on legal provisions, stages of application of law, ensuring conditions, and the practice of issuing and organizing the implementation of decisions to terminate investigation on the ground of exemption from criminal liability; it does not comprehensively

examine the activities of the People's Procuracy and the People's Court, but considers them only insofar as they are directly related to the research subject.

In terms of geographical scope, the research is conducted nationwide;

In terms of time, the principal research period is from 2018 to 2025; data for the first six months of 2026 are used only to update trends, while relevant legal documents and materials are updated through August 2026.

4. Theoretical foundation and research methods

4.1. Theoretical foundation

The theoretical foundation of the dissertation consists of Marxism-Leninism, Ho Chi Minh Thought on the State, law, and protection of human rights; and the viewpoints and policies of the Party on building the socialist rule-of-law State, judicial reform, control of state power, implementation of humanitarian criminal policy, and crime prevention and combat.

4.2. Research methods

The dissertation employs the methodology of dialectical materialism and historical materialism; combines a human rights-based approach with an interdisciplinary approach involving the theory of state and law, criminal law, criminal procedure law, and relevant specialized law. Specific methods include document research, analysis, synthesis, historical-logical analysis, systems analysis, comparative law, statistics, and case studies. Practical data are processed by structure, proportion, and trend; typical cases are purposively selected, coded, and used for qualitative analysis, without generalizing them into an overall nationwide structure.

5. New contributions of the topic

First, the dissertation establishes an approach to application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency as a form of law implementation involving state power during the investigation stage, while clarifying the relationship between the grounds and conditions for exemption from criminal liability under criminal law and the competence, order, procedures, and form of termination of investigation under criminal procedure law;

Second, the dissertation develops an assessment framework for application of law through four stages, linked with the requirements of legality, sufficient grounds, consistency, accountability, protection of human rights, and procuratorial supervision; thereby simultaneously assessing the risk of terminating investigation on the ground of exemption from criminal

liability without sufficient grounds and the risk of failing to consider in a timely manner cases satisfying the conditions;

Third, on the basis of data for the 2018 - 2025 period, updated with trends from the first six months of 2026 and case studies, the dissertation identifies forms of limitation at each stage of application of law, while distinguishing the crime structure of accused persons exempted from criminal liability from the structure of legal grounds for exemption from criminal liability;

Fourth, the dissertation develops a system of solutions linked to the identified limitations and causes; at the same time, it proposes adding Form No. 230A “Notice of termination of investigation against the accused on the ground of exemption from criminal liability”, to be used after the decision to terminate investigation and not to create any new procedural decision or competence.

6. Theoretical and practical significance of the topic

6.1. Theoretical significance

The research results contribute to supplementing and clarifying the theory of application of law in the field of criminal procedure, directly concerning application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency from the perspective of the major of Theory and History of State and Law; at the same time, they clarify the subjects, legal provisions, stages of application of law, ensuring conditions, and mechanisms for controlling power in this activity.

6.2. Practical significance

The research results may be used as reference materials in the process of improving the law, developing guidance, standardizing forms, and organizing application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency; they may also serve research, teaching, learning, and the practical activities of agencies and persons competent to conduct proceedings.

7. Structure of the dissertation

Apart from the Introduction, Conclusion, List of the Author's Published Scientific Works, References, and Appendices, the dissertation consists of 04 chapters and 11 sections.

Chapter 1

OVERVIEW OF RESEARCH RELATED TO THE DISSERTATION TOPIC AND ISSUES REQUIRING FURTHER STUDY

1.1. OVERVIEW OF RESEARCH RELATED TO THE DISSERTATION TOPIC

1.1.1. Domestic research situation

In Vietnam, exemption from criminal liability and application of law in the criminal field have been studied from various perspectives, mainly criminal law, criminal procedure law, and general theory of application of law. Published studies provide important propositions concerning the concept, nature, characteristics, grounds, conditions, and legal consequences of exemption from criminal liability; the concept, characteristics, contents, and stages of application of law; and at the same time provide theoretical and practical foundations for studying the exercise of state power in criminal procedure. However, there has not yet been a direct and systematic study of application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency from the perspective of the major of Theory and History of State and Law.

