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# Attestation in Vietnam's Law on Public Order Disturbance Crime

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## ABSTRACT

*The article presents a number of issues in attestation in criminal cases involving public order disturbance in the law of Vietnam. On the basis of studying the provisions of the law, the article aims at making some evaluation, recommendations and proposals to improve the legal provisions on the issues in the criminal cases of disrupting public order.*

**Keywords:** attestation, evidence, criminal, disturbance, public order

## I. INTRODUCTION

The crime of disturbing public order is common and complex causing negative impacts on social order and security in Vietnam. In practice, the acts of disturbing public order take many forms, sometimes the offenders use tools and weapons, causing damage to property and people's lives. These acts can sometimes be misunderstood with other types of crime. This requires the competent procedural persons and agencies to appropriately identify the evidences in criminal cases in general and those of public order disturbance in particular so as to orient the investigation, to collect, examine and evaluate evidences accurately, on that basis there will be proper settlement for the criminal cases.

At present, the provisions of the Criminal Code 2015 (amended and supplemented in 2017) and the Criminal Procedure Code of Vietnam 2015 (amended and supplemented in 2021), hereinafter referred to as the Penal Code and the Criminal Procedure Code, have relatively clear provisions on the attestation in criminal cases of public disorder. However, there are still a number of regulations that do not cover all issues, or have unclear contents, making it difficult to determine whether such behavior is an act of public disorder or not, or it may cause confusion in the determination of crimes between the crime of disturbing public order and a number of other related crimes, causing difficulties in the settlement of criminal cases<sup>4</sup>.

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<sup>4</sup> Nguyen Thi Tuyet Nhung, 2020, Some legal suggestions to improve legal system in assessing evidences, determining the crime of Murder, Intentionally causing injury, Disturbing public order, <https://vksndtc.gov.vn/cong-tac-kiem-sat/mot-so-kien-giai-hoan-thien-phap-luat-de-danh-gia--d10-t10044.html>

### **(A) Research Methods**

The article mainly uses analytical, synthesis and comparative methods.

Methods of analysis and synthesis to evaluate and present the concepts, content, and legal basis of the attestation in criminal cases of disrupting public order. This method is also used to analyze and evaluate other relevant documents, to identify difficulties and problems, as well as to propose some recommendations and suggestions for improvement of legal provisions about the attestations in the criminal cases of public disorder.

The method of comparing the provisions of the current Criminal Procedure Code and the Penal Code with the previous ones, thereby assessing the level of legal perfection of the provisions on the attestation in cases of public disorder. The comparative method is also used to compare the provisions of the criminal law with other legal documents related to the issues in criminal cases involving public disorder.

## **II. DISCUSSION AND RESULTS**

### ***(A) The concept and legal basis of attestation in the criminal case of disturbing public order***

In practice, the investigation and handling of criminal cases is often very diverse and complicated. Although the details that need to be clarified in each are not the same, there are certain commonalities in all criminal cases that need to be done to solve it objectively and comprehensively. From these common points, legislators have to develop legal regulations on attestation (also known as the evidences) in criminal cases. When settling a specific criminal case, it is required that the competent proceeding agencies clarify these evidences. The textbook of Vietnam Criminal Procedure Law of the People's Security Academy gives the following definition: *The attestation in a criminal case is a collection of facts and details of the case that must be determined and clarified by evidences to properly solve the case*<sup>5</sup>.

The attestation is considered as a basic content of the law by the criminal law science of most countries in the world. It is expressed in different forms in the legal regulations. In Vietnam, attestation in a criminal case are specified in the current Criminal Procedure Code:

*“Competent procedural authorities, when investing, prosecuting and hearing criminal lawsuits must attest:*

- 1. The existence of the crime, time, space and facts of the crime;*

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<sup>5</sup>People's Security Academy, Textbook of Criminal Procedure Law, p. 145

2. *The perpetrator of the crime; the presence of guilt, intentional or unintentional acts; the existence of criminal capacity; purposes and motive of the crime;*
3. *Facts aggravating and mitigating criminal liabilities of suspects, defendants and identity traits of suspects and defendants;*
4. *Nature and severity of damages caused by the crime;*
5. *Reasons and conditions leading to the crime;*
6. *Other facts in connection with the exclusion or exemption of criminal liabilities and impunity.<sup>6</sup>*

In addition to the general details in Article 85 of the current Criminal Procedure Code, depending on the nature of each case, it is also necessary to attest and clarify other evidences that are significant for the proper settlement of criminal cases. For example, for a case where the accused is a minor, it is prescribed in Article 416 of the current Criminal Procedure Code. For a case where there are grounds to believe that the person who commits a dangerous act to society is suspected of having criminal capacity, it is necessary to clarify the details specified in Article 448 of the current Criminal Procedure Code.

