CRIMINAL CODE OF THE SOCIALIST REPUBLIC OF VIETNAM*

PREAMBLE

The 1980 Constitution of the Socialist Republic of Vietnam, which formalizes the lines and policies of the Communist Party of Vietnam during the new stage of the revolution, states: "The state manages society according to law and constantly strengthens the socialist legal system". [1]

In the legal system of the Socialist Republic of Vietnam criminal law occupies a very important position. It is an effective tool used by the state based on the dictatorship of the proletariat to protect the gains of the revolution, to protect the socialist system, to maintain national security and public order and safety, to protect the lawful rights and interests of citizens, and to fight against and prevent all criminal acts and thereby help achieve the two strategic tasks of building socialism and of staunchly defending the socialist Vietnamese fatherland.

This Code of Criminal Law, which derives from and develops the criminal laws of our state that have been in effect since the August Revolution, synthesizes experience gained over the last several decades in the struggle to combat and prevent crime in our country and anticipates certain future developments that are likely to occur in the realm of crime.

The Code of Criminal Law fully upholds the right to socialist collective ownership of our people, under the leadership of the working class; reflects the spirit of taking the initiative in preventing and resolutely fighting against crime; reflects the policy of our Party and the state that criminals are not only to be punished but are also to be educated and rehabilitated as productive members of society; and reflects the spirit of socialist humanitarianism and of confidence in the socialist system's ability to transform people.

Rigorous implementation of the Code of Criminal Law is the common duty of all state agencies and social organizations and of all the people.

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GENERAL PART

Chapter One: Basic Provisions


The tasks of the Criminal Law are to protect the socialist system, the people's right to collective ownership, the right to equality of minority nationalities, and of the lawful rights and interests of citizens; to maintain socialist law and order; and to combat against all types of criminal behavior while inculcating citizens with the concepts of obedience to the law and of fighting against and preventing crime.

So as to fulfill these tasks, the Code of Criminal Law defines crimes and stipulates penalties for offenders.

Article 2. Basis of Criminal Responsibility.

Criminal responsibility shall be borne only by a person who has committed a crime stipulated in the Code of Criminal Law.

Punishment for a crime shall be determined by a court of law.


1. Every criminal act must be promptly uncovered and prosecuted in a swift and just manner in exact accordance with the law.

2. Persons who mastermind, lead, or command criminal activities, diehard elements of the opposition, hoodlums, gangsters, and repeat offenders, social or moral deviants who take advantage of public office or authority to commit crime, and those who conspire to commit crime with the intention of causing grave consequences must be harshly punished. Persons who come forward and confess their crimes, who provide full and truthful information about them, who report their accomplices to the authorities, or who bring credit upon themselves by repenting the crime and atoning for it by voluntarily rectifying the wrong done or by paying for the damage caused should be shown leniency.

3. First-time offenders who have committed a minor offense and who repent the crime may be given a punishment less severe than imprisonment and turned over to a state agency, social organization, or family for supervision and reeducation.

4. Persons sentenced to prison must serve sentence in a detention camp, where they must work and reeducate themselves in order to become productive members of society. If they make progress, reduction of punishment will be considered.

5. Persons who have served sentence must be provided with the means to earn a living and lead an honest life; if they meet the conditions stipulated by law, their criminal record will be expunged.