



FDVN LAW FIRM

Legal Newsletter

LEGAL FORUM

No, 10 - 10.2020

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Halal Certificate – Things to know about the standards and conditions to be recognized “Halal”)

PART 2: LAW & PRACTICE

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PART I. RESEARCH AND EXCHANGE

Bùi Trần Thùy Vy
FDVN Law Firm

"Currently, the concept of Halal, Halal certificate and related standards of Islamic law are still quite new to Vietnamese people and production establishments."





HALAL CERTIFICATE – THINGS TO KNOW ABOUT THE STANDARDS AND CONDITIONS TO BE RECOGNIZED “HALAL”

Bui Tran Thuy Vy – FDVN Law Firm

The Islamic legal system is closely related to Islam, including religious statutes embodied in the Qur'an. Islamic law is the commandments of Allah, passed down to the world by the merchant Mohammed. That is why Islamic law is not only moral minimums, but also the principles of life advised by Allah that Muslims must strictly comply with.

** In the scope of this article, the writer's point of view does not depend on and related to beliefs or religions, and it is not antithetical and makes a distinction between beliefs and religions.*

One of the Islamic specialties is the Ramandan and the food must be prepared under a special process. The strict food processing regulations in Islamic law are not only safety and hygiene norms, but also the judgment of Allah. To standardize and measure the compliance of businesses in the food production and processing sectors, Islamic countries are using Halal Certification as a solid legal frame to control raw materials and food processing.

Currently, the concept of Halal, Halal certificate and related standards of Islamic law are still quite new to Vietnamese people and production establishments. However, Halal regulations have been widely applied many years ago and have been steadily strengthened and built in recent years. Regardless of the angle of belief and religion, the study and application of Halal under legal and economic perspective also brings certain benefits.



1. WHAT IS A HALAL CERTIFICATE ?

"Halal" is an Arabic word meaning "allowed or legal," which covers all areas and aspects of Muslim life¹. Under the Muslim's Qur'an, "Halal" is the opposite of "Haram", meaning "forbidden, illegal, not allowed" ². Of which, Haram is the highest level of judgment for an act, in order of Fard (Required), Mustahabb (recommended), Mubah (Neutral), Makruh (reprimand), and Haram (Prohibited).

For the industry of food processing and serving service, Halal is considered the highest standard and is widely applied. It relates to Muslim Ramadan and is also the criterion of whether food is prepared with ingredients and processes in accordance with Islamic law (Halal Standards). Thus, in the simplest sense, Halal Certification is a proof of compliance with Islamic law and Halal standards for food manufacturers and processors³. Currently, in Vietnam, the Halal certification process is based on standards such as: ISO / IEC 17065, ISO / IEC 17021-1, FDA 12, MS 1500: 2019, UAE.S 2055-1: 2015, HAS 23000: 1 ...

After being certified Halal, producers and food processors will be allowed to put the Halal certification on their product packaging. A Halal certification mark identifies an establishment that meets the Halal standard with strictly tested products and processes. The whole Halal seal has a circle, dark green

color on a white background, in the middle is the word "HALAL" in Latin and Arabic, the size is flexible according to the size of the product packaging.



Halal certification mark - the standard certification of Islamic law for food processing and supply services

2. REGULATIONS ON THE ESTABLISHMENT, ORGANIZATION AND OPERATION OF HALAL TESTING AGENCY AND REGULATIONS ON BASIC CONDITIONS OF HALAL STANDARDS

2.1. Regulations on the establishment, organization and operation of Halal testing agencies :

- Rules of laws of Islamic countries

Each Muslim country will have its own rules for the establishment, organization and operation of Halal Examination Agency (HEA). Below are the laws of some Islamic countries regarding the regime of the establishment and operating conditions of the HEA.

Malaysia:

Malaysia is one of the countries with the strictest and most complete regulations on Halal Certification. Unlike some other

¹ Clause 3.3, Article 3, Malaysian Halal Standard MS 1500: 2019; Clause 3.2, Article 3 of the Halal Food Standards of the UAE.S 2055-1:2015.

² Point 3.3.1, Clause 3.3, Article 3, Malaysian Halal Standard MS 1500: 2019

³ Clause 3.4, Article 3, Halal Food Standards of the United Arab Emirates.S 2055-1: 2015.

Muslim countries in the world, Halal Certification in Malaysia is approved and issued by a competent state agency such as JAKIM (Malaysia Islamic Development Department) which is competent and responsible for activities related to Islam in general and Halal Certification in particular in Malaysia, HDC (Halal Industrial Development Group), DOC (Chemical Department) ...

The regulations on Halal Examination Agency is in many relevant Malaysian legal documents such as the Law on Trade Definition 2011, the Law on Definition of Trade and Food 1993, the Food Law 1983, the Customs Law 1967, the Law on animals 1953 (revised in 2006) ... and Halal standards and regulations such as MS 1500: 2019, EN 2200-1: 2008 Consumption of Muslim products...

Republic of Indonesia:

The regulations on the establishment conditions and standards for the Halal Testing Agency are specified in Articles 12 to 16 of the Halal Product Law, passed by the President of the Republic of Indonesia (Law No. 33/2014). Specifically:

Article 12: The Government and/or the public can establish LPH. (2) LPH as intended in paragraph (1) has the same opportunity in assisting BPJPH to examine and/or testing the halalness of a Product

Article 13 : (1) To establish LPH as intended in Article 12, the following requirements must be fulfilled:

- a. having its own office and equipment;
- b. having accreditation from BPJPH;

c. having a minimum of 3 (three) Halal Auditor; and PRESIDENT REPUBLIC OF INDONESIA

d. having a laboratory or cooperation agreement with other institutions which own a laboratory.

In addition, Law No. 33/2014 also stipulates the conditions, functions and duties of Halal assessors.

Thus, it can be seen that the Halal Examination Agency established under the Law of the Republic of Indonesia can be a public agency or a private organization and the law also stipulates certain requirements so that this agency can licensed to operate.

Pakistan:

The regulations on Halal Examination Agency in Pakistan are contained in Act No. VIII of 2016 on the establishment of the Pakistan Halal Authority to promote trade and commerce. Specifically, the establishment and operation regime of Halal Examination Agency is shown in Article 3 of the Act.

“(1) The Government may, by notification in the official Gazette, establish the Pakistan Halal Authority for carrying out the purposes of this Act.⁴

(2) The Authority shall be a body corporate having perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire and hold property, both movable and immovable, and shall by the said name sue and be sued.

(3) The headquarters of the Authority shall be at Islamabad and it may, with the prior approval of the Government, set up

⁴ Clause c, Article 2 of Act No. VIII of 2016 on definitions.

offices at other places as, when and where required.

Thus, like Malaysia, the Halal Examination Agency in Pakistan is an established body, operated by the Government.

- Regulations of Vietnamese Laws on Halal Examination Agency in Vietnam



In Vietnam, the Halal Examination Agency is not a government agency. It's a kind of private organization recognized its function and competence of testing and issued Halal certificate in Vietnam by Halal organizations in the world such as JAKIM (Malaysia), GCC Accreditation Center (GAC), ESMA (UAE), MUIS (Singapore), CICOT (Thailand), KFDA (Korea)...

Currently, the Halal Examination Agency is established and operates in Vietnam as an economic organization (enterprise). Some of the most reputable and longtime Halal Examination Agency in the field of Halal consulting and granting Halal certification are as follows:

- Halal Certification Agency Company Limited: It is a limited liability company with two or more members, with enterprise code of 0102418678, and the main business lines of 7490: Professional activities, science and technology not elsewhere classified (Details: Halal Conformity Assessment and Certification Services; Training, Management, Standardization, Productivity and Quality; Standards Conformity Assessment, Regulation Conformity Assessment, Product Technical Regulations;

Service of assessment of management systems, assessment and certification of conformity).

- Vietnam Halal Center Company Limited: It is a single member limited liability company with enterprise code of 0315763661, main business line is 7020: Management consulting activities (Details: Halal certification consultancy, consulting activities management consulting (except financial, accounting, legal consulting).

- Viet Nam Halal Inspection And Certification Company Limited: It is limited liability company with two or more members, business code is 0316149831 and main business line is 7020: Management consultancy.

According to the provisions of Appendix 4 of Law on Investment 2014 regarding the list of sectors and trades subject to conditional business investment, the service of certification and announcement of regulation conformity (section 78) is the conditional business line. Thus, in order to legally conduct the business in Vietnam, Halal Examination Agencies need to meet the conditions of obtaining sub-license.

As an organization operating in the field of testing and certification, but due to the specifics of applicable laws, Halal Examination Agencies comply not only with the management of business and investment registration agencies but also must comply with Government Commission for Religious Affairs regulations. According to Decision No. 32/2018/QĐ-TTg defining the functions, tasks, powers and organizational structure of the Government Committee for Religious Affairs under the Ministry of Home Affairs,

the Government Committee for Religious Affairs has the rights and responsibilities: *“Organizing the implementation of policies, laws, strategies, plans, programs, schemes, projects on beliefs, religions or related to beliefs, religions after being issued or approved by competent authorities.”* Thus, the Government Committee for Religious Affairs is the agency that has the competence and responsibility to approve the projects and programs of activities of the Halal Examination Agencies. In addition, in order to increase the reputation in the market as well as for the Halal Certificate to be recognized in Muslim countries, the Halal Examination Agencies must be recognized by Halal organizations around the world.

2.2. Basic conditions of Halal standards:

Regulations on Halal food standards are stipulated in the legal documents of Islamic countries. In general, legal documents in different Muslim countries have similar content, as these regulations are based on the most basic principles of Islamic doctrine, for example the Standards Halal Food of the UEA No. 2055-1: 2015, Halal Malaysia Standard MS 1500: 2019.