1.1.2. Foreign research situation

Foreign studies approach exemption from criminal liability or mechanisms of a similar nature from different legal traditions and criminal procedure models. Because the content, grounds, competence, and legal consequences of these mechanisms are not entirely identical to the institution of exemption from criminal liability under Vietnamese law, the dissertation does not use the term exemption from criminal liability to equate foreign institutions, but selectively inherits propositions of reference value concerning legal nature, conditions of application, limits of competence, and mechanisms for controlling the termination of criminal prosecution. The study analyzes an individual's criminal liability before the State for conduct regarded as a crime and the conditions ensuring the legitimacy of the process of pursuing criminal liability.

1.2. ASSESSMENT OF STUDIES RELATED TO THE DISSERTATION TOPIC AND ISSUES REQUIRING FURTHER STUDY

1.2.1. Assessment of studies related to the dissertation topic

The review of domestic and foreign studies shows that exemption from criminal liability and application of law in the criminal field have been approached from various perspectives. These research results provide a basis for the dissertation to inherit when developing its theoretical framework, determining standards for assessing the current situation, and proposing solutions to ensure application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency. However, because of differences in research subjects, scope, approaches, and criminal procedure models, published studies have not directly and comprehensively resolved the issues within the scope of this dissertation. A number of studies on the general theory of application of law or application of law in criminal procedure activities have identified its state-power nature, individualized nature, stages of application of law, and requirements concerning competence and control over the issuance of legal decisions.

1.2.2. Issues requiring further study in the dissertation

On the basis of the review results and the limitations of published studies, the dissertation identifies three groups of issues requiring further study, corresponding to the theoretical foundation, the current situation, and the viewpoints and solutions for ensuring application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency. The dissertation further clarifies the concept, characteristics, and role of application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency from the perspective of the major of Theory and History of State and Law; identifies it as an activity involving the exercise of state power during the investigation stage, carried out by the Criminal Investigation Police Agency through competent persons and subject to procuratorial supervision by the People's Procuracy. On that basis, the dissertation analyzes the legal provisions, stages of application of law, and conditions ensuring this activity.

1.3. RESEARCH HYPOTHESIS AND RESEARCH QUESTIONS

1.3.1. Research hypothesis of the dissertation

The research hypothesis of the dissertation is that the quality of application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency is primarily affected by the completeness and consistency of the law and application guidance; the capacity and responsibility of competent subjects; coordination, procuratorial supervision, examination mechanisms; and ensuring conditions. When these factors are not synchronized, limitations may arise in determining factual grounds, selecting and applying legal provisions, issuing and organizing the implementation of decisions to terminate investigation, resulting in the risk of applying exemption from criminal liability without sufficient grounds or failing to identify and timely consider cases in which the statutory grounds and conditions for exemption from criminal liability are satisfied. Conversely, synchronized improvement of the above factors is capable of ensuring that application of law on exemption from criminal liability for the accused is conducted lawfully, objectively, consistently, promptly, and in a controllable manner.

1.3.2. Research questions

First, what issues related to exemption from criminal liability and application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency have been clarified by domestic and foreign studies, and what gaps remain to be further studied from the perspective of the major of Theory and History of State and Law? Second, what are the concept, characteristics, role, legal provisions, stages, and ensuring conditions of application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency, and how is the relationship between the grounds and conditions for exemption from criminal liability under criminal law and the competence, order, procedures, and form of termination of investigation under criminal procedure law determined?

Chapter 2

THEORETICAL FOUNDATIONS OF APPLICATION OF LAW ON EXEMPTION FROM CRIMINAL LIABILITY FOR THE ACCUSED BY THE CRIMINAL INVESTIGATION POLICE AGENCY

2.1. CONCEPT, CHARACTERISTICS, AND ROLE OF APPLICATION OF LAW ON EXEMPTION FROM CRIMINAL LIABILITY FOR THE ACCUSED BY THE CRIMINAL INVESTIGATION POLICE AGENCY

2.1.1. Concept and characteristics of application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency

Within the scope of the dissertation, the accused is understood as an individual against whom criminal proceedings have been instituted and who has an independent legal status in criminal procedure relations. Exemption from criminal liability means that the State does not require a person who has committed an act containing all constituent elements of a crime to bear criminal liability when the grounds and conditions prescribed by law are fully satisfied. Therefore, application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency is an activity involving state power, carried out during the investigation stage through the collection, examination, and assessment of documents and evidence; determination of the grounds and conditions for exemption from criminal liability; selection of legal provisions; and issuance of procedural decisions within competence.

