NATIONAL ACADEMY OF POLITICS HO CHI MINH

NGUYEN TRONG LUAN

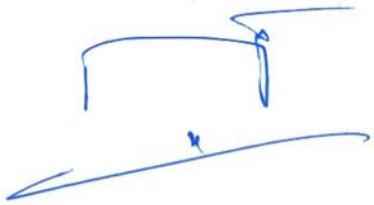
THE APPLICATION OF LAW IN THE INVESTIGATION OF THE CRIME OF TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE IN VIETNAM

SUMMARY OF THE DOCTORAL DISSERTATION
FIELD: THEORY AND HISTORY OF THE STATE AND LAW
Code: 9380106

HANOI - 2026

This dissertation was completed at the
Ho Chi Minh National Academy of Politics

Chairman of the Council



Assoc. Prof. Dr. Tran Quang Hien

Academic supervisors



1. Assoc. Prof. Dr. Tang Thi Thu Trang



2. Assoc. Prof. Dr. Hoang Hung Hai

Reviewer 1: **Assoc. Prof. Dr. Nguyen Minh Hang**
Judicial Academy

Reviewer 2: **Dr. Do Duc Hong Ha**
National Assembly Committee on Science, Technology and Environment

Reviewer 3: **Assoc. Prof. Dr. Tao Thi Quyen**
Ho Chi Minh National Academy of Politics

The dissertation was defended before the Academy-level Dissertation Examination Council, meeting at the Ho Chi Minh National Academy of Politics
At 2:00 p.m. on 2 October 2026

The dissertation can be accessed at: The National Library of Vietnam and the Library of Ho Chi Minh National Academy of Politics

INTRODUCTION

1. Rationale for Choosing the Research Topic

In the context of globalization and the rapid development of science and technology, crime in general has become increasingly complex. The fight against and prevention of crime constitutes a central, urgent, continuous, and long-term task aimed at protecting national security, social order and safety, and human rights. Against this backdrop, the crime of trafficking in or appropriation of human tissues or body parts has emerged as a particularly dangerous form of non-traditional crime. It seriously infringes upon human rights, the right to bodily inviolability, and human dignity and honor, while also disrupting social order and safety and adversely affecting the State's humanitarian policies in the healthcare sector.

In response to the urgent need for countries around the world to protect human rights, and in implementation of the Party's guiding views on strengthening its leadership over crime prevention and control in the new situation, as well as giving effect to the 2013 Constitution's provisions on the protection of human rights, the 2015 Penal Code, as amended and supplemented in 2017, for the first time in the history of Vietnamese legislation, introduced the new criminal offense of "Trafficking in or Appropriation of Human Tissues or Body Parts" under Article 154. This marked an important step forward, demonstrating the State's profound concern and establishing a firm legal basis for law enforcement agencies, including the Criminal Police Force, to conduct criminal investigations and handle such offenses. However, a gap remains between the provisions of substantive law and the effective application of law in practice. This gap must be bridged through a scientific and consistent mechanism for the application of law.

Practical experience from nearly ten years of implementing the 2015 Penal Code, as amended and supplemented in 2017, 2024, and 2025 (hereinafter referred to as the "2025 Penal Code"), covering the period from 2017 to July 2026, shows that the Criminal Police Force has made considerable efforts to implement a range of coordinated measures and achieved noteworthy results. Nevertheless, alongside these achievements, the process of applying the law in the investigation of the crime of trafficking in or appropriation of human tissues

or body parts by the Criminal Police Force in Vietnam has revealed numerous limitations and shortcomings. These include the increasingly sophisticated nature of the crime, with offenders operating under the guise of "humanitarian organ donation" and through closed, transnational networks. This has resulted in a very high proportion of undetected crime and created major challenges for criminal investigations. In addition, legal shortcomings and difficulties remain. Certain provisions of Article 154 of the 2025 Penal Code and its implementing guidance are still unclear and inconsistent with specialized legislation, such as the Law on Donation, Removal and Transplantation of Human Tissues and Organs, making it difficult to determine the appropriate criminal offense and collect evidence. Regarding the capacity of personnel, the level of proficiency in applying the law among some Criminal Police officers and personnel remains uneven, and some have not received specialized training in legal and biomedical fields. Inter-agency coordination has also failed to meet practical requirements.

