

Why Does the Government of Vietnam Become Successful in The Fight Against the Covid-19 Pandemic from Legal Perspectives?

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WHY DOES THE GOVERNMENT OF VIETNAM BECOME SUCCESSFUL IN THE FIGHT AGAINST THE COVID-19 PANDEMIC FROM LEGAL PERSPECTIVES?

Abstract: In the hope of limiting the adverse impacts of the COVID-19 pandemic and protecting human health rights, state governments currently endeavor to implement regulations and grant feasible policies to both people and organizations. By contrast to countries failing to prevent this pandemic, there were successful role models in this fight all around the world in 2020, one of which in Asia is Vietnam. The reality indicates that the ratio of reported casualties and infected cases in Vietnam was relatively low in 2020 in spite of the limited medical systems and the high population rate. A question is raised what Vietnam performed a miracle to prevent the COVID-19 pandemic effectively over the time. Currently, Vietnam encounters the fourth phase of the COVID-19 outbreak after the success achieved in the previous three phases. Therefore, the upcoming missions and strategies should be recommended for the Government of Vietnam to overcome current difficulties and maintain success in this fight. To clarify these issues, this study will use a mixed-methodology of qualitative and quantitative approaches to evaluate both past and current policies and measures implemented by the Government of Vietnam as well as public awareness in the fight against the COVID-19 pandemic.

Keywords: COVID-19, pandemic, policies, Government of Vietnam, success, health rights.

Introduction

After a successful campaign to prevent SARS in 2003, Vietnam had to cope with the next challenge which is COVID-19. With high determination and experience, Vietnam was recognized by national and international experts as one of the models for outbreak prevention in 2020 and early 2021. Until March 2021, there was a low rate of new cases in the community which means low social transmission. This has proved that the government was successful in the first three phases of outbreaks in Vietnam. However, it is undeniable that Vietnam is confronting the serious fourth phase of the COVID-19 pandemic when the new variant of Coronavirus has become a threat to the Southern areas. Simultaneously, the allocation of vaccines currently fails to satisfy the purchase orders of the Government of Vietnam in order to issue specific policies and plans for vaccination in localities. Notwithstanding that, the government endeavors to trace infected cases in the community as well as implement more active and drastic measures to prevent the pandemic.

A question arises why the government of Vietnam is successful in the fight against the COVID-19 pandemic from legal perspectives. In fact, there is a myriad of studies on timely responses of the government as one of the most crucial elements contributing to the success of Vietnam in the fight against this pandemic. For example, the research by Djalante *et al.* (2020) showed timely policy responses of the Government of Vietnam and the media to the COVID-19 pandemic in comparison with that of different ASEAN member states. Another study undertaken by Lê and Nguyễn (2020) indicated that Vietnam is complimented for the drastic and effective solutions of governments in the prevention of COVID-19 such as isolating and classifying infected and at-risk cases in pandemic areas. In addition, the study of Nguyen, Cao and Nghiem (2020) underlined the characteristics of COVID-19 infections in Vietnam and policy

responses to find out contributing aspects to the success of Vietnam in the combat against the pandemic. In general, these scholars tend to analyze and evaluate contributing factors to the success of the government of Vietnam in the fight against the COVID-19 pandemic from medical and political perspectives on basis of statistics and online surveys. Meanwhile, legal perspectives are also considered as one of the important issues in the fight against the covid-pandemic, which have not been mentioned further in these studies. Alternatively, most of the research on the COVID-19 has just stopped at the second and third phase of the outbreak (from 2020 to March 2021). Therefore, the success of the government of Vietnam has not been evaluated fully and objectively when the fourth phase of the outbreak at present is considered the most serious threat. For these reasons, this study will focus on the success of the government of Vietnam from legal perspectives from when the COVID-19 emerged in Vietnam to the present.

Methodology

The Mixed-Method Design of qualitative and quantitative approaches is used in this study, including doctrinal, comparative legal research, and survey. Firstly, an e-survey form includes a list of questions to assess the attitude of experts in the field of law, medical, economy and politics about the present preventive policies and measures of the government of Vietnam against the COVID-19. Simultaneously, this survey is used to evaluate their awareness in compliance with laws of prevention and control of infectious diseases and their reactions to the policies granted by the government over the time. Secondly, a descriptive and detailed qualitative analysis of legal provisions is found in legal documents, known as primary sources. Therefore, the research may analyze the enforcement and effectiveness of applicable laws and governmental policies in relation to human rights, health protection, access to information, wrongdoings, and sanctions during the periods of the COVID-19 pandemic. Eventually, there is a comparison between some provisions under current and previous legal documents, policies implemented by the Government of Vietnam and other countries in the world. By virtue of these, the study will indicate reasons why the Government of Vietnam has achieved success in this fight and comes up with feasible legal solutions to the success the government of Vietnam achieved over the time.

Results and Discussion

3.1. The survey of evaluating public awareness to the government of Vietnam in the fight against the Covid-19 pandemic

In response to the research, a survey is conducted from 15th June 2021 to 15th July 2021 for a purpose of assessing the legal understanding of Vietnamese people about the COVID-19 pandemic as well as their reactions to acts of the government of Vietnam. 1524 experts in different areas joined in this survey to answer several relevant questions and outcomes are achieved, as follows:

Firstly, the scope of the survey is determined via the first three figures. In Figure 1, people, who work and study in the legal area, account for the greatest percentage in the survey with nearly 40% out of 1524 respondents. Meanwhile, the number of participants majoring in the field of medicine is over half of that with just over 23%. Following this, respondents coming from Economics and Political share nearly percentage with about 10%. The rest from other expertise participating in the survey occupies 17%. In addition, Figure 2 and Figure 3 show that the majority of people joining this survey are Vietnamese, aging from 18-30 years old.

