

# Community Reintegration of Juvenile Offenders in Vietnam: Public Perceptions, Legal Framework, and Lessons from Indonesia

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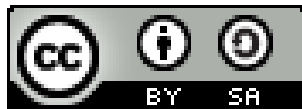
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## ABSTRACT

This article examines the community reintegration of juvenile offenders in Vietnam, with a particular focus on public perceptions, the legal framework, and policy implications, drawing on references from Indonesia. The purpose is to examine how reintegration is framed not only as a matter of criminal policy but also as a constitutional and human rights obligation, given that both the Vietnamese and Indonesian Constitutions affirm the protection of children and respect for human dignity. The contribution of this study lies in linking constitutional and human rights principles with comparative juvenile justice practices, thereby addressing a gap in existing research that often separates legal analysis from social attitudes. The study employs a combined doctrinal and empirical legal method, complemented by an exploratory survey of community attitudes in Vietnam. Findings reveal that while the statutory framework provides for diversion, non-custodial measures, and support services, gaps remain in implementation due to weak inter-agency coordination and persistent social stigma. Public perceptions strongly support educational and family-based reintegration but are more cautious toward community service and restorative justice mechanisms. Comparative insights from Indonesia highlight clearer diversion thresholds, the integration of social workers, and the role of village-level institutions in supporting reintegration. The article concludes that strengthening Vietnam's framework requires the constitutionalization of the right to reintegration, the implementation of individualized case management, the expansion of non-custodial measures, and the enhancement of public trust through effective communication strategies.

## Introduction

The reintegration of juvenile offenders into the community has become a central theme in contemporary debates on constitutional law, human rights, and criminal justice reform.<sup>1</sup> This issue is increasingly no longer confined to questions of criminal responsibility. Still, it is framed as part of the constitutional obligations

<sup>1</sup> Estrella Pearce and Greg Martin, "Juvenile Justice and Youth Governance: Themes, Trends and Perspectives," in *Research Handbook on Youth Criminology* (Cheltenham: Edward Elgar Publishing, 2025), 2–29, <https://doi.org/10.4337/9781035300754.00007>.

of the State to respect and protect human dignity and the rights of the child. Modern constitutions, including those of Vietnam<sup>2</sup> and Indonesia<sup>3</sup>, recognize children as rights-holders and vulnerable individuals who deserve special protection and opportunities for development. This constitutional recognition underscores the principle that children in conflict with the law are not merely perpetrators of unlawful conduct, but individuals whose rehabilitation and reintegration are essential for both their personal growth and the well-being of society.<sup>4</sup> Reintegration is not only a criminal policy measure but also a constitutional and human rights imperative.

Vietnam provides a compelling case study in this respect. The 2013 Constitution affirms that human rights and citizens' rights are recognized, respected, and protected, while also devoting specific attention to the rights of children. This constitutional framework has been operationalized through several statutes, including the 2015 Penal Code, the 2015 Criminal Procedure Code, the 2016 Law on Children, and the 2019 Law on Execution of Criminal Judgments. Collectively, these laws establish the legal basis for diversion, non-custodial sanctions, probationary measures, and educational or community-based interventions.<sup>5</sup> On paper, the system is designed to align with international standards such as the United Nations Convention on the Rights of the Child (UNCRC), the Beijing Rules on juvenile justice administration, and the Tokyo Rules on non-custodial measures. These commitments indicate that Vietnam's legal system embraces the principle that reintegration of juvenile offenders is both a right of the child and a duty of the State.<sup>6</sup>

Nevertheless, a persistent gap remains between constitutional and statutory commitments and the realities of implementation. Despite a comprehensive legal framework, on-the-ground practice continues to demonstrate ongoing difficulties. Preliminary findings from an exploratory survey conducted in 2024 highlight this tension: while many community members recognize the importance of reintegration and acknowledge its potential benefits, concerns persist about inadequate inter-agency coordination, insufficient resources, and lingering stigma toward juvenile offenders and their families.<sup>7</sup> This disjunction suggests that legal norms have not yet been fully translated into social acceptance and practical effectiveness, raising broader questions about how constitutional principles of human rights protection

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<sup>2</sup> Ngoc Son Bui, "Vietnam's Mixed Constitution and Human Rights," *The Law & Ethics of Human Rights* 16, no. 2 (November 2022): 295–319, <https://doi.org/10.1515/lehr-2022-2007>.

<sup>3</sup> Firmansyah Firmansyah and Budiyo Budiyo, "The Role of Constitution in a Democratic System and Human Rights Protection in Indonesia," *Pancasila and Law Review* 5, no. 1 (February 2025): 39–46, <https://doi.org/10.25041/plr.v5i1.3659>.

<sup>4</sup> Jill D. Berrick et al., "A Global Review of Children's Visibility in Constitutions," *The International Journal of Children's Rights* 33, no. 2 (June 2025): 291–325, <https://doi.org/10.1163/15718182-33020002>.

<sup>5</sup> Widowati and Vu Le Giang, "Child Punishment Versus the Principle of Non-Discrimination in the Perspective of Human Rights: A Legal Comparison Between Indonesia and Vietnam," *Jurnal Suara Hukum* 7, no. 1 (May 2025): 245–73, <https://doi.org/10.26740/jsh.v7n1.p245-273>.