In this context, the doctoral candidate has selected the topic ***"The Application of Law in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force in Vietnam"*** for a doctoral dissertation in the field of Theory and History of the State and Law. The purpose is to develop a systematic body of scientific arguments that can contribute to improving the effectiveness of law application in the investigation of crime in general, and of the crime of trafficking in or appropriation of human tissues or body parts in particular, by the Criminal Police Force in Vietnam, thereby helping to ensure security and public order and protect human rights in the new situation.

2. Research Objectives and Tasks

2.1. Research Objectives

The dissertation clarifies the theoretical foundations for the application of law in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force. On that basis, it analyzes and evaluates the current situation and proposes viewpoints and solutions to ensure the application of law in investigating this crime by the Criminal Police Force in Vietnam.

2.2. Research Tasks

First, to review and evaluate domestic and foreign research related to the dissertation topic, identify the issues that have already been studied, determine the research gaps that previous studies have not addressed, and identify matters requiring further research.

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

Third, to conduct research and field surveys, analyze and evaluate the current application of law, and identify the achievements, limitations, and causes of both the achievements and the limitations in the application of law in the investigation of this crime by the Criminal Police Force in Vietnam.

Fourth, to formulate viewpoints and propose solutions for the application of law in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam.

3. Research Object and Scope

3.1. Research Object

The dissertation focuses on theoretical and practical issues concerning the application of law in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam, from the perspective of the field of Theory and History of the State and Law.

3.2. Research Scope

- *Substantive Scope:* The research focuses on the law on the investigation of the crime of trafficking in or appropriation of human tissues or body parts, covering the following legal frameworks: (1) Law on investigative jurisdiction; (2) Law on initiating criminal proceedings, pressing charges against the accused, and applying preventive measures regarding the crime of trafficking in or appropriation of human tissues or body parts; (3) Law on investigative measures for the crime of trafficking in or appropriation of human tissues or body parts; (4) Law on temporary suspension of investigation, termination of

investigation, or conclusion of investigation for the crime of trafficking in or appropriation of human tissues or body parts.

- *Subject Scope:* The competent subjects conducting proceedings are Directors, Deputy Directors, Investigators, and Investigating Officers of the Criminal Police Force at all levels under the Ministry of Public Security of Vietnam.

- *Temporal Scope:* The dissertation covers the period from 2017 to July 2026.

- *Spatial Scope:* The dissertation conducts research within the territory of Vietnam.

4. Theoretical Foundations and Research Methods

4.1. Theoretical Foundations

The dissertation is researched based on the theoretical foundation of dialectical materialism and historical materialism of Marxist-Leninist philosophy, Ho Chi Minh thought, the views of the Communist Party, and policies and laws of the State regarding the State and law, crime prevention and control, and the investigation of the crime of trafficking in or appropriation of human tissues or body parts.

4.2. Research Methods

Regarding methodology, the dissertation relies on the principles of dialectical materialism and historical materialism of Marxism-Leninism, Ho Chi Minh thought, and the guidelines and principles of the Party and State on crime prevention and control and the application of law in investigating the crime of trafficking in or appropriation of human tissues or body parts. The dissertation also employs the following research methods: documentary research method; practical survey method; statistical, analytical, and synthesis methods; case study method; human rights-based approach; and comparative method.

5. Novel Contributions of the Dissertation

First, the dissertation has identified and clarified more comprehensively and deeply the theoretical aspects of the application of law in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force.

Second, the dissertation systematically researches, analyzes, and evaluates the achieved results, the causes of achieved results, the limitations, and the causes of limitations in the application of law in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam.

Third, the dissertation formulates viewpoints on the application of law in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam, thereby proposing 07 solutions to ensure the application of law in investigating this crime by the Criminal Police Force in Vietnam.

6. Theoretical and Practical Significance of the Research

6.1. Theoretical Significance

The research results of the dissertation provide scientific arguments that contribute to refining the theory of law application in general, and the application of law in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in particular.

6.2. Practical Significance

The research findings can serve as reference materials for competent authorities in the process of formulating and perfecting policies and laws on investigating the crime of trafficking in or appropriation of human tissues or body parts. Simultaneously, they serve as reference materials providing scientific grounds for the Criminal Police Force at all police levels to innovate and improve the quality of law application activities in investigating this crime in the coming time.

In addition, the research results can be utilized as reference material in teaching and studying at law training institutions with relevant specialties.