As mentioned in section 1, "Haram" materials, additives and chemicals will be considered not complying with Halal Standard⁵:

- Pigs (pork), dogs and other products derived from pigs (pork) and dogs.
- Animals with claws and fangs such as lions, tigers, bears, snakes, monkeys...

- Birds of prey have claws like eagles, vultures...
- Pests such as rats, centipedes, scorpions...
- Animals forbidden to be killed in Islam: ants, bees, woodpeckers.
- Animals considered dirty, such as lice, flies, maggots...
- Amphibians (frogs, toads ...), animals that can both live on land and live underwater (snakes, crocodiles ...)
- Mules and donkeys.
- All toxic substances and dangerous aquatic species.
- All animals for which the slaughter process does not comply with Islamic law.
- Animal dies of suffocation, is hit in the head, has been dropped, has been attacked by other animals.
- Blood.
- Human body part or part of the human body, placenta.
- All liquid and solid wastes from humans and animals: urine, feces, vomit, pus ...
- Toxic substances, dangerous plants, except toxins or hazards can be eliminated during processing.
- Alcoholic beverages (beer, wine and spirits)
- All drinks are intoxicating and hazardous.
- All food additives are derived from the substances listed above.
- Any toxic chemicals, dangerous or natural minerals.

⁵ Clause 3.4, Article 3, Point 4.5.1, Clause 4.5, Article 4, Malaysian Halal Standard MS 1500: 2019; Appendix 1, Halal Food Standards of the UAE No. 2055-1: 2015.

Also, there are some "suspicious" (Mashbooh) substances, additives or ingredients. That means it is difficult to determine whether the ingredient is "Haram" or contains Haram element. The problem is not simple that the certain additives and chemicals such as yeast, emulsifier, gelatine, etc. may originate from animals or plants, and determining whether the animal or plant that made up this substance is "Halal" or not. For animals, it is possible that the slaughter process has not followed Islamic rituals or contains "Haram". This matter requires Halal Examination Agencies to strictly monitor the slaughter process and test the quality of raw materials, additives and chemicals.

2.3. Conditions of the process of slaughtering animals, producing and processing of food:

From the Muslim point of view, the slaughter of animals should comply with the Qur'an with long-standing rituals. Accordingly, the animal must be slaughtered in the most humane and quickest way to avoid prolonged pain. They also need to be prayed and turned towards the Muslims of prayer for liberation and follow the light of Allah. ⁶.

Before being killed, the animal must be alive and show signs of survival. The slaughterer needs to faint the animal so that it doesn't feel pain. However, causing fainting by painful methods such as beatings, electric shock ... is a prohibited behavior. Slaughter must be performed by completely alert people, without any restriction on cognitive and behavioral capacities. The slaughtering equipment must be sharp, to ensure the fast

⁶ Clause 3.5, Article 3, Malaysian Halal Standard MS 1500: 2019

slaughter process, causing less bleeding and prolonged pain for the animal. Sharpening a knife in front of an animal is inhumane and prohibited, the slaughter process must not take place in the presence of their own and other animals⁷.

In addition to the religious regulations of the Muslim people, the Halal food production and processing process must also strictly ensure the regulations on food safety and hygiene, to protect the health of consumers.

Accordingly, food manufacturers and



processors need to ensure the separation between Halal and non-Halal raw materials and be kept clean from "dirty" substances during processing. Halal food handlers and utensils will not be processed or used to prepare non-Halal food and vice versa. To do this, a color-coding system needs to be promulgated and used consistently on instruments to avoid confusion. ⁸.

Besides, Halal standards also strictly regulate personal hygiene and health monitoring for people directly involved in food production and processing. These people must have periodic health checks, health records are always kept and monitored. Food manufacturers and processors must regularly organize training courses on food safety and

⁷ Appendix 1, Halal Food Standards of the UEA 2055-1: 2015.

⁸ Clause 4.2, 4.3, 4.4, Article 4, Malaysian Halal Standard 1500: 2019

hygiene for people directly involved in the processing and production⁹. It is imperative to wash hands and disinfect before entering the production area, to avoid impurities sticking to food and causing poisoning, also to avoid food being "contaminated" according to beliefs¹⁰.

Besides, food manufacturers and processors must strictly follow the process of packaging and distributing products, ensuring that the production environment is always clean and hygienic.

3. PRACTICE APPLICATION OF REGULATIONS ON HALAL CERTIFICATION IN VIETNAM

3.1. Halal certification process in Vietnam

Currently, Vietnamese law does not have specific guidance on the Halal certification process. The laws of the Islamic countries also do not have uniform testing and verification procedures for Halal Certification. Therefore, depending on each export market, the Halal Testing Agency will apply according to the separate process of the Islamic countries for checking, testing, and issuing Halal Certification.

Accordingly, there are 3 Halal Certification programs that are commonly applied in Vietnam such as: JAKIM program (valid for export to all Muslim countries, except Indonesia and GCC¹¹), GCC program (GCC countries only), MUI Program (Valid for export to all Muslim countries except Malaysia and GCC). The Halal evaluation

process under each program has certain similarities, as follows:

Step 1: Apply to the accredited certification body.

Step 2: Review and verify at the production site.

Step 3: Receive the result of the Certificate or notice of refusal to issue the certificate.

Thus, Halal food producers must target a specific consumer market before proceeding with the process of evaluation, testing, and Halal certification.

3.2. Practical application of Halal certification regulations in Vietnam

Currently, Vietnamese law does not have specific regulations on the issuance, re-issuance, and revocation of Halal Certificates and mechanisms for handling violations in this field. This can be basically explained as follows:

- There are many legal documents in the Vietnamese legal system that regulate the standards of packaging, ingredients, origin, and production conditions for products to be circulated in the market, and the application of sanctions is also based on the law regulations of Vietnam. Some legal documents in effect include: Law on Food Safety 2010, Law on Quality of products and goods 2007, Decree 15/2018/ND-CP guiding the Law on Food Safety, Decree No. 115/2018/ND-CP on administrative sanctions for food safety violations, Circular 38/2018/TT-BNNPTNT providing for the appraisal and certification of agricultural food producers and traders, forestry and fisheries eligible for food safety are under the

⁹ Article 5, HAS 23000: 1 Halal Certification Standard

¹⁰ Clause 4.4, Article 4, Malaysian Halal 1500: 2019 Standard

¹¹ Including: Dubai-UAE, Kuwait, Oman, Qatar, Saudi Arabia, Bahrain, Yemen

and be granted a certificate of eligibility for food hygiene and safety products by the law¹³. After that, if there is a need to serve Muslim customers, export to Muslim markets, then Halal standards and assessment procedures will be applied.

4. THE BENEFITS OF HALAL REGULATIONS IN PRODUCTION AND PROCESSING OF FOOD:

4.1. Food safety and hygenic:

The spirit of the Halal food laws is embodied in the Qur'an with the words of Allah. Accordingly, good and clean food brings people lightness, peace of mind, and health benefits. *"[To-day this mercy is for] those who follow the ummi Prophet, whom they find mentioned in the Torah and the Gospel with them. He enjoins upon them what is good and forbids them what is evil. He makes the clean things lawful to them and prohibits all corrupt things, and removes from them their burdens and the shackles that were upon them. So those who believe in him and assist him, and succour him and follow the Light which has been sent down with him, it is they who shall prosper."* (Surah Al-Aa'raf: 7:157).

The spirit of Halal standards is also considered consistent with the food safety and hygiene standards of many countries around the world. That means it prohibits the use of harmful substances, chemicals, and additives to humans. Halal food standards have removed harmful food additives, addictive substances, dangerous aquatic species, human organs, placenta ... from food processing. Therefore, the Halal standard can eliminate

the risks of food poisoning, protect the health and lives of consumers.

Besides, the Halal food processing process also meets the basic standards of food safety and hygiene in the law regulations of many countries in the world. Halal food production regulations bring practical benefits to food manufacturers and consumers and apply not only to Islamic countries.

4.2. Economic, commercial, export - import benefits:



As one of the most popular religions in the world, Islam has an extremely large number of followers, constantly increasing and distributed in most countries and territories around the world. In Vietnam, although Islam does not as develop as Christianity and Buddhism, the number of Muslims is still increasing constantly and is about to reach 100,000. Besides, the number of Muslims immigrating to Vietnam is also on the rise.

Therefore, the demand for Halal food and foodstuff is very interested in Muslim countries and also in countries and territories where Muslims live, including Vietnam. Capturing the tastes and practices of Muslims, adopting Halal quality standards, and developing an export strategy specific to Muslim countries is also an option to break the economic and geographic boundaries, and

¹³ Chapter V - Law on Food Safety 2010.

create favorable conditions for international cooperation, and boosting import and export.

Besides, the market economy is developing more and more, boundaries between countries are being gradually blurred by the integration of culture and economy. The Halal Certificate will act as a key to help Vietnamese food exporters enter the markets of Muslim countries and territories. Halal certification is recognized by all Muslim countries, so it is valid worldwide, boosting product consumption in these markets.

5. RECOMMENDATIONS FOR IMPROVING THE REGULATIONS ON HALAL CERTIFICATION:

Nowadays, the demand for Halal certified products is increasing, as well as the

flourishing and development of Islam and Muslim countries. In Vietnam, Halal Examination Agencies operates with a legal type of business, licensed by the Government Committee for Religious Affairs. However, the process of issuing and reissuing the license as well as the conditions that need to be met in terms of facilities, certificates of testing, testing Halal products, reporting mechanism... are not specified. Certainly, when the demand for Halal products is increasing in the domestic market, the current lax regulatory regime will create certain legal "loopholes".