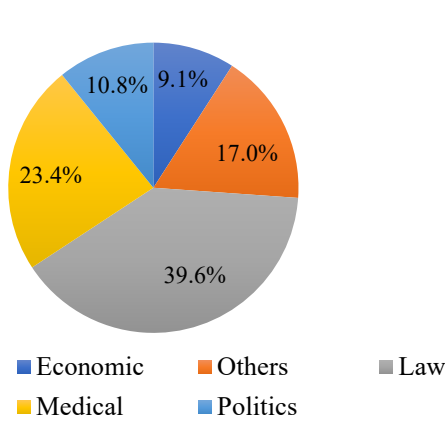


Figure 1: What is your expertise?

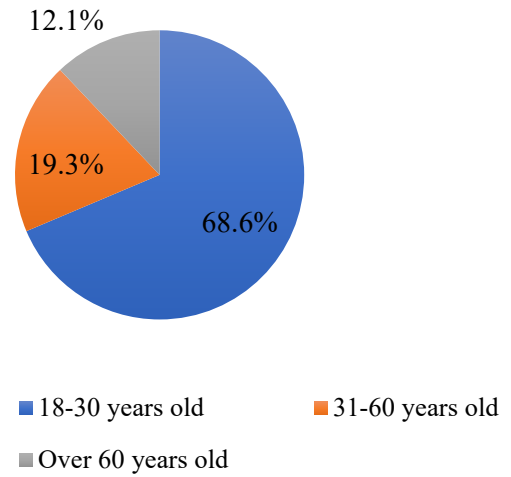


Figure 2: How old are you?

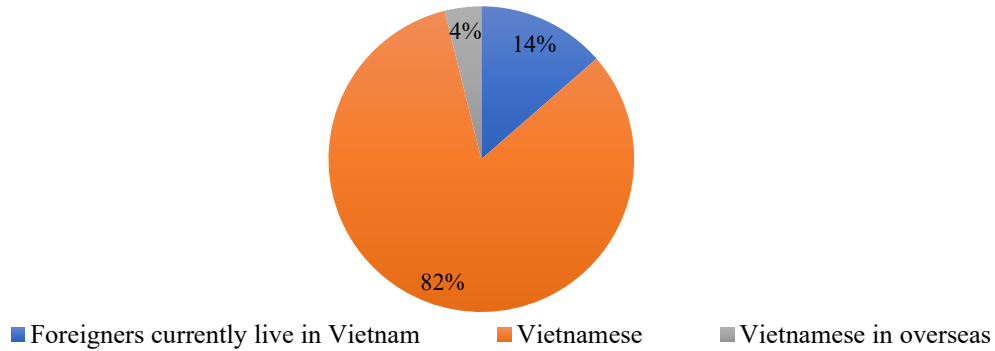


Figure 3: Are you Vietnamese?

Secondly, regarding the approachability to policies and legal documents that the government of Vietnam has issued on COVID-19 preventive and control activities, Figure 4 demonstrates more than 96 % of total respondents regularly update via the mass media. Therein, newspapers, Tv and Broadcasting, Websites and the Internet, the highest percentages, are selected by more than 60% of total respondents shown in Figure 5. These means of communication are approachable and orthodox, which the Government of Vietnam uses to provide information and grant policies more effectively. This leads to a positive result in Figure 6 when most of the respondents in this survey adhere to the 5K recommendation of the Ministry of Health, including medical declaration, no gathering, isolation, the use of facemask, personal sanitization, and social distance (with more than 1000 people in the survey in each criterion). Vaccination and medical examination reach a lower percentage because the supply of vaccines in Vietnam is currently insufficient and only used for priority subjects under laws. In addition, recently, screening test has just been widened the scope of application, not only injected, at-risk cases but also people examining health periodically.

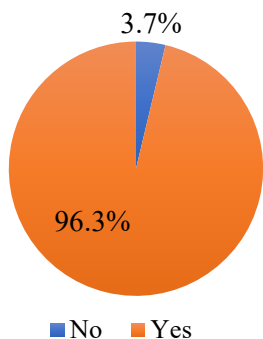


Figure 4: Do you update regularly about policies and legal documents issued on COVID-19 preventive and control activities?

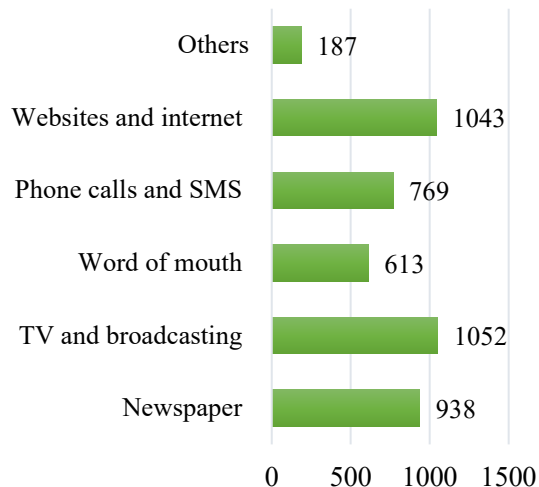


Figure 5: Which media do you use to update the information?