<sup>6</sup> Le Thu Dao et al., "Diversion and Restorative Justice in the Context of Juvenile Justice Reforms in Indonesia, Thailand, the Philippines and Vietnam," *The International Journal of Restorative Justice* 5, no. 2 (August 2022): 237–62, <https://doi.org/10.5553/TIJRJ.000104>.

<sup>7</sup> Author's survey, "Community Reintegration of Juvenile Offenders in Vietnam" (2024), 200 respondents.

can be effectively operationalized in governance.

Vietnam's challenges resonate with those of Indonesia, which also operates within a civil law tradition and a constitutional framework that guarantees the protection of children and human dignity.<sup>8</sup> Indonesia's Juvenile Criminal Justice System Law of 2012, supported by the 1945 Constitution, emphasizes diversion and restorative justice, requiring law enforcement to prioritize non-custodial measures. Institutional innovations include clearer diversion thresholds, the integration of professional social workers into case management, and the mobilization of village-level institutions to support reintegration.<sup>9</sup> These measures demonstrate how constitutional commitments can be effectively translated into statutory and institutional practices. For Vietnam, Indonesia provides a relevant comparator within the Southeast Asian context,<sup>10</sup> highlighting transferable lessons and potential pitfalls.

Building on these foundations, this article situates the reintegration of juvenile offenders within the broader discipline of constitutional law, framing the issue as a question of criminal policy and a fundamental dimension of constitutional governance. It proceeds from the premise that reintegration embodies the State's constitutional obligation to safeguard human rights, uphold the dignity of all individuals, and provide special protection to vulnerable groups such as children in conflict with the law. In doing so, the article challenges the common perception that reintegration is simply an extension of penal reform, instead presenting it as an expression of constitutional justice that reflects national commitments and international human rights norms.

The study seeks to make three interrelated contributions to scholarship and practice. First, it offers a doctrinal analysis of Vietnam's constitutional and statutory framework on juvenile reintegration. It clarifies the extent to which constitutional principles are embedded in legislation and how these provisions articulate the State's responsibility toward young offenders. This legal analysis is not confined to abstract principles but highlights their practical significance in shaping permissible policy design and state action boundaries.

Second, it integrates empirical evidence from a community survey, bridging the gap between legal frameworks and social realities. By examining how the public perceives reintegration policies, the study underscores the crucial role of legitimacy and societal acceptance in determining the effectiveness of reintegration measures. Without public understanding and support, even the most progressive legal reforms

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<sup>8</sup> Pan Mohamad Faiz, "The Protection of Civil and Political Rights by the Constitutional Court of Indonesia," *Indonesia Law Review* 6, no. 2 (August 2016): 158, <https://doi.org/10.15742/ilrev.v6n2.230>.

<sup>9</sup> Sharyn Graham Davies and Jazz Robson, "Juvenile (In)Justice: Children in Conflict with the Law in Indonesia," *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 2016): 119–47, <https://doi.org/10.1163/15718158-01701009>.

<sup>10</sup> Amara Pongsapich, "Thematic Study on Juvenile Justice: With Particular Emphasis on Interrogation Practices on Children in Conflict with the Laws" (Jakarta, 2023).

risk being undermined by stigma, resistance, or lack of enforcement at the community level.

Third, the article adopts a comparative perspective with Indonesia, a jurisdiction that shares historical, cultural, and legal similarities with Vietnam yet has pursued distinctive approaches to juvenile reintegration. By analyzing how constitutional commitments and statutory frameworks in the two countries produce different policy outcomes, the study highlights both challenges and opportunities for reform. These comparative insights shed light on the flexibility of constitutional frameworks and demonstrate the value of learning across jurisdictions in pursuing more effective, rights-based juvenile justice systems. By weaving together doctrinal analysis, empirical evidence, and comparative practice, the article contributes to ongoing scholarly debates at the intersection of constitutional law, human rights, and juvenile justice, situating Vietnam's experience within broader global conversations about the role of constitutions in shaping inclusive and humane approaches to reintegration.

Although there is an emerging body of scholarship on juvenile justice in Vietnam, most existing studies have primarily concentrated on the normative framework or policy discourse, often treating legal analysis in isolation from social realities, as studied by Thi Tue Phuong Hoang,<sup>11</sup> Hoang Minh Tuan,<sup>12</sup> Minh Vu Cao<sup>13</sup> and Le Huynh Tan Duy.<sup>14</sup> Very few works have systematically examined how constitutional and statutory commitments interact with public perceptions in shaping reintegration outcomes. Likewise, while comparative research on juvenile justice in Southeast Asia exists, the specific parallels between Vietnam and Indonesia, two civil law jurisdictions with similar constitutional commitments, as studied by Le Thu Dao<sup>15</sup> and Widowati,<sup>16</sup> but with divergent institutional practices, remain underexplored.

This article seeks to fill these research gaps by adopting an integrated approach

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<sup>11</sup> Thi Tue Phuong Hoang and Duy Thuyen Trinh, "The Overreliance on Termed Imprisonment and the Challenges within Youth Criminal Sentencing Framework: The Case of Vietnam," *International Journal for the Semiotics of Law - Revue Internationale de Sémiotique Juridique* 37 (2024): 2355–2376, <https://doi.org/https://doi.org/10.1007/s11196-024-10175-7>.

<sup>12</sup> Hoang Minh Tuan et al., "Juvenile and Effective Solutions to Prevent Juvenile Recidivism – Perspectives of Judicial Officers of Vietnam," *Journal of Ecobumanism* 3, no. 7 (November 2024): 4562–73, <https://doi.org/10.62754/joe.v3i7.4568>.

