



EVALUATING THE EFFECTIVENESS OF VIETNAM'S CHILD-FRIENDLY JUDICIAL SYSTEM: LEGAL REFORMS AND THEIR IMPACT ON JUVENILE JUSTICE

AVALIAÇÃO DA EFICÁCIA DO SISTEMA JUDICIAL FAVORÁVEL À CRIANÇA NO VIETNAME: REFORMAS LEGAIS E SEU IMPACTO NA JUSTIÇA JUVENIL

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ABSTRACT

Objective: This study aims to assess the effectiveness of Vietnam's legal reforms in juvenile justice, particularly the adoption of child-friendly judicial practices following international conventions like the United Nations Convention on the Rights of the Child (CRC).

Methods: The research involves a detailed analysis of the Vietnamese Penal Code and related legal provisions, evaluating their alignment with CRC principles and their impact on juvenile delinquency trends and criminal justice practices.

Results: The study highlights significant improvements in the legal framework that aim to protect the rights of young offenders and prioritize rehabilitation over punitive measures. It identifies ongoing challenges such as the need for better infrastructure, trained personnel, and broader societal support to fully integrate CRC principles into practice.

Conclusion: While Vietnam has made commendable progress in reforming its juvenile justice system to be more child-centric, there remains a gap in fully achieving international standards, largely due to systemic and resource-related constraints.

Keywords: Child-Friendly Judicial Practices; Juvenile Court; Legal System; Rights of Young Offenders; Rehabilitation.

RESUMO

Objetivo: Este estudo visa avaliar a eficácia das reformas legais no sistema de justiça juvenil do Vietnã, particularmente a adoção de práticas judiciais amigáveis à criança, seguindo convenções internacionais como a Convenção das Nações Unidas sobre os Direitos da Criança (CRC).

Métodos: A pesquisa envolve uma análise detalhada do Código Penal Vietnamita e das disposições legais relacionadas, avaliando seu alinhamento com os princípios da CRC e seu impacto nas tendências de delinquência juvenil e nas práticas de justiça criminal.

Resultados: O estudo destaca melhorias significativas na estrutura legal que visam proteger os direitos dos jovens infratores e priorizar a reabilitação em vez de medidas punitivas. Identifica desafios contínuos, como a necessidade de melhor infraestrutura, pessoal treinado e apoio social mais amplo para integrar completamente os princípios da CRC na prática.





Conclusão: Embora o Vietnã tenha feito progressos louváveis na reforma de seu sistema de justiça juvenil para ser mais centrado na criança, ainda há uma lacuna na plena realização dos padrões internacionais, em grande parte devido a restrições sistêmicas e relacionadas a recursos.

Palavras-chave: Práticas Judiciais Amigas da Criança; Tribunal de Menores; Sistema Legal; Direitos de Jovens Infratores; Reabilitação.

1. INTRODUCTION

Globally, the establishment of juvenile court systems brought a paradigm shift in how the prosecution of individuals concerning age is done. Established in 1899, the first juvenile court was anchored on the Illinois Juvenile Court Act of 1899. The court acknowledged the apparent differences between children, adolescents, and adults. Such a recognition called for a specialized treatment that shifted the focus more toward rehabilitation and less on punishment (Courts, 1899). The belief that children could be guided away from bad behavior with the right support and intervention guided the approach of juvenile court. Having established a separation from the common adult criminal courts, the Illinois juvenile court laid a significant ground for the evolution of other juvenile courts around the world as reported by the publication of Visitation and Aid Society (1907).

The evolution of juvenile courts in Vietnam has been characterized by a combination of local and regional customs and international regulations. Back in history, it was revealed that the Vietnamese legal system applied adult-style punishment to juveniles while focusing on punishment instead of rehabilitating young offenders (Zimring, 2013). At that time society mainly judged juveniles using their actions instead of recognizing their requirements for guidance and support. Majorly influenced by cultural norms, the factors that justified the treatment of young offenders in the adult-style justice system in the past include cupping the age of criminal responsibility at 14, the gravity of the offense committed, and the cultural perception about which crime has been committed. At the age of 14 and older, it was believed that offenders could be prosecuted as adults, especially when the crime was serious such as murder, drug trafficking, or robbery (Trang, 2021). Having such a legal standing, the Vietnamese believed then that young adults ought to begin to understand the consequences of their actions as early as possible to enable them to be responsible members of society.

Subsequent years brought massive changes to how the law considered children





leading to the creation of family and juvenile courts. Trang (2021) reveals that such stringent reforms were sparked by at least three factors. First, the emergence of human rights standards internationally and the need for the country to align with these standards. Second, increased awareness of the importance of focusing on the rehabilitation approach over direct punishment for adult minors. This was after the recognition of the negative impacts of just brutal punishment on adult minors. The negative impacts identified include increased recidivism, psychological trauma, stigmatization, disruption of both education and development, negative impact on the affected families, inequitable treatment especially marginalized youths, and loss of hope and motivation. Finally, the societal shifts toward the comprehension of child development and the alternative approach of rehabilitation compounded the need to initiate changes in how the youths were being prosecuted then.