7. Dissertation Structure

Apart from the Introduction, Conclusion, List of Published Works of the Author Related to the Dissertation, List of References, and Appendices, the dissertation comprises 4 chapters and 12 sections.

Chapter 1
OVERVIEW OF RESEARCH LITERATURE RELATED TO THE DISSERTATION TOPIC

1.1. DOMESTIC RESEARCH LITERATURE

1.1.1. Research Works Related to the Application of Law in Crime Investigation

The dissertation focuses on reviewing domestic literature related to the application of law in crime investigation in the form of books, doctoral dissertations, scientific research projects, and scientific journal articles of reference value for the doctoral candidate in terms of theory and practice.

1.1.2. Research Works Related to the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts

The dissertation focuses on reviewing domestic literature related to the crime of trafficking in or appropriation of human tissues or body parts in the form of books, doctoral dissertations, scientific research projects, and scientific journal articles of reference value for the doctoral candidate in terms of theory and practice.

1.2. FOREIGN RESEARCH LITERATURE

1.2.1. Research Works Related to Crime Investigation

The dissertation focuses on reviewing foreign literature related to crime investigation in the form of books, doctoral dissertations, scientific research projects, and scientific journal articles of reference value for the doctoral candidate when analyzing theory and practice regarding legal frameworks and international experiences.

1.2.2. Research Works Related to the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts

The dissertation focuses on reviewing foreign literature related to the crime of trafficking in or appropriation of human tissues or body parts in the form of books, doctoral dissertations, scientific research projects, and scientific journal articles of reference value for the doctoral candidate when analyzing theory and practice regarding legal frameworks and international experiences.

1.3. EVALUATION OF RESEARCH LITERATURE RELATED TO THE DISSERTATION TOPIC

1.3.1. Issues the Dissertation Can Inherit

Within the scope of reviewed literature related to the dissertation topic, there are numerous domestic and foreign studies from which the author can inherit and develop further during the research process. However, there has been no in-depth, comprehensive study specifically dedicated to the application of law in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam.

1.3.2. Unresolved Issues Related to the Dissertation

First, theoretically: No scientific work has fully conceptualized and refined the theoretical framework for the application of law in this specific domain. Existing works mostly stop at general theories of law application or crime investigation without delving into the specific characteristics of law application in investigating the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force. Thus, no research provides full theoretical foundations or detailed analyses of specific stages and sanctions in this field.

Second, practically: Existing works have not deeply analyzed the actual application of specific legal provisions by the Criminal Police Force during the investigation of trafficking in or appropriation of human tissues or body parts. Furthermore, current literature omits crucial aspects of investigative activities and lacks realistic evaluations of the outcomes of law application by Criminal Police across the entire investigation process.

Third, regarding viewpoints, solutions, and recommendations: No study has formulated concrete, detailed solutions to guarantee the application of law specifically for investigating the crime of trafficking in or appropriation of human tissues or body parts. Existing studies mostly offer generalized proposals and lack deep analysis of challenges or mechanisms for inter-agency coordination, international cooperation, and technology application to enhance law enforcement effectiveness.

1.3.3. Issues Requiring Further Research in the Dissertation

First, theoretically: The dissertation needs to clarify and refine the concepts, characteristics, roles, legal content, and stages of law application in

investigating the crime of trafficking in or appropriation of human tissues or body parts based on the general theory of State and Law. It must analyze the impacts, influences, and prerequisite conditions for law application by the Criminal Police Force.

Second, practically: The dissertation needs to investigate the practical application of law in investigating this crime by the Criminal Police Force in Vietnam today, covering all stages of investigation, and thoroughly evaluate achievements, limitations, and underlying causes.

Third, regarding viewpoints and solutions: The dissertation needs to establish guiding viewpoints and propose feasible, concrete solutions to guarantee effective law application, as well as specific solutions tailored directly to the Criminal Police Force in Vietnam.

1.4. RESEARCH HYPOTHESIS AND RESEARCH QUESTIONS

1.4.1. Research Hypothesis

The theoretical foundation of law application in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force is a fundamental and key element for the Criminal Police Force to apply law effectively, protecting human rights and ensuring security, order, and social safety. Furthermore, positive and negative factors affect law application activities to specific degrees. Practical law application reflects distinct achievements, limitations, and underlying causes. Therefore, in the current context, mastering guiding viewpoints and implementing a synchronized system of solutions is a prerequisite to guarantee the effective application of law in investigating this crime in the coming time.

