

Implementing The Principle of Compensation For Wrongfully Convicted Persons in Vietnamese Criminal Proceedings

Huynh Trung Truc¹ and Nguyen Vinh Hung^{2*}

¹He is a PhD candidate, the Department of Criminal Justice, Vietnam National University, Hanoi, University of Law.

²He is a lecturer at Vietnam National University, Hanoi, University of Law. He got a doctor degree in law.

Corresponding author: Nguyen Vinh Hung, Address: 144 Xuan Thuy, Dich Vong Hau, Cau Giay, Ha Noi, Vietnam. E-mail: nguyenvinhhung85@gmail.com; First author email: huynhtrungtruc@gmail.com (HTT)

Citation: Trung Truc H and Vinh Hung N (2024) Implementing The Principle of Compensation For Wrongfully Convicted Persons in Vietnamese Criminal Proceedings. American J Sci Edu Re: AJSER-222.

Received Date: 04 December, 2024; **Accepted Date:** 11 December, 2024; **Published Date:** 17 December, 2024

Abstract

Criminal proceedings are where state power is most clearly demonstrated through coercive measures against the accused. This is also where the rights of the accused are most vulnerable to infringement, especially when they are wrongly accused. The prosecuting agencies and prosecutors in the process of investigating, prosecuting, trying and executing criminal sentences have wrongly convicted the accused for many objective and subjective reasons. Wrongfully convicting the accused has very serious consequences, affecting the right to life, freedom of person, dignity, honor and property of people. In Vietnam, compensation for damages for the wrongly accused has been stipulated in the Constitution, the Criminal Procedure Code and other legal documents of the State. This demonstrates the State's concern and sense of responsibility in protecting the rights of the accused against violations by the prosecuting agencies and prosecutors.

Keywords: criminal proceedings, wronged person, responsibility, damaged, compensation for damages, prosecution agency.

1. Introduction

Criminal proceedings are the process of resolving criminal cases by prosecution agencies such as Investigation Agencies, Procuracies and Courts according to the provisions of the Criminal Procedure Law. These prosecution agencies conduct investigation, prosecution and trial of criminal cases in order to accurately, quickly and fairly detect and promptly handle all criminal acts, not to let criminals escape, and not to wrongfully convict innocent people. However, while carrying out criminal proceedings, the prosecution officers and prosecutors still make certain mistakes that lead to damage to the accused. Therefore, the issue of compensation for people wrongly convicted in criminal proceedings has been stipulated in Vietnamese law since before. The 1992 Constitution of Vietnam stipulates: "People who are illegally arrested, detained, prosecuted, tried and injured have the right to compensation for material damage and restoration of honor" (Articles 72 and 74). On March 17, 2003 [1], the Standing Committee of the National Assembly of Vietnam issued Resolution No. 388/2003/NQ-UBTVQH11 on compensation for damages to people wrongly convicted by competent persons in criminal proceedings. These are the following cases:

- 1) A person who is detained and has a decision by a competent authority in criminal proceedings to cancel the decision on temporary detention because that person did not commit a violation of the law;
- 2) A person who is detained and has a decision by a competent authority in criminal proceedings to cancel the decision on temporary detention because that person did not commit a crime;
- 3) A person who has completed or is serving a fixed-term prison sentence, life imprisonment, or has been sentenced to death and has a judgment or decision by a competent court determining that that person did not commit a crime;

- 4) A person who is prosecuted, tried, or executed in cases other than those mentioned above and has a judgment or decision by a competent authority in criminal proceedings determining that that person did not commit a crime. If they have property that is seized, detained, seized, or confiscated and suffer damage, they will be compensated. A person who has been wrongly convicted will have his or her honor restored. The agency responsible for compensation must publicly apologize and make corrections to the wrongly accused.