The current Criminal Procedure Code only stipulates the common attestation for all criminal cases that the responsibility of the competent procedural agencies must prove and clarify. In order to clearly identify the attestation in a criminal disrupting public order case, it is necessary to rely on the provisions of the current Penal Code, including both the general and the specific part. The general part includes legal provisions defining rules, principles of criminal law, basis of criminal liability, effect of penal code, general concepts of crime, types of crimes, stages of crime, complicity, cases of exemption from criminal responsibility, aggravating and mitigating factors for criminal liability, etc., serving as the basis for identifying and clarifying the attestation in criminal cases. Especially, in order to clearly identify the evidences in a criminal offense of intentionally disturbing public order, we must rely on the provisions on criminal composition in Article 318, section Crimes of the current Penal Code.

On the basis of the above analysis, it can be understood that *the attestation in a criminal case involving public disorder is a collection of facts and circumstances of the case that must be identified and clarified with evidences to properly settle criminal cases according to the provisions of the Criminal Code and the Criminal Procedure Code.*

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<sup>6</sup> Article 85 of the 2015 Vietnam Criminal Procedure Code, amended and supplemented in 2021

***(B) Specific attestation in the criminal case of public disorder***

Pursuant to the attestation specified in Article 85 of the current Criminal Procedure Code, the legal science of criminal procedure, the provisions of the general part and Article 318 of the specific crimes in the current Criminal Code, it is possible to identify the attestation in the criminal case of intentionally disturbing public order in the following 3 groups:

***The first group: The attestation to the nature of the criminal public disorder offense***

In order to prove the nature of the public disorder offense, we must collect evidences to prove the legal signs of this criminal composition as prescribed in the Penal Code.

***- Attestation to the objectivity of the offense***

To identify a crime, we must first prove that the criminal act intends to harm or has violated any social relations that are protected by the criminal law. Identifying the objective factors of the crime is to help us determine whether the behavior is a crime, distinguishing one crime from another, and not confusing the definition of a crime.

In the case of public disorder, it is necessary to prove that the criminal act has violated the stable, organized and disciplined state in a crowded place; violate the rules, civilized lifestyle, obstruct the wholesome and normal activities of others in public places. This behavior also affects the implementation of the Party's lines and policies, and the State's laws in the process of national development.

***- Attestation to the objective aspects of the offense******+ Regarding the acts of the offenders:***

It is necessary to prove the act of disturbing public order that adversely affects social security, order and safety, or the offender has been administratively sanctioned for such act, or has been convicted of this crime, and has not yet been expunged but violates again. At the same time, it is also necessary to prove when and where the crime occurred, the nature and the procedure of the act, what stage the act is in (the crime has been completed, or not). In case of complicity, it is necessary to determine the intention to commit the crime in that complicity, the role of each person in the case.

There needs to prove and clarify the method of performing the act, the tools and means used in the crime, the methods and tricks used in the crime. According to the provisions of Vietnam's law, disruptive behavior consists of many different forms such as using words or gestures, actions showing contempt for public order, shouting to make a *chao* in public places, using weapons, tools or committing acts of vandalism, seriously obstructing traffic or causing

disruption to public activities; assaulting people who intervene to protect public order; demolition of building structures in public places, etc.

The acts of the public disorder offender do not cause damage to the lives and health of others, but affect the general public order. If they cause damage to the lives and health of others, depending on the case, they must be criminally responsible for the corresponding crimes (for example, intentionally causing injury to others or causing harm to the health of others; murder, etc.) and the crime of disturbing public order on the principle of committing multiple offenses.

The acts of disturbing public order accompanying with destruction of property or having weapons, depending on the case, may be prosecuted for additional criminal liability for other crimes such as property destruction or intentional damage to property. For the act of against people maintaining public order, people on official duty, the offenders may be criminally responsible for the crime of resisting law enforcement officers.