Part 2. LAW AND REALITY

1. Is the address on the Enterprise Registration Certificate compulsory to be shown in the VAT invoice?
2. Are the people entitled to receive state pension during the term of his/her prison sentence?
3. Reimbursement of tuition fees of pedagogical students after graduation

LEGAL FORUM
Newsletter No. 10 - 2020



LEGAL SITUATION: IS THE ADDRESS ON THE ENTERPRISE REGISTRATION CERTIFICATE COMPULSORY TO BE SHOWN IN THE VAT INVOICE?

My company has been operating for 3 years with the registered address of 21A Tran Hung Dao, Di An Town, Binh Duong province. In February 2020, Di An town became Di An city of Binh Duong province. However, I have not updated this information on my enterprise registration certificate. During the production and business activities, the invoices issued to my company show the new address information (Di An City). So I want to know if in this case, the invoice is considered a valid invoice. I hope that FDVN Lawyers (FDVN) can advise me soon.



Sincerely thank you.

FDVN's opinions:

Thank you for concerning FDVN's legal services. Base on your consulting requirements, after studying the legal documents, FDVN Law Firm offers the following opinions:

According to the provisions at Article 2 of Circular No. 59/2016/ TT-BTC dated June 28, 2016 of the Ministry of Finance guiding tax registration:

“Article 12. Responsibilities, time limits and locations related to submission of applications for amendments to tax registration

1. Enterprises shall apply for amendments to tax registration at the business registration authorities as prescribed in the Government's Decree on enterprise registration and prevailing documents. If an enterprise or an enterprise's affiliate relocates its premises resulting in change of the supervisory tax authority, the enterprise must, before registering such amendment with the business registration authority, notify the supervisory tax authority of the amendment and complete all tax formalities with the supervisory tax authority as prescribed in Clause 2 Article 13 of this Circular.”

According to the provisions at Article 25 of Circular No. 39/2014/ TT-BTC dated March 31, 2014 of the Ministry of Finance guiding the government's Decree No. 51/2010/ND-CP dated May 14, 2010 and Decree No. 04/2014/ND-CP Dated January 17, 2014 on sale invoices:

“Article 25. Buyers' use of invoices

1. Buyers may use legitimate invoices as prescribed by law to prove their right to ownership or right to enjoyment of goods and services, be offered sale promotion, after-sale services, or receive damages in accordance with law; do bookkeeping in accordance with regulations of law on accounting; declare taxes, register right to enjoyment, right to ownership, and receive payments from government budget in accordance with law.

2. Invoices used in the cases mentioned in Clause 1 must be:

- Original sale invoices, second copy (given to the buyers), except for the cases mentioned in Clause 1 Article 4 and Article 24 of this Circular.

- Intact invoices that contain sufficient information.

- Invoices on which figures, written text or printed text are clear, sufficient, and accurate as prescribed without erasure or changes.

- Invoices that are not in the cases mentioned in Article 22 and Article 23 of this Circular.”

Besides, according to the provisions at point b, clause 7, Article 3 of Circular No. 26/2015/ TT-BTC dated March 31, 2014 of the Ministry of Finance guiding value-added tax and tax administration in the Government’s Decree No. 12/2015/ND-CP dated February 12, 2015 on the guidelines for the Law on amendments to Laws and decrees on taxations, and amendments to circular No. 39/2014/TT-BTC dated March 31, 2014 the Ministry of finance on invoices for goods sale and service provision:

“2. Filling some specific items on an invoice

With regard to the item “Tên, địa chỉ, mã số thuế của người bán” (name, address, TIN of the seller), “tên, địa chỉ, mã số thuế của người mua” (name, address, TIN of the buyer): The buyer must write the full name or abbreviated name if it can help identify the correct buyer/seller. The TIN must be written correctly.

If the name or address of the buyer is too long, the seller may shorten some common nouns (P instead of Phường (ward),

Q instead of Quận (district), TP instead of Thành Phố (city), etc.) as long as the house number, names of the street, ward, district, city, name of the company are written and conformable with business registration or tax registration of the company.”

Thus, based on the above provisions, in principle, when making an invoice for the supply of goods and services, the name, address and tax identification number of the tax code must be written according to the enterprise registration certificate of that enterprise. In case the company's address changes but it does not lead to the change of the tax agency managing it, the company must apply for the adjustment of the enterprise registration certificate for obtaining a new one.

In case the address of your company, according to the business registration certificate, is “24A Tran Hung Dao, Di An Town, Binh Duong province”. However, in the time of waiting for the re-issuance of the new enterprise registration certificate, if the seller issues the invoices showing the address of your company is Di An city, Binh Duong province and but it ensures the exact number, street, commune, and other contents in the enterprise registration certificate and tax registration of the enterprise under Clause 2, Article 25 of Circular No. 39/2014/TT- BTC, these invoices are considered valid for use in declaration and accounting.

Above is the advisory opinion of FDVN related to your consulting request on the basis of researching legal regulations. Hopefully, the advice of FDVN will be useful to you.

Dinh Thi Thong – FDVN Law firm

LEGAL SITUATION: ARE THE PEOPLE ENTITLED TO RECEIVE STATE PENSION DURING THE TERM



OF HIS/HER PRISON SENTENCE?

My father has been retired for 05 years, his pension is 3,500,000 VND / per month., In February 2020, my father injured neighbor with an injury rate of 13% due to a conflict My father was sentenced to 2 years in prison by the Court, I would like to ask during his prison duration, Will my father get pension payment or not?

FDVN'S Opinion:

FDVN Law Firm (FDVN)'d like to say thank you for trusting and sending your questions to us. After studying the legal regulations, FDVN would like to advise you as follows:

In Article 64 of Law on Social insurance 2014, cases suspend enjoying of pension are:

- a) They illegally leave the country;
- b) They are declared missing by the court;
- c) There are grounds to confirm that their enjoyment of social insurance is illegal.

With this provision, your father is not in the case of suspending from enjoying such pension.

However, if there is a civil dispute and your father has responsibility for compensating the victim's family but your family does not fulfill the obligations under the Court's judgment, your father's income will be subtracted by the civil judgment enforcement agencies (pension and other lawful incomes) with a deduction not exceeding 30% of income pursuant to Article 78 of Law on enforcement of civil judgments as follow:

“1. Incomes of judgment debtors include salary, remunerations, pension, working capacity loss allowance and other lawful incomes.

2. Subtraction from incomes of judgment debtors shall be made in the following cases:

a/ Under involved parties' agreement;

b/ Under judgments or rulings which require such subtraction;

c/ Enforcement of judgments on alimony, periodical judgment enforcement, sums of money to be collected in judgment enforcement being small or other assets of judgment debtors being insufficient for judgment enforcement.

3. Enforcers shall issue decisions on subtraction of incomes of judgment debtors. The highest level of subtraction of salary, remuneration, pension and working capacity loss allowance is 30% of total monthly earned income, unless otherwise agreed by involved parties. For other incomes, the subtraction level shall be based on actually earned

income amounts of judgment debtors, but must ensure the minimum living standard of these persons and their dependants under law.

4. Agencies, organizations, employers, social insurance agencies where judgment debtors receive their salaries, remunerations, pensions, allowances and other lawful incomes shall comply with the provisions of Clauses 2 and 3 of this Article.”

Ha Thi Hien - FDVN Law Firm

**LEGAL SITUATION:
REIMBURSEMENT OF TUITION FEES
OF PEDAGOGICAL STUDENTS AFTER
GRADUATION?**



Dear FDVN Law Firm.

The national exam is coming up. Because my family is in difficult circumstances, I want to pass an exam at a middle school with pedagogical training near my house. As a result, I can be a preschool teacher in near future. I kindly ask FDVN Lawyer to advise me whether I can go to intermediate school to teach in a kindergarten or not. After graduating from this school, if I do not work in my major, do I have to reimburse the supported expenses? I hope that the FDVN Lawyer will respond to me soon.

FDVN's Opinions:

Thank you very much for submitting questions to FDVN Law Firm (FDVN). After studying relevant legal regulations, FDVN has some opinions for your consulting request as follows:

1. Regulations of law on training qualifications for preschool teachers

According to Article 72.1 Education Law 2019 valid from July 1st, 2020, the teacher's standard of training is regulated as follows:

“a) Teachers of preschool education teachers must possess at least a pedagogical college diploma;

b) Teachers of primary education, lower secondary education, and upper secondary education must possess at least a bachelor's degree in pedagogy training.

In case a subject is yet to acquire enough teachers with a bachelor's degree in pedagogy training, teachers of this subject must possess a bachelor's degree of suitable specialization and a certificate of pedagogy training;

c) Lecturers of higher education must possess a master's degree; lecturers teaching or instructing master or doctor's theses must possess a doctoral degree.

d) Standardized educational qualifications of teachers working in institutions of vocational education shall follow regulations in the Law on Vocational education.”

Previously, when the 2005 Education Law was in effect, the standard qualification to be trained for preschool teachers was the diploma of the intermediate level of pedagogy, but since July 1st, 2020 when the Education Law 2019 comes into effect, the

standard qualification to be trained for a preschool teacher is to have a pedagogical college diploma or higher. Thus, according to the current law, to be a preschool teacher you must have a college diploma of pedagogy or higher, corresponding to the training program college or higher.

