

MINISTRY OF EDUCATION AND TRAINING

**MINISTRY OF JUSTICE
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**ASEAN LAW ON PREVENTION AND FIGHT AGAINST
TRANSNATIONAL CRIMES AND THE IMPLEMENTATION
IN VIETNAM**

SUMMARY OF LAW DOCTORAL THESIS

Field of study: International Law

Code: 93 80 108

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2. TS. Nguyễn Toàn Thắng**

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INTRODUCTION

1. Reasons for choosing research topics

The research student chooses the topic "ASEAN Community Law on transnational crime prevention and control and practice in Vietnam" for the following reasons:

The first stems from the practice of transnational crime in Southeast Asia.

Secondly, the ASEAN Community Law on this issue still has many shortcomings and needs to be studied and completed

Third, the author is a lecturer in the ASEAN Community Law subject, which includes research on ASEAN's transnational crime prevention and control legislation. Doing this research project has great significance for graduate students. It is both a scientific research work at the doctoral thesis level and also serves the teaching of graduate students in the future. This is a good opportunity for graduate students to study more deeply an open area of current law.

2. Purpose and task of research topic

2.1. Research purposes

On the basis of theoretical and practical issues about transnational crime, the thesis researches systematically and clarifies the concept, characteristics, nature, content ... of the ASEAN Community Law on prevention, fight transnational crime. At the same time, to clarify the implementation of the Law on ASEAN Community in Vietnam, thereby giving directions and solutions to perfecting Vietnamese laws on this issue.

2.2. Research mission

3. Object and scope of the study

4. Research Methodology

5. New scientific contributions of the thesis

The thesis is a systematic study of the ASEAN Community Law on transnational crime prevention and control and its practice in Vietnam. In the context that transnational crime is increasingly becoming a great challenge threatening peace and stability in countries, threatening people's lives and Vietnam prepares for the 2020 ASEAN President, the thesis has Contribute as follows:

- The thesis clarifies the provisions of the ASEAN Community law systematically preventing and combating transnational crime, besides, building and introducing the concept of the ASEAN Community law on this issue.

- The thesis on the basis of research has made an assessment of the ASEAN Community Law on transnational crime prevention and control, from which solutions continue to be improved, becoming the legal basis for prevention cooperation. , fight against regional transnational crime.

- The thesis clarifies the implementation of the ASEAN Community law on transnational crime prevention and control in Vietnam, such as: building a legal system, building a legal system ... from there has advantages and disadvantages in the implementation of Vietnam's membership obligations.

- The thesis proposes solutions to overcome Vietnam's limitations in the implementation of the ASEAN Community Law on transnational crime prevention and combat, based on the experience of some other member countries in the region. solutions such as Law development solutions, solutions to building legal system systems, solutions to improve the capacity of enforcement staff ...

6. The structure of the thesis

In addition to the introduction, conclusion, list of references, the thesis content is structured with 4 chapters:

Chapter 1: Overview of the thesis research

Chapter 2: The general theory of transnational crime and ASEAN Community Law on the prevention and fight against transnational crime

Chapter 3: Laws of the ASEAN Community governing cooperation on transnational crime prevention and control

Chapter 4: Vietnam with the implementation of the ASEAN Community Law on transnational crime prevention and control.

CHAPTER I

OVERVIEW OF RESEARCH SITUATION

The fight against transnational crime has always been an urgent issue that every country and region in the world attaches great importance to. ASEAN is no exception as the region is one of the key points for transnational crime. However, at present on the world and domestic level, there are no scientific works that have fully and comprehensively researched the ASEAN Community Law on the prevention and fight against transnational crime, especially in the context of the The ASEAN Dong was officially declared established on December 31, 2015.

1.1. Domestic

1.2. Foreign

1.3. The issues need to be further studied

This topic, besides inheriting, synthesizing and developing research results in previous works, must also clarify some of the following contents:

First, theoretical clarification of ASEAN Community Law on transnational crime.

The domestic and foreign research works listed above, there are no studies that comprehensively research the ASEAN Community Law on transnational crime prevention and control, but only listed documents or go. delve into some of the aspects of this issue. The author of the subject will have to clarify more about the concept, characteristics and sources of the ASEAN Community Law on transnational crime prevention, then seek solutions to overcome limitations and improve the effectiveness of France. ASEAN Community Law.

