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**LAW ON INTERNATIONAL COOPERATION OF  
VIETNAM IN CRIMINAL ASSET RECOVERY**

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## INTRODUCTION

The international and regional context in the trend of globalization and deep economic integration in recent years has led to many complex developments and rapid changes, especially the increase of corruption crimes, organized crime, drugs, human trafficking, money laundering... Along with that, assets from crimes are often transferred or hidden abroad, requiring countries to coordinate and support one another to resolve cases quickly and effectively. International cooperation is therefore important for successful asset recovery.

In Vietnam, international cooperation in criminal asset recovery, especially corrupt assets, is receiving special attention. However, the practical implementation of regulations on international cooperation in criminal asset recovery faces many challenges, many shortcomings, and has not achieved optimal efficiency. On the other hand, in the coming time in Vietnam, crimes of money laundering, corruption, non-traditional crimes, human trafficking, drugs, etc. will become more serious and complicated. The amount of assets obtained from crime will certainly not be small, with increasingly sophisticated methods of concealment, camouflage, transformation, and dispersal of assets. Therefore, research on the law on international cooperation in criminal asset recovery has become urgent, in order to perfect the theory of international cooperation in criminal asset recovery in particular, contributing to the improvement of policies and laws as well as science in general. Based on the above reasons, in order to promptly respond to the current international and domestic context, the researcher has chosen the topic: *"Law on international cooperation of Vietnam in criminal asset recovery"* as the topic of doctoral dissertation in law.

The doctoral dissertation has the task of clarifying some theoretical issues on the law on international cooperation of Vietnam in criminal asset recovery. Analyzing and evaluating the legal provisions on international cooperation of Vietnam in criminal asset recovery, focusing mainly from the perspective of criminal procedure law and implementation practice through generalizing and analyzing statistics, typical cases to point out the results achieved, limitations, problems and their causes and clarifying the requirements for improvement and proposing solutions to improve the law and improve the effectiveness of the implementation of the law on international cooperation of Vietnam in criminal asset recovery, thereby proposing specific solutions in the coming time.

The doctoral dissertation is significant for the improvement of the law in general and the law on criminal proceedings in particular, forming a theoretical framework on Vietnam's international cooperation in criminal asset recovery. In addition, the doctoral dissertation can be used as a reference for legislative bodies in the development, amendment and improvement of laws related to Vietnam's international cooperation in the field of criminal asset recovery, and can also be used as a reference in research and teaching in law training institutions in Vietnam.

## **CHAPTER 1**

### **THEORETICAL ISSUES ON THE LAW OF INTERNATIONAL COOPERATION OF VIETNAM IN CRIMINAL ASSET RECOVERY**

#### **1.1. Concept and legal characteristics of law on international cooperation of Vietnam in criminal asset recovery**

*"Law on international cooperation of Vietnam in criminal asset recovery is a synthesis of legal norms promulgated or recognized by the Socialist Republic of Vietnam and ensuring implementation, regulating the relationship of coordination and mutual assistance between competent authorities of the Socialist Republic of Vietnam and competent authorities of foreign countries to conduct activities of identifying, searching, freezing, confiscating and returning assets obtained from crime to the requesting country to serve the requirements of investigation, prosecution, trial and execution of judgment to resolve criminal cases "*.

Originating from the fact that law on international cooperation of Vietnam in criminal asset recovery is a part of the national legal system and is influenced by international conventions and treaties that Vietnam participates in, law on international cooperation of Vietnam in criminal asset recovery has both common characteristics of Vietnamese law and specific signs to distinguish it from other legal norms.

*Firstly*, characteristics of the regulated subjects: the law on international cooperation of Vietnam in criminal asset recovery regulates the relationships arising in the process of competent authorities of the Socialist Republic of Vietnam and foreign countries coordinating and assisting each other to conduct activities of detecting, identifying, searching, seizing and returning assets obtained from crime.

*Secondly*, characteristics of the regulatory method: The regulatory method of law on international cooperation of Vietnam in criminal asset recovery is a comprehensive, multi-sectoral, multi-field regulatory method, using many measures simultaneously to achieve the highest efficiency.

*Thirdly*, the characteristics of the scope of regulation: Although not an independent branch of law in Vietnam, the law on international cooperation in criminal asset recovery clearly defines the entrustment and representation of other countries in the enforcement of judicial power. Accordingly, one party that is the subject of the law on international cooperation in the field of criminal procedure in general, and in criminal asset recovery in particular, represents the country, including the State and competent authorities of the requesting country.

*Fourth*, characteristics of sources: the law on international cooperation of Vietnam in criminal asset recovery is built on a multi-source foundation, including international practices, international treaties to which Vietnam is a party and national law.

*Fifth*, the characteristics of effectiveness: Normative nature is an inherent characteristic of law, which is also true for law on international cooperation of Vietnam in criminal asset recovery. The provisions of Vietnam's law on international cooperation in criminal asset recovery are mandatory. All competent entities and subjects conducting proceedings must strictly comply with the provisions of law when carrying out activities related to international cooperation in criminal asset recovery.