2. Regarding tuition reimbursement for pedagogical students

Clause 4 Article 85 about scholarships, social subsidies, tuition exemption/ reduction, subsidies on tuition, and living costs regulates as follows:

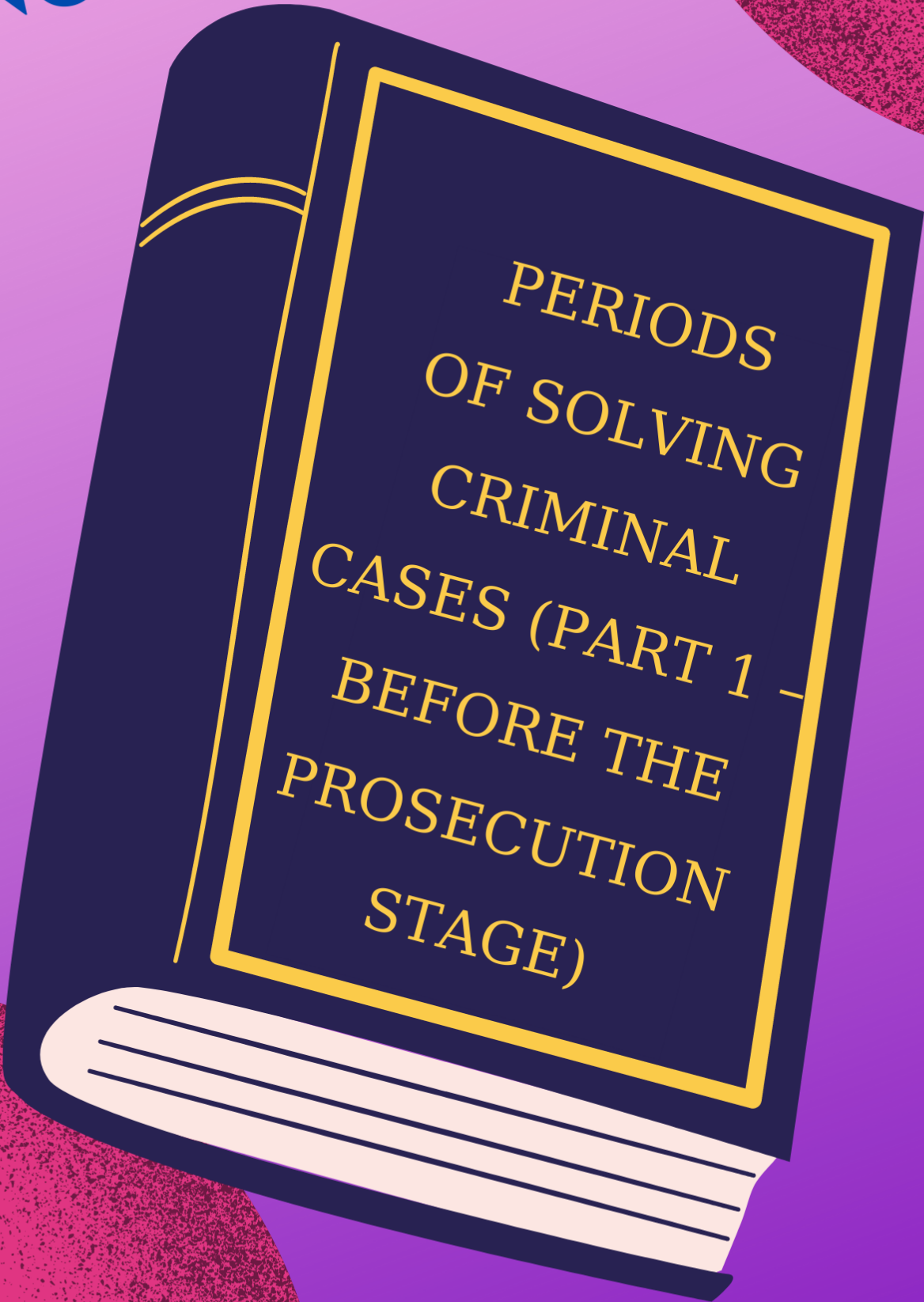
“4. Students at pedagogical institutions will receive subsidies on tuition and living costs throughout the entirety of the course. 02 years after graduation, if persons that receive the subsidies do not work in the field of education or fail to work in education for a sufficient duration, they will have to reimburse the State for the subsidies. The maximum time limit for reimbursement is equal to the training duration.”

Referring to the above provisions, during the pedagogy you will be supported with tuition fees and living expenses. But after 02 (two) years, after graduation, if you do not work in the education sector or work for not enough time, you must reimburse the State-supported budget. The maximum refund period equals the training period.

Above is the advisory opinion of FDVN regarding your consultation request on the basis of researching legal provisions. Hopefully, the advice of FDVN will be useful to you.

Nguyen Thi Suong - FDVN Law Firm

Part 3.
KNOW THE RULES



PERIODS
OF SOLVING
CRIMINAL
CASES (PART 1 -
BEFORE THE
PROSECUTION
STAGE)



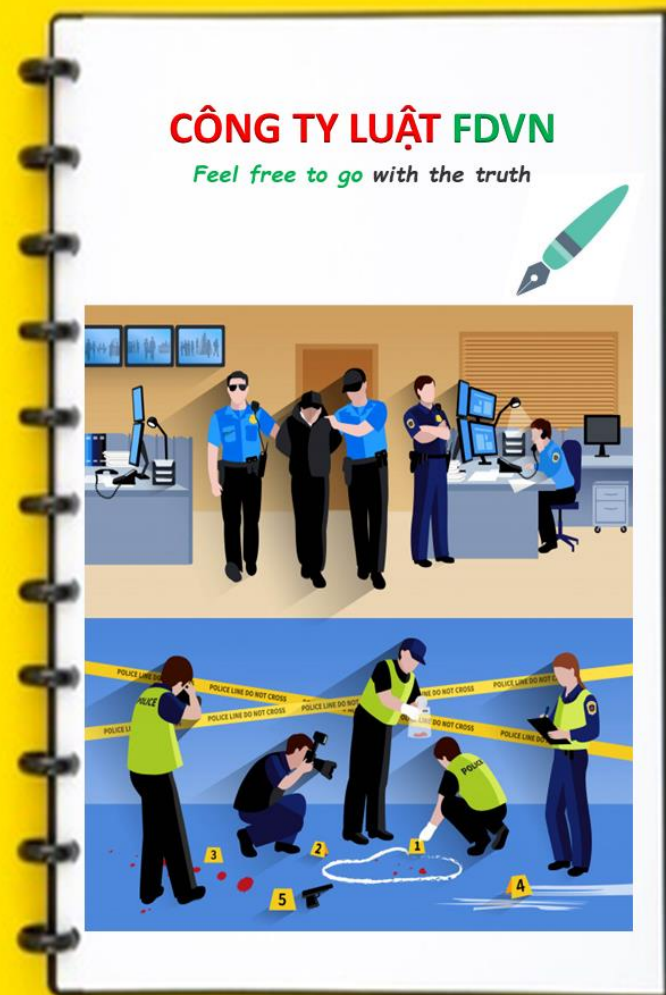
FDVN LAW FIRM

Periods of solving criminal cases (part 1 – before the prosecution stage)

fdvnlawfirm@gmail.com 0935643666

No 99 Nguyen Huu Tho, Hai Chau, Da Nang

www.fdv.vn | www.fdvnlawfirm.vn | www.diendanngheluat.vn



PERIODS GENERALLY APPLIED IN CRIMINAL CASES

STT	I. TIME LIMIT FOR CRIMINAL PROSECUTION Article 27 of the Criminal Code 2015 (amended and supplemented in 2017)					
	CRIME	Less serious crime	Serious crime	Very serious crime	Extremely serious	
	TIME LIMIT	05 years	10 years	15 years	20 years	
01	Note	<p>1. The time limit for criminal prosecution begins from the day on which the crime is committed.</p> <p>2. The statute of limitations for penal liability examination specified in Article 27 of the Criminal Code shall not apply to the following crimes:</p> <p>The crimes of infringing on national security are specified in Chapter XIII of the Criminal Code.</p> <p>Crimes of undermining peace, against humanity and war crimes are specified in Chapter XXVI of the Criminal Code.</p> <p>Crime of embezzlement of the cases specified in Clauses 3 and 4, Article 353 of the Criminal Code; crime of accepting bribes in the cases specified in Clauses 3 and 4, Article 354 of the Criminal Code.</p>				
II. TIME LIMIT FOR JUDGMENT EXECUTION Article 60 of the Criminal Code 2015 (amended and supplemented in 2017)						
	SANCTION LEVEL	The sentence is a fine, community sentence or imprisonment of 03 years or shorter	The sentence is imprisonment of from over 03 years to 15 years	The sentence is imprisonment of from over 15 years to 30 years	Life imprisonment or capital punishment	Commercial legal entity
02	Imprisonment	05 years	10 years	15 years	20 years	05 years
	Note	<p>The time limit for execution of a sentence begins from its effective date.</p> <p>There are no time limits for the execution of sentences for the crimes specified in Chapter XIII, Chapter XXVI, Clause 3 and Clause 4 Article 353, Clause 3 and Clause 4 Article 354 of the Criminal Code 2015 (amended and supplemented in 2017)</p>				