Second, research and overall assessment of the content of the ASEAN Community Law on Transnational Crime Prevention and Control and propose solutions to improve the efficiency of this activity.

There are no studies on the ASEAN Community Law on the prevention and fight against transnational crime at home and abroad, and none of them have mentioned the overall content of the ASEAN Community Law on transnational crime prevention and control. The works also only mentioned the ASEAN Community Law in a certain area of cooperation, for example: the ASEAN Community Law on mutual criminal justice assistance; ASEAN Community Law on Human Trafficking and Drug Trafficking ... The author needs to study and assess the overall content of the ASEAN Community Law on transnational crime prevention and control such as: Principles Crime Prevention; regulations related to crime prevention (legal harmonization; information exchange, early detection, warning; arms control, border; building a regional database ...); provisions aimed at punishing criminals (establishing jurisdiction; wanted criminals; mutual criminal justice assistance; extradition of crimes ...).

After clarifying the overall content of the ASEAN Community Law on transnational crime prevention and control, the author of the thesis goes deeply into evaluating the regional legal system on this issue. From these assessments, the author will give specific recommendations to improve the ASEAN Community Law.

Third, clarify the institutional system of regional transnational crime prevention and combat, the current situation and solutions to improve the performance of a number of regional institutions to effectively prevent and

combat transnational crime , for example, ASEANAPOL, the ASEAN Transnational Crime Prevention Center ...

The overall legal institutional system of ASEAN on transnational crime prevention and control is also an issue that has not been mentioned by any topic. Previous topics have mentioned a number of legal institutions for transnational crime prevention in ASEAN such as the Ministers of Transnational Crime Prevention and Control or ASEANAPOL. In particular, ASEANAPOL is thoroughly researched by domestic and foreign research projects. However, an overall study of the ASEAN institutional system on this issue is still open. The author of the thesis will list and analyze each legal institution for transnational crime prevention in ASEAN, thereby giving an overview of this issue. From these assessments, the author of the dissertation also offers solutions to improve the legal system of transnational crime prevention and control in ASEAN in order to improve the efficiency of this activity.

Fourthly, the overall study on the implementation of the ASEAN Community Law on the prevention and fight against transnational crimes in Vietnam and a number of solutions to improve the law of Vietnam on this issue.

This issue has not been mentioned in previous studies. In this part, the author of the thesis clarifies the Party and State's directing views on transnational crime and the implementation of Vietnam's membership obligations in ASEAN. Next, the author of the dissertation clarifies the practice of implementing the ASEAN Community Law on transnational crime prevention and control in Vietnam such as building a compatible national legal system and meeting the requirements. cooperation of ASEAN; Develop an institutional system for transnational crime prevention and combat and other measures to fulfill Vietnam's membership obligations. Following that, the author of the thesis evaluated the implementation of the ASEAN Community Law on transnational crime prevention and control in Vietnam and proposed to improve the implementation mechanism of the ASEAN Community Law on prevention and control. transnational crime in Vietnam.

CHAPTER II

GENERAL THEORY OF TRANSNATIONAL CRIMES AND ASEAN COMMUNITY LAW AGAINST TRANSNATIONAL CRIMES

2.1. Transnational crime concept

1.1.1. Researchers' opinion

- 2.1.2. The concept of transnational crime in international treaties
- 2.2. Characteristics of transnational crime
- 2.3. Distinguish transnational crime and some other crimes
 - 2.3.1. International crime
 - 2.3.2. Crime with foreign elements
 - 2.3.3. Crime is international
- 2.4. The ASEAN transnational crime situation and the need for cooperation in the prevention and fight against transnational crime
- 2.5. The concept of ASEAN Community law on transnational crime prevention and control
 - 2.5.1. Define
 - 2.5.2. Characteristics
- 2.6. The process of forming the ASEAN Community Law on transnational crime prevention and control
- 2.7. Sources of the ASEAN Community law on transnational crime prevention and control
 - 2.7.1. Basic source
 - 2.7.2. Additional resources