1.4.2. Research Questions

1. What is the application of law in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force, and what are its characteristics and roles? What is the legal content and what are the stages of this process? What conditions guarantee law application activities? What features, limitations, and reference values do international law enforcement experiences offer for Vietnam?

2. What results have been achieved in the current situation of law application in investigating this crime in Vietnam, what are the causes of those results, and what limitations and causes exist?

3. What systematic viewpoints and solutions should be formulated to improve the legal framework, enhance human resource capacity, and optimize organizational implementation mechanisms for the Criminal Police Force in Vietnam?

Chapter 2
THEORETICAL FOUNDATIONS OF LAW APPLICATION IN THE INVESTIGATION OF THE CRIME OF TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE

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

2.1.1. Concepts of law application in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the criminal police force

2.1.1.1. Concept of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts

The crime of trafficking in or appropriation of human tissues or body parts is a socially dangerous act specified in the Penal Code, committed by a person with criminal responsibility capacity who intentionally entices, recruits, deceives, uses force, threatens to use force, or uses other tricks to appropriate or exchange human tissues or body parts as commodities for money, property, or other benefits, which according to regulations must be criminally prosecuted.

2.1.1.2. Concepts of Crime Investigation and Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts

Crime investigation is a stage of criminal proceedings conducted by investigative bodies or agencies assigned to perform certain investigative activities in accordance with criminal procedure law, starting from the decision to initiate a criminal case until the issuance of an investigation conclusion recommending prosecution or a decision to temporarily suspend/terminate investigation, in order to collect, examine, and evaluate evidence to determine

whether a crime occurred, who committed it, fault, motive, purpose, damage caused, and other facts required for proof.

Investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force is an activity in the criminal proceeding process wherein Directors, Deputy Directors, Investigators, and Investigating Officers of the Criminal Police Force under the Ministry of Public Security act within their authority, order, and procedures prescribed by the Criminal Procedure Code to collect, verify, and evaluate legal evidence to identify, handle, and hold criminally responsible persons who commit acts of trafficking in or appropriating human tissues or body parts.

2.1.1.3. Concept of Law Application and Law Application in Investigation of this Crime by Criminal Police

Law application is a specific, state-authoritative form of law implementation conducted by authorized individuals or agencies based on legal provisions to individualize legal norms in specific cases under strict statutory procedures.

Application of law in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force is the execution by Directors, Deputy Directors, Investigators, and Investigating Officers of the Criminal Police Force of criminal procedure laws and related legislation during investigation to detect and handle criminal behavior while protecting the lawful rights and interests of involved parties.

2.1.2. Characteristics of Law Application in Investigation of this Crime by Criminal Police

First, it is an organizational and state-authoritative activity.

Second, it involves complex, specialized evidence collection and evaluation (medical records, donation/transplantation documents, forensic medical findings, financial/transfer data, covert contracts, DNA/biological test results).

Third, it targets novel and highly specific subjects.

Fourth, it spans from the decision to initiate a criminal case until the conclusion of investigation as a basis for prosecution.

Fifth, it represents specific, individualized regulation of each unlawful act.

2.1.3. Role of Law Application in Investigation of this Crime by Criminal Police

First, it contributes to implementing Party guidelines and State laws on human rights protection and crime reduction.

Second, it enhances organized crime investigation efficiency, safeguarding national security, public order, and legal rights.

Third, it prevents wrongful convictions and missed criminals, strengthening public trust.

Fourth, it improves professional competence and bravery of Criminal Police officers.

Fifth, it provides practical feedback for legal advisory, policy-making, and law reform.

2.2. LEGAL CONTENT AND STAGES OF LAW APPLICATION IN INVESTIGATION OF THIS CRIME BY CRIMINAL POLICE

2.2.1. Legal Content of Law Application in Investigation of this Crime by Criminal Police

First, legislation on initiating criminal cases, charging accused persons, and conducting criminal procedure investigation activities for the crime of trafficking in or appropriation of human tissues or body parts.

Second, legislation on temporary suspension, termination of investigation, and concluding investigation to transfer files requesting prosecution by the People's Procuracy.

2.2.2. Stages of Law Application in Investigation of this Crime by Criminal Police

Step 1: Identifying and analyzing the legal characteristics, conditions, and circumstances of the actual case.