+ *Regarding the consequences of the offense:*

It is necessary to prove whether consequences have occurred or not, the nature and degree of damage caused by the offense. There is a causal relationship between the offense and its consequences. Acts of disturbing public order cause certain consequences to the stability, security and order of the society; to the health, property and spirit of the community. In terms of the consequences of this crime, it is mandatory for first-time offenders to prosecute them for penal liability, but it is not a required sign if the offenders have been prosecuted or have been administratively sanctioned before.

- *Attestation to the subjects of the offense*

+ There must be enough evidences to determine who has committed the crime, whether they are eligible for the subject or not. Subjects of public disorder offense who are examined for penal liability as normal subjects of criminal law. Anyone can be the subject of disturbing public order offense if they reach the age of criminal responsibility according to the provisions of law, according to the provisions of Article 12 of the current Penal Code, for this crime. is a person 16 years of age or older. For the acts of disturbing public order but the consequences are not to the extent that it is determined to be insignificant, not yet causing serious consequences, but the offender has previously certified by sanctioning decisions in the administrative domain, or has ever been examined for penal liability, the person will still be examined for penal liability.

+ In addition, it is also necessary to attest the personal identity of the offender. That consists of the following:

The personal identity of the offender has a direct influence on the crime (legal characteristics) such as: committing crime for the first time or having a criminal record; having common or dangerous recidivism, committing crime with professional manner or not; being an adult or a minor; having a self-confessed or repentant attitude, making atonement, or stubbornly refusing to declare...;

Other personal identity of the offender, in spite of not being legal characteristics, have a certain influence on the criminal offense such as: family background, occupation, socio-political activities, level of education, working attitude, lifestyle, political attitude, legal consciousness, belonging to ethnic minorities, to the family of martyrs; being well-known people and intellectuals; being a religious dignitary or not...

The personal characteristics reflect the current situation of the offender such as: being old and weak, suffering from a serious illness; being a pregnant woman, having special difficulties of themselves and the family...

*- Attestation to the subjective aspects of the offense*

+ It is necessary to attest that the offense is intentional or unintentional, direct or indirect intentional. For the disturbing public order offense, there needs to prove that the offender has full behavioral capacity, knowing his or her behavior will greatly affect the social order and security, the healthy and stable lifestyle of the society, the life, the commuting and entertainment of others but still does with direct intentional offense.

+ It is necessary to attest the motive and purpose of the offender

For offenses with a mandatory sign of motive and purpose, it is required to prove those statutory signs in order to accurately settle the crime. If they are accomplices, the offenders must be proved to have jointly committed the crime.

***The second group: Attestation that have an influence on criminal liability and punishment.***

+ Attestation to the circumstances for exemption from criminal liability:

*“1. A criminal offender shall be exempt from criminal responsibility on one of the following bases:*

*a) A policy or law is changed during the process of investigation, prosecution, or trial and accordingly, the offender's act is no longer dangerous to society;*

*b) A general amnesty is granted.*

*2. A criminal offender might be exempt from criminal responsibility on one of the*

following bases:

a) *The situation is changed during the process of investigation, prosecution, or trial and accordingly, the offender is no longer dangerous to society;*

b) *The offender has a fatal disease during the process of investigation, prosecution, or trial and no longer poses a threat to society;*

c) *The offender confesses his/her crime, contributes to the crime discovery and investigation; minimizes the damage inflicted by his/her crime, have made reparation or special contributions that are recognized by the State and society.*

3. *The person who commits a less serious crime or a serious crime because of involuntary damage to life, health, honor, or property of others will be exempt from criminal responsibility if the aggrieved person or his/he representative voluntarily seeks reconciliation and requests exemption from criminal responsibility.”<sup>7</sup>*

+ Attestation to the circumstances for the exemption from punishment

*“The offender might be exempt from punishment in the cases specified in Clause 1 and Clause 2 Article 54 hereof, provided he/she deserves the leniency but not to a degree eligible for exemption from criminal responsibility.”<sup>8</sup>*

+ Attestation to aggravating factors for the criminal liability of the accused or defendants:

*“1. The following circumstances are considered aggravating factors:*

*a) Organized crime;*

*b) The crime is committed in a professional manner;*

*c) The offender abuses his/her position or power to commit the crime;*

*d) The crime is of a gangster-like nature;*

*đ) The crime is committed by despicable motives;*

*e) The offender is determined to commit the crime to the end;*

*g) The offence has been committed more than once;*

*h) Recidivism or dangerous recidivism;*

*i) The crime is committed against a person under 16 years of age, pregnant*

<sup>7</sup> Article 29 Vietnam Penal Code 2015, amended and supplemented in 2017