The 2013 Constitution of Vietnam stipulates: "A person who is illegally arrested, detained, imprisoned, prosecuted, investigated, prosecuted, tried, or has his or her sentence executed has the right to compensation for material and mental damages and to have his or her honor restored" (Clause 5, Article 31). This is the inheritance and development of the provisions of the previous Constitution and laws on the State's responsibility for compensation. Specifying the 2013 Constitution, the 2015 Criminal Procedure Code stipulates the principle of ensuring the right to compensation of victims in criminal proceedings in Article 31.

Compared to the 1992 Constitution, the provisions on ensuring compensation for damages in criminal proceedings are expanded in the 2013 Constitution in terms of the subjects of compensation, accordingly, the persons entitled to compensation for damages are not only those who are arrested, detained, temporarily detained, prosecuted, investigated, prosecuted, or tried, but also those who suffer damages in the execution of judgments. With the provisions of the 2013 Constitution on ensuring compensation for damages, any act of failing to make compensation, compensating at the wrong level of damages, exceeding the time limit for compensation, or failing to restore the honor of the person who suffered damages

in criminal proceedings must be considered a violation of the Constitution and a violation of human rights.

The Law on State Compensation Liability 2017 stipulates the scope of compensation for damages in Article 18, and at the same time identifies the agencies responsible for compensation in criminal proceedings as the Investigation Agency, the Agency assigned to conduct a number of investigative activities in criminal proceedings, the People's Procuracy and the People's Court.

It can be affirmed that the issue of compensation for damages to the wrongly convicted in criminal proceedings has been stipulated in many legal documents of the State. However, the implementation of this principle in practice still faces many difficulties for many reasons. Therefore, the study and analysis of the principle of compensation for damages to the wrongly convicted in criminal proceedings is very important and necessary, contributing to the improvement of regulations on the protection of human rights in the process of judicial reform and the trend of international legal integration of Vietnam.

2. Theoretical Framework and Literature Review

Compensation for damages to wrongfully accused persons in criminal proceedings is a citizen's right recognized in the Constitution and criminal procedure law, directly affecting criminal justice activities, and is the legal basis for agencies conducting proceedings and persons conducting proceedings to properly carry out professional activities to protect justice, human rights and the rights of the accused in the entire process of resolving cases and handling crimes. Over the years, there have been many diverse and rich scientific research works on the right to compensation for damages of wrongly accused persons, notably: [2], "Overcoming injustice and mistakes in criminal proceedings" (Journal of Law No. 01/2001); [3], "Compensation for damages caused by competent persons of the prosecuting agency" (Hanoi Law University); [4], "Discussion on exoneration and mistakes in criminal proceedings" (Journal of Legislative Studies No. 02/2003); [5], "The mechanism of exoneration in criminal proceedings" (Journal of Science, Hanoi National University, Economics - Law, Vol. 21, No. 3/2005); [6], "Criminal justice reform and the problem of preventing injustice and mistakes" (Journal of State and Law No. 4/2005); [7], "Compensation for wrongly convicted persons caused by competent persons of the prosecution agency" (Hanoi National University); Institute of Procuracy Science (2006), "Existing issues and difficulties in implementing Resolution 388/2003/NQ-UBTVQH11 on compensation for wrongly convicted persons caused by competent persons in criminal proceedings, current situation and solutions" (Supreme People's Procuracy); [8], "Some issues arising from the practice of resolving compensation for wrongly convicted persons" (Democracy and Law Magazine No. 07/2006); [9], "The problem of wrongful convictions and policies and laws on criminal proceedings on compensation for wrongly convicted persons in criminal proceedings" (Faculty of Law, Hanoi National University); [10], "Determining damages and compensation levels for wrongfully convicted persons in criminal proceedings" (Hanoi National University); [11], "Principles of ensuring the right to compensation for damages and restoration of honor and rights of wrongfully convicted persons in Vietnam's Criminal Procedure Law – Theoretical and practical issues" (Faculty of Law, Hanoi National University); [12], "Vietnamese law and some countries in the world on state