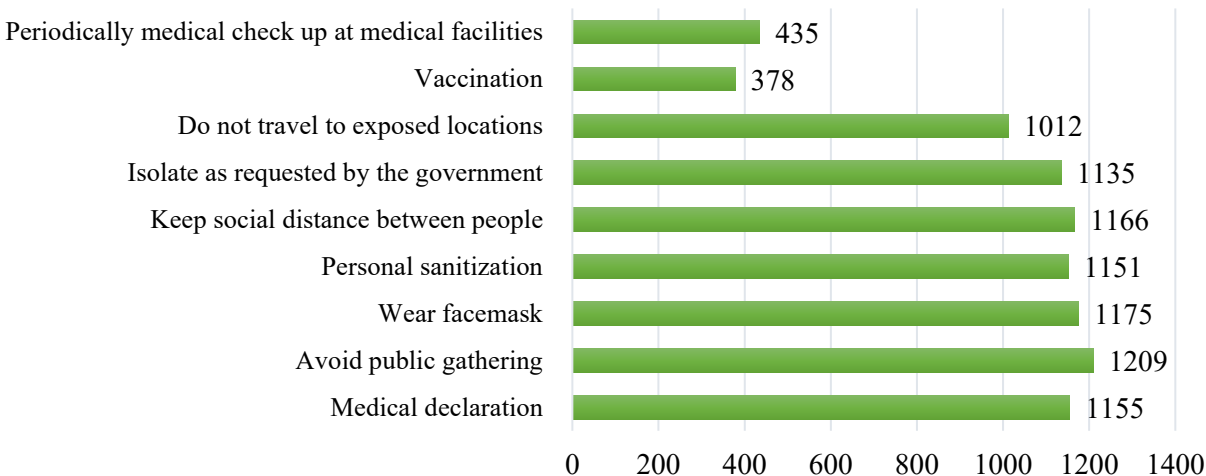
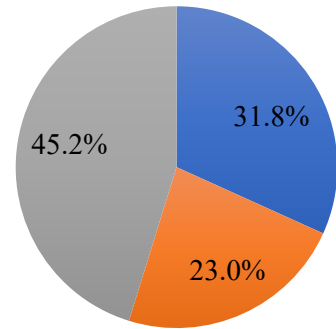


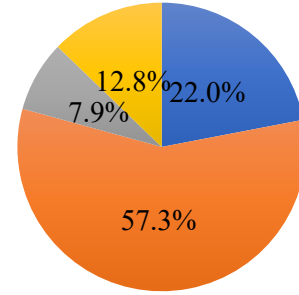
Figure 6: Which method have you done to prevent and control Covid-19 up till now?

Thirdly, related to the public awareness about rules and regulations in the prevention of COVID-19, although most of the respondents get used to updating to policies and legal documents granted by the Government relating to the COVID-19 pandemic, their understanding of Law on prevention and control of infectious diseases 2007 is under average with 45.7% of total people understanding this law clearly, provided in Figure 7. In terms of sanctions, Figure 8 shows that more than 57.3% of total people provide a correct answer about a recent bylaw document on administrative violations against the health sector, which is Decision 117/2020/NĐ-CP provided by Prime Minister. However, when being asked about the crime of spreading infectious diseases to people under Article 240 of the Criminal Code 2015 amended 2017, respondents have not identified accurately the level of seriousness when the percentage of respondents giving a correct answer is only 29,7% in Figure 9. In fact, this crime is considered serious under the current Criminal Code, nonetheless, most Vietnamese people think that the adverse impact of the crime is relatively enormous and unforeseeable and therefore it should be the most serious crime.



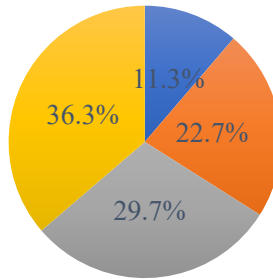
■ Clearly understand
 ■ Do not have any information
 ■ Heard about it somewhere

Figure 8: Do you know about the Law on Prevention and control of Infectious diseases 2007?



■ Criminal Code 2015 amended in 2017
 ■ Decree 117/2020/ND-CP
 ■ Decree 176/2013/ND-CP
 ■ Law on prevention and control of infectious diseases 2007

Figure 7: In your opinion, in which legal document specifies penalties for sanctioning administrative violations in the health sector?



■ less serious ■ more serious ■ serious ■ the most serious

Figure 9: In your opinion, how serious the crime of spreading infectious diseases to people under Article 240 of the current Criminal Code is?

Finally, in respect of reactions of respondents to the acts of the government of Vietnam. Figure 10 shows that approximately 96% of total people positively claim that the government of Vietnam successfully prevents and controls the COVID-19 pandemic in the period of 2020-2021. Even, Figure 11 indicates that nearly 96% of total respondents believe that the government of Vietnam can prevent and control COVID-19 in the fourth phase which is more serious than the previous phrases. When asking about the main reasons for the success of the Government of Vietnam, Figure 12 shows that the participation of the whole society, a high consensus of Vietnamese people, legal framework and the update of pandemic information are selected with approximately 1000 respondents for each ground. Recently, Vietnam has encountered the fourth phase of the COVID-19 outbreak. More than 1000 people in this survey claim that a new variant of Coronavirus (Delta) and low awareness of some Vietnamese people are the primary culprits why the number of cases is growing rapidly in many provinces in Vietnam, as indicated in Figure 13. This is followed by

lateness in the progress of vaccination, laxity in the operational management of governmental agencies, low deterrent sanctions with more than 700 respondents for each reason. Furthermore, the survey provides several strategies and missions for new situations in Figure 14, two of which are recommended by more than 1000 respondents, including raising people's awareness and improving laws and other legal documents on the prevention of infectious diseases. The rest is advocated by more than 800 respondents per option, inclusive of the increase in international cooperation, the use of vaccination as a radical measure, and the improvements in the coordination of governmental agencies.