During the 1980s Vietnam established its first major juvenile justice framework through the Penal Code and Law on Protection of Children. However, studies reveal that while the Penal Code was first enacted in 1985, the most significant revision that sought to address the issues related to juvenile offenders happened in 1999. The laws established basic principles to address juvenile offenders while prioritizing rehabilitation instead of punishment. The Family and Juvenile Court became a critical step in juvenile justice transformation when it started operations in 2002 because it focused on child-centered legal frameworks (Cox, 2012). By 2016, when the Law on Protection of Children was established, the protection of children's rights and welfare was emphasized in the juvenile court systems. Furthermore, it was evident that the drive to enhance justice in these courts was majorly pushed by the need to fully align with international conventions like the United Nations Convention on the Rights of Child. The intervention convention advocated for legal provisions that emphasized protecting children through rehabilitation rather than strict punishment (Truc, 2021).

While stringent reforms were welcomed with open arms by the Vietnamese juvenile criminal justice system and the wider international community, challenges still prevail. Some of the apparent challenges include, first insufficient financial support together with adequate personnel. This challenge prevents the Vietnamese juvenile courts from providing adequate support and rehabilitation options needed for successful juvenile correction. Additionally, the lack of sufficient rehabilitation infrastructure in Vietnamese facilities creates overwhelming conditions. As a result, the intended goal of rehabilitating the young offender faces huge push-backs, especially





through the Vietnamese institutions. For instance, it is revealed that most of the Vietnamese institutions mandated to undertake the rehabilitation of young offenders do not possess the essential mental healthcare services, required educational resources, or the needed skills development programs for effective rehabilitation (Nguyen, 2015).

Moreover, the prevailing challenges facing the Vietnamese move to embrace the reforms of achieving juvenile court justice span beyond the institutional gaps. It has been revealed that lawyers who work with juveniles frequently demonstrate a lack of required knowledge about child psychology as well as developmental sciences for appropriate juvenile client understanding. While lawyers exist, the cases involving young offenders need to be orchestrated differently (Nguyen, 2015). Hence, the lack of training creates barriers in criminal proceedings when professionals miscommunicate leading to impaired relationships between young offenders and the justice system. The rehabilitation process experiences a major hurdle because families and communities require better participation in restorative practices.

Family involvement remains essential for successful reintegration because strong family environments directly impact youth's ability to reform their behaviors and avoid criminal activities. For instance, a study done by Le et al. (2022) presented how strategic a family can be in the well-being of adolescents. In their study to assess the prevalence of adverse childhood experiences (ACEs) among high school students in Vietnam, they found that children witnessing domestic violence played a significant role in their delinquency. Additionally, factors such as emotional neglect and community violence followed closely in impacting the behavior of adolescents which contributed to them breaking the law and becoming juvenile offenders. Understanding such dynamics is important when coming up with rehabilitation programs for juvenile offenders who have been charged with crimes.

The psychological effects and rehabilitative benefits of child-friendly judicial practices help stakeholders improve their understanding of building an optimized juvenile justice system that considers children's needs first. Research shows that children who perceive safety during court interactions end up working better with law enforcement and demonstrate lower recidivism rates. The Vietnamese juvenile justice system demonstrates a growing understanding of rehabilitation needs because these principles take on greater significance in juvenile proceedings. Addressing these issues proves necessary to build a justice system that both maintains offender





accountability along with providing needed support for young criminal offenders to grow into responsible citizens. Child-friendly court standards such as redesigned courtroom spaces and appropriate dress codes together with procedural adjustments become fundamental requirements to protect juvenile participants' rights and needs. The integration of These practices will be essential for Vietnam as it develops juvenile justice policies that maintain both justice and care for its youngest citizens.

2. THEORETICAL FRAMEWORK

Multiple connected theoretical approaches to analyzing juvenile justice system practices in Vietnam establish the foundation for studying their psychological and rehabilitative impact on children. The framework builds upon developmental psychological legal theoretical and restorative justice approaches to create a comprehensive analytical perspective on courtroom designs and procedural adaptations alongside attire for juvenile participants. The integrated theoretical approach aims to evaluate how child-friendly reforms generate positive psychological effects that let juvenile justice transform effectively. Developmental psychology establishes vital knowledge about how children and adolescents require specific legal system services because of their developmental characteristics. Researchers in this field advocate using developmental intelligence to build rehabilitation systems that support emotional and social wellness in juveniles and address their evolving cognitive needs. The important elements of developmental psychology that affect this research are cognitive development together with emotional development and social development.

In the quest to understand the best approach when it comes to young offenders, the use of cognitive development models is essential. Studies reveal that these models inform the relevant players in the juvenile justice system on how children and young adults think, learn, and process information translating to specific behavior and decision-making (Morash, 1981; Scott and Grisso, 1997). Examples of cognitive development models are Piaget's theory of cognitive development (Piaget, 2000), Erik Erikson's emotional development theory (Erikson, 1959), Vygotsky's sociocultural theory (Vygotsky, 1997), Information processing theory (Swanson, 1987), Kohlberg's stages of moral development (Kohlberg, 1985), and the developmental assets framework (Benson, 2007).