Step 2: Selecting appropriate legal norms to apply in investigation.

Step 3: Issuing legal application decisions in investigation.

Step 4: Organizing the implementation of legal application decisions in investigation.

2.3. CONDITIONS GUARANTEEING LAW APPLICATION IN INVESTIGATION OF THIS CRIME BY CRIMINAL POLICE

The primary conditions include: Political conditions; Legal conditions; Material resource conditions; Organizational and human resource conditions; and Inter-agency coordination conditions.

2.4. INTERNATIONAL EXPERIENCE ON LAW APPLICATION IN INVESTIGATION OF THIS CRIME AND REFERENCE VALUES FOR VIETNAM

2.4.1. International Experience

The research examined experiences from China, Russia, the United Kingdom, and the United States in applying law to investigate trafficking in human tissues and organs.

2.4.2. Reference Values for Vietnam

First, establishing unified, strict, and clear legal application procedures for tissue/organ offenses.

Second, expanding the scope of criminal acts constituting organ trafficking and appropriation.

Third, criminalizing brokerage in human tissue/organ trafficking and transplantation as an independent offense.

Fourth, enacting strict statutory regulations against 'transplant tourism'.

Fifth, establishing effective coordination mechanisms between law enforcement, procuracy, medical institutions, security services, and civil society.

Sixth, specialized training to build expert investigation units in legal and biomedical aspects.

Chapter 3
INFLUENCING FACTORS AND THE CURRENT SITUATION OF LAW APPLICATION IN THE INVESTIGATION OF THE CRIME OF TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMHINAL POLICE FORCE IN VIETNAM

3.1. INFLUENCING FACTORS ON THE APPLICATION OF LAW IN THE INVESTIGATION OF THE CRIME OF TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE IN VIETNAM

3.1.1. Natural, Economic, and Social Conditions of Vietnam Influencing the Application of Law in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force in Vietnam

Vietnam possesses natural geographic features that offenders easily exploit to take victims (impoverished, vulnerable individuals) abroad for surgeries, transactions, and concealment, creating significant difficulties for the Criminal Police Force in verification and evidence collection. Furthermore, as a developing country experiencing profound wealth disparities coupled with the impact of a market economy, impoverished, unemployed, and indebted individuals are easily enticed to sell their kidneys, livers, or other body parts. At the same time, Vietnam has a high population density of over 100 million people, while social welfare faces inherent limitations, inadequacies, and challenges. Although medical achievements in organ transplantation are increasingly promoted and thoroughly applied, actual clinical demand remains largely unmet.

3.1.2. The Crime Situation of Trafficking in or Appropriation of Human Tissues or Body Parts in Vietnam

The situation regarding the crime of trafficking in or appropriation of human tissues or body parts from 2017 to July 2026 demonstrates complex developments, with fluctuations across different periods in both the number of cases and offenders. These developments stem from various socio-economic and multi-faceted life causes. From 2017 to July 2026, 145 cases occurred, involving 191 offenders and 346 victims, averaging 14 cases per year and accounting for approximately 0.036% of total criminal offenses. The erratic nature of organ and tissue trafficking in Vietnam indicates that the reflection of law application outcomes in criminal investigation by the Criminal Police Force requires regular and continuous review and experience synthesis.

3.1.3. Organizational Structure and Operations of the Criminal Police Force in Vietnam

Since March 1, 2025, the organizational structure and operational model of the Criminal Police Force in Vietnam have undergone adjustments, eliminating district-level criminal police units and streamlining the force into two operational levels: the Department level (Ministry) and the Provincial level. At commune and ward levels, grassroots crime prevention teams have been established to perform crime prevention, combat, and initial receipt and processing of crime reports. The functions of law application in criminal investigation in general, and in trafficking in or appropriation of human tissues

or body parts in particular, previously under district jurisdiction, have been transferred to the provincial level, while Investigators and Investigating Officers have been assigned to commune-level police units across provinces to support these activities. This structural reorganization presents both favorable conditions and operational challenges for law application activities in general, and for investigating organ and tissue trafficking in particular, by the Criminal Police Force in Vietnam.

3.2. CURRENT SITUATION OF LAW APPLICATION IN THE INVESTIGATION OF THE CRIME OF TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE IN VIETNAM

3.2.1. Achievements in the Application of Law in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force in Vietnam and Causes

3.2.1.1. Achievements in the Application of Law in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force in Vietnam

The doctoral candidate analyzed and evaluated the achievements in law application during the investigation of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam across each specific stage as follows:

First stage: Identifying and analyzing legal characteristics, conditions, and circumstances of actual cases occurring during the investigation of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam.