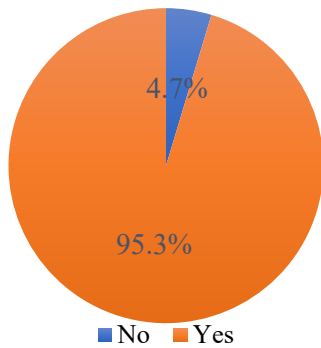


Figure 11: In your opinion, did the government of Vietnam successfully prevent and control COVID-19 in the period of 2020-2021?

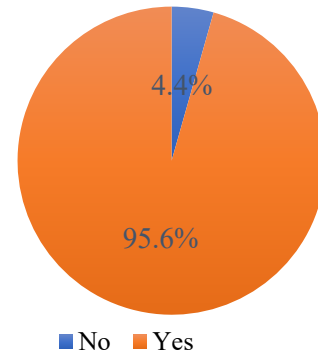


Figure 10: Do you think Vietnamese government can prevent and control Covid-19 in this circumstance?

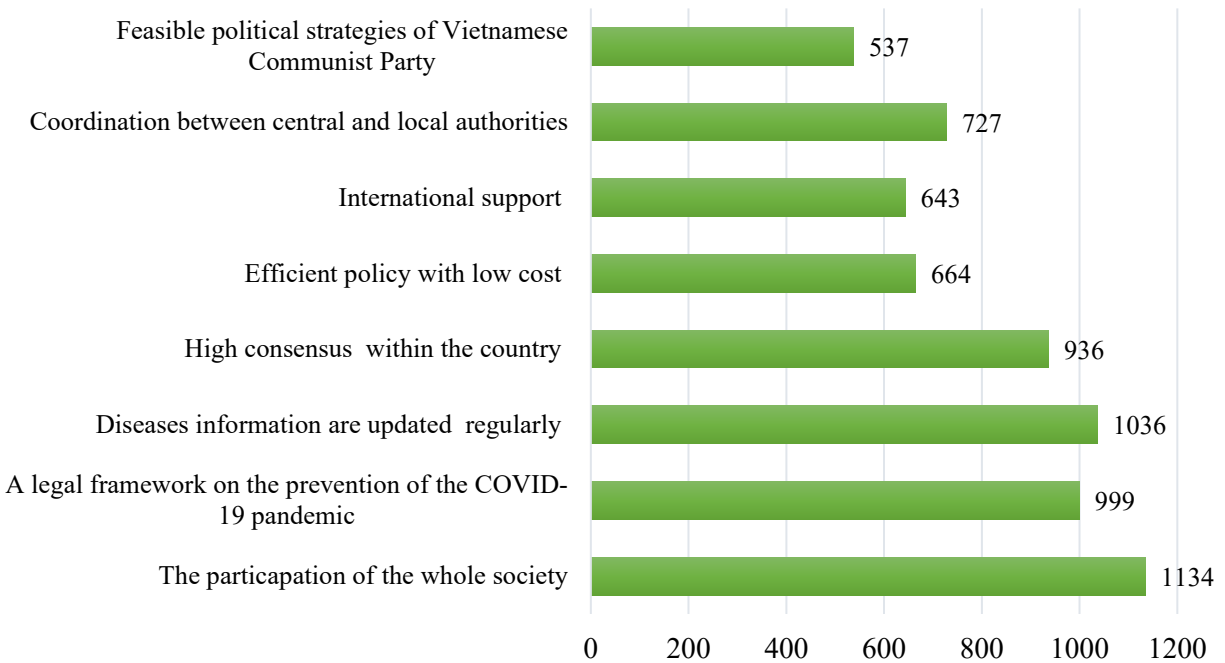


Figure 12: If it is successful, which factors have played the main role?

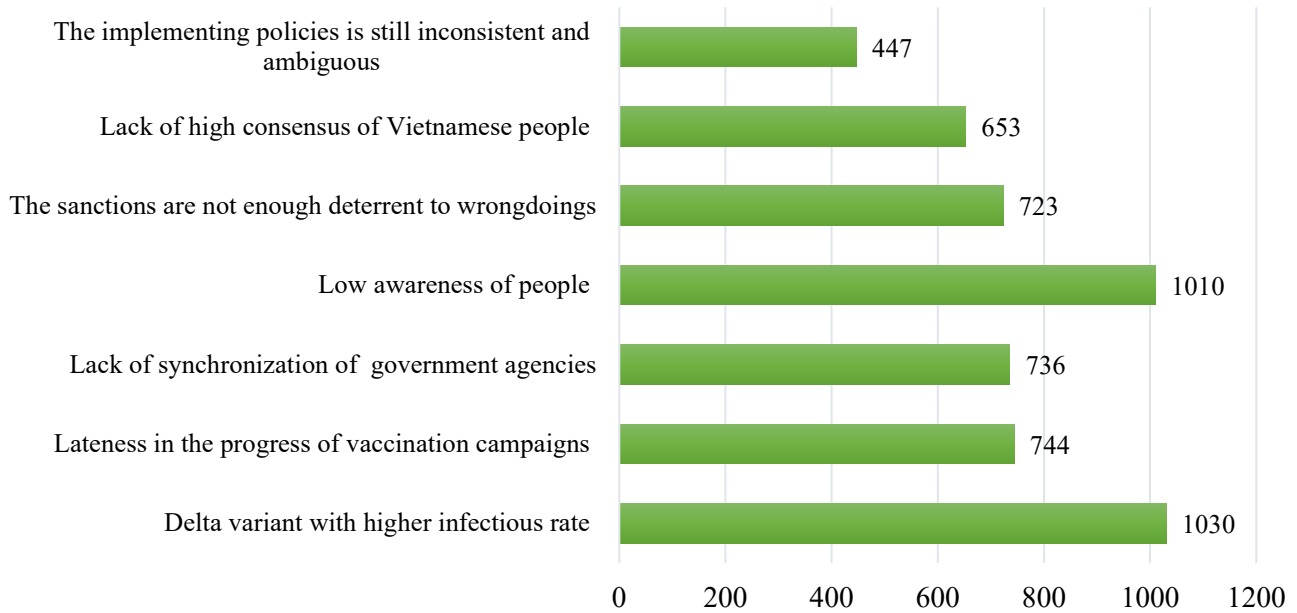


Figure 13: According to you, what is the main reason that the number of cases is growing rapidly in many provinces in Vietnam?