Under the current legal mechanism, the Criminal Investigation Police Agency does not issue a separate decision on exemption from criminal liability, but applies the grounds for exemption from criminal liability to issue a decision to terminate investigation against the accused; this decision is subject to procuratorial supervision by the People's Procuracy. Application of law has the following principal characteristics: it is carried out by competent subjects within the Criminal Investigation Police Agency; its object of application is the accused in a specific criminal case; it is based on the consistency between criminal law and criminal procedure law; it is conducted through a process of individualizing the law on the basis of evidence

assessment; it terminates further pursuit of criminal liability for the conduct within the scope of the termination decision; and it reflects humanitarian criminal policy while requiring legality, protection of human rights, and crime prevention and combat.

2.1.2. Role of application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency

Application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency plays a role in protecting human rights, the rights of the accused, and the lawful rights and interests of related subjects; individualizing the handling of criminal liability; implementing humanitarian and lenient criminal policy; and at the same time meeting the requirements of crime prevention and combat and maintaining legal order. Correctly identifying the grounds and conditions and promptly issuing a decision to terminate investigation helps end procedural impacts on the accused that are no longer necessary, without reducing the requirement of legal strictness.

Through the practice of application of law, the Criminal Investigation Police Agency also contributes to identifying shortcomings in legal provisions, application guidance, and implementation; and provides a basis for procuratorial supervision, examination, practical review, and improvement of the law. Therefore, application of law on exemption from criminal liability for the accused is both a means of implementing humanitarian criminal policy and an activity of exercising and controlling state power during the investigation stage.

2.2. LEGAL PROVISIONS AND STAGES OF APPLICATION OF LAW ON EXEMPTION FROM CRIMINAL LIABILITY FOR THE ACCUSED BY THE CRIMINAL INVESTIGATION POLICE AGENCY

2.2.1. Legal provisions on exemption from criminal liability for the accused by the Criminal Investigation Police Agency

The law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency reflects the unity between criminal law and criminal procedure law. Criminal law prescribes the grounds, conditions, and legal consequences of exemption from criminal liability; criminal procedure law prescribes the competence, order, procedures, and form of

termination of investigation. During the investigation stage, the Criminal Investigation Police Agency does not issue a separate decision on exemption from criminal liability, but applies the grounds for exemption from criminal liability to issue a decision to terminate investigation within its competence; this decision is subject to procuratorial supervision by the People's Procuracy.

Within the scope of the dissertation, the legal provisions are examined on the basis of the general provisions on exemption from criminal liability, cases applicable to persons under 18 years of age during the period in which the corresponding law was in force, and relevant provisions concerning certain specific crimes. Application must clearly distinguish cases in which exemption from criminal liability is mandatory from cases in which exemption may be granted; at the same time, general grounds must be distinguished from direct and specific grounds. With respect to provisions in the Part on Specific Crimes of the Criminal Code, the Criminal Investigation Police Agency uses them only to determine the value of the corresponding substantive ground and does not regard them as independent procedural grounds unless the Criminal Procedure Code so provides.

2.2.2. Stages of application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency

Application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency is carried out through four basic stages. First, objectively and comprehensively identifying, analyzing, and assessing the circumstances of the criminal case and the documents and evidence relevant to the grounds and conditions for exemption from criminal liability; second, selecting and clarifying the appropriate legal provisions and distinguishing general grounds from direct and specific grounds and from cases not involving exemption from criminal liability; third, issuing a decision to terminate investigation on the proper grounds, within competence, and in accordance with the proper order and procedures, while ensuring that it can be examined and explained; fourth, organizing implementation of the decision through sending, serving, and notifying it; handling preventive measures, physical evidence, property, and related matters; and at the same time conducting statistical work and reporting, and drawing lessons from practice.

In this process, Investigators and Investigation Officers are responsible for collecting, examining, and assessing evidence and proposing a course of action; the Head and Deputy Head of the Criminal Investigation Police Agency examine the case file and issue decisions within their competence. Clear allocation of responsibilities among subjects is a condition for ensuring objective, lawful, and controllable application of law.

2.3. CONDITIONS FOR ENSURING APPLICATION OF LAW ON EXEMPTION FROM CRIMINAL LIABILITY FOR THE ACCUSED BY THE CRIMINAL INVESTIGATION POLICE AGENCY

2.3.1. Political conditions

Application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency must be placed under the leadership of the Party while complying with the Constitution and the law. Such leadership provides political orientation for the implementation of humanitarian criminal policy, judicial reform, protection of human rights, control of state power, and crime prevention and combat; it does not replace the procedural competence of the Criminal Investigation Police Agency in any specific criminal case.