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The above-mentioned scientific works focus on analyzing the phenomenon of wrongful convictions caused by the agencies conducting the proceedings and the persons conducting the proceedings, the mechanism for exonerating the wrongly accused and the responsibility for compensating the wrongly accused. However, other issues such as criminal procedural law policies to prevent and combat wrongful convictions as well as procedures for compensating the wrongly accused have not been clearly studied in both theory and practice. This requires a comprehensive study of the issue of compensating the wrongly accused in criminal proceedings, which is very necessary on the basis of the provisions of the Constitution, criminal procedural law, law on compensation for damages and referring to the criteria for compensation for damages according to the laws of a number of countries in the world and internationally.

3. Methodology

In this article, the author has used a combination of legal analysis and legal comparison methods, referring to research works of domestic scientists, the 1966 United Nations Convention on Civil and Political Rights and referring to criminal procedural laws of some countries in the world to analyze in depth the right to compensation for damages of the wrongly accused in criminal proceedings.

The above research methods are used closely and harmoniously to achieve the research objective of the article, which is to affirm that compensation for damages of the wrongly accused in criminal proceedings is the most basic and essential right of the accused and this right must be guaranteed by the State to be implemented and protected from being violated through legal recognition as well as practical law enforcement activities of the prosecution agencies and the prosecutors.

4. Results and Discussion

4.1. What is "wrongful" in criminal proceedings?

From a linguistic perspective, in the common sense, "Wrong" means "being accused of a crime that one did not commit, having to suffer a punishment that one does not deserve" (Institute of Linguistics, 2005, p.744); or "being wrongly accused, having to suffer a wrongful, unreasonable punishment" (Nguyen Nhu Y, 1998, p.1269). According to Professor, Dr. Dao Tri Uc, "Wrong" is a case where a person is prosecuted and tried for an act committed by another person, that is, a crime has occurred but the subject of the crime is mistakenly identified, leading to wrong prosecution and trial; or no crime has occurred but a person is still tried and convicted [6].

From a legal perspective, based on Article 1 of Resolution No. 388/2003/NQ-UBTVQH11 and Article 18 of the Law on State Compensation Liability 2017 [2], it can be determined that those who are wrongly accused in criminal proceedings include:

- 1) A person detained in an emergency without grounds as prescribed by the Criminal Procedure Code and that person did not commit a violation of the law;
- 2) A person arrested or detained for whom a decision by a competent agency or person in criminal proceedings decides to release, cancel the detention decision, not approve the arrest warrant, or decide to extend the detention because that person did not commit a violation of the law;
- 3) A person detained for whom a judgment or decision by a competent agency or person in criminal proceedings determines that there is no crime or the act does not constitute a crime or the investigation period has expired without proving that the accused has committed a crime;
- 4) Persons who have completed or are serving a fixed-term prison sentence, life imprisonment, persons who have been sentenced to death, persons who have been executed for death, and whose judgment or decision by a competent agency or person in criminal proceedings determines that there has been no crime or that the act does not constitute a crime;
- 5) Persons who are prosecuted, prosecuted, tried, or executed without being detained, temporarily detained, or serving a prison sentence, and whose judgment or decision by a competent agency or person in criminal proceedings determines that there has been no crime or that the act does not constitute a crime, or whose investigation period has expired without proving that the accused has committed a crime;
- 6) A person who is prosecuted, tried, or tried for multiple crimes in the same case, has served a prison sentence, and then a verdict or decision by a competent agency or person in criminal proceedings determines that the person did not commit one or several crimes and the total penalty after aggregating the penalties for the remaining crimes is less than the time spent in detention or serving a prison sentence, shall be compensated for damages corresponding to the time spent in detention or serving a prison sentence exceeding the penalty level of the crimes that the person must serve;
- 7) A person who is prosecuted, tried for multiple crimes in the same case and sentenced to death but has not yet been executed, and then there is a verdict or decision of a competent agency or person in criminal proceedings determining that the person did not commit the crime for which the death penalty was imposed and the combined penalty after aggregating the penalties of the remaining crimes is less than the time of detention, shall be compensated for damages corresponding to the time of detention exceeding the combined penalty of the crimes that the person must serve;
- 8) A person who is tried by multiple verdicts, the Court has aggregated the penalties of those multiple verdicts, and then there is a verdict or decision of a competent agency or person in criminal proceedings determining that the person did not commit one or several crimes and the penalties for the remaining crimes are less than the time of detention or imprisonment, shall be compensated for damages corresponding to the time of detention or imprisonment exceeding the penalty of the crimes that the person must serve;