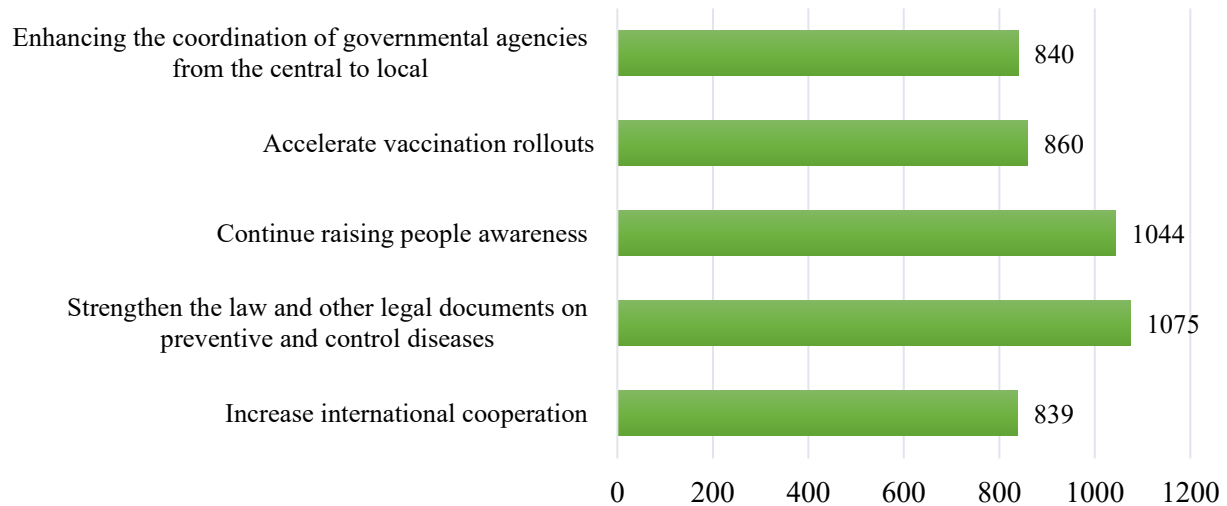


Figure 14: According to you, what strategy and mission should be implemented in the upcoming period to assure the set goals?

3.2. The reasons for the success of the government of Vietnam in the prevention and control of COVID-19 pandemic over the time

In fact, the success of Vietnam in the fight against the first three phases of the COVID-19 outbreaks was recognized by the international community, known as a model of preventing the pandemic effectively with low cost. From the legal perspectives, this arises from good national governance of Vietnam relating to factors mentioned in Figure 12. More explicitly, the Government of Vietnam reaches eight standards of good governance according to United Nations

Economic and Social Commission for Asia and the Pacific, including participatory; consensus orientation; accountability; transparency; responsiveness; effectiveness and efficiency; equity and inclusiveness; compliance with the rule of law.

3.2.1 Mobilizing all people and the political apparatus to participate in the fight against the COVID-19 pandemic (participatory and consensus orientation)

Based on the belief of the Vietnamese people and the power of national unity, Vietnam has mobilized the participation of the entire political apparatus in the prevention and control of the COVID-19 pandemic and even a great number of people from all walks of life in society. In particular, the highest leading agency for the prevention of the pandemic is the National Steering Committee with four primary objectives implemented on the spot, including direction, forces, means, and supporters, formed from the beginning according to Decision No. 170/QĐ-TTg of the Prime Minister. When the initial outbreak period of the pandemic happened, the entire political system is willing to participate, warn the COVID-19 as a dangerous threat to take proactive and timely responses to avoid the spread of the pandemic. The National and Local Steering Committees for the prevention of the COVID-19 pandemic, as well as People Committees at all levels have strictly complied, coordinated synchronously, and drastically performed missions of controlling the pandemic in accordance with the instructions of Official Letter No. 79-CV/TW implemented by Board of Secretariat of the Party Central Committee dated 29/01/2020, the directives of the Prime Minister: No. 05/CT-TTg dated January 28/01/2020, 06/CT-TTg dated 31/01/2020 and Official Dispatch No. 156/CD-TTg dated 02/02/2020. In addition, along with the direct participation of agencies in the health sector, there is a coordination of the armed forces, media agencies, and relevant organizations in the progress of preventing the pandemic across the country.

In addition, Vietnamese people have high trust and great support for policies granted by the Government, shown in Figure 10 and 11. According to a survey conducted by Latana Market Research Institute from February to April 2021, the number of people believing that Vietnam will prevent the spread of the COVID-19 pandemic, reaching 96%, ranking first place among 53 countries in the world. At the same time, according to this survey, measures, directions, and undertakings of the Government during the pandemic period have received full supports from respondents. Since the Central Committee of the Vietnam Fatherland Front held a nationwide online conference to mobilize the entire sources to be against the COVID-19 pandemic, the fund reached 445 billion VND after only 1 week of launching. Recently, the Prime Minister has established the fund of COVID-19 Vaccine through the Decision 779/QĐ-TTg, dated 26/05/2021 with the objective of calling the support from the whole society. Up till now, the fund has reached the set goal to purchase 170 doses of vaccine for 75% out of total population. According to Tran, Michael and Nicola (2020), the success of Vietnam in the prevention of the COVID-19 pandemic is dependent on the close coordination of the entire government apparatus in response works as well as a quick approach and readiness of Vietnamese people in the implementation of the preventive measures.