Agreeing with Jean Piaget's cognitive development model children traverse





specific mental growth stages whose evolutions affect the complexity of legal information they absorb. The development stages are sensorimotor, preoperational, concrete operational, and formal operational stages. For instance, while the concrete operational stage captures children between 7 to 11 years when they start to embrace logical thinking and struggle to comprehend abstract concepts, the formal operation stage entails those in the adolescent stages, beyond 12 years who can understand abstract concepts, yet struggle with decision making due to the apparent emotional and social factors. Therefore, during legal proceedings younger children face challenges with abstract conceptual knowledge so they need support but adolescents understand legal concepts better yet require assistance moving through court processes. By realizing these developmental differences investigators must utilize language and procedures which match the cognitive abilities of young participants. Additionally, this model encourages legal professionals to engage young adults in discussions that encourage critical thinking and self-reflection.

According to Erik Erikson's emotional development theory, children need emotional security along with social support during key developmental phases. Young offenders encounter excessive anxiety and fear while conducting legal proceedings since these internal states create barriers to their effective participation as defendants. The development theory is anchored on the eight development stages, classified into four categories including identity versus role confusion, intimacy versus isolation, trust versus mistrust, and generativity versus stagnation. When the justice system adopts child-centric courtroom environments that focus on emotional care it reduces negative emotions while building trust among children. The development environment children grow up in stands fundamental in forming their conduct and their perspectives.

According to Vygotsky's sociocultural theory the social dynamics together with cultural aspects direct important elements of learning and developmental progression in juvenile court systems. Supportive relationships developed with legal professionals, family members, and peers can both improve juvenile justice engagement and lead to more positive rehabilitation results. The legal theory enables people to understand the essential guidelines and fundamental aspects that form the basis of the juvenile justice system. Using a three-level moral development model, Kohlberg's theory identifies pre-conventional, conventional, and post-conventional as a unique tool to help legal professionals tailor their approach when dealing with young offenders. For instance, if the legal professionals identify a young offender to be on the conventional level, then





they can engage the young individuals in discussions about their role in society and how their actions impact other people, an approach that cannot be used for the pre-conventional level.

The information processing theory model unveils how people perceive, process, and store information with much emphasis on the role of cognitive processes such as attention, memory, and problem-solving (Swanson, 1987). In the context of the juvenile court system, legal professionals can use this model to enhance the understanding of young offenders, especially when it comes to the legal processes and the law. For instance, visual aids, interactive discussions, and simplified languages can be used to sensitize young people about the law, especially on legal rights and responsibilities.

The developmental asset framework model focuses on the importance of building assets in young individuals. According to Benson (2007), these assets could be having the young individuals empowered, supported, and encouraged to engage in constructive use of time. In the context of juvenile justice systems, the models could guide rehabilitation interventions. For example, legal professionals could work with community-based organizations to link young individuals with mentors, positive recreation activities, and educational opportunities to reduce recidivism. Overall, legal theories feature essential concepts that significantly affect research on practices promoting children's rights in legal systems. According to international law the "*best interests of the child*" remain central through the United Nations Convention on the Rights of the Child (UNCRC) provisions. As per this rule, every child-focused decision must act for their growth and protection. The juvenile justice principle supports the use of child-friendly approaches that prioritize mental health recovery and rehabilitation over punishment.

Under restorative justice principles, the goal remains to fix broken relationships while moving beyond traditional sentencing procedures. According to Wilson et al. (2018), rehabilitation goals find support in this approach because it includes juvenile offenders alongside victims and community members throughout the healing procedure. Child-friendly court practices bring supportive individuals into proceedings and create open communication opportunities which strengthen the restorative features of juvenile justice. Legal theory includes access to justice as a fundamental principle rejecting discriminatory obstacles against people from different ages or backgrounds from engaging fully with legal procedures. Dependent upon child-friendly practices the juvenile justice system must preserve juvenile participants' rights through





approaches that minimize intimidation and increase understanding so participants remain fully engaged in their cases. The restorative justice concept proves directly applicable to analyses seeking to address child-friendly treatment approaches in juvenile justice processes. As a governing model, this framework prioritizes the reconciliation of youth offenders through community engagement and offender accountability. Through restorative justice, two essential goals emerge: offender treatment and victim recovery. The juveniles need environments that promote their psychological and emotional recovery. The healing process of children and youth within the justice system gets better support through the implementation of courtrooms that minimize intimidation and by using language that supports young persons' needs.

Through restorative justice, the emphasis grows on healing but the process still must include effective accountability measures. Young people who commit crimes need both a full awareness of their actions' negative effects and the ability to understand they must take ownership of their decisions. Using multiple theoretical approaches shapes policy development together with practice standards inside Vietnam's juvenile justice system. This framework uses developmental psychological analysis together with legal principles and restorative justice principles to establish that juvenile-friendly environments should prioritize both mental health and recovery principles for young participants. The designing of juvenile justice policies needs to incorporate understanding from developmental psychological research. Best results stem from equipping legal professionals with instruction about child psychological developments coupled with developmental understanding allowing them to effectively communicate with juvenile participants. Policies need to include mandatory practices that create child-friendly rooms for court proceedings to support emotional comfort while boosting complete involvement (Wilson et al., 2018). Legal institutions at all levels should teach staff including judges, lawyers, and court personnel both restorative justice principles and child best interest guidelines. A strategic training approach enhances professionals' sensitivity toward juvenile participants by providing them with the tools needed to establish supportive behavioral contexts. The juvenile justice process must include active engagement of families and community stakeholders.