- 9) A commercial legal entity is prosecuted, prosecuted, tried, or has its judgment enforced, and then a judgment or decision by a competent agency or person in criminal proceedings determines that there is no crime or that the legal entity's actions do not constitute a crime, or that the investigation period has expired without proving that the legal entity has committed a crime and that the legal entity has not committed a violation of the law.
- 10) An individual or organization whose assets have been damaged due to seizure, temporary detention, attachment, confiscation, or disposal, whose accounts have been frozen, or another individual or organization related to the 9 cases mentioned above that has suffered damage.

4.2. Cases considered unjust under international law

Compensation for those who have been wrongly convicted in criminal proceedings is an important and essential human right that has been stipulated in international law and in many countries.

The 1966 International Covenant on Civil and Political Rights (ICCPR) has affirmed: "Anyone who has been the victim of unlawful arrest or detention shall have the right to compensation" (ICCPR, Article 9, paragraph 5); "When a person has been convicted of a criminal offence by a final decision and the conviction is subsequently quashed or he is acquitted on the ground that a new or newly discovered fact clearly shows that there has been a miscarriage of justice, the person who has been sentenced by that judgment shall, according to law, be entitled to compensation, unless it is proved that the failure to disclose the truth at the time of conviction is wholly or partly attributable to the convicted person" (ICCPR, Article 14, paragraph 6).

The Japanese Constitution stipulates compensation for wrongful convictions in Article 40: A person who is acquitted after being arrested or detained may sue the Government for compensation in accordance with the law.

The Korean Constitution stipulates in Article 28: In the case where a suspect or a person who has been charged with a crime and detained is not prosecuted in accordance with the law or is acquitted by a court, he or she shall have the right to request the State to provide appropriate compensation in accordance with the law.

The Law of State Compensation for Damages of the People's Republic of China stipulates the following cases as being considered wrongful convictions in Article 15: A person suspected of committing a crime who is arrested but has no actual signs or evidence of committing a crime; a person who has not actually committed a crime but has been detained; a person who has served the sentence imposed by the court but is later retried according to the procedure of inspection and supervision of the trial as innocent.

The Criminal Procedure Code of the Russian Federation provides for compensation for damages in cases of wrongful conviction, including: A person who is clearly innocent but has been prosecuted by a competent authority; a person suspected of committing a crime or accused of committing a crime who has been prosecuted illegally by a prosecutor or a person conducting a preliminary investigation; a person who has been illegally detained.

Article 8 of the Law on Compensation for Damages Due to Wrongful and Wrongful Detention and Imprisonment of 1970 and Article 1 of the Law on Review of Criminal Judgments of the French Republic stipulates cases of wrongful and wrongful convictions at all stages of criminal proceedings and the State shall compensate for damages: Persons who have been released by the investigation agency due to insufficient grounds for prosecution, and have been declared innocent by the court, but have been arrested and detained and this arrest and detention have caused significant damage; persons who have served a legally effective sentence and this sentence was later reviewed by the Court of Cassation and declared innocent.