2.3.2. Legal conditions

A complete, clear, coherent, and practicable legal system is a direct condition for ensuring application of law on the proper grounds, within competence, and in accordance with the proper order and procedures. The focus is on ensuring consistency between the Criminal Code and the Criminal Procedure Code in provisions on the grounds and conditions for exemption from criminal liability, grounds for termination of investigation, competence, form of decision, legal consequences, and procuratorial supervision mechanism.

2.3.3. Conditions concerning the organizational apparatus and human resources of the Criminal Investigation Police Agency

A scientifically organized apparatus, clear allocation of responsibilities, and a contingent of personnel with political firmness, qualifications, experience, and professional skills are direct conditions determining the quality of application of law. Under the current organizational model, the allocation of tasks among the Criminal Investigation Police Agency at the

ministerial and provincial levels and forces assigned to commune-level Police must ensure consistency in direction, evidence collection, identification of grounds for exemption from criminal liability, and examination of the responsibilities of competent persons.

2.3.4. Conditions for ensuring coordination

The coordination mechanism between the Criminal Investigation Police Agency, the People's Procuracy, and relevant agencies must be based on a clear delineation of functions, tasks, and competence. The Criminal Investigation Police Agency is responsible for investigative activities and decisions to terminate investigation; the People's Procuracy exercises prosecution powers and supervises whether the decision has sufficient grounds and is lawful, without replacing the Criminal Investigation Police Agency in evidence assessment and without approving the decision to terminate investigation.

2.3.5. Conditions concerning material facilities and technical equipment

Material facilities, technical means, storage systems, professional data, and technological infrastructure are supporting conditions for collecting, managing, and examining evidence and case files and for organizing the implementation of decisions. Ensuring these conditions must directly serve the quality of application of law and support examination, statistics, and accountability, but must not replace evidence assessment or the responsibility of competent persons.

2.4. APPLICATION OF LAW ON EXEMPTION FROM CRIMINAL LIABILITY FOR THE ACCUSED IN SELECTED COUNTRIES AND LESSONS FOR VIETNAM

2.4.1. Russian Federation

The law of the Russian Federation provides relatively specific grounds for terminating the pursuit of criminal liability and mechanisms for their implementation in criminal procedure, including cases associated with active repentance, reconciliation with the victim, remediation of consequences, and the imposition of a judicial fine. Notably, the law relatively clearly delineates competence among the investigative body, the prosecution authority, and the

Court for each case, thereby strengthening the ability to control the termination of the pursuit of criminal liability.

2.4.2. Kazakhstan

The law of Kazakhstan combines cases in which exemption from criminal liability is mandatory with cases in which the competent authority is permitted to exercise discretion on the basis of statutory conditions. This approach demonstrates the need to clearly distinguish cases in which exemption from criminal liability is mandatory from cases in which exemption may be granted, while also requiring decisions of competent subjects to be based on evidence and capable of being explained.

2.4.3. Tajikistan

The law of Tajikistan provides grounds for exemption from criminal liability associated with active repentance, reconciliation with the victim, and changes in circumstances. A notable lesson is the requirement that competent authorities not only prove the criminal act but also collect and fully assess circumstances favorable to the person accused and promptly consider terminating the pursuit of criminal liability when sufficient statutory grounds exist.

2.4.4. Screening survey of several other representative countries, legal systems, and the Rome Statute

The survey of China, Japan, and the Rome Statute shows that these systems all have mechanisms limiting prosecution, providing for decisions not to prosecute, or exempting from or excluding criminal liability in certain cases. However, because of differences in legal nature, competent subjects, criminal procedure models, and legal consequences, these experiences are used only for comparison and screening and are not equated with Vietnam's institution of exemption from criminal liability.

From the experience of the countries and legal systems studied, the dissertation draws several lessons for Vietnam

Vietnam should continue improving the consistency between criminal law and criminal procedure law regarding grounds, conditions, competence, order, and forms of disposition; clearly distinguish cases in which exemption from criminal liability is mandatory from cases in which exemption may be granted; strengthen requirements concerning proof, legal reasoning, and

accountability of subjects applying the law; ensure procuratorial supervision, examination mechanisms, and the rights of relevant subjects; and at the same time standardize forms, statistics, data, and practical review. Foreign experience must be selectively received in a manner consistent with Vietnam's political and legal conditions, organizational apparatus, and criminal procedure model, without mechanical copying or using foreign law to replace the grounds provided by Vietnamese law.