3. METHODOLOGY

This study employed a systematic and legal review approach to examine the





psychological and rehabilitative impact of child-friendly practices in courtroom settings in Vietnam. Specific focus is on the design of the court, attire, and procedural adaptations when it comes to juvenile participants during court hearings. The objective of this method was to synthesize existing literature, legal frameworks, and empirical studies to provide a comprehensive understanding of how these practices influence the experiences and outcomes of young individuals within the juvenile justice system.

4. SYSTEMATIC REVIEW

The systematic review process followed established guidelines to ensure rigor and transparency. The three steps used for the systematic review approach include literature search strategy, inclusion and exclusion criteria, and data extraction and analysis. For the literature search strategy, a comprehensive literature search was conducted using specific combinations of keywords such as “juvenile justice”, “child rights”, “child-friendly practices”, “rehabilitation”, “juvenile court designs”, “psychological impacts of juvenile offenders”, “legal system” and “procedural fairness in juvenile courts” with the main focus of Vietnam. Multiple academic databases such as Google Scholar, JSTOR, and Scopus were used. Additionally, legal databases such as Westlaw and HeinOnline were used. The search was limited to peer-reviewed articles, legal documents, books, and relevant publications from the last three decades to ensure that both historical developments and current interventions were captured in the findings.

5. LEGAL REVIEW

In conjunction with the systematic review, a legal review was conducted to analyze the existing legal frameworks and policies governing juvenile justice in Vietnam. This review involved four major steps which included the identification of legal frameworks, analysis of policy implementation, comparative analysis, and synthesis of the findings. For the first step, the focus was to gather a foundational understanding of the legal context in which child-friendly practices are anchored or mentioned. Key legal documents such as the Penal Code, the Law on the Protection of Children, and any relevant amendments or regulations about juvenile justice in the context of Vietnam were identified and reviewed. The review then assessed the implementation approach





of these legal frameworks focusing on the extent to which child-friendly practices have been integrated into the juvenile justice system. This involved examining official reports, policy documents, and guidelines issued by relevant governmental and non-governmental organizations. The third step was employed in instances where applicable, especially comparing the influence of regional or international influence on how Vietnam handles its juvenile offenders in the court. This approach sought to contextualize the findings within a broader international framework and identify best practices that could inform future developments in Vietnam.

Finally, the findings from both the systematic and legal reviews were synthesized to provide a comprehensive overview of the evolution of child-friendly practices in Vietnam's juvenile justice system. This synthesis highlighted gaps in the literature, areas for further research, and recommendations for policy and practice. By employing a systematic and legal review methodology, this study sought to provide a thorough examination of the psychological and rehabilitative impact of child-friendly practices on juvenile participants in Vietnam. The findings will contribute to a deeper understanding of how these practices can enhance the experiences of young individuals within the judicial system and inform future reforms aimed at creating a more supportive and effective juvenile justice environment.

6. RESULTS AND DISCUSSION

Definition of Juvenile Law Offenders in Vietnam In Vietnam, the legal framework governing the age of criminal responsibility establishes clear boundaries to ensure that justice is balanced with the developmental needs of young individuals. According to Article 12 of the Penal Code (2015, amended in 2017), children under the age of 14 cannot be held criminally responsible for any offense, regardless of its severity. This means that no legal proceedings can be initiated against them, emphasizing the principle that young children should not be subjected to the criminal justice system. For individuals aged 14 to 16, criminal responsibility is only applied in cases of very serious or particularly serious offenses as defined in the Penal Code. Crimes such as murder, rape, human trafficking, robbery, and drug trafficking fall within this category, indicating that legal accountability at this stage is reserved for the most severe violations. This distinction highlights Vietnam's effort to balance societal protection with the recognition that adolescents are still undergoing psychological and emotional development. By





implementing this classification, Vietnamese law reflects a progressive approach to juvenile justice, ensuring that younger individuals are only held accountable for the most egregious crimes. This approach acknowledges the importance of rehabilitation over punishment, reinforcing the idea that the legal system should protect youth from undue criminalization while upholding public safety.

The term "juvenile" within the realm of law enforcement has evolved significantly across different cultural contexts worldwide. This evolution reflects varying societal norms and legal frameworks. However, in the pursuit of aligning with international standards, particularly regarding children's rights, there has been a growing consensus among nations on the age threshold that distinguishes juveniles from adults. In Vietnam, before 2018, the Penal Code defined individuals aged 16 and older as adults. This definition underwent a significant amendment, raising the age of majority to 18 years. Specifically, Article 29 of the Revised Penal Code now establishes this new age limit. Furthermore, Article 98 delineates the category of juvenile offenders, specifying that individuals aged 14 to under 18 are held accountable for their actions within the legal system. Additionally, in the move to align with the international dynamics, Vietnam formulated a Law on child protection, care, and education in 2004, and family and juvenile courts in 2016. Consequently, in the context of this study, the term "juvenile" or "juvenile offender" will be used to refer to individuals within this age range when reporting and discussing the findings. This terminology reflects the current legal framework in Vietnam and underscores the importance of recognizing the developmental stage of young individuals in the justice system.