4.3. Compensation for wrongfully accused in Vietnamese criminal proceedings

From a legislative perspective, ensuring the right to compensation for damages of the wrongly convicted in criminal proceedings is recognized as a constitutional principle (Clause 5, Article 31 of the 2013 Constitution), and at the same time becomes a principle of criminal proceedings when the 2015 Criminal Procedure Code stipulates in Article 31: A person detained in an emergency, arrested, detained, imprisoned, prosecuted, investigated, prosecuted, tried, or executed a sentence that is unjust or illegal has the right to compensation for material and mental damages and restoration of honor. The State is responsible for compensating for damages and restoring honor and rights of a person detained in an emergency, arrested, detained, imprisoned, prosecuted, investigated, prosecuted, tried, or executed a sentence that is unjust or illegal by a competent agency or person conducting the proceedings. Other people who suffer damage caused by competent agencies or persons conducting proceedings have the right to receive compensation for damage from the State.

Previously, Resolution No. 388/2003/NQ-UBTVQH11 dated March 17, 2003 of the Standing Committee of the National Assembly specifically stipulated cases eligible for compensation and cases not eligible for compensation for damages in criminal proceedings, agencies responsible for compensation and procedures for compensation settlement (Articles 1 and 10).

Currently, compensation for damages, restoration of honor and rights of people wrongly convicted in criminal proceedings is implemented according to the Law on State Compensation Liability 2017 with the following important provisions:

Firstly, specify the scope of the State's compensation responsibility, clearly identify 10 cases eligible for compensation (Article 18) and 04 cases not eligible for compensation (Clause 2, Article 32);

Secondly, clearly and specifically identify the main prosecution agencies responsible for resolving compensation as follows:

- Investigation agencies, agencies assigned to conduct a number of investigation activities resolve compensation in 3 cases (Article 34).
- The Procuracy resolves compensation in 7 cases (Article 35).
- The court of first instance resolves compensation in 6 cases (Clause 1, Article 36).
- The court of appeal resolves compensation in 3 cases (Clause 2, Article 36).
- The High People's Court and the Central Military Court resolve compensation in 3 cases (Clause 3, Article 36).
- The Supreme People's Court shall settle compensation in 3 cases (Clause 4, Article 36).

Third, specify the basis for the compensation request, which are: Court judgment; Decision of the Procuracy, Investigation Agency; other documents that have come into legal effect issued by state agencies and competent persons, in which clearly identify the damaged person as eligible for compensation (Article 9).

Fourth, specify the compensation request dossier for each case such as: Request of the damaged person himself, request of the heir of the damaged person, request of the representative of the damaged person. The content of the dossier requesting compensation for damages shall be implemented according to the instructions in Article 41.

Another important point is that in addition to the provisions on compensation for damages, the Law on State Compensation Liability 2017 also specifically stipulates the restoration of honor in the forms of direct apology and public correction (Article 58), publication of apology and public correction (Article 59); procedures and agencies and individuals responsible for restoring honor for people wrongly convicted in criminal proceedings (Article 57).

4.4. Practice of implementing compensation for wrongfully accused people in criminal proceedings in Vietnam, limitations and recommendations

4.4.1. The period before the promulgation of the Law on State Compensation Liability in 2017:

According to the Report on the results of monitoring on "The situation of injustice and errors in the application of criminal law, criminal proceedings and compensation for damages to people wrongly convicted in criminal proceedings according to the provisions of law" of the Standing Committee of the National Assembly dated May 20, 2015 [19], in the period from October 1, 2011 to September 30, 2014, the prosecution agencies initiated and investigated 219,506 cases with 338,379 defendants, wrongfully convicting 71 cases (accounting for 0.02%). Of which, the Investigation Agency suspended 31 defendants due to no crime; 12 defendants due to the expiration of the investigation period not being able to prove the crime; the Procuracy suspended 09 defendants due to no crime; 19 cases where the Court declared not guilty and the verdict has come into legal effect.