Chapter 3

FACTORS AFFECTING AND CURRENT SITUATION OF APPLICATION OF LAW ON EXEMPTION FROM CRIMINAL LIABILITY FOR THE ACCUSED BY THE CRIMINAL INVESTIGATION POLICE AGENCY IN VIETNAM

3.1. FACTORS AFFECTING APPLICATION OF LAW ON EXEMPTION FROM CRIMINAL LIABILITY FOR THE ACCUSED BY THE CRIMINAL INVESTIGATION POLICE AGENCY IN VIETNAM

3.1.1. Organizational apparatus and operations of the Criminal Investigation Police Agency of the People's Public Security Forces

The Criminal Investigation Police Agency of the People's Public Security Forces is the subject applying the law on exemption from criminal liability for the accused during the investigation stage, through the Head and Deputy Head of the Criminal Investigation Police Agency, Investigators, and Investigation Officers in accordance with the tasks and powers prescribed by law. The Head and Deputy Head of the Criminal Investigation Police Agency lead, direct, and examine investigative activities and issue procedural decisions within their competence; Investigators directly conduct the collection, examination, and assessment of evidence and propose courses of action; Investigation Officers perform assigned tasks.

Accordingly, the organizational model, delineation of competence, mechanisms of direction and examination, and capacity of personnel directly affect the identification of grounds for exemption from criminal liability, selection of legal provisions, and issuance and implementation of decisions to terminate investigation. In the context of adjustment of the organizational structure of the Criminal Investigation Police Agency under the current

model, there is a need to ensure consistency in assignment, coordination, transfer of case files, data management, and the responsibility of each subject throughout the application-of-law process.

3.1.2. Situation of application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam

During the principal research period from 2018 to 2025, termination of investigation on the ground of exemption from criminal liability was carried out on the basis of combining the grounds and conditions under criminal law with the grounds, competence, form, order, and procedures under criminal procedure law. Provisions on exemption from criminal liability in certain articles of the Part on Specific Crimes are considered in relation to the general grounds and corresponding procedural mechanism and are not regarded as independent procedural grounds for the Criminal Investigation Police Agency to terminate investigation.

Practical data show that the number of criminal cases and accused persons whose investigation was terminated on the ground of exemption from criminal liability fluctuated over the years and showed a clearer downward trend in the final years of the 2018 - 2025 period. However, increases or decreases in number or proportion cannot by themselves reflect the quality of application of law, but must be considered in relation to the crime structure, the number of criminal cases and accused persons accepted for handling, the possibility that grounds for exemption from criminal liability may arise, the quality of evidence, the awareness of subjects applying the law, and coordination and procuratorial supervision mechanisms. Data for the first six months of 2026 are used only to update trends and are not directly compared with data for a full year.

3.2. CURRENT SITUATION OF APPLICATION OF LAW ON EXEMPTION FROM CRIMINAL LIABILITY FOR THE ACCUSED BY THE CRIMINAL INVESTIGATION POLICE AGENCY IN VIETNAM

3.2.1. Achievements in application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam and causes of those achievements

Practice shows that application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency has achieved certain results across all four stages. At the stage of identifying,

analyzing, and assessing the circumstances of the criminal case, the Criminal Investigation Police Agency has paid attention to collecting, examining, and assessing evidence; clarifying the conduct, consequences, personal circumstances, and other circumstances relevant to the grounds and conditions for exemption from criminal liability. At the stage of selecting legal provisions, in many cases the relationship between the grounds for exemption from criminal liability under criminal law and the grounds, competence, and procedures for termination of investigation under criminal procedure law has been correctly identified.

At the decision-issuance stage, termination of investigation on the ground of exemption from criminal liability has generally been carried out within proper competence, contributing to the timely termination of the pursuit of criminal liability against the accused when the statutory grounds and conditions are fully satisfied. At the implementation stage, the sending and service of decisions, handling of preventive measures, physical evidence, property, and related matters have gradually become more orderly, thereby clearly establishing the legal status of the accused and protecting the lawful rights and interests of relevant subjects.

These achievements result primarily from the orientations of the Party and the State on judicial reform, protection of human rights, and implementation of humanitarian criminal policy; the gradual improvement of criminal law and criminal procedure law; the professional quality and experience of Heads and Deputy Heads of the Criminal Investigation Police Agency, Investigators, and Investigation Officers; together with coordination and procuratorial supervision by the People's Procuracy and increasing attention to material facilities, data, and technical conditions. However, technical conditions and digital transformation play only a supporting role; the quality of application of law still directly depends on legal provisions, the quality of evidence, and the capacity and responsibility of competent subjects.