<sup>13</sup> Minh Vu Cao, Nguyen Nhat Khanh, and Truong Thi Tu My, "Vietnamese Legislation Regarding Juveniles Sent to Reformatories: Evaluating Compliance with the United Nations Rules for the Protection of Juveniles Deprived of Liberty and Offering Recommendations," *Revista Jurídica Portuguesa*, 2025, 499–523, [https://doi.org/https://doi.org/10.34625/issn.2183-2705\(36\)2024.ic-22](https://doi.org/https://doi.org/10.34625/issn.2183-2705(36)2024.ic-22).

<sup>14</sup> Le Huynh Tan Duy and Yvon Dandurand, "Alignment of Vietnamese Law on the Treatment of Juvenile Prisoners With International Standards and Norms," *Youth Justice* 22, no. 1 (2021): 3–20, <https://doi.org/https://doi.org/10.1177/1473225421995266>.

<sup>15</sup> Dao et al., "Diversion and Restorative Justice in the Context of Juvenile Justice Reforms in Indonesia, Thailand, the Philippines and Vietnam."

<sup>16</sup> Widowati and Vu Le Giang, "Child Punishment Versus the Principle of Non-Discrimination in the Perspective of Human Rights: A Legal Comparison Between Indonesia and Vietnam."

that combines doctrinal analysis, empirical survey data, and comparative insights. The novelty of this study lies in three dimensions. First, it conceptualizes community reintegration not merely as penal reform but as a constitutional obligation grounded in human rights. Second, it provides one of the first empirical explorations of community attitudes toward reintegration in Vietnam, thereby linking legal provisions with public legitimacy. Third, it offers a comparative perspective on Indonesia, demonstrating how constitutional commitments can be translated into practice and providing valuable lessons for Vietnam. By addressing these gaps, the study contributes to a more holistic understanding of juvenile reintegration as both a legal and societal process.

## Methods

This study combines doctrinal and empirical research methods. Doctrinal legal research, often described as “library-based research”, involves systematically analyzing constitutional provisions, statutes, and international instruments to clarify legal principles and state obligations.<sup>17</sup> Doctrinal research proceeds through five key stages: identifying a legal problem, collecting legal materials, analyzing their coherence and consistency, synthesizing findings into a structured account of the law, and drawing conclusions or recommendations for reform.<sup>18</sup> This methodology is beneficial for clarifying the constitutional and statutory framework on juvenile reintegration in Vietnam while highlighting tensions or gaps that may require legislative or institutional responses. Nevertheless, doctrinal research has been criticized for focusing primarily on “law on the books” and overlooking the social, political, and economic factors that influence implementation.<sup>19</sup> For this reason, the study complements doctrinal analysis with an empirical component, using survey data to explore how the community perceives reintegration and how societal attitudes may support or constrain the application of constitutional principles in practice.

Empirical research, by contrast, examines “law in action” by collecting and analyzing data through surveys, interviews, or observations, thereby capturing how legal norms are implemented and perceived in society.<sup>20</sup> Empirical research can follow a confirmatory (deductive, quantitative) path, testing hypotheses derived from theory, or an exploratory (inductive, qualitative) path, identifying patterns from

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<sup>17</sup> Gaurav Shukla, “Doctrinal Legal Research,” in *Social Research Methodology and Publishing Results: A Guide to Non-Native English Speakers* (New York: IGI Global, 2023), 226–39, <https://doi.org/10.4018/978-1-6684-6859-3.ch015>.

<sup>18</sup> Nasir Majeed, Amjad Hilal, and Arshad Nawaz Khan, “Doctrinal Research in Law: Meaning, Scope and Methodology,” *Bulletin of Business and Economics (BBE)* 12, no. 4 (December 2023): 559–63, <https://doi.org/10.61506/01.00167>.

<sup>19</sup> Gareth Davies, “Taming Law: The Risks of Making Doctrinal Analysis the Servant of Empirical Research,” in *The Politics of European Legal Research* (Cheltenham: Edward Elgar Publishing, 2022), <https://doi.org/10.4337/9781802201192.00016>.

<sup>20</sup> Victor Imanuel W. Nalle, “The Relevance of Socio-Legal Studies in Legal Science,” *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 27, no. 1 (February 2015): 179, <https://doi.org/10.22146/jmh.15905>.

specific observations to develop theory.<sup>21</sup> Each approach has strengths and limitations: quantitative methods provide statistical objectivity but may overlook context, whereas qualitative methods allow deeper insights but are time-consuming and potentially biased. Recognising this, the study employs a mixed-methods strategy, specifically an exploratory sequential design, which first gathers qualitative insights from community perspectives on reintegration and then validates these findings with quantitative survey data.<sup>22</sup> This combination enables a more comprehensive understanding of how legal principles on reintegration are experienced, contested, and supported in Vietnamese society.

The integration of these methods allows the study to link Vietnam's constitutional and statutory framework on juvenile reintegration with community perceptions and comparative insights from Indonesia. This study adopts a mixed-methods design, allowing for a comprehensive analysis of the reintegration of juvenile offenders in Vietnam. The doctrinal component focuses on examining Vietnam's constitutional and statutory framework, particularly the provisions of the 2013 Constitution, the 2016 Law on Children, and the 2019 Law on Execution of Criminal Judgments. These texts were analyzed in light of international legal standards, including the United Nations Convention on the Rights of the Child (UNCRC), the Beijing Rules, the Havana Rules, and the Riyadh Guidelines, as well as comparative practices in Indonesia. This part of the study aimed to assess the extent to which Vietnam's laws incorporate constitutional guarantees of human dignity and children's rights, and whether they align with global norms on juvenile justice and reintegration.