Second stage: Selecting appropriate legal norms to apply in the investigation of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam.

Third stage: Issuing decisions on the application of law in the investigation of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam.

Fourth stage: Organizing the implementation of law application decisions in the investigation of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam.

3.2.1.2. Causes of Achievements in the Application of Law in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force in Vietnam

First, objective causes:

One, direct, comprehensive, and close leadership and guidance from the Central Public Security Party Committee, the leadership of the Ministry of Public Security, and Party committees and leaders at all levels, along with supervision and favorable conditions created for law application activities of the Criminal Police Force in Vietnam.

Two, legal provisions on this crime have been promulgated, updated, and increasingly perfected, creating a favorable legal corridor.

Three, working conditions and operational environments for the Criminal Police Force have received increasing attention from the Party and State.

Second, subjective causes:

One, the Criminal Police Force in Vietnam generally demonstrates a strong sense of responsibility toward all assigned tasks.

Two, the Criminal Police Force in Vietnam has proactively built cooperative relationships within and outside the Public Security sector and internationally regarding law application in crime investigation in general, and in organ and tissue trafficking in particular.

Three, the Criminal Police Force in Vietnam consistently maintains a resolute, relentless spirit in preventing and combating crime in general, and organ and tissue trafficking in particular.

3.2.2. Limitations in the Application of Law in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force in Vietnam and Causes

3.2.2.1. Limitations in the Application of Law in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force in Vietnam

The doctoral candidate analyzed and evaluated the limitations in law application during the investigation of trafficking in or appropriation of human

tissues or body parts by the Criminal Police Force in Vietnam across each stage as follows:

First stage: Limitations in identifying and analyzing legal characteristics, conditions, and circumstances of actual cases occurring during the investigation of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam.

Second stage: Limitations in selecting appropriate legal norms to apply in the investigation of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam.

Third stage: Limitations in issuing decisions on the application of law in the investigation of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam.

Fourth stage: Limitations in organizing the implementation of law application decisions in the investigation of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam.

3.2.2.2. Causes of Limitations in the Application of Law in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force in Vietnam

First, objective causes:

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

Two, specialized equipment, technical means, and direct material facilities have not yet fully met practical operational requirements.

Second, subjective causes:

One, causes stemming from the Criminal Police Force conducting law application activities in the investigation of trafficking in or appropriation of human tissues or body parts.

Two, legal barriers in establishing coordination mechanisms and international cooperation between the Criminal Police Force and functional

agencies inside and outside the Public Security sector, as well as between Vietnam and regional/international countries.

Three, operational review and summary activities concerning law application in criminal investigation in general, and organ and tissue trafficking in particular, by the Criminal Police Force in Vietnam have not been conducted regularly or continuously and remain somewhat formalistic and superficial

Chapter 4
VIEWPOINTS AND SOLUTIONS TO GUARANTEE THE APPLICATION OF LAW IN THE INVESTIGATION OF THE CRIME OF TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE IN VIETNAM

4.1. VIEWPOINTS TO GUARANTEE THE APPLICATION OF LAW IN THE INVESTIGATION OF THE CRIME OF TRAFFICKING IN OR APPROPRIATION OF HUMAN TISSUES OR BODY PARTS BY THE CRIMINAL POLICE FORCE IN VIETNAM

4.1.1. Ensuring Full Comprehension and Implementation of the Party's Guidelines and Viewpoints at All Levels on Crime Prevention and Control, and Requirements to Enhance the Effectiveness of Law Application in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force in Vietnam

First, crime prevention and control is a task of the entire political system and all people.

Second, combining prevention with combating crime; the Party emphasizes that prevention is a key, strategic element in preventing and combating all types of crime.

Third, conducting crime prevention and control strictly within the legal framework.

Fourth, strengthening international cooperative relationships.

4.1.2. Guaranteeing the Principles and Procedures of the Penal Code and Criminal Procedure Code regarding the Application of Law in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force in Vietnam

Law application activities in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam must fully comply with the principles and procedures specified in Vietnamese penal law and criminal procedure law, ensuring the right person is charged for the right crime and preventing wrongful convictions or miscarriages of justice. The Criminal Police Force in Vietnam, when performing its functions, duties, and powers regarding law application in the investigation of trafficking in or appropriation of human tissues or body parts, must respect and abide by the principles and procedures of the Penal Code and Criminal Procedure Code.