<sup>8</sup> Article 59 Vietnam Penal Code 2015, amended and supplemented in 2017

woman, or a person aged 70 years or older;

k) *The crime is committed against a defenseless person, a person having a serious physical disability or extremely serious physical disability, a person whose awareness is limited, or a person who is financially, spiritually, professionally or otherwise dependent on the offender;*

l) *The offender takes advantage of war, state of emergency, natural disaster, epidemic, or other tragic circumstances of society to commit the crime;*

m) *The offender makes use of sophisticated, deceitful, or ruthless tricks to commit the crime;*

n) *The offender uses tricks or instruments capable of harming many people to commit the crime;*

o) *The offender incites a person aged under 18 to commit the crime;*

p) *The offender has deceitful or violent actions to conceal the crime.*

2. *Circumstances defined by this Code as the basis for determination of a crime or sentence bracket shall not be considered an aggravating factor.”<sup>9</sup>*

+ Attestation to mitigating factors for the criminal liability of the accused or defendants:

*“1. The following circumstances are considered mitigating factors:*

a) *The offender has prevented or reduced the harm caused by the crime;*

b) *The offender voluntarily makes rectification, pays damages, or relieves the consequences;*

c) *The crime is considered unjustified force in self-defense;*

d) *The crime is considered unjustified force in urgent circumstance;*

đ) *The crime is considered unjustified force in capturing a criminal;*

e) *The crime is committed under provocation caused by the victim's illegal acts;*

g) *The crime is committed because of extreme hardship that is not on the offender's account;*

h) *The crime has not inflicted damage or the damage inflicted is not significant;*

i) *The offender commits a less serious crime and does not have prior criminal record;*

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<sup>9</sup> Article 52 of the Vietnam Penal Code 2015, amended and supplemented in 2017

- k) *The crime is committed because the offender threatened or coerced by others;*
- l) *The offender commits the crime while because of lack of awareness that is not on his/her account;*
- m) *The crime is committed due to obsolescence;*
- n) *The offender is a pregnant woman;*
- o) *The offender is 70 years of age or older;*
- p) *The offender has a serious physical disability or extremely serious physical disability;*
- g) *The offender has a disease that limits his/her awareness or control of his/her acts;*
- r) *The offender turns himself/herself in;*
- s) *The offender expresses cooperative attitude or contrition;*
- t) *The offender arduously assisting the agencies concerned in discovery of crimes or investigation;*
- u) *The offender has made reparation in an effort to atone for the crime;*
- v) *The offender is an excellent worker, soldier, or student;*
- x) *The offender is a parent, spouse, or child of a war martyr or war veteran.*

2. *When issuing a decision on sentences, the Court might consider the offender's turning himself/herself in or other circumstances as mitigating factors and specify the reasons in the judgment.*

3. *If a circumstance defined as a mitigating factor this Code is the basis for determination of a crime or sentence bracket, it shall not be considered a mitigating factor in the decision on sentences.*<sup>10</sup>

+ Details about the offender's identity, about the juvenile's level of awareness, living conditions, education...

***The third group: Attestation to significant details for the proper settlement of the criminal case.***

Those are the issues that do not belong to the constituting crime components, do not directly affect criminal liability and punishment, but have certain significance for the proper settlement of the case. *These are factors related to the impartiality and objectivity of the procedural*

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<sup>10</sup> Article 51 of the Vietnam Penal Code 2015, amended and supplemented in 2017

persons and procedural participants, as well as other details that are significant to the proper settlement of the case. For example, the relationship between the procedural person and the accused, the defendant or between the witness and the victim....

### **III. ASSESSMENT, RECOMMENDATIONS AND SUGGESTIONS**

#### **(A) Assessment**

Compared with the laws of some countries in the world, Vietnam's law has its own provisions of attestation in criminal cases in general according to the provisions of the Criminal Procedure Code. The determination of the attestation in a criminal public disorder offense is based on that in a criminal case in general according to the the current Criminal Procedure Code and specific provisions on criminal composition and related issues in the current Penal Code. Currently, these regulations have been supplemented and improved compared to the previous Codes. Compared with the 2003 Vietnam's Criminal Procedure Code, the current one has added a number of issues that need to be attested in criminal cases such as: Causes and conditions of crime; Other circumstances related to the exclusion of criminal liability, the exemption from criminal liability, and exemption from punishment. The current Penal Code also has amendments and supplements to the provisions on the crime of public disorder in Article 318 in a clearer and more specific direction. Clearly specifying facts and circumstances in a criminal case helps to orient the subjects of criminal proceedings to have a legal basis to deal with the criminal case in an objective and comprehensive manner, avoiding unjust, wrong, or omitted determination of the crime.