3.2.2. Vietnam has developed a legal corridor to combat the COVID-19 pandemic. (the compliance with the rule of law, accountability and responsiveness)

The legal framework for the prevention and control of infectious diseases has been issued for a long time. Afterward, there are feasible amendments when the COVID-19 pandemic started to emerge in Vietnam. From successful experience of prevention of H1N1 (2009) and SARS (2003) in the past, Vietnam has soon been aware of the threat of infectious diseases to human health and sustainable social development. Accordingly, the enactment of the Law on Prevention and Control of Infectious Diseases 2007, which is inevitable, has been in effect for more than 12 years. Together with the Law, the Government of Vietnam has also issued other bylaw documents for the purposes of guiding and implementing provisions of the Law in detail over the years, such as Decree 92/2010/ND-CP, and Decree

103/2010/ND-CP. Before the emergence of the COVID-19 pandemic, Vietnam provided sanctions to prevent legal violations against the control of infectious diseases in several legal documents such as administrative sanctions under the 2012 Law on Handling of Administrative Violations and criminal sanctions under Criminal Code 2015 amended in 2017

When the COVID-19 pandemic has commenced emerging in Vietnam, the Government have timely responded in supplementing, amending, and updating legal documents to drastically prevent its spread and reduce unexpected risks. Specifically, the Prime Minister immediately issued Decision No. 219/QĐ-BYT dated January 29, 2020 on adding acute respiratory infections caused by a new strain of Coronavirus (nCoV) to Group A infectious diseases stipulated under the Law on Prevention and Control of Infectious Diseases in 2007 when Vietnam at this time had just had the first 2 infected cases in the beginning. In addition, governmental agencies from central to local levels have also updated, revised, and issued guiding legal documents regarding the organization, supervision of quarantine; call for volunteering groups supporting the prevention of the pandemic in lockdown areas, guidance, treatment, and other related remedial measures. In addition, sanctions for the breach of the law on the prevention and control of infectious diseases prevention also change the degrees of punishment and add more regulations to meet the complexity of the COVID-19 pandemic. Previously, the penalty for handling administrative violations in the health sector was specified in Decree 176/2013/ND-CP, issued by the Government on 14/11/2013. However, when the spread of COVID-19 has been occurring, there is an increase in the number of violations against the requirements of medical isolation and wearing masks in public places. The reality indicates that the level of sanctions is not strict enough to educate and deter offenders. Therefore, to raise public awareness and law compliance, the Government also promulgated Decree 117/2020/ND-CP on sanctions of administrative violations in the health sector on 28/09/2020, replacing Decree 176/2013/ND-CP. In particular, the new Decree mostly increases fines twofold to tenfold than the previous punishment for administrative violations on preventive medicine, especially related to the prevention and control of the COVID-19 pandemic, ranging from VND 3,000,000 to 100,000,000. In Korea, both administrative and criminal sanctions on the prevention of the pandemic are provided under The Infectious Disease Control and Prevention Act No. 9847, 2009 amended by Act No. 17067. Furthermore, the level of punishment in this country is relatively higher than in Vietnam. Specifically, a suspected case refusing a test order by health agencies is fined about KRW 3 million (approximately US \$2,430). A person in breach of a quarantine order is imprisoned for up to a year or fined about KRW 10 million (US \$8,090).

3.2.3. The right to access information of people about the COVID-19 pandemic is lawfully guaranteed (Transparency)

As the figures mentioned in Figure 4 and 5, most Vietnamese people seems satisfied and supportive with the Government's information disclosure. This success may be achieved by virtue of the following two aspects.

In terms of public awareness, the Government of Vietnam has understood that the key element in the prevention of infectious diseases is the highly reliable and authentic source of information. The right to access information of people on issues of infectious diseases has been recognized in the Vietnamese Constitution, the Law on Access to Information 2016 and the Law on Prevention and Control of Infectious Diseases 2007. Specifically, Article 25 of the Constitution 2013 states Vietnamese citizens have the following rights, including freedom of speech, freedom of the press, access to information, assembly, association, and demonstration. Moreover, under Article 38 of the Constitution, the right to protect human health is stipulated that everyone is entitled to health care and protection, fairness in the use of medical services and obligates to adhere to rules on disease prevention, medical treatment, and examination; and acts threatening to the life and health of the public and others shall be prohibited. According to Clause 1n, Article 17 of the Law on Access to Information 2016, information related to the public interest and the health of the community shall

be made public. Particularly, pursuant to Clause 1 and 3 of Article 4 of the Law on Prevention and Control of Infectious Diseases 2007, the right to access information is recognized as one of the fundamental regulations in the prevention of infectious diseases.