The increased cases of juvenile offenders in Vietnam have direct linkages with family dynamics. According to Tran et al. (2021), more than half of the crime cases sampled in a high school were strongly and positively correlated with the deviant behavior of family members, especially parents. While trying to grapple with the motivation for the establishment of juvenile courts in Vietnam and the need to align with international standards, understanding why there are juvenile offenders on the increase is important. Additionally, comprehending why they commit these crimes as juveniles is equally important. The study by Tran et al. (2021) reveals that family should be treated as an integral part of the juvenile court system right from the motivation of committing a crime by the juvenile to the rehabilitation process. Taking such an approach could play a significant role in not only making the judgment on the juvenile offender but also in rolling out a rehabilitation process that is effective and impactful.





Comprehending the juvenile court system must go beyond focusing on juvenile offenders, especially in Vietnam. According to a recent report by UNICEF(2024), the juvenile court system in Vietnam has dealt with various categories of scenarios to individuals below the age of 18 years old. First, for those who commit crimes, they have turned out to be either defendants or accused. This implies that it's not a requirement for both parties to be individuals below the age of 18 years old for the case to be handled by the juvenile court system. Consequently, such scenarios present very unique dynamics to the court system having to balance between adult procedures in a juvenile court. Additionally, the report mentions the system has to deal with victims who are under the age of 18 years old in criminal cases. The observations made by this report provide novel insights into understanding the expected dynamics in the juvenile court system.

Due to their distinctive nature of incomplete physical and mental development, as well as limited capacity for awareness and control over their thoughts and behaviors, juveniles are susceptible to external influences and prone to impulsive actions, making them vulnerable members of society. However, while some theories and tales confirm how vulnerable these juveniles are (Lambie and Randel, 2013), it is also important to appreciate their contribution to crime. According to a thesis dissertation by Le (2017), juvenile delinquency has not only heightened in numbers but also in seriousness. Such findings imply that handling such a category of criminals is complicated because balance has to be achieved. Juvenile offenders are capable of unleashing crime similar to adult offenders, and yet, they are not supposed to be punished as adults. The delicate balance identified in this scenario calls for very unique resources and infrastructure for the juvenile court system.

International law has long recognized the need to protect juveniles through various United Nations conventions, particularly the 1989 Convention on the Rights of the Child. This Convention defines children as individuals under 18 years of age (Article 1) and affirms in its Preamble that *"the child, because of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."* Furthermore, Article 3 of the Convention states: *"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."* Based on these international standards, numerous legal provisions across different fields have been established to





protect children's rights in each member state, with the development of Juvenile Courts being one such manifestation.

6.1. Overview of Juvenile Cases in Vietnam

The developments of the juvenile justice system in Vietnam have been spearheaded by the heightened number of reported juvenile crime reports in the recent past. A technical report developed by UNICEF under the Project on Strengthening Justice for Minors in Vietnam (2022–2026) provides valuable statistics on the dynamics of juvenile crime reports. Based on this report, in the period between the 1st of January to the 31st of December 2022, a total of 6090 individuals under 18 years of age were charged with crime. Out of the 63 provinces and cities recorded in the report, the rural areas recorded the least while the urban areas recorded the most. For instance, Bac Kan recorded the least, (0.13%) of the total count while Ho Chi Minh and Hanoi recorded the highest (8.41 and 11.22% respectively of the total count). These statistics show the role of industrialization and urbanization on juvenile crime in Vietnam. Additionally, a study by Nguyen (2015) confirms that beyond industrialization and urbanization, rapid social change in Vietnam for the past three decades coupled with modernization and globalization, centralized in most of the urban spaces in Vietnam have significantly contributed to the increase in youth criminals under the age of 18 years old.

Young individuals under the age of 18 are more susceptible to engaging in criminal activities due to their distinct psychological and emotional development. According to a UNICEF (2024) report, juvenile offenders in Vietnam in 2022 were found to have violated various sections of the Penal Code. Specifically, among the 6,090 recorded juvenile offenders, approximately 28% to 30% committed offenses under Chapter XIV (Crimes against human life, health, and dignity), Chapter XVI (Crimes against property ownership), and Chapter XXI (Crimes against public safety and public order). Notably, the highest proportion of juvenile offenses fell under crimes against public safety and public order. Conversely, no juvenile offenders were recorded under Chapter XIII (Crimes against national security) or Chapter XXVI (Crimes against peace, humanity, and war crimes). These findings suggest that while juvenile delinquency is prevalent in specific legal categories, young offenders are largely uninvolved in crimes related to national security or severe international violations. This data highlights the





need for targeted interventions to address the most common types of juvenile offenses and implement preventive measures tailored to young individuals' psychological and social contexts.