CHAPTER III

LAW ON ASEAN COMMUNITY GOVERNING COOPERATION FOR PREVENTION OF NATIONAL VIOLENCE

- 3.1. Principles of prevention and fight against transnational crime in ASEAN
 - 3.1.1. General principles
 - 3.1.2. Specific principles
 - 3.1.2.1. Not allow a State party to exercise jurisdiction and other proceedings in the territory of another Member State.
 - 3.1.2.2. Fair Treatment
 - 3.1.2.3. Political Offences Exception
 - 3.1.2.4. Double criminality
- 3.2. Cooperation rules to prevent crime
 - 3.2.1. Completing the legal system
 - 3.2.2. Information exchange, early warning detection
 - 3.2.3. Arms control, border
 - 3.2.4. Building a regional database

3.2.5. Other measures

3.3. Cooperation rules aimed at punishing crime

3.3.1. Establishment of jurisdiction

3.3.2. Wanted criminals

3.3.3. Criminal justice assistance

3.3.4. Extradition of crimes

3.4. The legal institutions of ASEAN to prevent and combat transnational crime

The legal institutions for the prevention and fight against transnational crimes of ASEAN can be mapped out as follows:

3.5. Laws of the ASEAN Community on cooperation in the prevention and control of a number of transnational crimes

3.5.1. Terrorism

3.5.2. Crime of human trafficking

3.5.3. Drug crime

3.5.4. Pirate crime

3.6. Review of ASEAN Community Laws on transnational crime prevention and control

3.6.1. Achievement

In general, ASEAN has partly created a link among member countries in the prevention and fight against transnational crime, creating conditions for member states to exchange, exchange and learn about policies. and measures to enforce the ASEAN Community Law on transnational crime prevention and control.

In the process of transnational crime prevention and control, ASEAN has gradually "upgraded" political declarations and "soft law" documents into international treaties with higher legal validity. such as: upgrading declarations on the prevention of human trafficking, terrorism ... into international treaties, negotiating to build international treaties on regional extradition. This is the trend of completing ASEAN's regional legal system for transnational crime prevention. However, legal documents of "soft law" such as declarations, action plans, programs of action ... still occupy a leading role in the ASEAN Law on transnational crime prevention and control. Although the legal effect is not high, in ASEAN, cooperation activities are still effectively deployed on the basis of these documents. The member countries are seriously implementing the action

plan, program ... given. Most regional institutions also form and operate on the basis of "soft law". This is also an imprint of "ASEAN Way" cooperation.

The legal documents that ASEAN builds in the process of cooperation in the prevention and fight against transnational crime are consistent with the spirit of the global multilateral international treaties. In fact, all ASEAN member countries are members of the International Convention on the Prevention and Combat of Transnational Crime (UNCTOC) and nine of them are members of the Protocol on the Prevention, Prevention and Control. and punish trafficking in persons crimes, especially women and children (TIP Protocol). Therefore, ASEAN's regulations on transnational crime prevention have been built on the basis of harmony and compliance with the provisions of the UNCTOC and the TIP Protocol. For example, the provisions on the definition of human trafficking, seizure and detention of the ASEAN Convention on the Prevention and Control of Trafficking in Persons, Especially Women and Children 2015 (ACTIP) are based on the provisions of Articles 3 (a) and Article 12 of the TIP Protocol. Some ACTIP's regulations even go far beyond the standards set out in the UNCTOC and the TIP Protocol, especially in terms of protecting victims of crime. For example, Article 14 of the ACTIP requires member states to establish guidelines for the correct identification of victims of trafficking, and Article 5 provides aggravating circumstances in which member states must apply forms of higher penalties for offenders in organized crime, child victims, disabled people ... (both of these issues are not mentioned in UNCTOC and the TIP Decree). Or the 2007 ASEAN Convention on Counter-Terrorism (ACCT) is also built on the basis of global multilateral international treaties on terrorism prevention and control ...

Another outstanding achievement of ASEAN is the application of science and technology to the fight against transnational crime, in particular the establishment of the ASEAN electronic database system (e-ADS).). Not only stopping at building electronic database systems, but ASEAN has always focused on upgrading and developing that system in order to catch up with the trend of social development. Replacing the e-ADS announced in 2006, the release of e-ADS version 2.0 in 2017 has shown remarkable progress, helping the regional police improve its capacity to prevent and fight crimes. the country is increasingly sophisticated and complex, especially high-tech crimes.

In addition, the legal institutions to prevent transnational crime such as the ASEAN Ministers Meeting on Transnational Crime, the Senior Officials Meeting on Transnational Crime, and the ASEAN Police Command Conference.