61 PERIODS IN PROSECUTION AND INVESTIGATION OF CRIMINAL LAWSUIT

No.	Content	Periods	Legal basis
TIME LIMIT FOR RECEIVING DENUNCIATIONS, CRIMINAL INFORMATION AND REQUISITIONS FOR CHARGES			
01	The time limit for competent agencies handling, handling, reporting on crimes, petitions for prosecution must transfer relevant dossiers to the procuracies for consideration and settlement. This time limit applies only to point c clause 3, Article 145 of the Criminal Proceedings Code 2015.	<i>in 05 days upon the Procuracy's requests</i>	<i>Clause 2, Article 146 of the Criminal Proceedings Code 2015</i>
02	Time limit for investigation authorities and units assigned to investigate shall notify in writing the receipt of denunciations, criminal information and petition for prosecution to the Procuracy at the same level or the competent Procuracy.	<i>within 03 days after receiving denunciations, criminal reports, petition for prosecution</i>	<i>Clause 5, Article 146 of the Criminal Proceedings Code 2015</i>
03	Time limit for processing denunciations, criminal information disclosed and requisitions for charges	<i>within 20 days from the date of receipt of denunciation, crime report, or petition for prosecution</i>	<i>Clause 1, Article 147 of the Criminal Proceedings Code 2015</i>
04	The time limit for resolving cases of denunciation, notification of crimes or petitions for prosecution has many complicated details or must be examined and verified in many locations.	<i>Time limit not later than 2 months from the date of receipt of denunciations, criminal information, and petition for prosecution</i>	<i>Clause 2, Article 147 of the Criminal Proceedings Code 2015</i>
05	In case the inspection and verification cannot be completed within the time limit specified in Clause 2, Article 147 of this 2015 Criminal Procedure Code, the Head of the Procuracy at the same level or the Head of the competent Procuracy may extend.	<i>Time limit not later than 02 months from the date of receipt of denunciations, crime reports, and petition for prosecution</i>	<i>Clause 2, Article 147 of the Criminal Proceedings Code 2015</i>
06	Investigating agencies and agencies assigned to conduct some investigative activities must request in writing the same-level procuracy or competent procuracy to extend the inspection and verification time limit.	<i>Time limit at least 05 days before the expiration of the inspection and verification time limit</i>	<i>Clause 2, Article 147 of the Criminal Proceedings Code 2015</i>

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61 PERIODS IN PROSECUTION AND INVESTIGATION OF CRIMINAL LAWSUIT

No.	Content	Periods	Legal basis
TIME LIMIT FOR SUSPENDING THE SETTLEMENT OF WHISTLEBLOWERS, REPORTS ON CRIMES, PETITIONS FOR PROSECUTION			
07	Time limit for investigating agencies and agencies assigned to conduct a number of investigating activities must send suspension decisions together with documents related to the procuracy of the same level or competent procuracies to administer and send such suspension decision to agencies, organizations or individuals that have denounced, reported criminal information, and petitioned for prosecution.	<i>within 24 hours after the decision to suspend the settlement of whistleblowers, reports on crimes, petitions for prosecution</i>	<i>Clause 2, Article 148 of the Criminal Proceedings Code 2015</i>
08	After issuing the decision to cancel the decision on suspension, the procuracy must send the suspension decision to the investigation authority, which is tasked with conducting a number of investigating activities, agencies and organizations. individuals who have reported, reported criminals, and petitioned for prosecution.	<i>Within 24 hours since the decision to cancel the suspension decision</i>	<i>Clause 2, Article 148 of the Criminal Proceedings Code 2015</i>
TIME LIMIT FOR REINSTATING SETTLEMENT OF WHISTLEBLOWERS, REPORTS ON CRIMES, PETITIONS FOR PROSECUTION			
09	Time limit for settlement of whistleblowers, reports on crimes and petitions for prosecution after recovery.	<i>No more than 01 month from the date of decision on recovery</i>	<i>Clause 1, Article 149 of the Criminal Proceedings Code 2015</i>
10	Investigating authorities and units assigned to investigate must send decisions to resume settlement of denunciations, criminal information, and petition for prosecution, to the equivalent Procuracy or Procuracy. competent authorities, agencies, organizations and individuals have denounced, reported criminal information, and petitioned for prosecution.	<i>03 days from the date of issuance of the decision to resume the settlement of denunciations, criminal reports, and petition for prosecution</i>	<i>Clause 2, Article 149 of the Criminal Proceedings Code 2015</i>

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61 PERIODS IN PROSECUTION AND INVESTIGATION OF CRIMINAL LAWSUIT

No.	Content	Periods	Legal basis
PROCEDURES FOR RECEIVING OFFENDERS WHO CONFESS OR SURRENDER			
11	Competent investigating agencies must notify in writing the procuracies of the same level when accepting offenders who confess or surrender.	<i>24 hours after receiving the offender's confession or surrender</i>	<i>Clause 3, Article 152 of the Criminal Proceedings Code 2015</i>
DECISION TO PRESS CRIMINAL CHARGES			
12	Time limit The procuracy must send the decision to institute criminal cases to the competent investigation agency for investigation.	<i>Within 24 hours after issuing the decision to prosecute a criminal case.</i>	<i>Clause 2, Article 154 of the Criminal Proceedings Code 2015</i>
13	Time limit Investigation agencies and agencies assigned to investigate must send decisions to prosecute the cases together with documents related to competent procuracies to supervise the prosecution.	<i>within 24 hours after issuing the decision to prosecute a criminal case</i>	<i>Clause 2, Article 154 of the Criminal Proceedings Code 2015</i>
14	Time limit for the Court to send the decision to institute the case together with documents related to the Procuracy of the same level.	<i>within 24 hours from the date of issuance of the decision to prosecute a criminal case</i>	<i>Clause 2, Article 154 of the Criminal Proceedings Code 2015</i>

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No.	Content	Periods	Legal basis
TIME LIMIT FOR CHANGING OR SUPPLEMENTING DECISIONS TO PROSECUTE CRIMINAL CASES			
15	Time limit for investigation agencies and agencies assigned to conduct a number of investigative activities must send the decision to change or supplement the decision to institute criminal cases together with relevant documents to the Procuracy of the same level. or Competent Procuracy to administer the prosecution.	<i>Within 24 hours from the date of issuance of the decision to change or supplement the decision to prosecute a criminal case</i>	<i>Clause 2, Article 156 of the Criminal Proceedings Code 2015</i>
16	Time limit The procuracy must send the decision to change or supplement the decision to institute criminal proceedings to the investigation agency for investigation.	<i>Within 24 hours from the date of issuance of the decision to change or supplement the decision to prosecute a criminal case</i>	<i>Clause 2, Article 156 of the Criminal Proceedings Code 2015</i>
DECISION NOT TO PRESS OR TO DROP CRIMINAL CHARGES			
17	Decisions not to institute criminal cases, decisions to cancel decisions to prosecute criminal cases and related documents must be sent to the procuracies of the same level or competent procuracies.	<i>Within 24 hours of making the decision</i>	<i>Clause 1, Article 158 of the Criminal Proceedings Code 2015</i>
RESPONSIBILITIES OF INVESTIGATION AUTHORITIES AND UNITS ASSIGNED TO INVESTIGATE FOR FULFILLING REQUESTS AND DECISIONS BY THE PROCURACY ON FILING OF CHARGES			
18	After receiving the request of the investigating authority or the agency assigned to conduct a number of investigating activities, the immediate superior procuracy must consider and settle the settlement results to the recommending agency.	<i>Within 20 days from the date of receiving recommendations from investigation authorities, 05 days from the date of receipt of recommendations from agencies assigned to carry out some investigation activities.</i>	<i>Clause 2, Article 162 of the Criminal Proceedings Code 2015</i>

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No.	Content	Periods	Legal basis
DUTIES AND AUTHORITIES OF UNITS, AS ASSIGNED TO INVESTIGATE, UNDER BORDER PROTECTION FORCE, CUSTOMS, FOREST RANGER, MARITIME POLICE FORCE, FISHERIES RESOURCES SURVEILLANCES AND PEOPLE’S POLICE FORCE, PEOPLE’S ARMY			
19	For less serious offenses in case of a tangible crime with clear evidence and criminal records, the decision to prosecute the criminal case, prosecute the accused, conduct investigation and transfer the case file to The competent Procuracy.	<i>within 01 month from the date of issuance of the decision to prosecute a criminal case</i>	<i>Point a, Clause 1, Article 164 of the Criminal Proceedings Code 2015</i>
20	For serious crimes, very serious crimes, particularly serious crimes or less serious but complicated crimes, decide to prosecute criminal cases, conduct initial investigation and transfer records. the case for the Competent Investigation Agency.	<i>within 7 days from the date of issuance of the decision to prosecute a criminal case</i>	<i>Point b, Clause 1, Article 164 of the Criminal Proceedings Code 2015</i>
21	The People's Public Security Forces, the People's Army, in addition to the investigation agencies specified in Article 163 of the Criminal Proceedings Code 2015, other agencies are tasked with conducting a number of investigative activities while on duty. in their case, if detecting a matter with criminal signs, they have the right to institute criminal cases, conduct initial investigation and transfer the case files to the competent investigation agency.	<i>within 7 days from the date of issuance of the decision to prosecute a criminal case</i>	<i>Clause 2, Article 164 of the Criminal Proceedings Code 2015</i>