The findings from UNICEF (2024) imply that while juvenile offenders violate laws tied to public safety and order, property crimes, and offenses, it's important to understand the driving factors of such patterns. A major rule out is the fact that these young people undergo unique and dynamic psychological and social development. Being adolescents, it is evident that they struggle with impulsive control, decision-making, and peer pressure (Nguyen, 2015; Tran et al., 2021). Additionally, specific crimes such as vandalism, theft, minor assaults, and burglary can be linked to rebellion and economic hardships, especially in urban areas. Loi (2021) reported that unlike rural areas, where family plays a vital role in children's development and the inculcation of morals, in urban areas, there is a lot of freedom without proper guidance. Additionally, UNICEF (2024) reported that juvenile offenders were mainly drug addicts, while others came from families with divorced parents, followed by those living on the streets and those experiencing domestic violence. Eventually, most juveniles find themselves with peers who influence them to break the law, sometimes for their survival. Furthermore, high accessibility and opportunities for juvenile offenders to steal in urban areas could justify why theft of property and minor forms of assaults are prevalent among crimes that juveniles commit. On the other hand, offenses under Chapter XIII (Crimes against national security) or Chapter XXVI (Crimes against peace, humanity, and war crimes) of the Vietnamese Penal Code involve high levels of organization, planning, and political motives that are not within the reach of juvenile offenders.

Age and sex affect young individuals differently when it comes to committing crimes in society. There is a higher likelihood that younger individuals commit less crimes than older individuals. Classifying by age categories, UNICEF (2024) reported that in 2022, individuals older than 14 years and younger than 16 years old were charged with crime in the Vietnamese juvenile court, representing 7.4% of the total young people (6090). On the other hand, individuals older than 16 years but younger than 18 years old represented 92.6% of the total individuals charged with crime in the same year. Nguyen (2015) made similar observations by noting that while younger adolescents could be shy and less exposed to crime, older adolescents operate from experience and courage. In terms of gender, UNICEF (2024) reported that 97.4% of





the juveniles charged with crime were males while 2.6% were females. Le et al. (2023) argued that personality traits and aggressive behavior play a crucial role in determining who commits a crime. Combining these ideas, it can also be argued that in a society such as Vietnam, where the female gender has been victimized since pre-colonial times (Le et al., 2016), it is expected to have fewer females commit crimes, regardless of age. The observations from the two studies present important insights for the establishment of rehabilitation infrastructure. For instance, having more rehabilitation infrastructure for individuals between 14 and 18 years and males would have a far-reaching impact than having generalized infrastructure for juvenile offenders.

Education plays a very important role in shaping the future of an individual in terms of taking opportunities, making decisions, and overall social behavior. The findings from UNICEF (2024) highlight the strong correlation between education level and juvenile delinquency in Vietnam, revealing that young offenders with lower levels of education are more likely to come into conflict with the law. In 2022, among the 6,090 juveniles charged with crimes, the majority (52%) had only completed lower secondary education, followed by 30% who had reached upper secondary education, and 18% who had an education level below lower secondary. These findings reveal that young individuals having only reached lower secondary education lack the knowledge, skills, and resources to pursue stable and lawful pathways, hence becoming juvenile offenders. Additionally, other factors that could explain such a trend include limited awareness of legal consequences by these adolescents as school plays a vital role in teaching values, discipline, and legal awareness to students (Vu and Dong, 2019). In other studies, school dropouts are linked to high juvenile crime cases. Looking at the trend from the data presented by UNICEF (2024), students in Vietnam who only reached secondary school level, especially lower and pre-lower level may have left school early. Consequently, due to a lack of guidance, engagement in constructive activities, and mentorship, such juveniles are susceptible to negative influences and delinquent behavior which make them brush shoulders with law enforcers ending up in juvenile court.

There is limited publicly available information on juvenile court cases and their outcomes in Vietnam. However, a classified UNICEF report (2024) confirms that the country follows a structured juvenile court process that consists of several key stages. The process begins with an investigation following the report of a case, during which evidence is gathered to determine whether legal action is warranted. If sufficient





evidence is found, the case proceeds to prosecution in a juvenile court, where a judgment is issued based on the available facts. The first-instance trial stage serves as the final step before sentencing, where the court determines the appropriate penalty for the juvenile offender. The report further reveals that juvenile offenders in Vietnam may face nine different sentencing outcomes, depending on the nature and severity of the offense. These outcomes include acquittal by the court, exemption from penalty, warnings, fines, non-custodial reform, imprisonment with a suspended sentence, imprisonment of under three years, imprisonment of three to seven years, and imprisonment exceeding seven years. Notably, in 2022, there were no recorded cases of acquittal for juvenile offenders. Instead, the majority of juveniles brought before the court were sentenced to imprisonment with a suspended sentence or imprisonment of under three years.