## **1.2. Legal content of law on international cooperation of Vietnam in criminal asset recovery**

Law on international cooperation of Vietnam in criminal asset recovery stipulates principles, competence, order, procedures, time limits, and methods

for specific regulated activities, including exchanging and collecting information; preventing and detecting; transferring documents and evidence related to criminal assets that need to be recovered; cases of refusing requests for assistance; freezing and confiscating criminal assets... These provisions relate to many different types of proceedings and are associated with the construction and improvement of the legal system, through which the parties can implement cooperation contents at all stages to recover criminal assets, including the following main contents:

*Firstly*, the provisions of law on international cooperation in criminal asset recovery are recorded in legal forms regarding the international obligations of states in international cooperation activities in criminal asset recovery.

*Secondly*, the provisions on mutual legal assistance are a form of international cooperation to exchange information and collect evidence related to the contents of mutual assistance in criminal asset recovery that a country can perform for foreign countries such as documents, statements, tools and means of committing crimes. Mutual legal assistance in criminal asset recovery is considered to be carried out when there is a judicial mandate from one country sent to another country according to the requirements, technical requirements, procedures and specific content.

### **1.3. Sources of law on international cooperation of Vietnam in criminal asset recovery**

Sources of law on international cooperation of Vietnam in criminal asset recovery are very diverse, formed from international treaties that the country has signed or participated in. International customs also play an important role, especially the principle of reciprocity in international law, which is flexibly applied in each specific case. In addition, domestic legal documents

also contribute to creating this legal source, clearly regulating the authority, form, order and procedures for coordination and support between competent authorities with the aim of criminal asset recovery to serve the investigation, prosecution, trial and execution of judgments effectively.

#### **1.4. Principles of law on international cooperation of Vietnam in criminal asset recovery**

As a part of Vietnamese law, the law on international cooperation in criminal asset recovery first of all fully reflects the principles and orientations governing international cooperation activities in criminal asset recovery which are stipulated in domestic legal documents. At the same time, it also complies with the specific principles of international law related to this activity.

##### ***1.4.1. General principles of international law***

- Principle of respecting national sovereignty and territorial integrity, and non-interference in each other's internal affairs
- Principle of equality and mutual benefit
- The principle of good faith in performing international obligations
- The principle of reciprocity

##### ***1.4.2. Specific principles***

- Principles of compliance with foreign policies, legal policies and criminal policies of the Party and State
- The principle of cooperation with the widest possible scope

#### **1.5. Criteria for assessing the level of legal perfection on international cooperation of Vietnam in criminal asset recovery**

To assess the level of perfection of the law on international cooperation in criminal asset recovery, the criteria are divided into general criteria (applicable to all areas of law) and specific criteria of international



cooperation in criminal asset recovery. Based on the criteria for assessing the level of perfection of the legal system in general, and at the same time based on the characteristics of the law on international cooperation in criminal asset recovery, it is possible to develop a number of basic criteria to assess the level of perfection of the law on international cooperation in criminal asset recovery as follows:

- Compatibility with international law and practice
- Protect national interests
- The suitability of the law on international cooperation in criminal asset recovery
- The feasibility of the law on international cooperation in criminal asset recovery
- The consistency and comprehensiveness of the law on international cooperation in criminal asset recovery
- The uniformity of the law on international cooperation in criminal asset recovery
- Meet legislative technical standards

## **CHAPTER 2**

### **LAW ON INTERNATIONAL COOPERATION OF VIETNAM IN CRIMINAL ASSET RECOVERY AND IMPLEMENTATION IN PRACTICE**

#### **2.1. Law on international cooperation of Vietnam in criminal asset recovery**

##### ***2.1.1. International legal documents of which Vietnam is a member***

###### ***2.1.1.1. Multilateral and Regional conventions***

- The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) officially came into effect in Vietnam from 01/9/1997.

- United Nations Convention against Transnational Organized Crime (2000), effective since late 2003.

- The United Nations Convention against Corruption (UNCAC) was adopted in 2003 and officially came into effect on 14/12/2005.

- The United Nations Convention against Cybercrime (Hanoi Convention) was adopted on 24/12/2024.

- ASEAN Agreement on Mutual Legal Assistance in Criminal Matters, effective from 20/9/2005.

- ASEAN Convention against Trafficking in Persons, Especially Women and Children 2015 (ACTIP).

###### ***2.1.1.2. Bilateral Agreement***

Vietnam has signed 30 bilateral MLAs related to international cooperation in criminal asset recovery. These agreements create a solid legal basis, allowing competent authorities of Vietnam to send requests for

assistance in criminal asset recovery, as well as receive and resolve similar requests from other countries.