(ASEANAPOL), ... is working quite effectively. These institutions regularly offer programs, policies and legal documents that actively guide crime prevention and fighting. These institutions also create a healthy and effective environment that closely ties the authorities of each country together.

3.6.2. Limit

In addition to the above achievements, the ASEAN Community Law still has the following limitations:

Firstly, the legal documents governing the ASEAN transnational crime prevention and fighting activities are mostly political documents that do not have high legal binding on member countries. The upgrading of political documents into international treaties is being implemented in ASEAN, but progress is slow. ASEAN has also just developed a number of international treaties governing specific transnational crime prevention and control activities. Currently, there are 11 transnational crime groups that strongly affect regional security and peace, recognized by ASEAN in legal documents. However, ASEAN only developed the 2007 Convention on the prevention and combat of terrorism and the 2015 Convention on the prevention and combat of trafficking in persons, especially women and children, in 2015, to adjust terrorism and trafficking crimes respectively selling people. Thus, it can be seen that the ASEAN Community Law still lacks binding international treaties governing the prevention and control of remaining transnational crimes such as drug crime and washing. money, arms trade, ... These crimes are still currently regulated by "soft law" documents such as statements, programs, action plans ... This leads to the situation of collaborative prevention. and the fight against transnational crime among ASEAN member countries is still lax and ineffective. In specific areas of cooperation on transnational crime prevention, such as extradition, although ASEAN countries have agreed on a policy of developing an international treaty on extradition and establishing a Working Group. on the development of extradition agreement for a long time, but so far ASEAN has not yet developed a common legal document on this issue. Therefore, in ASEAN, the implementation of extradition is very difficult, at present, countries base on the Bilateral Agreement and the principle of reciprocity. However, the signing of a bilateral extradition agreement in ASEAN is also very limited, while extradition on the basis of reciprocity depends heavily on political and diplomatic relations.

Second, regulations on cooperation in the prevention of transnational crime in ASEAN legal documents are not specific enough, clear, mostly oriented, so

the implementation process is not effective. In addition, ASEAN member countries are also quite cautious when it comes to some issues of mutual criminal justice such as extradition, transfer of criminal cases, transfer of detainees ... in the treaties. In practice, the implementation of these documents in the region has been limited. For example, in terms of the scope of criminal justice assistance, the 2004 Agreement on Criminal Justice Assistance is very narrow, and there are also many exclusion provisions that make it difficult for cooperation between countries. For this reason, member countries, besides signing and joining international treaties on regional criminal justice assistance, also try to seek and promote bilateral international treaties on mutual assistance. criminal law. Therefore, it can be seen that there are some practical measures in the process of preventing transnational crime that many countries still apply, but there is no ASEAN document mentioned, such as transfer. Crime, recognition of criminal sentences, extradition These measures are applied by countries mainly based on bilateral agreements.

Although some important legal documents of ASEAN have been issued, they still provide incomplete and incomplete provisions on issues related to the prevention and fight against transnational crimes. For example, the ASEAN Convention on Counter-Terrorism is still general, does not give specific concepts about terrorist crimes but leads to 14 treaties on counterterrorism of the United Nations. This leads to difficulties in the process of cooperation on terrorism prevention and combat. Or as the ASEAN Convention on the Prevention and Control of Trafficking in Persons, especially women and children, seems to "avoid" the legal obligations under the UNCTOC and the TIP Protocol. For example, the criminal liability obligations of officials, prescribing legal liability for legal entities involved in human trafficking; obligations of each Member State to issue legal documents guiding the implementation of criminal laws in their own countries, and in particular, the mechanisms for monitoring the compliance of member states with respect to the Convention are also prohibited. mentioned in ACTIP.

Third, ASEAN still lacks the enforcement mechanisms needed to turn legal commitments into concrete measures.