However, the provisions of Vietnam's law on the attestation in criminal public disorder case still have some problems and inadequacies as followings:

*Firstly*, the provisions of the current Criminal Procedure Code on the attestation in the criminal cases in Article 85 have not been arranged according to groups of evidences, so they are not scientific and incomplete.

Although Article 85 of the current Criminal Procedure Code has added two more groups of evidences that need to be attested in a criminal case related to the determination of criminal responsibility and punishment. However, the circumstances as analyzed above are not specified in the content of Article 85 on the attestation in criminal cases. Although the issue is regulated in a number of other articles such as Article 21, which stipulates the impartiality of competent procedural persons and participants in the proceedings; Articles 49 to 54 regulate the cases of refusal or change of competent procedural persons; Articles 66, 67, 68, 69, 70 stipulate cases in which witness testifiers, witnesses, expert witnesses, valuers, interpreters and translators

are not allowed to participate in the proceedings; Article 72 provides cases in which defense counsels are not allowed to participate in the proceedings. However, to ensure the systematicity, it is necessary to stipulate that this evidence needs to be proved in a criminal case.

*Secondly*, a number of regulations on the objective aspects of constituting the disturbing public order crime have not yet had guiding documents, making it difficult in practice to prove whether the behavior constituting the crime of disrupting public order or not.

*Thirdly*, there is no document guiding the signs of consequences "affecting social security, order and safety" according to the provisions of the current Penal Code.

**Previously, under the guidance of Resolution 02/2003 of the Council of Judges of the Supreme People's Court dated April 17, 2003 guiding the application of a number of provisions of the 1999 Penal Code (amended and supplemented in 2009) guidance on behavior causing serious consequences caused by the acts of public disorder are as follows:**

*"5.1. Acts of disturbing public order with consequences in one of the following circumstances shall be considered "causing serious consequences" and subject to penal liability according to Clause 1, Article 245 of the Penal Code:*

- a. Obstruction to traffic jam for less than 2 hours;*
- b. Obstructing the normal operation of state agencies, economic organizations, social organizations or people's armed forces units;*
- c. Property damage valued at ten million dong or more;*
- d. Deadly;*
- đ. Other people are injured or suffer health damage with an injury rate of 31% or more;*
- e. Many people are injured or have their health damaged with the injury rate of each person below 31%, but the total injury rate of all these people is 41% or more;*
- g. Other persons are injured or suffer health damage with an injury rate of between 21% and 30% and property damage valued at five million dong or more;*
- h. Many people were injured or suffered health damage with an individual injury rate of less than 21%, but the total injury rate of all these people was between 30% and 40% and there was also damage to valuable property from five million VND or more.*

*In addition to the consequences on life, health and property as guided above, practice*

shows that there can also be non-material consequences such as having an adverse effect on the implementation of the Party's lines, policies. of the State, adversely affecting security, diplomacy, social order and safety...

*In these cases, it must depend on each specific case to assess whether the level of consequences caused by the crime is serious or not.”<sup>11</sup>*

However, the Resolution 02/2003 of the Judicial Council of the Supreme People's Court expired on January 1, 2022, causing difficulties in settling the criminal public disorder cases in practice.

**Fourth**, there are no guiding documents on the signs of the consequences of "obstruction of public activities" under the provisions of the current Penal Code. Point c, Clause 2, Article 318 of the current Penal Code stipulates that "Severely obstructing traffic or causing delays to public activities" are two different contents, section 5.2 of Resolution No. 02/2003/NQ- The City Council dated April 17, 2003 guiding the application of a number of provisions of the Penal Code by the Council of Judges of the Supreme People's Court, only guides the circumstances of "Severely obstructing traffic", but for "causing disruption to public activities", there are no guidance, moreover, this document is now expired.

**Fifth**, the aggravating factors specified in Clause 2, Article 318 of the Penal Code are not really adequate, causing difficulties and confusion when determining those. If it is not determined as an aggravating factor, it will not be strict enough to deter the offender<sup>12</sup>.