In terms of implementation, the responsibilities of government agencies providing information are specified under Clause 1, Article 34 of the Law on Access to Information 2016, which stated that the advantages of information provision shall be timely reviewed and considered to publicize information or provide information upon request for protecting public interests and community health. Since the outbreak of the COVID-19 pandemic, the Government of Vietnam has expressed and widely conveyed to all people the message that the whole society needs to protect themselves and unite to fight the spread of the pandemic. By means of communication, both central agencies and the People's Committees at all levels publicize information about the COVID-19 epidemic with a view to helping Vietnamese people access as quickly as possible such as broadcast, newspapers, Medical Public Portal and <https://ncov.moh.gov.vn>. Additionally, the governmental agencies use popular social networking sites such as Zalo, Facebook, Youtube and major network providers in Vietnam for conveying necessary information to the people via messages and calls. These actions base on Directive No. 5/CT-BTTTT granted by the Ministry of Information and Communications about enhancing the information campaigns in the fight against the COVID-19 pandemic on 02/02/2020. According to the report of the Ministry of Health updated from April 27 to June 22, 2021, the number of messages propagating preventive measures of the COVID-19 pandemic to Vietnamese people have reached about 6 billion. To avoid risks in the implementation of policies, the government of Vietnam also drastically prevents profiteering acts, one of which is the release of inaccurate information on social networks during the pandemic period. Particularly, individuals and organizations take advantage of social networks to provide and share fake misleading or fabricated about the COVID-19 pandemic in society, which shall be subject to a fine ranging from VND 10,000,000 (US \$438) to VND 20,000,000 (US \$ 877) according to Clause 1a and 1d, Article 101 of Decree No. 15/2020/ND-CP dated 03/03/2020 of the Government on sanctions of administrative violations in the fields of the post, telecommunications, and radiofrequency, information technology, and electronic transactions. In Taiwan, Article 9 of the Communicable Disease Control Act 1944, amended 2019 stipulated that misinformation about the control of disease measures shall be corrected and notified immediately by the competent authorities. A heavy sanction imposed on the violation of Article 9 stipulated under Article 64-1, states that wrongdoers shall receive a fine from NT\$100,000 (US \$3,589) to NT\$ 1,000,000 (US \$35,890). Additionally, Article 63 provides that anyone disseminating rumors or wrong information on diseases will be fined about NT\$ 3,000,000 (US \$107,676)

3.2.4. The governmental policies are relatively equal and effective at a low cost. (Effectiveness and Efficiency; Equity and Inclusiveness)

Equality in the implementation of preventive policies against the COVID-19 pandemic is shown in the following two perspectives. In terms of medical, policies implemented by the Government of Vietnam in anti-COVID-19 pandemic comply with the Constitution 2013 and relevant laws and guarantees that all walks of life have access to information; free medical examination and treatment at medical facilities and use of medical equipment. This is shown through the objective of the Government's directives to "leave no one out" during periods of pandemic. Even, the expat community has been confirmed that they were not discriminated and left behind as well as received same treatments in health protection as citizens when living and working in Vietnam. At the same time, the Government also made decisions to accelerate the construction of field hospitals in infected areas, take advantage of army barracks and military schools for concentrated quarantine camps. These policies not only reduce pressure on medical facilities but ensure the right to health protection of the entire society when the pandemic is increasingly complicated. Moreover, the Government guarantees the honor and information of infected people during medical examination and treatment under Law on medical treatment and examination. Any act of discriminating and giving false and negative information about infected

people is prohibited and subject to legal sanctions. Regarding socio-economic development, the Government has provided timely financial supports to Vietnamese people and businesses in the process of social distance and isolation via supporting packages provided under Directive No. 11/CP, dated 03/2020 and the deadline extension of for tax payment under Decree 41/2020/ND-CP, updated by Decree 52/2021/ND-CP dated 19/04/2021.

According to WHO, Vietnam is considered as one of the successful countries in the prevention and control of COVID-19 with low cost. In fact, the Government of Vietnam has taken advantage of human resources and available means to make timely and precise decisions with allocating reasonable costs and saving resources. Specifically, the Government of Vietnam has continuously called for the cooperation and support of the entire society in each stage of the prevention and control of the pandemic. Simultaneously, recommendations about health protection are provided regularly on the mass of media with aim to raising human awareness about the COVID-19 pandemic. Up till now, the Ministry of Health has suggested all people to complete medical declarations via the Bluezone application and implement health-protective measures called 5K during the periods of COVID-19 pandemic. Alternatively, the methods of preventing and controlling the pandemic are relatively effective but not very expensive. The fact shows the medical infrastructure in Vietnam cannot adopt the strategy government of South Korea to do a massive test over the country. The government has chosen an avenue to quarantine the infected people and trace all of the contacts with them under Decision No. 5053/QD-BYT dated 03/12/2020 of the Ministry of Health on the issuance of practical Manual for tracing contacts of people who have tested positive for SARS-CoV-2. The strategy aims at reducing the number of tests and avoid mass testing. For other Western countries such as Germany, only the infected person and their direct contacts are addressed. In Vietnam, the tracing process further tracks people in the third (F3) and fourth (F4) level who contact the infected person. This strategy will encircle all infected or at-risk cases, which is updated via NCOVI application on mobile developed by the Ministry of Information and Communications (Pollack *et. al*,2021).