3.6.3. Solution

From the above analytical limitations, ASEAN needs to implement a number of appropriate solutions to perfect laws and legal institutions on this issue

in order to carry out transnational crime prevention activities. Effective way, as follows:

First, continue to build treaties on transnational crime prevention in the region. As mentioned above, ASEAN has only upgraded a few political documents into highly binding international treaties. Most of the cooperation in the fight against transnational crimes in ASEAN is still governed by "soft law" statements, master plans, action plans, action plans ... legally binding. Therefore, ASEAN needs to continue to upgrade these documents into international treaties with higher legal binding value to effectively prevent and combat typical crimes in the region, for example: drugs, money laundering, weapons smuggling, economic crimes, high-tech crimes ... In particular, it is necessary to unify the common management of countries on each specific crime, and also regulate spending details on the order of procedures for cooperation in crime prevention and fighting between countries. The development of common legal documents makes it easier for countries to coordinate in transnational crime prevention and combat, minimizing differences in crime regulations and cooperation prevention procedures, Anti-crime. From there, the new authorities can effectively suppress transnational crime as targeted.

Due to cultural, political and social differences among member states, and building laws on the basis of consensus, ASEAN often takes a lot of time and effort to develop the documents. general legal. For difficult issues like the development of a Joint Extradition Agreement, member states can formulate a model agreement on extradition in the region. Model law documents (recommendations) as a new type of legal document have developed strongly recently. The model law is a document of recommendation, containing model codes and giving directions for legal normative documents. Model law acts as a specific "bridge" between international legal norms and national legal norms. The sample law does not have compulsory meaning for the law-making bodies of each country, but it only serves as a norm to guide the norm for each member country.

Second, ASEAN should continue to upgrade international treaties on transnational crime prevention and combat. ASEAN member countries need to continue to improve the quality and effectiveness of intra-regional negotiations, research to improve legal provisions, including provisions on crime prevention measures such as communication. Information, border control, ... At the same time, expand the scope of mutual criminal justice assistance in the MLAT

through the addition of provisions on the transfer of convicts, cooperation in public property, and cooperation. Use special investigation techniques. In fact, these mutual assistance activities are still supported by each other, but mainly based on bilateral treaties, so this activity is not uniform in the region. Different countries give each other different preferences, while criminals do not distinguish the scope of the territory to operate. This leads to the disparity in cooperation on transnational crime prevention and control among members in the region. Therefore, ASEAN needs to further improve regulations on mutual legal assistance cooperation, and broaden mutual assistance activities to promote international cooperation in the fight and prevention of transnational crime.

Third, ASEAN needs to develop a complete enforcement mechanism to ensure the effective implementation of international treaties on national crime prevention and control in the region. In order to put legal regulations into practice, ASEAN needs to give law enforcement functions to a specific agency. It is necessarily a permanent active body comprising representatives of all member states with explicitly defined authority. Accordingly, this agency will be responsible for monitoring the implementation of regional agreements in each country, making recommendations and requirements necessary to correct when there are violations; at the same time, taking the mandatory decisions in case the country concerned fails to comply with the requirements and terminates the violation. những hạn chế phân tích nêu trên, ASEAN cần thực hiện một số giải pháp phù hợp để hoàn thiện pháp luật và các thiết chế pháp lý về vấn đề này nhằm thực hiện hoạt động công tác phòng, chống tội phạm xuyên quốc gia một cách hiệu quả, cụ thể như sau:

Over the past 50 years of cooperation, ASEAN member states are still quite hesitant to avoid building a mechanism to ensure the enforcement of regional cooperation obligations. Countries still adhere to the principle of "no interference in internal affairs" of other countries on the basis of the rather rigid "ASEAN Way". In this regard, at present, ASEAN probably needs to change through the development of mechanisms to check the implementation progress of regional treaties that have already taken effect. In the past, ASEAN used to apply procedures of "enhance interaction" at the end of 1998 in order to solve regional problems caused by domestic fluctuations or political instability. This mechanism allows ASEAN countries to publicly comment on and discuss their domestic policies when these issues are cross-border in nature. This will allow for moderate intervention in the internal affairs of member states. This could be

a recommendation mechanism for the SOMTC to explore and monitor the implementation of regional treaties by each ASEAN member in the prevention and resolution of threats from transnational crime.

Fourth, ASEAN should step up external cooperation activities to develop international cooperation on transnational crime prevention and control. Countries outside the region have certain influences on ASEAN's development, especially in crime prevention. In fact, transnational crime not only operates in the ASEAN region, but also has a broader scope: within Asia and around the world. Therefore, ASEAN needs to strengthen the solidarity of ASEAN and take advantage of the support of other partners such as China, Japan, and Korea to continue to effectively implement and implement programs and plans. plans for ASEAN and ASEAN + 3 on crime prevention and control. External cooperation also helps ASEAN to better improve its legal system, learn progress and learn from the limitations in the cooperation process.