In the 3 years from 2011 to 2014, the Investigation Agency accepted 15 compensation requests, resolved 5 cases with the amount of 452,578,000 VND; 8 cases are being resolved, 2 cases are not eligible for compensation. The Procuracy at all levels accepted 78 compensation requests, resolved 69 requests: compensated 62 cases with the amount of 11,360,264,068 VND (of which 58 cases were negotiated, 4 cases were filed in court).

In general, the settlement of compensation for the wrongfully convicted often ends with negotiation, not many cases have to be resolved through civil lawsuits. However, the process of settling compensation for the wrongfully convicted often exceeds the statutory time limit and requires many negotiations and is often very tense, the parties often have difficulty finding a common voice. The reasons given by the responsible agencies for handling the case are often to blame the person requesting compensation, for example, because the victim did not provide sufficient documents and evidence to prove the damage, or because the time of being wronged or the time to appeal for justice was long, so the victim could not keep all the documents

and evidence, but still made excessive demands for compensation, making it difficult to verify and resolve [20].

4.4.2. The period after the promulgation of the Law on State Compensation Liability 2017 (from 2018 to 2023):

According to Reports No. 107/BC-VKSTC dated August 20, 2022 and Report No. 108/BC-VKSTC dated August 20, 2023 of the Supreme People's Procuracy: In 2021, the Investigation Agency issued decisions to suspend the investigation of 1,930 defendants, of which 11 defendants were suspended due to no crime; the Procuracy suspended 471 defendants, of which 4 defendants were suspended due to no crime; the number of defendants whose prosecution decisions were withdrawn by the Procuracy before the opening of the trial was 8;

- In 2022 [21], the Investigation Agency issued decisions to suspend the investigation of 1,726 defendants, of which 15 defendants were suspended due to no crime; the Procuracy suspended the case of 412 defendants, of which 2 defendants were suspended due to no crime; The number of defendants prosecuted by the Procuracy, but declared not guilty by the Court, is 7 defendants;
- In 2023 [22], the Investigation Agency issued a decision to suspend the investigation of 1,974 defendants, of which 13 defendants were suspended due to no crime; the Procuracy suspended the case for 576 defendants.

In fact, among the defendants with decisions to suspend the investigation and suspend the case by the Investigation Agency and the Procuracy, if the case of compensation for damages is carried out immediately after the suspension decision, the compensation agreement will take place quickly and all parties will easily accept. If the settlement of compensation for damages is not carried out immediately for various reasons, the settlement will be prolonged, causing many difficulties. On the other hand, the settlement of compensation cases for victims often takes many years due to disputes over the level of compensation, when the injured party often requests high compensation, but the party requested for compensation (Police, Procuracy, Court) does not accept, or only accepts low levels. This leads to the victim filing a civil lawsuit for compensation and the settlement of the case must go through the stages of first instance trial and appeal trial [23].

4.4.3. Limitations of implementing compensation for the wrongfully convicted:

The practice of implementing compensation for the wrongly accused comes from many causes and to overcome these causes, there must be specific solutions in both legislation and implementation.

- *First*, the regulation assigning responsibility for compensation to the agencies that caused the damage to the wrongly accused is unreasonable. Because of the stubbornness and fear of being handled wrongly by these agencies, they will deliberately delay and make unreasonable requests to the wrongly accused, causing difficulties in the compensation process.
- *Second*, the regulation on the scope of damages to be compensated is still lacking, specifically there is no regulation on the wrongly accused individual who is the business owner. How will the prosecution, investigation, prosecution, and trial of an individual who is the wrongful owner of a business cause the business to go bankrupt; should they be compensated for the business assets damaged by litigation activities?