4.1.3. Guaranteeing Human Rights and Citizens' Rights in Crime Investigation in General and in the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force in Vietnam

The application of law in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam today must consistently aim toward human rights and citizens' rights values affirmed in the Constitution, specifically guaranteeing the right to human life and health in a progressive society with healthy development.

4.1.4. Guaranteeing the Application of Scientific and Technological Achievements in Law Application regarding the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force in Vietnam

First, the Criminal Police Force in Vietnam needs to timely apply digital transformation, science, and technology to law application work in the investigation of the crime of trafficking in or appropriation of human tissues or body parts.

Second, focus must be placed on developing synchronous information technology, communication, and transmission infrastructure alongside force organization, management, command and control, and training activities, meeting human resource demands to address information security and safety risks.

Third, training and fostering work must be ensured to update new knowledge related to science, technology, informatics, foreign languages, law, and professional operations.

Fourth, clear and specific procedures must be established for the process of donating and receiving human tissues or body parts.

Fifth, the Criminal Police Force in Vietnam needs to prioritize early prevention and detection of the crime of trafficking in or appropriation of human tissues or body parts in cyberspace.

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

4.2.1. Perfecting Penal Law, Criminal Procedure Law, the Law on Organization of Criminal Investigation Agencies, and Related Legal Regulations Concerning the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts

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

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

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

4.2.2. Continuing to Innovate Organizational Apparatus and Building a Regular, Elite, and Gradually Modern Criminal Police Force in Vietnam in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts

First, the Ministry of Public Security and functional agencies advise and propose to the Government to permit the establishment of specialized investigation teams for the crime of trafficking in or appropriation of human tissues or body parts within Divisions under the Criminal Police Department; each Provincial or Municipal Public Security unit directly under the Central Government shall establish 01 specialized investigation team for the crime of trafficking in or appropriation of human tissues or body parts.

Second, consolidating the organizational structure of the Criminal Police Force in accordance with the principle 'Ministry-level lean, Province-level strong, Commune-level grounded' across two specialized tiers at the Ministry and Provincial levels.

Third, the Ministry of Public Security continues to refine the functions and duties of the Criminal Police Department and local Criminal Police Divisions, aligned with adjusting assignment and decentralization of authority.

4.2.3. Enhancing Law Application Capacity and Professional Qualifications in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts for Officers and Soldiers Serving in the Criminal Police Force in Vietnam

First, raising political consciousness and moral qualities for the contingency of Directors, Deputy Directors, Investigators, and Investigating Officers belonging to the Criminal Police Force in Vietnam.

Second, enhancing professional qualifications and operational competence of Directors, Deputy Directors, Investigators, and Investigating Officers belonging to the Criminal Police Force in Vietnam.

Third, establishing timely commendation and reward mechanisms for Directors, Deputy Directors, Investigators, and Investigating Officers under

various forms of recognition to help each individual feel acknowledged, thereby strengthening their sense of responsibility and dedication.

4.2.4. Strengthening Discipline, Order, and Organizational Management in the People's Public Security regarding the Application of Law in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts

First, organizing inspection teams to audit investigation case files of the crime of trafficking in or appropriation of human tissues or body parts across handling units within the Criminal Police Force to promptly remind, correct, and rectify limitations and shortcomings for remedy and operational experience synthesis.

Second, enhancing the building of a truly clean and strong Criminal Police Force in Vietnam that consistently upholds the spirit of being 'exemplary and pioneering' in implementing discipline and order of the Ministry of Public Security.

Third, each officer and soldier in the People's Public Security force in general, and the Criminal Police Force in particular, must be 'industrious, thrifty, honest, and upright', possess firm political fortitude, pure revolutionary moral qualities, exemplary and progressive, clean, healthy, civil, and honest lifestyles, high organizational discipline awareness, and consistently uphold the spirit of enduring hardships and sacrifices, ready to accept and excellently fulfill all assigned tasks.

Fourth, addressing the negative impacts of the market economy, social vices, daily life hardships, and other objective and subjective factors that affect officers and soldiers in the People's Public Security force on an ongoing basis.