3.2.2. Limitations in application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam and their causes

Alongside the achievements, the practice of application of law on exemption from criminal liability for the accused still reveals limitations at the stages of identifying legal facts, selecting legal provisions, issuing decisions, and organizing their implementation. For cases in which exemption from

criminal liability is mandatory, the principal limitation is that the relevant grounds are not always identified and addressed in a timely manner; for cases in which exemption may be granted, difficulties are concentrated in the quality of evidence assessment, determination of statutory conditions, and the reasoning supporting the decision whether to apply or not apply exemption.

At the stage of identifying circumstances, in some cases the collection, examination, and assessment of materials have not been complete and have not comprehensively clarified circumstances relevant to exemption from criminal liability. At the stage of selecting legal provisions, there remain cases in which the grounds for exemption from criminal liability have not been clearly distinguished from cases where the conduct does not constitute a crime, grounds for declining to institute criminal proceedings, or other grounds for termination; citation of general provisions and specific provisions concerning certain crimes has at times been inconsistent. At the stage of issuing decisions, some decisions have not fully expressed the relationship among factual circumstances, legal grounds, and the conclusion to terminate investigation. At the implementation stage, in some cases the sending, service, and explanation of decisions, updating of data, statistics, and handling of related matters have not been sufficiently timely or consistent; the current system of forms also lacks a separate notice form for cases where investigation against an accused person is terminated on the ground of exemption from criminal liability.

The causes of the above limitations are both objective and subjective: certain provisions, terms, and application criteria are not yet sufficiently clear; professional guidance is not yet complete or consistent; the awareness and specialized skills of some subjects applying the law remain uneven; coordination, procuratorial supervision, examination, and practical review mechanisms are not sufficiently close in some respects; the organizational apparatus is undergoing adjustment; and databases, technical infrastructure, and conditions supporting application of law are not yet synchronized. These limitations demonstrate the need for simultaneous control in both directions: preventing termination of investigation on the ground of exemption from criminal liability where sufficient grounds and conditions have not been established, while also avoiding the omission or delayed consideration of cases in which the statutory grounds for exemption from criminal liability exist.

Chapter 4**VIEWPOINTS AND SOLUTIONS FOR ENSURING APPLICATION OF LAW ON EXEMPTION FROM CRIMINAL LIABILITY FOR THE ACCUSED BY THE CRIMINAL INVESTIGATION POLICE AGENCY IN VIETNAM****4.1. VIEWPOINTS FOR ENSURING APPLICATION OF LAW ON EXEMPTION FROM CRIMINAL LIABILITY FOR THE ACCUSED BY THE CRIMINAL INVESTIGATION POLICE AGENCY IN VIETNAM****4.1.1. Ensuring the leadership of Party committees in application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam**

Application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency must be placed under the leadership of the Party while complying with the Constitution, the law, and the principles of criminal procedure and remaining subject to procuratorial supervision by the People's Procuracy. The leadership of Party committees is manifested in political and legal orientation, personnel organization, examination, supervision, and provision of operating conditions; it does not replace procedural competence or intervene in the selection of grounds for exemption from criminal liability in any specific criminal case. This ensures that application of law is lawful, objective, cautious, does not result in wrongful prosecution of innocent persons or allow crimes to go unpunished, and does not abuse humanitarian policy.

4.1.2. Ensuring strictness, openness, transparency, and accountability in application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam

Every decision to terminate investigation on the ground of exemption from criminal liability must have clear legal and factual grounds, be issued within proper competence and in accordance with the prescribed order and procedures, and be capable of examination and supervision. Humanitarian and lenient policy must be implemented within the framework of law, without reducing the requirement of strictness or extending the discretion of subjects applying the law beyond statutory limits. Openness, transparency,

and accountability are important requirements for controlling power and ensuring legality and consistency in application of law.

4.1.3. Ensuring the lawful rights and interests of the accused in application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam

Ensuring the lawful rights and interests of the accused is reflected not only in respect for procedural rights but also in the responsibility of the Criminal Investigation Police Agency to identify, examine, and fully consider grounds for exemption from criminal liability when the case file provides a statutory basis. Delayed consideration or omission of relevant grounds may prolong the status of being accused and procedural measures that are no longer necessary. However, application of provisions favorable to offenders must comply with their statutory scope, conditions, and temporal effect, while also protecting the lawful rights and interests of victims and other relevant subjects.