These findings indicate that while Vietnam has established legal frameworks and sentencing structures for juvenile offenders, significant challenges remain in ensuring that its juvenile justice system aligns with international standards. The continued reliance on imprisonment, even in cases where rehabilitation-focused alternatives could be applied, raises concerns about the effectiveness of current policies in addressing the unique needs of juvenile offenders. The findings emphasize the need for systemic reforms to promote diversion programs, alternative sentencing, and greater transparency in juvenile court proceedings. By strengthening rehabilitation-centered approaches, Vietnam can take meaningful steps toward building a child-centered justice system that aligns with the principles set out in the Convention on the Rights of the Child and other international best practices.

6.2. Challenges facing juvenile justice system in Vietnam

Despite Vietnam's commitment to aligning its juvenile justice system with international standards, cultural and economic factors continue to pose significant challenges. Structural issues such as an overreliance on imprisonment, a lack of specialized services, and rising juvenile delinquency have hindered the country's full compliance with the provisions of the Convention on the Rights of the Child (CRC). According to a report by the United Nations Children's Fund (UNICEF), approximately 84,000 juveniles come into contact with Vietnam's court system annually. However, the existing judicial framework is not adequately designed to address the distinct needs





of young offenders. As a result, a substantial proportion of these juveniles may not receive the justice, rehabilitation, and reintegration support envisioned under international human rights conventions.

The establishment of family and juvenile courts in Vietnam represents a critical step forward. However, UNICEF notes that these specialized courts are absent in nearly 40% of the country's provinces, significantly undermining this progress. In areas where these courts exist, juvenile offenders are more likely to receive rehabilitative interventions, offering them a chance at reintegration. Conversely, in regions without such facilities, young offenders often face legal proceedings designed for adults, increasing their likelihood of receiving punitive sentences rather than rehabilitative support. Alarming, UNICEF reports that two out of every three children convicted of a crime in Vietnam are sentenced to imprisonment, highlighting a persistent reliance on punitive rather than restorative justice approaches. This observation is supported by the findings of Hoang and Trinh (2024) who noted the overreliance of the Vietnamese court system on termed imprisonment as an approach to youth criminal sentencing framework. In the quest to unveil the reason behind such an approach in the advent of international compliance, Hoang and Trinh (2024) note that an integration of the juvenile sentencing regime with the traditional criminal system could be the reason behind the termed imprisonment of juvenile offenders in Vietnam. The architecture of juvenile courts in Vietnam

Juvenile Courts are specialized courts designed to handle cases involving juveniles (individuals under 18 years of age). According to UNICEF (2024), a total of 4076 juvenile offenders were brought to first-instance trial in court in Vietnam in 2022. These findings imply that in Vietnam, juvenile offenders are increasing, hence the need for having the necessary court infrastructure to meet the need. The establishment of Juvenile Courts represents a global trend, with nations acknowledging that these specialized courts are the most effective means of fulfilling their international commitments and responsibilities, as well as implementing children's rights within their national judicial systems (Kratcoski, 2023). Naturally, each country selects and develops its specific court model characterized by various distinguishing factors. Examining the experience of establishing and operating Juvenile Courts across different countries reveals diverse approaches. Some nations, such as Australia, have developed court systems that operate independently from regular courts at both trial and appellate levels to handle juvenile cases (Richards et al. 2017). Conversely, other





countries, including Japan, South Korea, Thailand, and the Philippines have established independent specialized courts only at the trial level for juvenile cases, while appellate jurisdiction remains with the regular higher courts (Bhagat (2015)).

In Vietnam, as part of the judicial reform strategy through 2020, several Politburo documents paved the way for establishing Juvenile Courts. Initially, Resolution No. 08-NQ/TW regarding key judicial tasks proposed *“researching the establishment of Marriage and Family Courts.”* Subsequently, Resolution No. 49-NQ/TW on Judicial Reform Strategy through 2020 outlined the direction to *“organize judicial bodies and supporting institutions in a rational, scientific, and modern manner regarding organizational structure and working conditions; positioning courts at the center with trials as the focal activity...”* In 2012, the Politburo issued Directive No. 20-CT/TW to strengthen Party leadership in childcare, education, and protection, which mandated *“developing and effectively implementing programs and projects for childcare, education, and child protection... Effectively implementing the UN Convention on the Rights of the Child and other relevant international conventions and treaties that Vietnam has signed or joined...”* Building upon these Party documents, the 2013 Constitution introduced provisions for *“children's right to participate in matters concerning children,”* and Article 102 specified that *“The People's Courts consist of the Supreme People's Court and other courts as prescribed by law.”* This forward-looking constitutional provision created the legal foundation for considering Juvenile Courts. Based on Vietnam's specific socioeconomic and political-legal conditions, the 2014 Law on Organization of People's Courts officially recognized the establishment of Family and Juvenile Courts within Vietnam's People's Court system (Government of Vietnam, 2014). Through this legal document and subsequent detailed guidelines, a specialized court for handling cases involving juveniles was officially inaugurated and began operations on June 1st, 2015. Building upon this specialized court model, the 2024 Law on Organization of People's Courts, passed on June 24th, 2024, and effective January 1st, 2025, continues to recognize the Family and Juvenile Courts. Additionally, the 2024 Law on Juvenile Justice, passed on November 30th, 2024 (effective January 1st, 2026), includes provisions related to Family and Juvenile Courts.