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

4.2.5. Strengthening Material Resources and the Application of Scientific and Technological Achievements to Guarantee Law Application in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force

First, continuing to develop plans for investing in material facilities and working equipment for the Criminal Police Force in Vietnam across all operational areas.

Second, boosting investment in reference materials, textbooks, reference books, legal texts, law bookcases, and electronic libraries to serve research and law application needs of Investigators and Investigating Officers.

Third, continuing to reform salary and allowance regimes so that officers and soldiers feel secure in their work, remaining steadfast against temptations or bribery during the performance of assigned duties.

Fourth, implementing on a regular and continuous basis digital technology applications for law application activities in the investigation of trafficking in or appropriation of human tissues or body parts through applicable investigative measures and the transformation of documents and evidence.

Fifth, conducting research or advising competent authorities on establishing a database network on the crime of trafficking in or appropriation of human tissues or body parts and its victims, utilizing data analytics tools and artificial intelligence.

Sixth, maximizing the value and effectiveness of the National Population Database, Citizen Identification System, and implementation outcomes of the Government's Project 06.

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

Eighth, applying scientific and technological achievements to shorten forensic examination and testing procedures, reducing costs for evidence-seeking and collection activities.

4.2.6. Strengthening Cooperation between the Criminal Police Force in Vietnam and Other Domestic and International Forces regarding the Application of Law in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts

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

Second, establishing cooperative relationships with agencies outside the Public Security sector.

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

4.2.7. Regularly Summarizing, Evaluating, and Drawing Lessons from Experience regarding the Application of Law in the Investigation of the Crime of Trafficking in or Appropriation of Human Tissues or Body Parts by the Criminal Police Force in Vietnam

First, Criminal Police Forces at all levels in Vietnam must have plans and programs to turn operational review into a regular, focused activity.

Second, Criminal Police Forces at all levels in Vietnam should advise Ministry of Public Security leadership to direct criminal investigation bodies within the People's Public Security to summarize the implementation of legal provisions related to investigating the crime of trafficking in or appropriation of human tissues or body parts.

Third, regarding force assignment and agencies participating in review and experience synthesis, clear assignments should be specified for specific individual cases.

Fourth, operational summary and experience review reports regarding law application in the investigation of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam must be disseminated to every officer, soldier, procedural agency, and nationwide.

CONCLUSION

On the basis of researching the application of law in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam, the dissertation draws several conclusions as follows:

First, the dissertation researches, analyzes, and presents the literature overview regarding the application of law and the investigation of the crime of trafficking in or appropriation of human tissues or body parts domestically and internationally, thereby establishing appropriate scientific grounds with reference value.

Second, the dissertation researches, analyzes, and defines the concepts and characteristics of crime investigation and the crime of trafficking in or appropriation of human tissues or body parts. Simultaneously, it establishes important theoretical foundations regarding the application of law in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam, such as concepts, characteristics, legal content, stages, etc. From there, it enables comparison and learning from international experiences in this area for reference value in Vietnam.

Third, the dissertation focuses on analyzing and evaluating the current situation of law application in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam, highlighting relevant characteristics and situations, achieved results, limitations, and identifying influencing causes.

Fourth, the dissertation establishes the basis and contents of forecasts regarding influencing factors, thereby proposing solutions to guarantee and enhance the effectiveness of law application in the investigation of the crime of trafficking in or appropriation of human tissues or body parts by the Criminal Police Force in Vietnam./.

LIST OF AUTHOR'S PUBLISHED SCIENTIFIC WORKS RELATED TO THE DISSERTATION TOPIC

1. Nguyen Trong Luan (2021), *Enhancing the effectiveness of examining traces on the body of victims in the investigation of the crime of trafficking in or appropriation of human tissues or body parts according to the functions of the Criminal Police Force*, Proceedings of the Scientific Conference of the People's Police Academy, Hanoi.

2. Nguyen Trong Luan (2023), *Crimes in the field of trafficking in or appropriation of human tissues or body parts in Vietnamese criminal law*, International Conference of the Academy of Law and Management of the Federal Penitentiary Service of Russia, Russian Federation.

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

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

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

6. Nguyen Trong Luan (2026), *Solutions to improve the effectiveness of fighting, preventing, and combating the crime of trafficking in or appropriation of human tissues or body parts in Hanoi*, Social Sciences Human Resources Journal, No. 1 (01/2026), Hanoi.

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

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