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No.	Content	Periods	Legal basis
RESPONSIBILITIES OF INVESTIGATION AUTHORITIES AND UNITS ASSIGNED TO INVESTIGATE FOR FULFILLING REQUESTS AND DECISIONS BY THE PROCURACY DURING THE STAGE OF INVESTIGATION			
22	After receiving the petitions of the investigating bodies, agencies tasked with conducting a number of investigating activities, the direct superiors' procuracies must consider, settle and notify the settlement results to the agencies which have made recommendations from the date of receiving the petitions	<i>Within 20 days from the date of receiving recommendations from investigation authorities, and within 05 days from the date of receipt of recommendations from agencies assigned to conduct some investigative activities</i>	<i>Khoản 2 Điều 167 Bộ luật Tố tụng Hình sự 2015</i>
TIME LIMIT FOR TRANSFERRING THE CASE FOR INVESTIGATION			
23	After receiving the investigation authority's request, the competent Procuracy must issue a decision to transfer the case.	<i>within 03 days from the date of receiving the request of the investigation authority</i>	<i>Clause 2, Article 167 of the Criminal Proceedings Code 2015</i>
24	The procuracy must send the decision on the case to the investigating agency that is investigating the case, the investigating agency competent to continue investigating the case, the accused or the accused's representative or the defense counsel. and the competent Procuracy.	<i>within 24 hours of the decision to transfer the case</i>	<i>Point b Clause 3, Article 169 of the Criminal Proceedings Code 2015</i>
25	After receiving the decision to transfer the case, the investigating agency that is investigating the case shall transfer the case file to the competent investigation agency for further investigation.	<i>within 03 days from the date of receiving the decision to transfer the case</i>	<i>Clause 4, Article 169 of the Criminal Proceedings Code 2015</i>
TIMELINE OF INCOMING OR CRIMINAL PROCEDURES FOR INVESTIGATION			
26	The investigating agency that issues a decision to merge or split the case must send it to the Procuracy of the same level. In case of disagreement with the investigation authority's decision to merge or split the case, the Procuracy shall issue a decision to cancel and clearly state the reason..	<i>within 24 hours of making the decision</i>	<i>Clause 3, Article 170 of the Criminal Proceedings Code 2015</i>

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61 PERIODS IN PROSECUTION AND INVESTIGATION OF CRIMINAL LAWSUIT

27. TIME LIMIT FOR INVESTIGATION OF CRIMINAL CASES (Article 172 of the Criminal Justice Code 2015)

TYPE OF CRIME	Less serious crime	Serious crime	Very serious crime	Extremely serious
DURATION				
Regular deadlines	No more than 02 months	No more than 03 months	No more than 04 months	No more than 04 months
1st renewal	No more than 02 months	No more than 03 months	No more than 04 months	No more than 04 months
2nd renewal		No more than 02 months	No more than 04 months	No more than 04 months
3rd renewal				No more than 04 months
4th renewal				No more than 04 months
CASE DURATION OF INVESTIGATION FOR NATIONAL SECURITY VIOLATIONS				
TYPE OF CRIME	Serious crime	Very serious crime	Extremely serious	
DURATION				
Regular deadlines	No more than 03 months	No more than 04 months	No more than 04 months	
1st renewal	No more than 03 months	No more than 04 months	No more than 04 months	
2nd renewal	No more than 02 months	No more than 04 months	No more than 04 months	
3rd renewal			No more than 04 months	
4th renewal			No more than 04 months	
5th renewal			No more than 04 months	
Note	<input type="checkbox"/> <i>The investigation time limit shall be from the time the case is prosecuted to the end of the investigation.</i>			

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61 PERIODS IN PROSECUTION AND INVESTIGATION OF CRIMINAL LAWSUIT

28. TIME LIMIT FOR TEMPORARY INVESTIGATION OF CRIMINAL CASES (Article 173 of the Criminal Proceedings Code 2015)

TYPE OF CRIME	Less serious crime	Serious crime	Very serious crime	Extremely serious
DURATION				
Regular deadlines	No more than 02 months	No more than 03 months	No more than 04 months	No more than 04 months
Each renewal	No more than 01 month	No more than 02 months	No more than 03 months	No more than 04 months
Gia hạn thêm một lần trong trường hợp không có căn cứ để thay đổi hoặc hủy bỏ biện pháp tạm giam				No more than 04 months

DETENTION CASES FOR INVESTIGATION OF CRIMES OF INFRINGING ON NATIONAL SECURITY

TYPE OF CRIME	Serious crime	Very serious crime	Extremely serious
DURATION			
Regular deadlines	No more than 03 months	No more than 04 months	No more than 04 months
Each renewal	No more than 02 months	No more than 03 months	No more than 04 months
In case of necessity, it is possible to renew once more			No more than 04 months
Extend one more time when the detention period expires	No more than 04 months	No more than 04 months	No more than 04 months
Regular deadlines	No more than 04 months	No more than 02 months	No more than 04 months
Note	<ul style="list-style-type: none"> • The time limit is determined from the time of prosecution of the case to the end of the investigation. • Trường hợp đặc biệt đối với tội đặc biệt nghiêm trọng nếu không có căn cứ để hủy bỏ biện pháp tạm giam thì Viện trưởng Viện kiểm sát nhân dân tối cao quyết định việc tạm giam cho đến khi kết thúc việc điều tra. • In special cases where particularly serious crimes infringe upon national security without grounds for cancellation of detention measures, the Presidents of the Supreme People's Procuracy may decide on the detention until the investigation is concluded. 		

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28. TIME LIMIT FOR TEMPORARY INVESTIGATION OF CRIMINAL CASES (Article 173 of the Criminal Proceedings Code 2015)

TYPE OF CRIME	Less serious crime	Serious crime	Very serious crime	Extremely serious
DURATION				
Regular deadlines	No more than 02 months	No more than 03 months	No more than 04 months	No more than 04 months
Each renewal	No more than 01 month	No more than 02 months	No more than 03 months	No more than 04 months
Gia hạn thêm một lần trong trường hợp không có căn cứ để thay đổi hoặc hủy bỏ biện pháp tạm giam				No more than 04 months

DETENTION CASES FOR INVESTIGATION OF CRIMES OF INFRINGING ON NATIONAL SECURITY

TYPE OF CRIME	Serious crime	Very serious crime	Extremely serious
DURATION			
Regular deadlines	No more than 03 months	No more than 04 months	No more than 04 months
Each renewal	No more than 02 months	No more than 03 months	No more than 04 months
In case of necessity, it is possible to renew once more			No more than 04 months
Extend one more time when the detention period expires	No more than 04 months	No more than 04 months	No more than 04 months
Regular deadlines	No more than 04 months	No more than 02 months	No more than 04 months
Note	<ul style="list-style-type: none"> • The time limit is determined from the time of prosecution of the case to the end of the investigation. • Trường hợp đặc biệt đối với tội đặc biệt nghiêm trọng nếu không có căn cứ để hủy bỏ biện pháp tạm giam thì Viện trưởng Viện kiểm sát nhân dân tối cao quyết định việc tạm giam cho đến khi kết thúc việc điều tra. • In special cases where particularly serious crimes infringe upon national security without grounds for cancellation of detention measures, the Presidents of the Supreme People's Procuratorcy may decide on the detention until the investigation is concluded. 		

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61 PERIODS IN PROSECUTION AND INVESTIGATION OF CRIMINAL LAWSUIT

No.	Content	Periods	Legal basis
THE TIMES LIMIT ON CHARGES AGAINST SUSPECTS			
30	Investigation authorities must send such decision and relevant documents on charges against suspects to the equivalent Procuracy for approval.	<i>Within 24 hours upon their decision to charge suspects</i>	<i>Clause 3 Article 179, Criminal Procedure Code 2015</i>
31	The procuracy shall approve or annul such decision or request additional evidences and documents that support its approval and respond to the investigation authority in prompt manner	<i>Within 03 days upon receiving a decision to charge suspect</i>	<i>Clause 3 Article 179, Criminal Procedure Code 2015</i>
32	If the Procuracy requests further documents and documents, it shall approve or annul the decision to charge suspects.	<i>Within 03 days upon receiving such additional evidences and documents</i>	<i>Clause 3 Article 179, Criminal Procedure Code 2015</i>
33	The procuracy must send such decision to investigation authorities for investigation.	<i>Within 24 hours upon issuing a decision to charge a suspect</i>	<i>Clause 3 Article 179, Criminal Procedure Code 2015</i>

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61 PERIODS IN PROSECUTION AND INVESTIGATION OF CRIMINAL LAWSUIT

No.	Content	Periods	Legal basis
TIMELINE TO CHANGE OR ADD A DECISION INTO PROCEEDING CANCER			
34	After issuing the decision to change or supplement the decision to prosecute the accused, the investigating agency must send this decision and documents related to such change or supplement to the same-level Procuracy for consideration and approval.	<i>Within 24 hours from the date of issuance of the decision to change or supplement the decision to prosecute the accused</i>	<i>Clause 3 Article 180 of Criminal Procedure Code 2015</i>
35	After receiving the decision to change or supplement the decision to prosecute the accused, the Procuracy shall decide to approve or cancel the decision to change or supplement the decision to prosecute the accused or to request additional evidence. bases and documents as a basis for deciding on the approval and immediately sent to the investigation agency.	<i>Within 03 days from the date of receipt of the decision to change or supplement the decision to prosecute the accused</i>	<i>Clause 3 Article 180 of Criminal Procedure Code 2015</i>
36	In case the Procuracy requests additional evidences and documents after receiving additional evidences and documents, the procuracy shall issue a decision to approve or cancel the decision to change or supplement the decision to prosecute the accused.	<i>Within 03 days from the date of receipt of additional evidences and documents</i>	<i>Clause 3 Article 180 of Criminal Procedure Code 2015</i>
37	The procuracy issues a decision to change or supplement the decision to prosecute the accused, and the procuracy must send it to the investigation authority for investigation.	<i>Within 24 hours after the Procuracy issues a decision to change or supplement the decision to prosecute the accused</i>	<i>Clause 3 Article 180 of Criminal Procedure Code 2015</i>
TEMPORARY SITUATION POSITION CAN BE TAKEN TOUCH			
38	The agency or organization competent to manage the accused must reply in writing to the investigating agency, the agency tasked to conduct a number of investigating activities, and the procuracy that has proposed to know about the suspension. indicates the position of the accused.	<i>Within 07 days from the date of receiving the petition</i>	<i>Article 181 of Criminal Procedure Code 2015</i>