The empirical component was designed to complement the doctrinal analysis by exploring public awareness, legal knowledge, and social perceptions regarding reintegration. A quantitative survey method was employed, using a structured questionnaire administered to 200 respondents. The sample consisted of high school students, university students, and working adults, selected through convenience sampling with efforts to diversify respondents across different social backgrounds and geographic areas. Although not statistically representative, this sampling strategy was suitable given the exploratory nature of the study, which aimed to capture indicative trends rather than generalizable data.

The questionnaire was structured to cover multiple dimensions of reintegration, including awareness of juvenile justice, knowledge of relevant laws, evaluation of existing reintegration models, perceived challenges faced by offenders upon return to society, and potential policy solutions. It also collected demographic information to enable comparative analysis across different groups. Most questions were closed-ended or multiple-choice, which facilitated statistical analysis, though

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<sup>21</sup> Cornel Germann, "Methodology and Empirical Research," in *Chairperson Succession* (Wiesbaden: Springer Fachmedien Wiesbaden, 2023), 87–98, [https://doi.org/10.1007/978-3-658-40817-6\\_5](https://doi.org/10.1007/978-3-658-40817-6_5).

<sup>22</sup> Gareth Davies, "The Relationship between Empirical Legal Studies and Doctrinal Legal Research," *Erasmus Law Review* 13, no. 2 (September 2020): 3–12, <https://doi.org/10.5553/ELR.000141>.

some items allowed for brief explanatory responses. Data were analyzed using descriptive statistics to highlight general patterns, and comparative analysis was conducted to explore variations across demographic categories, including age, education, and occupational status. The results were then interpreted within the framework of Vietnam's legal commitments and international obligations, thereby ensuring that empirical insights were directly linked to the broader constitutional and human rights context of the study.

## Discussion

### Public Perceptions of Juvenile Offenders in Vietnam

The survey results indicate a relatively high awareness of community reintegration among the public. Specifically, 87% of respondents reported familiarity with the term, while only 13% indicated that they had never heard of it. This demonstrates that reintegration has begun to gain visibility in Vietnamese society, particularly among students and young adults who are more likely to engage in social and legal debates. From a policy perspective, this level of awareness is encouraging, as it lays the groundwork for mobilizing community support and legitimizing reintegration initiatives. At the same time, the fact that more than one in ten respondents had no prior knowledge of the concept highlights the need for stronger communication strategies and civic education programs. Without broader dissemination, reintegration efforts may remain confined to official rhetoric rather than becoming a shared societal responsibility.

**Table 1.** Awareness of the “community reintegration” concept

Response	Frequency	Percentage
Aware	174	87%
Not aware	26	13%

**Source:** “Community Reintegration of Juvenile Offenders in Vietnam” survey (2024)

Perceptions gathered from the survey also reflect ambivalent community attitudes toward juvenile offenders. On the one hand, respondents emphasized the importance of family-based interventions and educational support, which were viewed as the most appropriate measures to facilitate rehabilitation. On the other hand, support for broader restorative justice mechanisms, such as mediation or community service, was more limited, reflecting a degree of caution and skepticism. This hesitation may stem from concerns about recidivism, the adequacy of supervision, and a lack of trust in non-traditional justice mechanisms.

These findings reveal a tension between the legal framework and social acceptance. While Vietnamese law provides for diversion, non-custodial measures, and community-based rehabilitation in line with international standards, such as the UNCRC and the Beijing Rules, societal perceptions have not fully adopted these

approaches.<sup>23</sup> Juveniles in conflict with the law continue to face stigma, not only toward themselves but also extending to their families. In our survey, 43.5% of respondents identified low community awareness as a significant limitation hindering reintegration efforts. This suggests that legal provisions alone are insufficient unless they are supported by broad social recognition and trust.

**Table 2.** Limitations of Reintegration Models

Limitation	Frequency	Percentage
Legal framework gaps	49	24.5%
Organizational / implementation weaknesses	77	38.5%
Limited legal knowledge of staff	63	31.5%
Lack of skills to work with juveniles	111	55.5%
Insufficient funding	84	42%
Insufficient staff	73	36.5%
Low community awareness	87	43.5%

**Source:** “Community Reintegration of Juvenile Offenders in Vietnam” survey (2024)

Addressing this challenge requires more substantial investment in legal literacy, awareness campaigns, and public communication strategies that present reintegration not merely as leniency, but as a constitutional and human rights obligation that benefits society as a whole.<sup>24</sup> By shifting perceptions from punitive to rehabilitative, the community can begin to recognize juvenile offenders as individuals entitled to dignity and capable of making positive contributions after their rehabilitation.

### Legal Framework for Community Reintegration in Vietnam

Vietnam’s legal and policy framework on juvenile reintegration reflects its international commitments and domestic reforms. As an early ratifier of the United Nations Convention on the Rights of the Child (UNCRC),<sup>25</sup> Vietnam has pledged to uphold international standards requiring that deprivation of liberty be used only as a measure of last resort and that all stages of juvenile justice prioritize the best interests and dignity of the child.<sup>26</sup> Complementary instruments such as the Beijing

<sup>23</sup> Hoang Xuan Chau et al., “Perceptions of Justice Actors on Juvenile Fundamental Rights and Rehabilitation in Vietnam: Findings from a Multi-Institutional Survey,” *Frontiers in Psychology* 16 (August 2025), <https://doi.org/10.3389/fpsyg.2025.1615065>.