***2.1.2. Vietnamese law on international cooperation in criminal asset recovery***

*2.1.2.1. Criminal Procedure Code 2015 (amended and supplemented in 2025)*

*2.1.2.2. Law on Mutual Legal Assistance 2007 and Law on Mutual Legal Assistance in Criminal Matters 2025*

*2.1.2.3. Law on Anti-Corruption 2018*

*2.1.2.4. Law on Anti-Money Laundering 2022*

*2.1.2.5. Other relevant documents*

***2.1.3. Comments and legal assessments of law on international cooperation of Vietnam in criminal asset recovery***

*2.1.3.1. Advantages*

*2.1.3.2. Limitations and shortcomings*

***2.2. Practical implementation of Vietnamese law on international cooperation in criminal asset recovery***

***2.2.1. Results achieved***

*2.2.1.1. Request for mutual legal assistance in criminal asset recovery sent to Vietnam by foreign countries*

*2.2.1.2. Request for mutual legal assistance in criminal asset recovery sent abroad by Vietnam*

***2.2.2. Limitations and difficulties***

*2.2.2.1. Request for mutual legal assistance in criminal asset recovery sent to Vietnam by foreign countries*

*2.2.2.2. Request for mutual legal assistance in criminal asset recovery sent abroad by Vietnam*

***2.2.3. Causes***

### **CHAPTER 3**

## **IMPROVING THE LAW AND THE EFFECTIVENESS OF LAW IMPLEMENTATION ON INTERNATIONAL COOPERATION OF VIETNAM IN CRIMINAL ASSET RECOVERY**

### **3.1. Requirements for improving the law and the effectiveness of law implementation on international cooperation of Vietnam in criminal asset recovery**

*Firstly*, improving the law on international cooperation in criminal asset recovery must ensure the timely and complete institutionalization of the Party's and State's viewpoints and policies on this field, ensuring continued consolidation and improvement of the effectiveness of the fight against crime and international cooperation in criminal asset recovery.

*Secondly*, the law on international cooperation in criminal asset recovery must be strictly, specifically, and fully regulated, overcoming limitations and shortcomings, and thoroughly resolving practical challenges.

*Thirdly*, improving the law on international cooperation in criminal asset recovery requires creating a complete legal corridor for mutual legal assistance, meeting the requirements for implementing mutual legal assistance smoothly, promptly and quickly.

*Fourth*, international cooperation in criminal asset recovery and developing laws on international cooperation in criminal asset recovery must maximize internal resources, while demonstrating proactiveness in international integration and fully implementing international commitments of which Vietnam is a member.

*Fifth*, improving the law on international cooperation in criminal asset recovery must be consistent with the characteristics of Vietnam's practical

situation and require reference to and learning from experiences from other countries.

### **3.2. Solutions to improve law on international cooperation of Vietnam in criminal asset recovery**

*3.2.1. Review of multilateral international legal documents of which Vietnam is a member*

*3.2.2. Improving Vietnamese laws regulating international cooperation in criminal asset recovery*

### **3.3. Solutions to improve the effectiveness of the law implementation on international cooperation of Vietnam in criminal asset recovery**

*3.3.1. Implementing and organizing the execution of the Law on Mutual Legal Assistance in Criminal Matters.*

*3.3.2. Training and improving the quality of judicial staff and specialized staff on international cooperation in criminal asset recovery*

*3.3.3. Perfecting the organizational structure and improving the operational efficiency of prosecution agencies and central agencies on mutual legal assistance*

*3.3.4. Strengthening the propaganda and dissemination of the law on mutual legal assistance on international cooperation in criminal asset recovery*

*3.3.5. Strengthening facilities, equipment, means, techniques, science and technology*

## **CONCLUDE**

Through studying theoretical and practical issues of law implementation on international cooperation of Vietnam in criminal asset recovery, from the perspective of a specialized approach of Criminal Law and Criminal Procedure, combined with an interdisciplinary and multidisciplinary approach, the doctoral dissertation has drawn the following conclusions:

1. The history of international cooperation in criminal asset recovery is closely linked to the emergence and development of crimes such as corruption, drugs and transnational crimes. These crimes are increasingly widespread and have no national boundaries, along with serious consequences for the economic and political life of the international community. After committing a crime, the assets obtained from the crime are often transferred to other countries by various means and methods. Taking advantage of the differences in the legal systems between countries, the high costs of coordinating investigations, the lack of cooperation between countries and the principle of banking secrecy, criminals often disperse and store most of the illegal proceeds abroad to hide, transform and mix the criminal assets, making it difficult for investigation, prosecution, trial and enforcement agencies to recover assets.

2. On the basis of international law provisions, Vietnam has been signing many international and regional treaties and bilateral agreements related to international cooperation in criminal asset recovery. Vietnam has developed and promulgated a system of general and specialized legal documents to directly regulate the contents of cooperation in criminal asset recovery. In practice, Vietnam has had many cases requesting foreign cooperation to recover criminal assets, typically cases involving corruption, economics and positions with serious and complicated levels, attracting public attention.

3. International cooperation in criminal asset recovery is a complex issue and is quite new to Vietnam. To effectively combat crime and recover criminal assets requires the use of many synchronous solutions, with the coordination of many agencies, in which the improvement of laws and institutions is an important factor. The orientation of the 13th National Party Congress demonstrates Vietnam's determination and strategic vision in proactively and actively integrating internationally, promoting its role in important multilateral mechanisms, contributing to building and protecting the country in the context of globalization. Therefore, in addition to improving the legal system, Vietnam needs to strengthen cooperation with countries around the world, demonstrating its role as a reliable partner and a responsible member in international relations on crime prevention and criminal asset recovery./.