- *Third*, the regulation on compensation for mental damage (Article 27) is not suitable for reality, causing difficulties in verifying, evaluating and assessing the damage. Compensation for mental damage for the wronged person is converted into money according to the basic salary prescribed by the State, making it easier to quickly calculate the specific compensation amount. However, unlike material damage (which can be calculated, measured, and determined through market prices...), mental damage is damage to the honor, dignity, and reputation of not only the victim, but also the closest relatives of the victim, and the specific damage cannot be calculated or measured. Therefore, in many cases requiring compensation, between the wronged person and the agencies conducting the proceedings responsible for compensation, it is impossible to determine the specific compensation amount.
- *Fourth*, the regulation on compensation negotiation procedures is a mandatory procedure, leading to the situation of having to negotiate many times because the injured person and the agency responsible for compensation cannot agree on the compensation level for specific damages.
- *Fifth*, there are no regulations on sanctions for acts of not actively resolving compensation or not cooperating with the agency responsible for resolving compensation. Practice shows that in cases where the competent prosecution agency recognizes its mistakes immediately after the decision to suspend the investigation or suspend the case and proactively proceeds to immediately resolve compensation for the wronged person, the case will be resolved quickly, not only protecting the legitimate rights and interests of the wronged person. On the contrary, in cases where the competent prosecution authority does not admit its mistakes immediately after the decision to suspend the investigation or suspend the case, but deliberately avoids resolving compensation, deliberately prolongs the settlement period, and makes unreasonable requests to the person requesting compensation, it will only lead to a prolonged settlement of the case, causing frustration for the people and society.

4.4.4. Recommendations:

To overcome the above-mentioned limitations, it is recommended to continue to improve the provisions of the Law on State Compensation Liability in the following direction:

- *Firstly*, it is proposed not to assign the agencies that directly caused injustice and damage to the wronged person the responsibility to resolve compensation, but to assign other judicial agencies that are not involved in resolving the case or law enforcement agencies to resolve the issue of compensation for damages and restore the honor of the wronged person. These are agencies that do not cause damage to the wronged person, so the resolution will be more objective and faster, avoiding the situation of prolonging the compensation process and restoring the trust in the fairness of the wronged person and public opinion.
- *Secondly*, amend and supplement the regulations on the scope of damages to be compensated in the direction of recognizing material damages when the business owner is prosecuted, investigated, prosecuted, and tried wrongly, leading to the bankruptcy of the business or causing loss or damage to the business's assets.

- *Third*, the regulation increases the compensation for mental damage by 5 to 10 times compared to the current regulation because mental damage is a huge and immeasurable damage, not only destroying the life of the wronged person but also having long-term effects on their family, parents, spouses, and children.
 - *Fourth*, amend the regulation on compensation negotiation procedures in the direction that the wronged person has the right to choose and decide to file a lawsuit in court immediately after the court's judgment determines that he or she has been wronged or to request prior negotiation with the agency that has wronged him or her.
 - *Fifth*, supplement the regulation on sanctions for individuals and agencies responsible for compensation but intentionally obstruct or make it difficult for compensation. Because currently, the provisions in Chapter VII and Chapter VIII of the Law on State Compensation Liability 2017 only mention the responsibility to reimburse the competent person who caused damage to the wronged person, which is to reimburse the state budget for the amount of money that the State has compensated the damaged person, as well as regulations on the responsibility of state agencies in compensation work, but have not yet stipulated the legal responsibility of the competent agency and individual to resolve compensation and directly perform the compensation task if they violate the provisions of the Law on State Compensation Liability.
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Conclusion

The responsibility to compensate for damages to the wronged person in criminal proceedings belongs to the State. This is the responsibility to compensate for material and spiritual losses and restore the honor and reputation of the wronged person caused by the illegal acts of the competent person conducting the proceedings. Performing the obligation to compensate for damages is both the legal responsibility of the person causing the damage and the State's coercion of that person, even though they are representatives of the State performing public duties, if they cause damage to citizens, they still have the obligation to compensate. The regulation on compensation for damages to the wronged person in criminal proceedings is a specific regulation of the judicial power, aiming to affirm the strictness, fairness and democracy of the law.

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