Decree 167/2013/ND-CP dated November 12, 2013 stipulating "Disturbing public order with the possession of rudimentary weapons or supporting tools"<sup>13</sup>, as well as Decree No. 144/2021/ND-CP dated December 31, 2021 replacing Decree 167/2013/ND-CP stipulating: "Disturbing public order while carrying rudimentary weapons, supporting tools or other tools, objects, or vehicles capable of causing damage".<sup>14</sup>

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<sup>11</sup> Council of Judges of the Supreme People's Court, 2003, Resolution No. 02/2003/NQ-HDTP, April 17, 2003 guiding the application of a number of provisions of the Penal Code.

<sup>12</sup> Thu Hien, 2018, Difficulties in handling the crimes of "Disturbing public order" according to the provisions of the Penal Code 2015.

<sup>13</sup> Government (2013), Decree No. 167/2013/ND-CP dated November 12, 2013 on sanctioning of administrative violations in the field of security, social order and safety; Prevention of social evils; fire prevention and fighting; domestic violence prevention (Point a, Clause 4).

<sup>14</sup> Point b, Clause 4, Article 7 of Decree No. 144/2021/ND-CP dated December 31, 2021 providing for penalties for administrative violations in the field of social security, order and safety; Prevention of social evils; fire

Meanwhile, Article 318 only stipulates that “*Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 02 years and 07 years of imprisonment....using weapons or tools or committing acts of sabotage*”.<sup>15</sup> Therefore, if the offender commits an act of disturbing public order but does not use a weapon but uses a supporting tool, it cannot be handled according to Clause 2 of this Article. The use of rudimentary weapons or supporting tools by offenders to disrupt public order must be handled in Clause 2, Article 318 of the Penal Code to be fair and capable of preventing acts with this aggravating criminal liability factor.

Those problems in the provisions of the Criminal Procedure Code and the Criminal Code mentioned above need to be solved in order to improve the effectiveness of the law application in settling cases of criminal public disorder offenses.

### **(B) Recommendations and suggestions**

*Firstly*, in order to ensure the consistency and properly determine the importance of the issues related to ensuring the objectivity of the competent procedural persons and the participants in the proceedings, it is necessary to supplement this content to the issues to be proved in Article 85 of the current Criminal Procedure Code, Clause 7 Article 85 of the Criminal Procedure Code: “*7. Circumstances related to ensuring the objectivity of competent procedural persons, participants and defense counsels during the settlement of criminal cases*”.

*Secondly*, it is necessary to have a guiding document for a number of provisions in Article 318 of the current Penal Code as soon as possible.

*Thirdly*, there should be a guiding document for the act of "causing adverse effects on social security, order and safety" "causing public activity obstruction" in constituting the disturbing public order crime.

***Fourth*, it is necessary to add an aggravating factor "supporting tools" to Point b, Clause 2, Article 318 of the current Penal Code to handle the offenders for commensuration and sufficient deterrence with the behavior in practice. They are:**

*2. This offense committed in any of the following cases shall carry a penalty of 02 - 07 years' imprisonment:*

*b) The offence involves using of weapons, supporting tools or vandalism;*

In the author's opinion, while waiting for the guiding to the law application, the

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prevention and rescue; domestic violence prevention and control.

<sup>15</sup> Point b, Clause 2, Article 318 of the 2015 Vietnam Penal Code, as amended and supplemented in 2017.

proceeding agencies should apply the cases of "causing serious consequences", "causing obstruction in public activities". According to the guidance in 5.1 and 5.2 of Resolution No. 02/2003/NQ-HDTP to deal with the acts of causing public disorder in order to temporarily solve the problems in practice. However, in order to ensure the rigor and consistency of the law, it is recommended that the competent central agencies soon issue specific guiding documents on the acts of causing public disorder "that adversely affect the security, order and social safety" to help the procedural agencies to legally prosecute, investigate, and adjudicate the right people, the right crimes, not to miss the criminals and make injustices the innocent.

#### **IV. CONCLUSION**

The attestation in a criminal case is an important issue prescribed in the laws of many countries around the world in different forms, but also serves as the basis and orientation for prosecution, investigation, and trial. The attestation in criminal public disorder offenses are specified quite fully and in detail in the Criminal Procedure Code and the current Penal Code, creating favorable conditions in attest the crime. However, there are still some points in the content of the attestation of this crime that need to be further studied and clarified so that the competent authorities in law-making continue to study, amend, supplement and complete, creating a rigid legal basis for the application of the law in practice in settling public disorder cases, ensuring accuracy, objectivity and comprehensiveness.

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