4.1.4. Ensuring security, order, and social safety in application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam

Application of law on exemption from criminal liability must be linked with the requirements of ensuring security, order, social safety, and crime prevention and combat. Exemption from criminal liability does not mean tolerating crime, but is a method of disposition based on statutory grounds and conditions in cases prescribed by law. Therefore, strictness of the law and lenient policy must be harmonized: cases satisfying the conditions for exemption from criminal liability must not be overlooked in the name of crime prevention and combat, while exemption must not be applied where sufficient grounds have not been established.

4.1.5. Ensuring humanitarian policy in application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam

Humanitarianism is inherent in the institution of exemption from criminal liability, reflecting the combination of strictness and leniency in criminal law. Terminating the pursuit of criminal liability against a person who committed a criminal act but fully satisfies the statutory grounds and

conditions creates an opportunity for that person to remedy consequences, correct mistakes, and reintegrate into the community. Ensuring humanitarianism also requires the Criminal Investigation Police Agency to identify and promptly handle cases satisfying the conditions for exemption from criminal liability, without lowering evidentiary requirements or disregarding legal limits for the sake of leniency.

4.2. SOLUTIONS FOR ENSURING APPLICATION OF LAW ON EXEMPTION FROM CRIMINAL LIABILITY FOR THE ACCUSED BY THE CRIMINAL INVESTIGATION POLICE AGENCY IN VIETNAM

4.2.1. Improving the law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam

Improvement of the law should focus on clarifying the grounds, conditions, and legal consequences of exemption from criminal liability; distinguishing cases in which exemption is mandatory from cases in which exemption may be granted; and ensuring consistency between the Criminal Code and the Criminal Procedure Code in identifying, handling, and terminating investigation. Such improvement is not intended to expand the scope of exemption from criminal liability, but to ensure application on the proper grounds and within proper competence, transparently and subject to procuratorial supervision. It is necessary to continue improving provisions on legal consequences, mechanisms for early identification of grounds for exemption from criminal liability, and uniform guidance on selecting and citing legal provisions. At the same time, the dissertation proposes adding Form No. 230A “Notice of termination of investigation against the accused on the ground of exemption from criminal liability”, to be used after a decision to terminate investigation and not to create any new procedural decision or competence.

4.2.2. Consolidating the organizational apparatus and improving the quality of operations of the Criminal Investigation Police Agency in Vietnam

Consolidation of the organizational apparatus of the Criminal Investigation Police Agency must be linked to the requirement of clearly delineating the functions, tasks, competence, and responsibilities of each level and each subject at the stages of application of law. In the context of

adjustments to the organizational model of the Criminal Investigation Police Agency, continuity must be ensured in receiving and handling crime reports, assigning investigations, transferring case files, and organizing the implementation of decisions, with clear assignment of persons, tasks, competence, and responsibilities. Streamlining the apparatus must go hand in hand with improving the effectiveness of direction, examination, and internal control.

4.2.3. Continuing to improve the capacity, qualifications, and professional skills of subjects competent to apply the law on exemption from criminal liability for the accused in Vietnam

It is necessary to continue strengthening the political firmness, ethical qualities, sense of responsibility, legal knowledge, and professional skills of Heads and Deputy Heads of the Criminal Investigation Police Agency, Investigators, and Investigation Officers. Training should focus on skills in collecting, examining, and assessing evidence; identifying the grounds and conditions for exemption from criminal liability; distinguishing cases that are easily confused; selecting and citing legal provisions; legal reasoning, accountability, and organizing implementation of decisions. Training should be practical, specialized, and linked to each stage of application of law rather than being conducted in a broad and unfocused manner.

4.2.4. Investing in material facilities and technical equipment for application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam

It is necessary to continue ensuring material facilities, technical equipment, and data infrastructure for investigative activities and application of law on exemption from criminal liability for the accused. Priority should be given to standardizing means for collecting, recording, storing, and examining evidence; audio and audiovisual recording systems; storage equipment, case-file management, and professional databases. Investment should aim at synchronization, connectivity, effective use, and direct support for examination, cross-checking, statistics, and accountability; technology plays only a supporting role and does not replace the responsibility of competent persons.