<sup>24</sup> Bui Thi Hanh, “Protecting Human Rights in Vietnam’s Prison Sentences: Insights from Judicial Supervision Today,” *Revista Do Curso de Direito Do UNIFOR* 16, no. 1 (March 2025): e252037, <https://doi.org/10.24862/rcdu.v15i2.2037>.

<sup>25</sup> Le Hong Loan, Vu Thi Le Thanh, and M. Catherine Maternowska, “Applying the Child-Centred And Integrated Framework for Violence Prevention: A Case Study on Physical Violence in Viet Nam,” *Vulnerable Children and Youth Studies* 13, no. sup1 (August 3, 2018): 36–51, <https://doi.org/10.1080/17450128.2018.1476749>.

<sup>26</sup> Le Thu Dao and Yvon Dandurand, “Social, Cultural and Systemic Barriers to Child Justice Reform: Lessons from Vietnam,” *Youth Justice* 23, no. 1 (April 2023): 29–48, <https://doi.org/10.1177/14732254211036196>.

Rules, Havana Rules, and Riyadh Guidelines reinforce the principle that juveniles must be treated humanely, provided with education and vocational opportunities, and supported in maintaining community ties as essential reintegration components.<sup>27</sup>

Domestically, these principles have been translated into a series of legislative reforms. The 2015 Penal Code and the 2015 Criminal Procedure Code introduced provisions on diversion, probation, and non-custodial sanctions; the 2016 Law on Children devoted a whole section to community reintegration, mandating coordination between detention facilities, families, and commune-level authorities;<sup>28</sup> and the 2019 Law on Execution of Criminal Judgments further detailed reintegration responsibilities.<sup>29</sup> Additionally, Decree No. 49/2020/ND-CP provides specific guidance on reintegration measures for individuals under 18, while Decree No. 37/2018/ND-CP establishes commune-level task groups to support juveniles undergoing community-based rehabilitation.<sup>30</sup> Together, these instruments represent a progressive attempt to institutionalize reintegration within Vietnam's child protection system, even in the absence of a single comprehensive juvenile justice law.<sup>31</sup>

However, survey data reveal significant gaps in public knowledge of this legal framework. While more than half of respondents (52%) identified Decree No. 49/2020/ND-CP as a key instrument, and 41.5% recognized the 2016 Law on Children, fewer were aware of the broader range of relevant statutes, including the Criminal Procedure Code (27%) and the Law on Execution of Criminal Judgments (24.5%). This fragmented awareness suggests that although specific laws are visible, the coherence of the overall framework remains poorly understood. From a policy perspective, this highlights a deficit in legal dissemination and civic education, limiting the ability of communities, families, and local authorities to act as effective partners in reintegration.

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<sup>27</sup> Elena Mujoska Trpevska and Gordana Lažetić, “Restorative vs Punitive Approach. Eight Fundamental Principles of Juvenile Delinquency Prevention,” in *Human Rights Protection and Ius Puniendi. European Union and Its Neighbours in a Globalized World* (Cham: Springer Cham, 2023), 65–80, [https://doi.org/10.1007/978-3-031-41253-0\\_5](https://doi.org/10.1007/978-3-031-41253-0_5).

<sup>28</sup> Thi Nga Le, “Rights of Child Victims and Child Witnesses in Criminal Justice in Viet Nam,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 88–101, <https://doi.org/10.1163/15718158-01701007>.

<sup>29</sup> Trong Nguyen and Hai Thanh Luong, “The Structure of Cybercrime Networks: Transnational Computer Fraud in Vietnam,” *Journal of Crime and Justice* 44, no. 4 (August 2021): 419–40, <https://doi.org/10.1080/0735648X.2020.1818605>.

<sup>30</sup> Dat T. Bui, “Due-Process-Evading Justice: The Case of Vietnam,” *International Journal of Law, Crime and Justice* 63 (December 2020): 100426, <https://doi.org/10.1016/j.ijlcrj.2020.100426>.

<sup>31</sup> Hsien-Li Tan, “Adaptive Protection of Human Rights: Stealth Institutionalisation of Scrutiny Functions in ASEAN’s Limited Regime,” *Human Rights Law Review* 22, no. 3 (June 2022), <https://doi.org/10.1093/hrlr/ngac017>.

**Table 3.** Legal documents identified as regulating reintegration

Legal document	Frequency	Percentage
Constitution 2013	63	32.5%
Penal Code 2015 (amended 2017)	75	37.5%
Criminal Procedure Code 2015	54	27%
Law on Children 2016 (amended 2018)	83	41.5%
Law on Execution of Criminal Judgments 2019	49	24.5%
Law on Handling Administrative Violations 2012	36	18%
Decree No. 49/2020/ND-CP	104	52%

**Source:** “Community Reintegration of Juvenile Offenders in Vietnam” survey (2024)

The current framework also suffers from weak inter-agency coordination. Responsibilities are distributed across multiple sectors, including justice, social protection, education, and mass organizations, yet implementation often remains fragmented. Respondents in the survey underscored this problem, with 38.5% citing organizational and implementation weaknesses and 24.5% pointing to gaps in the legal framework as significant obstacles to reintegration<sup>32</sup>. These findings confirm that while Vietnam has made critical normative advances, translating legal commitments into practice is hindered by overlapping mandates, insufficient resources, and inconsistent local enforcement.