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61 PERIODS IN PROSECUTION AND INVESTIGATION OF CRIMINAL LAWSUIT

No.	Content	Periods	Legal basis
SEARCH WARRANT			
39	Sau khi khám xét xong, người ra lệnh khám xét phải thông báo bằng văn bản cho Viện kiểm sát cùng cấp hoặc Viện kiểm sát có thẩm quyền thực hành quyền công tố và kiểm sát điều tra vụ việc, vụ án.	<i>Within 24 hours after the search is completed</i>	<i>Clause 3, Article 193 of the Criminal Proceedings Code 2015</i>
CONFISCATE MAIL, TELEGRAMS, PARCELS AND POSTAL ITEMS AT POSTAL AND TELECOMMUNICATIONS AGENCIES AND ORGANIZATIONS			
40	Sau khi nhận được đề nghị xét phê chuẩn và tài liệu liên quan đến việc thu giữ thư tín, điện tín, bưu kiện, bưu phẩm, Viện kiểm sát phải ra quyết định phê chuẩn hoặc quyết định không phê chuẩn.	<i>Within 24 hours after receiving the request for consideration and approval and documents related to the seizure of mails, telegraphs, postal parcels and parcels</i>	<i>Clause 2, Article 197 of the Criminal Proceedings Code 2015</i>
DECISION ON SOLICITING FOR ASSESSMENT			
41	When issuing the decision to solicit expertise, the agency soliciting expertise must assign or send the decision to solicit expertise, dossiers and subject matter expertising to organizations or individuals conducting assessment; to send the decision to solicit expert examination to the Procuracy competent to exercise prosecution rights and administer the investigation.	<i>Within 24 hours after issuing the decision to solicit expertise</i>	<i>Clause 3, Article 205 of the Criminal Proceedings Code 2015</i>

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No.	Content	Periods	Legal basis
YÊU CẦU GIÁM ĐỊNH			
42	After receiving the written request, the procedure-conducting agency must consider and issue a decision to solicit expert examination.	<i>Time limit is 07 days from the date of receipt of the written request</i>	<i>Clause 1, Article 207 of the Criminal Procedural Code 2015</i>
TIME LIMIT FOR EXPERT EXAMINATION			
43	The case for the mental condition of the accused when there is doubt about their criminal liability capacity; the mental state of the witness or harmed when there is a doubt about his or her cognitive ability, the ability to properly report the facts of the case.	<i>Not more than 03 months</i>	<i>Point a Clause 1, Article 208 of the Criminal Proceedings Code 2015</i>
44	Cases for fatal causes; level of environmental pollution.	<i>No more than 01 month</i>	<i>Point b Clause 1, Article 208 of the Criminal Proceedings Code 2015</i>
45	The case for the age of the accused, the accused, the victim if it makes sense for the resolution of the case and there is no documentation to determine their exact age or there is doubt about the authenticity of the that document; the nature of the injury, the degree of damage to the health or the ability to work; narcotics, military weapons, explosives, inflammables, poisons, radioactive substances, counterfeit money, gold, silver, precious metals, gems, antiques.	<i>No more than 09 days</i>	<i>Point c Clause 1, Article 208 of the Criminal Proceedings Code 2015</i>
CONCLUSION OF EXPERT EXAMINATIONS			
46	When making assessment conclusions, organizations or individuals that have conducted assessment must send assessment conclusions to the agency soliciting the assessment or requesting assessment.	<i>Within 24 hours from the date of making the assessment conclusion</i>	<i>Clause 2, Article 213 of the Criminal Proceedings Code 2015</i>
47	After receiving the assessment conclusion, the agency that solicits the assessment and the requester shall send the assessment conclusion to the Procuracy exercising prosecution rights and supervising the investigation.	<i>Within 24 hours after receiving the assessment conclusion</i>	<i>Clause 2, Article 213 of the Criminal Proceedings Code 2015</i>

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No.	Content	Periods	Legal basis
RIGHTS OF SUSPECTS, DEFENDANTS, CRIME VICTIMS AND OTHER PARTICIPANTS IN LEGAL PROCEEDINGS TO FINDINGS OF EXPERT EXAMINATIONS			
48	When receiving requests for expert examination from suspects, defendants, crime victims or other participants in legal proceedings, competent procedural authorities shall consider and issue decisions to solicit expert examination.	<i>within 7 days from the date of receipt of the request for solicitation of expertise from suspects, defendants, crime victims or other procedure participants</i>	<i>Clause 1, Article 214 of the Criminal Proceedings Code 2015</i>
49	When receiving expert examination conclusions, competent procedural-conducting agencies shall notify expert examination conclusions to suspects, defendants, crime victims or other relevant procedure participants.	<i>Within 7 days after receiving the assessment conclusion</i>	<i>Clause 2, Article 214 of the Criminal Proceedings Code 2015</i>
REQUISITION FOR VALUATION			
50	When issuing a written request for asset valuation, the requesting agency shall hand over or send a request for asset valuation, dossier or object requesting asset valuation to the requested property valuation council. bridge; send a request for asset valuation to the Procuracy competent to exercise prosecution and administer the investigation.	<i>Within 24 hours from the date of issuance of written request for property valuation</i>	<i>Clause 3, Article 215 of the Criminal Proceedings Code 2015</i>
DEADLINE FOR VALUATION			
51	Asset valuation and return of asset valuation conclusions shall comply with the time limit stated in the written request for property valuation. If the property valuation cannot be conducted within the requested time limit, the Property Valuation Council must promptly notify in writing, clearly stating the reason to the agency or person who requested the valuation.	<i>According to the time limit stated in the written request for property assessment</i>	<i>Article 216 Criminal Procedure Code 2015</i>

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61 PERIODS IN PROSECUTION AND INVESTIGATION OF CRIMINAL LAWSUIT

No.	Content	Periods	Legal basis
CONCLUSION OF PROPERTY VALUATION			
52	When making conclusions on property valuation, the property valuation council must send the conclusion to the property valuation requesting agency or property valuation requester.	<i>Within 24 hours from the issuance of asset valuation conclusion</i>	<i>Clause 2, Article 221 of the Criminal Proceedings Code 2015</i>
53	Upon receipt of the property valuation conclusion, the requesting agency or requester shall send the property valuation conclusion to the Procuracy exercising prosecution rights and administering investigation.	<i>Within 24 hours of receipt of property valuation conclusion</i>	<i>Clause 2, Article 221 of the Criminal Proceedings Code 2015</i>
RIGHTS OF SUSPECTS, DEFENDANTS, CRIME VICTIMS AND OTHER PARTICIPANTS IN LEGAL PROCEEDINGS TO FINDINGS OF PROPERTY VALUATION			
54	Upon receiving requests for property valuation of suspects, defendants, crime victims or other participants in legal proceedings, competent procedural authorities must consider and issue a written request for property valuation.	<i>Within 7 days from the date of receipt of request for property valuation from suspects, defendants, crime victims or other participants in legal proceedings</i>	<i>Clause 1, Article 222 of the Criminal Proceedings Code 2015</i>
55	Upon receipt of property valuation conclusions, competent procedural authorities shall notify such conclusions of property valuation to suspects, defendants, crime victims and other relevant procedure participants.	<i>Within 7 days from the date of receipt of the asset valuation conclusion</i>	<i>Clause 2, Article 222 of the Criminal Proceedings Code 2015</i>
TIME LIMIT FOR APPLYING SPECIAL PROCEDURAL INVESTIGATION MEASURES			
56	The time limit for special methods of investigation and proceedings.	<i>Within 2 months from the date of the approval of the Head of the Procuracy</i>	<i>Clause 1, Article 226 of the Criminal Proceedings Code 2015</i>
57	Upon the expiration of the time limit for application of special methods of investigation and proceedings, if deeming it necessary to extend, the head of the investigating agency that has issued the decision on application must send a written request to the head of the approved Procuracy for consideration. , decide the extension.	<i>At least 10 days before the expiration of the time limit for application of special methods of investigation and proceedings</i>	<i>Clause 2, Article 226 of the Criminal Proceedings Code 2015</i>

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No.	Content	Periods	Legal basis
SEARCH WARRANT			
39	Sau khi khám xét xong, người ra lệnh khám xét phải thông báo bằng văn bản cho Viện kiểm sát cùng cấp hoặc Viện kiểm sát có thẩm quyền thực hành quyền công tố và kiểm sát điều tra vụ việc, vụ án.	<i>Within 24 hours after the search is completed</i>	<i>Clause 3, Article 193 of the Criminal Proceedings Code 2015</i>
CONFISCATE MAIL, TELEGRAMS, PARCELS AND POSTAL ITEMS AT POSTAL AND TELECOMMUNICATIONS AGENCIES AND ORGANIZATIONS			
40	Sau khi nhận được đề nghị xét phê chuẩn và tài liệu liên quan đến việc thu giữ thư tín, điện tín, bưu kiện, bưu phẩm, Viện kiểm sát phải ra quyết định phê chuẩn hoặc quyết định không phê chuẩn.	<i>Within 24 hours after receiving the request for consideration and approval and documents related to the seizure of mails, telegraphs, postal parcels and parcels</i>	<i>Clause 2, Article 197 of the Criminal Proceedings Code 2015</i>
DECISION ON SOLICITING FOR ASSESSMENT			
41	When issuing the decision to solicit expertise, the agency soliciting expertise must assign or send the decision to solicit expertise, dossiers and subject matter expertising to organizations or individuals conducting assessment; to send the decision to solicit expert examination to the Procuracy competent to exercise prosecution rights and administer the investigation.	<i>Within 24 hours after issuing the decision to solicit expertise</i>	<i>Clause 3, Article 205 of the Criminal Proceedings Code 2015</i>