In addition, ASEAN should step up cooperation with global international organizations such as the United Nations, especially with the United Nations Commission on Crime and Drug Prevention, the European Union, INTERPOL. to exchange information, learn from experience and seek cooperation, train staff, technical assistance ... strengthen signing, joining many multilateral treaties, especially focusing on convention transnational crime. In addition, the cooperation with countries and organizations from outside the region also provides significant financial support for ASEAN to enforce the laws of the community as well as the laws of each member country. , fight against transnational crime. This is especially important for ASEAN as the majority of ASEAN members are developing countries, making it difficult to have the financial resources to effectively fight transnational crime. Along with financial assistance, developed countries and major organizations around the world also support ASEAN in modern and advanced techniques for the reduction and control of transnational crime in the region. field.

Fifth, focus on training and training to develop high-quality human resources in ASEAN legal institutions. ASEAN should actively develop and develop regional training programs, and hold regular conferences to enhance existing capacities in law-making and implementation of officials from various institutions. legal regulations of ASEAN. With the increasingly complex transnational crime situation, requiring ASEAN to have a law-making team with in-depth knowledge in this field, contributing to building a responsive legal

system. the reality of transnational crime prevention and control. Besides, law enforcement staff also need to be equipped with necessary knowledge and skills in crime prevention and control. For example, organizing e-ADS training programs for national police, thereby allowing the police teams of each country to exchange and share information on cross-border crime prevention. cost in a convenient, fast and effective way.

Sixth, ASEAN should actively conduct more activities to raise public awareness through educational programs in the country and in the region. It can be said that ASEAN community legal education is an effective and long-term way for the community, especially in the current state of transnational crime. Not only competent authorities but also ASEAN community citizens need to take active action to prevent and fight transnational crime. Contents, policies and orientations from conferences, dialogues and seminars of senior officials and leaders of ASEAN countries on transnational crime should be widely disseminated and propagated. The community can understand and be aware of relevant issues, from which there are reasonable behaviors, actively contributing to building a safe, healthy community.

CHAPTER IV

VIETNAM WITH THE IMPLEMENTATION OF LAW ON THE ASEAN COMMUNITY ON THE PREVENTION OF NATIONAL VIOLENCE

4.1. The Party and State's directing views on international cooperation in the prevention and fight against transnational crime

4.2. Practical implementation of the ASEAN Community Law on transnational crime prevention and control in Vietnam

4.2.1. Building and completing legal document system

4.2.2. Building legal system system

4.2.3. Measures for performing other member obligations

4.3. Implementation of the ASEAN Community law on transnational crime prevention and control in a number of other member countries

4.4. Solutions to perfecting the law and improving the effectiveness of transnational crime prevention in Vietnam in order to implement the ASEAN Community Law

Firstly, building specialized legal documents on a number of specific types of transnational crime and mutual criminal justice assistance.

Second, improve the content of legislation on transnational crime prevention and control compatible with ASEAN legal documents.

Third, perfecting the legal institutions for transnational crime prevention and control

Fourth, increase knowledge, skills, improve the quality of the contingent of law enforcement officials and civil servants

Fifthly, promote the negotiation, signing, accession to and well-implemented international treaties on the prevention and fight against transnational crimes, especially the General Convention on Extradition, the Convention. drug crime prevention ...

Sixth, the reality shows that the coordinated relationship between the central agencies of Vietnam on the implementation of cooperation in crime prevention and combat (extradition, mutual legal assistance in criminal justice and transfer of sentenced persons) and the respective agencies of ASEAN countries are not strict and effective, and there is a lack of information about contact points, making information exchange and cooperation requirements difficult. Some countries require that the proposed diplomatic cooperation be changed to take a long time. Therefore, Vietnam should perform well and urge other member countries to build an effective cooperation mechanism among central agencies of ASEAN countries in the implementation of international treaties on prevention, Anti-crime; notify and regularly update information about central agencies (address, phone number, liaison officer, mutual legal assistance request forms ...) and send it to the ASEAN Secretariat to inform the Member countries, develop general data for criminal mutual assistance, extradition and transfer of convicts to other countries in the region, ensuring fast, accurate and effective factors.