Overall, Vietnam’s legal framework for juvenile reintegration demonstrates substantial alignment with international standards and reflects a reform-oriented orientation that values restorative justice and child-centered protection. However, despite this progress, the framework has not fully translated into effective practice, as gaps in legal literacy, weak inter-agency coordination, and uneven implementation continue to hinder outcomes. Many children, families, and even local authorities remain unaware of relevant rights and mechanisms, undermining accessibility and legitimacy.<sup>33</sup> Coordination among courts, law enforcement, schools, and social services is often fragmented, leading to overlapping responsibilities and inconsistent practices, while regional disparities further exacerbate inequality in reintegration opportunities. Bridging these systemic gaps requires comprehensive reform, including possibly adopting a dedicated juvenile justice law that consolidates and clarifies existing provisions, establishes clear institutional responsibilities, and sets binding standards for reintegration nationwide.<sup>34</sup> Alongside legal refinement, stronger mechanisms for legal dissemination, structured channels for inter-agency cooperation, adequate resources for community-based programs, and local

<sup>32</sup> “Community Reintegration of Juvenile Offenders in Vietnam” survey (2024)

<sup>33</sup> Nigel Spence and Nguyen Thi Thai Lan, “Family Sustainability and Child Protection in Vietnam,” *Children and Youth Services Review* 122 (March 2021): 105884, <https://doi.org/10.1016/j.childyouth.2020.105884>.

<sup>34</sup> Dao and Dandurand, “Social, Cultural and Systemic Barriers to Child Justice Reform: Lessons from Vietnam.”

accountability mechanisms are necessary to transform reintegration from a formal policy commitment into a lived reality for children in conflict with the law.

### Comparative Insights from Indonesia

Indonesia provides a valuable point of comparison for understanding the challenges and opportunities of community reintegration for juveniles in conflict with the law. The enactment of Law No. 11/2012 on the Juvenile Criminal Justice System (JCJS) marked a significant shift from punitive approaches to a restorative justice paradigm.<sup>35</sup> This law incorporates international juvenile justice standards into domestic legislation, reflecting principles enshrined in the UNCRC, the Beijing Rules, and the Riyadh Guidelines.<sup>36</sup> The JCJS establishes diversion as a mandatory first step for certain offences: if the child is under eighteen, the alleged offence is punishable by less than seven years' imprisonment, and the offence is not categorized as particularly serious, prosecutors and judges are required to seek a settlement outside the court process.<sup>37</sup> By codifying such diversion thresholds, Indonesia has reduced unnecessary reliance on custodial measures, thereby aligning its juvenile justice framework with the principle that detention should only be a measure of last resort.<sup>38</sup>

A distinctive strength of Indonesia's model lies in the institutionalized involvement of social workers and community-based actors throughout the justice process. The JCJS requires the participation of *Pembimbing Masyarakat* (correctional social workers) in every stage, from investigation and trial to the implementation of sentences and post-release supervision.<sup>39</sup> These professionals are tasked with preparing social inquiry reports, designing individualized rehabilitation plans, and coordinating with families, schools, and local authorities to ensure the juvenile's sustainable reintegration.<sup>40</sup> Furthermore, community-level institutions, including village councils and child protection committees, are mandated to provide mentoring, vocational training, and moral guidance to their members. This reflects Indonesia's recognition that reintegration cannot be achieved solely through formal

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<sup>35</sup> Widowati Widowati, "Justice for Children: Exploring Juvenile Criminal Law in Indonesia," *West Science Law and Human Rights* 2, no. 04 (October 2024): 367–78, <https://doi.org/10.58812/wslhr.v2i04.1307>.

<sup>36</sup> Nurul Putri Awaliah Nasution, Fathul Hamdani, and Ana Fauzia, "The Concept of Restorative Justice in Handling Crimes in the Criminal Justice System," *European Journal of Law and Political Science* 1, no. 5 (November 2022): 32–41, <https://doi.org/10.24018/ejpolitics.2022.1.5.37>.

<sup>37</sup> Lidya Rahmadani Hasibuan, "The Concept of Restorative Justice in the Juvenile Criminal Justice System: A Narrative Review of the Indonesian Context," *Scholars International Journal of Law, Crime and Justice* 5, no. 7 (July 2022): 263–72, <https://doi.org/10.36348/sijlcj.2022.v05i07.004>.

<sup>38</sup> William Maxey et al., "Discrepancy Between Policy and Practice: A Case Study on Hegemony Within an Indonesian Juvenile Correctional Center (LPKA)," *Children and Youth Services Review* 177 (October 2025): 108469, <https://doi.org/10.1016/j.chilyouth.2025.108469>.

<sup>39</sup> Nashriana Nashriana et al., "Enhancing Restorative Justice in Indonesia: Exploring Diversion Implementation for Effective Juvenile Delinquency Settlement," *Srinjaya Law Review* 7, no. 2 (July 31, 2023): 318–34, <https://doi.org/10.28946/slrev.Vol7.Iss2.2427.pp318-334>.