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61 PERIODS IN PROSECUTION AND INVESTIGATION OF CRIMINAL LAWSUIT

No.	Content	Periods	Legal basis
YÊU CẦU GIÁM ĐỊNH			
42	After receiving the written request, the procedure-conducting agency must consider and issue a decision to solicit expert examination.	<i>Time limit is 07 days from the date of receipt of the written request</i>	<i>Clause 1, Article 207 of the Criminal Procedural Code 2015</i>
TIME LIMIT FOR EXPERT EXAMINATION			
43	The case for the mental condition of the accused when there is doubt about their criminal liability capacity; the mental state of the witness or harmed when there is a doubt about his or her cognitive ability, the ability to properly report the facts of the case.	<i>Not more than 03 months</i>	<i>Point a Clause 1, Article 208 of the Criminal Proceedings Code 2015</i>
44	Cases for fatal causes; level of environmental pollution.	<i>No more than 01 month</i>	<i>Point b Clause 1, Article 208 of the Criminal Proceedings Code 2015</i>
45	The case for the age of the accused, the accused, the victim if it makes sense for the resolution of the case and there is no documentation to determine their exact age or there is doubt about the authenticity of the that document; the nature of the injury, the degree of damage to the health or the ability to work; narcotics, military weapons, explosives, inflammables, poisons, radioactive substances, counterfeit money, gold, silver, precious metals, gems, antiques.	<i>No more than 09 days</i>	<i>Point c Clause 1, Article 208 of the Criminal Proceedings Code 2015</i>
CONCLUSION OF EXPERT EXAMINATIONS			
46	When making assessment conclusions, organizations or individuals that have conducted assessment must send assessment conclusions to the agency soliciting the assessment or requesting assessment.	<i>Within 24 hours from the date of making the assessment conclusion</i>	<i>Clause 2, Article 213 of the Criminal Proceedings Code 2015</i>
47	After receiving the assessment conclusion, the agency that solicits the assessment and the requester shall send the assessment conclusion to the Procuracy exercising prosecution rights and supervising the investigation.	<i>Within 24 hours after receiving the assessment conclusion</i>	<i>Clause 2, Article 213 of the Criminal Proceedings Code 2015</i>

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50	When issuing a written request for asset valuation, the requesting agency shall hand over or send a request for asset valuation, dossier or object requesting asset valuation to the requested property valuation council. bridge; send a request for asset valuation to the Procuracy competent to exercise prosecution and administer the investigation.	<i>Within 24 hours from the date of issuance of written request for property valuation</i>	<i>Clause 3, Article 215 of the Criminal Proceedings Code 2015</i>
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57	Upon the expiration of the time limit for application of special methods of investigation and proceedings, if deeming it necessary to extend, the head of the investigating agency that has issued the decision on application must send a written request to the head of the approved Procuracy for consideration. , decide the extension.	<i>At least 10 days before the expiration of the time limit for application of special methods of investigation and proceedings</i>	<i>Clause 2, Article 226 of the Criminal Proceedings Code 2015</i>

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61 PERIODS IN PROSECUTION AND INVESTIGATION OF CRIMINAL LAWSUIT

No.	Content	Periods	Legal basis
SUSPENSION OF INVESTIGATION			
58	The investigating bodies must send this decision to the procuracies of the same level, the accused, defense defendants or representatives of the accused; notify victims, involved party and protecte their rights.	<i>Within 02 days from the date of issuance of the decision to suspend the investigation</i>	<i>Clause 3, Article 229 of the Criminal Proceedings Code 2015</i>
TERMINATION OF INVESTIGATION			
59	When receiving the investigation cessation decision together with the investigation agency's case file, if it is found that the decision to suspend the investigation is grounded, the procuracy must return the case file to the investigation agency for resolution. decided according to authority; if the decision to suspend the investigation is found to be unfounded, to cancel the decision to suspend the investigation and request the investigation agency to resume the investigation; If there are sufficient grounds for prosecution, the decision to suspend the investigation and issue a decision to prosecute according to the time limit, order and procedures specified in this Code of Criminal Procedure 2015 shall be canceled.	<i>Within 15 days after receiving the investigation cessation decision enclosed with the investigation agency's case file</i>	<i>Clause 3, Article 230 of the Criminal Proceedings Code 2015</i>
CLOSURE OF INVESTIGATION			
60	Investigating authorities shall hand over investigation conclusions to propose prosecution or investigation conclusions together with the decision to suspend the investigation and the case files to the procuracies of the same level; deliver the written conclusion of investigation to propose prosecution or decide to suspend the investigation to the accused or his representative; send the investigation conclusion proposing prosecution or the decision to suspend the investigation to the defense counsel; notify crime victims, litigants and defense counsels of their legitimate rights and interests.	<i>Within 02 days from the date of the conclusion of the investigation</i>	<i>Clause 4, Article 230 of the Criminal Proceedings Code 2015</i>
RESUMPTION OF INVESTIGATION			
61	The investigating body must send the decision to resume the investigation to the Procuracy of the same level, the accused, the defense counsels or their representatives; notify crime victims, litigants and defense counsels of their legitimate rights and interests.	<i>Within 02 days from the date of decision to reinstate the investigation</i>	<i>Clause 2, Article 235 of the Criminal Proceedings Code 2015</i>

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09 PERIODS IN CRIMINEL PROSECUTION

No.	Content	Periods	Legal basis
DUTIES AND AUTHORITIES OF THE PROCURACY ADMINISTERING ACTIVITIES DURING THE STAGE OF PROSECUTION			
01	After receiving the requests and petitions specified in point a and point b of Clause 1, Article 237 of the 2015 Criminal Procedure Code, competent agencies, organizations and individuals shall notify the implementation of requests and petitions to the procuracies.	<i>Within 10 days after receiving the request or petition</i>	<i>Clause 2, Article 237 of the Criminal Proceedings Code 2015</i>
THE AUTHORITY TO PROSECUTE			
02	Any Procuracy exercises prosecution rights and administers an investigation, the Procuracy of that level shall decide to prosecute. For the cases where the superior Procuracy exercises prosecution rights and administers the investigation, the superior Procuracy shall decide to prosecute. The superior procuracy must notify the inferior Procuracy of the same level with the Court competent to hear the case at first instance in order to appoint procurators to participate in studying the case file.	<i>Within 02 months at the latest before the end of the investigation</i>	<i>Clause 1, Article 239 of the Criminal Proceedings Code 2015</i>
03	In cases where the case does not fall under its prosecution competence, the procuracy shall immediately issue a decision to transfer the case to the competent Procuracy. The procuracy must notify in writing the Agency which has completed the investigation of the case, the accused or the representatives of the accused, the defense counsels, crime victims or other procedure participants.	<i>Within 03 days from the date of issuance of the decision to transfer the case</i>	<i>Clause 2, Article 239 of the Criminal Proceedings Code 2015</i>

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09 PERIODS IN CRIMINEL PROSECUTION

No.	TIME LIMIT FOR DECIDING THE PROSECUTION (Clause 1, Article 240 of the Criminal Procedural Code 2015)					
04	TYPE OF CRIME	Less serious crimes	Serious crimes	Very serious crime	Particularly serious crimes	
	PERIODS					
			Within 20 days from the date of receiving the case file and the conclusion of the investigation	Within 20 days from the date of receiving the case file and the conclusion of the investigation	Within 30 days from the date of receiving the case file and the conclusion of the investigation	<i>Within 30 days from the date of receiving the case file and the conclusion of the investigation</i>
	Regular term	No more than 10 days	<i>No more than 10 days</i>	<i>No more than 15 days</i>	<i>No more than 30 days</i>	
TIME LIMIT FOR DECIDING THE PROSECUTION (Clause 2, Article 240 of the Criminal Procedural Code 2015)						
05	<p>The procuracy must notify the accused, the defense counsels or the defendants' representatives of the return of the files for additional investigation; hand over to the accused or their representatives and send to the investigation authorities and defense counsels the indictment, the decision to suspend the case or decide to suspend the case or the decision to terminate the case against the defendant suspects or decides to suspend the case against the accused; notify crime victims, litigants and defense counsels of their legitimate rights and interests.</p>		<ul style="list-style-type: none"> - Within 03 days from the date of issuing one of the decisions to prosecute the accused before the Court; return records to request additional investigation; to suspend or suspend the case; suspend or suspend the case against the accused - In case of complicated cases, the time limit for handing over the indictment or the decision to suspend the case or to decide to suspend the case to the accused or its representatives the defendant may last, but not more than 10 days. 			



09 PERIODS IN CRIMINEL PROSECUTION

No.	Content	Periods	Legal basis
TRANSFER OF CASE FILES AND CHARGING DOCUMENTS TO THE COURT			
06	The Procuracy must forward the case file and the indictment to the Court.	<i>Within 03 days from the date of the indictment</i>	<i>Article 244 Criminal Procedure Code 2015</i>
07	In complicated cases, the transfer of case files and indictments to the Court may prolong the time limit.	<i>Within No more than 10 days</i>	<i>Article 244 Criminal Procedure Code 2015</i>
RESUMPTION OF CASES			
08	The procuracy must hand over the decision to resume the case or the decision to resume the case of the accused to the accused or his representative; send to the agency that has completed the investigation of the case, the defense counsel; notify crime victims, litigants and defense counsels of their legitimate rights and interests.	<i>Within 03 days from the date of issuance of the decision</i>	<i>Clause 3, Article 249 of the Criminal Proceedings Code 2015</i>
09	The time limit for deciding the prosecution upon the restoration of the case is calculated according to the general procedures prescribed in the Criminal Procedure Code 2015.	<i>From the date the procuracies make decisions to reinstate the cases.</i>	<i>Clause 4, Article 249 of the Criminal Proceedings Code 2015</i>

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