Regarding organizational structure, the Family and Juvenile Court operates as a specialized court within the Superior People's Court (Article 51), Provincial People's Court (Article 56), and District People's Court (Article 60). The Chief Justice of the Supreme People's Court has the authority to establish these specialized courts at





provincial and district levels when courts meet specific conditions: handling at least 50 cases annually within the jurisdiction of Family and Juvenile Courts as per Article 3 of Circular No. 01/2016/TT-CA of the Supreme People's Court; Having sufficient Judges, Examiners, and Court Clerks to meet operational requirements (*Supreme People's Court of Vietnam, Article 2, Clause 1. 2016*). If a court does not meet these conditions, while a specialized court is not established, dedicated Judges must be assigned to handle such cases (*Supreme People's Court of Vietnam, Article 2, Clause 2. 2016*). The establishment of Family and Juvenile Courts not only represents a reorganization of the People's Court structure but also creates a new institution that provides a specialized environment for handling family and juvenile cases.

Regarding criminal jurisdiction, Clause 6, Article 3 of Circular No. 01/2016/TT-CA dated January 21st, 2016, issued by the Chief Justice of the Supreme People's Court regarding the organization of specialized courts within Provincial/Municipal People's Courts under central authority and District/Urban District/Town/City People's Courts under provincial authority and equivalent courts, stipulates that the Family and Juvenile Court shall conduct criminal trials and resolve the following matters: Criminal cases where the defendant is under 18 years of age, or where the defendant is 18 years or older but the victim is under 18 years of age and has suffered severe psychological trauma or requires support for living and educational conditions due to the lack of a healthy family environment compared to other individuals under 18 years of age; the consideration and determination of administrative handling measures in People's Courts for juveniles; and family and marriage cases in accordance with the Civil Procedure Code. However, the 2024 Law on Juvenile Justice, Article 148, states that *"Family and Juvenile Courts have jurisdiction over criminal cases where the accused is a juvenile."* Thus, compared to the guidance provided in Circular No. 01/2016/TT-CA, the 2024 Juvenile Justice Law has removed the following case from the jurisdiction of the Family and Juvenile Court: *"cases where the defendant is 18 years or older but the victim is under 18 years of age and has suffered severe psychological trauma or requires support for living and educational conditions due to the lack of a healthy family environment compared to other individuals under 18 years of age."*

Regarding courtroom arrangement and case proceedings, the 2024 Law on Organization of People's Courts (Article 137, Clause 4) mandates that *"courtrooms and proceedings under Family and Juvenile Court jurisdiction must be arranged in a child-*





*friendly manner, ensuring the best interests of juveniles.” This requirement necessitates specific arrangements distinct from standard courtrooms. According to Article 6, Clauses 1 and 2 of Circular No. 01/2017/TT-TANDTC (July 28th, 2017), these specialized courtrooms feature: positioning of all procedural conductors, procedure participants, and court attendees on the same plane, arranged around a round table format; green-colored walls; office-style furniture instead of traditional courtroom furnishings; seating arrangements allowing juveniles to sit beside their representatives, defense counsel, or legal protectors. In the field of criminal justice, Article 149, Clause 2 of the 2024 Juvenile Justice Law also contains similar provisions regarding the arrangement of child-friendly courtrooms: *“The positions of procedural conductors, procedure participants, and court attendees in the courtroom shall be arranged on the same plane. Juvenile defendants participating in court proceedings shall be seated next to their defense counsel and legal representatives.”**

Regarding courtroom attire in criminal proceedings, while Circular No. 02/2018/TT-TANDTC dated September 21st, 2018, of the Supreme People's Court on criminal trials involving procedural participants under 18 years of age under the jurisdiction of the Family and Juvenile Court only mentioned that *“Judges shall wear administrative work attire of the People's Court (not wearing robes)”* when conducting criminal trials (Point b, Clause 1, Article 7), the Juvenile Justice Law now additionally stipulates that *“Prosecutors shall wear appropriate attire, not wearing People's Procuracy uniforms.”* This addition fully aligns with our country's judicial reform orientation, creating a more comprehensive child-friendly court environment for juveniles.

7. CONCLUSION

The juvenile court system in Vietnam encompasses multiple stages, from investigation and prosecution to trial and sentencing, with penalties varying based on the severity of the offense. While significant strides have been made to align juvenile justice with international standards, reports indicate that some young offenders still face imprisonment terms exceeding seven years. However, limited data exists on the conditions and long-term impact of such extended sentences, raising concerns about whether these periods serve a rehabilitative purpose or contribute to further trauma. This study highlights the need for a deeper understanding of juvenile delinquency





trends to inform more effective rehabilitation strategies and infrastructure development. A well-structured juvenile justice system extends beyond courtroom proceedings; it requires comprehensive support mechanisms, psychological interventions, and reintegration programs to ensure that young offenders are guided toward positive transformation. Simply modifying the physical architecture of courtrooms is insufficient if the broader system lacks adequate rehabilitative structures. A holistic approach—focusing on diversion programs, educational support, and community-based interventions—is essential to reshaping how juvenile offenders are treated in Vietnam and ensuring that the justice system prioritizes reform over punishment.

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