<sup>40</sup> Rifky Dwi Rizmawan et al., "Implementation of Community Guidance in Handling Children In Conflict with The Law at Class I Correctional Institution Cirebon," *Journal Transnational Universal Studies* 3, no. 6 (June 2025), <https://doi.org/10.58631/jtus.v3i6.166>.

legal institutions but must be rooted in social solidarity and community participation.

Indonesia has also developed innovative restorative justice mechanisms to facilitate the reintegration of offenders. For example, mediation between offenders, victims, and community representatives is encouraged, with outcomes ranging from apologies and restitution to community service. These practices not only repair harm but also reduce stigma by reintegrating the child into a supportive social environment rather than isolating them through detention.<sup>41</sup> Additionally, vocational training programs linked to local industries, such as carpentry, mechanics, and agricultural work, are integrated into reintegration initiatives, ensuring that juveniles acquire practical skills that enhance their employability upon release. These measures align closely with the international standard that reintegration should enable children to play a constructive role in society.

Despite these advances, significant implementation challenges remain. Widowati<sup>42</sup> and Yasmin et al.<sup>43</sup> note that restorative justice measures are not applied consistently across regions, partly due to uneven availability of trained mediators, disparities in local resources, and limited awareness among law enforcement officers. In some jurisdictions, diversion is pursued robustly, while formal prosecution continues to be the dominant approach in others. Additionally, coordination between justice institutions, social services, and community organizations is often fragmented, resulting in gaps in post-release support. There are also concerns regarding budgetary limitations, insufficient specialized training for social workers, and societal stigma that continues to hinder reintegration outcomes.

From a comparative perspective, Indonesia's experience demonstrates several vital lessons for Vietnam. First, embedding restorative justice directly into statutory law, as done in the JCJS, creates greater certainty and consistency in diversion practices.<sup>44</sup> Second, the institutionalized role of social workers ensures that reintegration is not treated as an ad hoc or voluntary task, but as a professional and mandatory component of the justice process.<sup>45</sup> Third, the mobilization of community institutions and traditional structures helps bridge the gap between state agencies and local realities, promoting reintegration through social inclusion. While both Indonesia and Vietnam face challenges in funding, coordination, and public awareness, Indonesia's legislative clarity and institutionalized restorative framework

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<sup>41</sup> Tahi Saoloan Hutagalung, "The Effectiveness of Restorative Justice Implementation in the Juvenile Criminal Justice System in Indonesia," *Jurnal Smart Hukum (JSH)* 2, no. 1 (September 2023): 37–46, <https://doi.org/10.55299/jsh.v2i1.1353>.

<sup>42</sup> Widowati, "Justice for Children: Exploring Juvenile Criminal Law in Indonesia."

<sup>43</sup> Yasmin Arinda Lubis et al., "Revitalising the Juvenile Criminal Justice System in Indonesia: A Comparative Study with International Law and Evaluation of Practice," *Ius Comparatum: Journal of Law Studies* 1, no. 1 (2025): 48–62, <https://doi.org/https://doi.org/10.35586/jicls.v1i1.10829>.

<sup>44</sup> Widowati and Vu Le Giang, "Child Punishment Versus the Principle of Non-Discrimination in the Perspective of Human Rights: A Legal Comparison Between Indonesia and Vietnam."

<sup>45</sup> Muh Endriyo Susila and Bagaskara Yonar, "Protecting Children Rights through the Juvenile Criminal Justice System in Indonesia: Issues and Challenges," *Jurnal Mercatoria* 17, no. 1 (June 2024): 76–84, <https://doi.org/10.31289/mercatoria.v17i1.11122>.

may provide valuable insights for Vietnam's ongoing efforts to strengthen its juvenile justice and reintegration policies.

### **Policy Implications for Vietnam**

The findings of this study highlight that Vietnam has made significant progress in developing a legal and policy framework for the community reintegration of juveniles in conflict with the law. Nevertheless, implementation remains fragmented, under-resourced, and limited in scope, undermining the ability of reintegration programs to achieve their intended rehabilitative and preventive goals. Several key policy implications emerge.

First, constitutionalizing the right to reintegration. Although the Vietnamese Constitution recognizes the protection of children's rights and human dignity, it does not explicitly guarantee the right to rehabilitation and reintegration for juveniles in conflict with the law. Embedding this right at the constitutional level would strengthen the normative foundation for policy and ensure that reintegration is treated as a fundamental human rights obligation, consistent with international standards under the UNCRC, the Beijing Rules, and the Riyadh Guidelines.

Second, strengthening inter-agency coordination and case management. Survey results indicate that the community views multiple actors, including families, local authorities, and socio-political organizations, as being responsible for reintegration. However, weak coordination and overlapping mandates often hinder effective collaboration. Vietnam should institutionalize individualized case management systems, in which commune-level child protection officers, schools, and social workers jointly design and monitor reintegration plans tailored to each juvenile.<sup>46</sup> This approach would mirror successful practices in Indonesia, where village-level institutions and social workers actively participate in diversion and aftercare.

Third, diversifying and modernizing vocational training. Current reintegration programs in Vietnam primarily focus on traditional trades, including sewing, carpentry, and agriculture. While these provide accessible opportunities, they are insufficient to meet today's youth's aspirations and labor market demands.<sup>47</sup> Policy should prioritize expanding training into modern fields, such as digital literacy, information technology, and service industries, through partnerships with vocational schools, private enterprises, and civil society organizations.<sup>48</sup> This diversification would improve employability and empower juveniles to reintegrate sustainably.