CONCLUSION THESIS

Thus, through the content presented in the thesis, the author has clarified the theoretical issues of transnational crime, the current situation of transnational crime in Southeast Asia. It can be seen that at present, transnational crime in Southeast Asia poses a threat to security, peace and stability in the region. Therefore, regional cooperation in the prevention and fight against transnational crime is very urgent. In Southeast Asia, member countries focus on preventing and fighting against 11 typical regional transnational crime groups, including: piracy, terrorism, human trafficking, drug crime, high technology. money laundering, economic crime, cross-border smuggling of migrants, timber

smuggling, wildlife smuggling. ASEAN member countries have also developed quite complete legal documents on transnational crime prevention. These documents may be international treaties with high binding value, but most of them exist in the form of statements, action plans, plans ... These are documents containing norms that carry The "soft law" calculator governs the regional cross-border crime prevention and fighting relations. Adjusting regional cooperation through "soft law" can be said to be a characteristic of ASEAN, formed right from the beginning of this organization, not only in the field of transnational crime prevention. The former Secretary General of ASEAN, Rodolfo C. Severino, once affirmed: ASEAN is in contrast to the European Union, while the EU adjusts its intra-regional cooperation through highly binding norms, ASEAN does not apply. place legally binding obligations. This was certainly true in ASEAN's early years. Even the document establishing ASEAN, the Bangkok August 1967 Declaration, was a two-page statement signed by the foreign ministers of the five founding countries. It doesn't even require approval to take effect. Today, although ASEAN has built a lot of highly binding regional treaties, adjusting cooperation by "soft law" is still one of the important features of the "approach. ASEAN ". With the specific historical and cultural characteristics of the region, this helps ASEAN cooperation activities be carried out effectively, relations between countries are maintained in the context of regional fluctuations throughout the years. by. This is also the thesis author's approach to the ASEAN Law on transnational crime prevention and control while there are many current opinions and arguments. Since then, the author of the thesis said that: The ASEAN Community Law on transnational crime prevention and control The ASEAN Community Law on transnational crime prevention is an important part of the Community Law. ASEAN, comprising a whole set of principles and legal norms developed and enacted by ASEAN to regulate regional cooperation to effectively prevent, prevent and punish transnational crimes. The ASEAN Community Law on transnational crime prevention and control can be divided into two main areas, which are regulations aimed at preventing crimes and regulations aimed at punishing crimes. In general, ASEAN has partly created a link among member countries in the prevention and fight against transnational crime, creating conditions for member states to exchange, exchange and learn about policies. and measures to enforce the ASEAN Community Law on transnational crime prevention and control. ASEAN's regulations on transnational crime prevention and combat have been built on the basis of

harmony and compliance with the provisions of the United Nations regulations. However, the ASEAN Community Law on transnational crime also reveals limitations and shortcomings that need to be completed in the coming time, such as: the establishment of legal documents on some crimes has not yet been developed. specific offense; a number of regulations on transnational crime prevention and combat are not yet specific and clear; ASEAN still lacks the necessary enforcement mechanisms ...

Over the past 25 years since joining ASEAN in 1995, Vietnam has now become an active and responsible member in all areas of regional cooperation, including transnational crime prevention. family. The fulfillment of Vietnam's membership obligations in ASEAN transnational crime prevention and control is demonstrated through a number of aspects such as: full criminalization of criminal acts as required in ASEAN documents, legal system of transnational crime prevention and fighting to meet the requirements of regional cooperation, building a contingent of civil servants, implementing information and communication work... However, in addition to the results achieved, Vietnam still has certain problems such as: Vietnam has not developed specialized legal documents for some typical regional transnational crimes and the Law criminal justice assistance as experienced by some member countries; some Vietnamese regulations are incompatible with regional laws; The coordination between the central agencies of Vietnam on the implementation of the cooperation in crime prevention and fighting and the respective agencies of the ASEAN countries has not been close and effective ... To overcome this problem, Vietnam needs implementing a number of solutions such as: building specialized legal documents on a number of specific types of transnational crimes and the Law on mutual criminal justice assistance; perfecting legal institutions for transnational crime prevention and control; completing legal provisions on transnational crime prevention and control compatible with ASEAN legal documents; enhancing knowledge, skills, improving the quality of the contingent of law enforcement officials and employees ...

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