4.2.5. Continuing to improve coordination mechanisms in application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam

It is necessary to continue improving coordination mechanisms between the Criminal Investigation Police Agency, the People's Procuracy, and relevant agencies on the basis of current law, ensuring a clear delineation of functions, competence, and responsibilities. Coordination should focus on clarifying evidence, the grounds and conditions for exemption from criminal liability, selecting legal provisions, and handling cases involving differing views. The Criminal Investigation Police Agency is responsible for investigative activities and decisions to terminate investigation; the People's Procuracy exercises prosecution powers and supervises compliance with law without replacing the decision-making competence of the Criminal Investigation Police Agency. Where views remain inconsistent, the matter must be handled through reporting, direction, and guidance mechanisms within each sector.

4.2.6. Continuing to strengthen inspection, examination, and settlement of complaints and denunciations in application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam

Inspection, examination, and settlement of complaints and denunciations should focus on quality, scope, and effectiveness of remedial action rather than on quantity. Examination should cover both cases in which investigation has been terminated on the ground of exemption from criminal liability and cases in which grounds for exemption from criminal liability exist but have not been timely identified and considered. This will both prevent application of exemption from criminal liability without sufficient grounds and reduce the omission of eligible cases, while strengthening accountability and control over the exercise of state power.

4.2.7. Regularly conducting practical reviews and drawing lessons in application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam

Practical reviews should be conducted regularly and lessons should be drawn in order to unify understanding, improve professional skills, and

prevent repeated errors. Such review should focus on typical difficulties in identifying grounds and conditions, assessing evidence, selecting legal provisions, issuing decisions, and organizing their implementation; at the same time, the results should be transformed into guidance, examination criteria, professional scenarios, forms, and data serving application of law.

4.2.8. Continuing to strengthen international cooperation in application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency in Vietnam

International cooperation and research on foreign law should be selectively undertaken to directly serve improvement of the law, enhancement of implementation capacity, and development of methods of application of law. Cooperation should focus on exchanging experience concerning the grounds and conditions for exemption from criminal liability, control of competence, accountability, data, forms, and statistics. Foreign experience must be received in a manner consistent with Vietnam's political and legal conditions and criminal procedure model; foreign mechanisms, procedures, or legal consequences must not be directly applied where Vietnamese law has not provided for them.

CONCLUSION

The dissertation clarifies the theoretical foundation of application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency from the perspective of the major of Theory and History of State and Law. Accordingly, application of law on exemption from criminal liability is a form of law implementation involving state power during the investigation stage and is carried out through four stages: identifying and assessing the circumstances of the criminal case; selecting and clarifying legal provisions; issuing a decision to terminate investigation; and organizing implementation of the decision. Under the current legal mechanism, the Criminal Investigation Police Agency does not issue a separate decision on exemption from criminal liability, but applies the grounds for exemption from criminal liability to issue a decision to terminate investigation within its competence, and that decision is subject to procuratorial supervision by the People's Procuracy.

On the basis of the practical research for the 2018 - 2025 period and the use of data from the first six months of 2026 to update trends, the dissertation shows that application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency has achieved certain results in identifying grounds, selecting legal provisions, issuing decisions, and organizing the implementation of decisions to terminate investigation. However, practice still reveals limitations in identifying and proving the grounds and conditions for exemption from criminal liability; selecting and citing legal provisions; reasoning in decisions; implementation, coordination, procuratorial supervision, examination, statistics, and practical review. These limitations require simultaneous control in both directions: preventing the application of exemption from criminal liability without sufficient grounds and preventing failures to identify and consider, in a timely manner, cases in which the statutory grounds and conditions have been satisfied.

From the research results, the dissertation proposes a system of viewpoints and solutions to ensure application of law on exemption from criminal liability for the accused by the Criminal Investigation Police Agency, focusing on improving the law and application guidance; consolidating the organization and enhancing the capacity of competent subjects; ensuring material facilities, data, and technical conditions; improving coordination, procuratorial supervision, inspection, and examination mechanisms; and strengthening practical review, lessons learned, and international cooperation. The solutions are developed on the basis of linking the theoretical findings, the current situation, limitations, and causes identified in the dissertation.

The objective of improving and ensuring application of law is not to mechanically increase or decrease the number of criminal cases or accused persons exempted from criminal liability, but to ensure that every case is considered correctly, fully, promptly, on sufficient grounds, and in a controllable manner. Thereby, humanitarian and lenient criminal policy is implemented consistently with the requirements of legality, control of power, protection of human rights, avoidance of wrongful treatment of innocent persons, and prevention of crimes from going unpunished.

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

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*** International journals**

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