Fourth, addressing resource and capacity gaps. Limited funding and

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<sup>46</sup> Chau et al., "Perceptions of Justice Actors on Juvenile Fundamental Rights and Rehabilitation in Vietnam: Findings from a Multi-Institutional Survey."

<sup>47</sup> Võ Trường Châu, "How Informal Employment Affects the Career Trajectories of Vocational Youth in Urban Vietnam," *Art and Society* 4, no. 5 (June 2025): 8–16, <https://doi.org/10.63593/AS.2709-9830.2025.06.002>.

<sup>48</sup> Le Tung Son, "Trends in Policy Development for Reading Culture in the Context of the Fourth Industrial Revolution and Digital Transformation in Vietnam," *Information Development* 40, no. 3 (September 2024): 414–28, <https://doi.org/10.1177/02666669221130550>.

insufficiently trained personnel remain among the most serious barriers to reintegration. A national policy should ensure stable financial allocations for reintegration programs and introduce professional training for staff in psychology, social work, and restorative justice. Drawing on Indonesia's experience, Vietnam could integrate community-based volunteers and social workers into official programs, expanding capacity and strengthening trust between institutions and communities.<sup>49</sup>

Fifth, enhancing public awareness and reducing stigma. Despite relatively high awareness of the concept of reintegration, persistent social stigma against juvenile offenders hampers their acceptance into schools, workplaces, and communities.<sup>50</sup> Public education campaigns should be scaled up to promote positive perceptions of reintegration, highlighting success stories and framing reintegration as a collective social responsibility.<sup>51</sup> Collaboration with mass organizations and the media can help normalize restorative approaches and shift public opinion toward support for community-based measures.

Finally, developing a coherent national strategy. Reintegration efforts in Vietnam remain localized and fragmented, often piloted by socio-political organizations or specific local authorities. A unified national strategy is needed to harmonize guidelines, clarify responsibilities, and establish clear indicators for evaluating reintegration outcomes. Such a strategy should integrate lessons from international practice and regional comparisons, including Indonesia, to ensure that Vietnam's approach is rights-based, sustainable, and aligned with its judicial reform agenda.<sup>52</sup>

These policy implications underscore the need for Vietnam to move beyond fragmented sectoral measures toward a systematic, integrated framework. By constitutionalizing reintegration, strengthening institutional capacity, diversifying opportunities, and mobilizing community support, Vietnam can better guarantee the rights of juveniles in conflict with the law while simultaneously enhancing public safety and social cohesion.<sup>53</sup>

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<sup>49</sup> Widowati, "Justice for Children: Exploring Juvenile Criminal Law in Indonesia."

<sup>50</sup> Nguyen Minh Trang and Pham Minh Khoi, "Difficulties in Reintegration of Young Ex-Offenders," *International Journal of Education and Social Science Research* 06, no. 04 (2023): 353–69, <https://doi.org/10.37500/IJESSR.2023.6425>.

<sup>51</sup> Mahesh Kumar Agarwal and P. Madhava Soma Sundaram, "Juveniles in Conflict with the Law: Challenges in Reintegration and Social Stigma," *Neuroquantology* 20, no. 17 (2022): 2454–71, <https://doi.org/https://doi.org/10.48047/nq.2022.20.17.nq880312>.

<sup>52</sup> Pudji Astuti et al., "Comparative Legal Perspectives on Bullying in Educational Environments: Regulatory Gaps and Reform Imperatives in Indonesia, Malaysia, and Vietnam," *Jambura Law Review* 7, no. 2 (2025): 696–725, <https://doi.org/https://doi.org/10.33756/jlr.v7i2.31232>.

<sup>53</sup> Sylvia Agu, "Protection of Children in Street Situations in Other International Human Rights Documents and Mechanisms," in *The International Legal Protection of Children in Street Situations. Children's Well-Being: Indicators and Research* (Cham: Springer Cham, 2025), 235–304, [https://doi.org/10.1007/978-3-031-78086-8\\_6](https://doi.org/10.1007/978-3-031-78086-8_6).

## Conclusion

This study has examined the reintegration of juvenile offenders in Vietnam through a constitutional and human rights perspective, stressing that reintegration is not merely a penal policy issue but a constitutional duty to safeguard children's rights and human dignity. By framing reintegration in this way, the study emphasizes that it is a legal and moral obligation of the State, deeply rooted in constitutional justice. The findings show that while Vietnam's legal framework largely aligns with international standards, particularly the UN Convention on the Rights of the Child, implementation remains limited due to weak institutional coordination, lack of resources, and persistent social stigma that hinders effective reintegration.

Comparative lessons from Indonesia highlight that restorative justice and community-based approaches can enhance the legitimacy and sustainability of reintegration policies. These practices demonstrate the importance of community engagement, reconciliation, and support systems that view young offenders as capable of growth and positive change. For Vietnam, adopting such approaches would strengthen reintegration outcomes and help build public trust, reduce stigma, and align policy with the broader goals of social harmony and constitutional justice.

The contribution of this study lies in conceptualizing reintegration as a constitutional commitment, drawing attention to the role of public perceptions, and offering comparative insights to inform reform. Nonetheless, its limited survey scope and narrow jurisdictional focus restrict the generalizability of the conclusions. Future research should therefore adopt broader, interdisciplinary, and comparative approaches to deepen understanding and propose more sustainable solutions. Ultimately, reintegration should be seen not as leniency but as a strategic investment in human dignity, social stability, and the constitutional promise of justice for all children.

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