3.3. The urgent upcoming missions of the Government of Vietnam in the fourth phase of COVID-19 outbreak

Maintaining the success that the Government of Vietnam has achieved in the fight against the COVID-19 pandemic is a huge challenge in the current period because of the two following external impacts, showed in Figure 13. First, Vietnam has confronted the fourth phase of the COVID-19 outbreak when a dangerous variant of COVID-19 called Delta from India has increasingly become a threat to the health community in Vietnam recently. Second, vaccination in Vietnam has encountered issues arising from public awareness and the supply of foreign manufactures. Therefore, to complete objectives in the prevention of the COVID-19 pandemic, the Government urges to prepare and perform the following important missions:

3.3.1. Continue to raise Vietnamese public awareness and accountability of government agencies

The progress of combating the COVID-19 pandemic is hindered by low awareness of some Vietnamese people and the irresponsibility of some individuals and organizations in governmental agencies. Regarding the cognition of citizens, a myriad of violations on medical declaration and isolation have emerged across the country during the COVID-19 outbreaks. This is because infected people fail to understand their responsibility under the law and infect the community accidentally. Under Law on Prevention and Control of Infectious Diseases 2007, medical declaration and isolation are the two primary measures that infected people or at risk must comply with. However, in the progress of prevention and control, most infected cases with a lack of understanding of the law have seriously violated these obligations, unknowingly causing infection in the community. In addition, the Government has issued a new Decree on administrative sanctions of violations in the health sector. However, many people still show indifference and

irresponsibility when the Decree is implemented. The lack of basic understanding of legal provisions on the prevention and control of infectious diseases can cause serious consequences for society, especially in threats of the COVID-19 pandemic. According to statistics of the Department of Industry and Trade in Ho Chi Minh City, only in February 2021, there were 7,420 cases failing to wear protective face masks along with more than 3700 fines. When being asked about these violations, most of these offenders do not know about administrative sanctions and fines increasing 10 times according to the new Decree. With respect to government agencies, recent failure to reach set goals in the fight against the COVID-19 pandemic arises from the absence of synchronization by individuals and organizations working in these agencies. Specifically, the Ministry of Health issued Decision No. 878/QĐ-BYT, dated 12/03/2020 on guiding medical isolation at quarantine camp in the fight against the COVID-19 pandemic. However, in the implementation process, there was a laxity and asynchronization in the management of some individuals and organizations in governmental agencies. This has led to the high probability of cross-infection in the community when governmental agencies failed to supervise disease carriers escaping from the isolation area, or other outsiders entering into the isolation area.

To solve the aforementioned shortcomings, both Vietnamese people and governmental agencies need to increase mutual consent and voluntary in the fight against the COVID-19 pandemic. Particularly, laws and bylaw documents need providing and updating continuously in a systematic manner which Vietnamese people are easy to approach such as newspapers, the Internet, or TV broadcasting. Moreover, authorities at all levels continue to promote propaganda about preventive measures and threats of the COVID-19 pandemic to the society in order to further raise public awareness about self-protection of health and adhere to safety regulations about self-declaration and medical isolation. At the same time, governmental agencies are required to carry out survey activities, seminars, and movements to evaluate the level of public awareness to establish more specific, reasonable, and foreseeable plans at each specific period. From the central to local levels, authorities should coordinate closely in the management and supervision of medical isolation and declaration, immigration, and entry. Any wrongdoings should be condemned and sanctioned in accordance with the law for purpose of propagating and educating people.

3.3.2. Improve legal framework about the prevention and control of the pandemic in new situations

Despite enacting laws and a myriad of bylaw documents on the prevention and control of diseases, the government of Vietnam should continue to approve amendments and modifications in the current legal framework to solve current challenges in the new situation of the pandemic.

Under the Law on Prevention and Control of Infectious Diseases 2007, some provisions currently reveal deficiencies when the COVID-19 has emerged such as subjects of application, international cooperation, and isolation. First, according to Article 1 on subjects of application, the Law only applies to domestic and foreign agencies, organizations and individuals living and working inside the territory of Vietnam. However, the law is silent on organizations and individuals who have Vietnamese nationality, live and work overseas. In fact, the rights and obligations of these subjects need guaranteeing by Vietnamese legal system law. Secondly, regarding international cooperation, the Law stipulates generally but not provides specific responsibilities and detailed works of a competent authority. Under Article 56 of the Law on Prevention and Control of Infectious Diseases 2007, the Law states that the Ministry of Health has competent authority to decide on matters of international cooperation, including the exchange of specimens, information of infectious diseases, techniques, experts, medical equipment and funds in preventive activities of infectious diseases. There are no specific provisions under the law and bylaw documents to guide these aforementioned matters. Additionally, in relation to isolation

under Clause 6, Article 2 of the Law, medical isolation only applies to infected and suspected people, carriers, or vectors with pathogens of contracting infectious diseases. However, during the recent periods of the COVID-19 pandemic, the reality shows that asymptomatic individuals traveling from pandemic regions are able to spread to the community when recent people infected with new variants of COVID-19 have no or light exposure of symptoms. Therefore, these subjects need to be isolated, especially in case of 14 to 21-day isolation for all people entering Vietnam during the complicated periods of the pandemic.

In terms of punishments under the Criminal Code 2015 (amended and supplemented in 2017), the criminal sanctions for the acts of spreading dangerous infectious diseases to people or the community are still light and not enough deterrent at present. Pursuant to point c, clause 1, Article 240 of this law on the crime of spreading dangerous infectious diseases to people, there is no legal document specifying and guiding this matter for application. In fact, on 30/03/2020, the Council of Judges of the Supreme Court issued Official Letter No. 45/TANDTC-PC listed a number of violations that can be criminally handled in Vietnam in order to educate and deter wrongdoers including escape from quarantine camps; failure to comply with regulations on isolation; the refusal of applying coercive isolation measures; incomplete declaration or false medical declaration. However, it should be noted that the official letter is not a legal document as laws and bylaw documents. Therefore, it has not enough legal effect to be binding and coercive in adjudication activities. Moreover, this official letter only relates to suspected cases with notification of isolation orders but fails to mention those who are suspected to be infectious without notification. Therefore, these people are not criminally accountable even though they are completely capable of violating criminal law on spreading infectious diseases to people or the community. Regarding the penalty level, under Article 240 of the current Criminal Code, spreading infectious diseases to the public and others is considered a serious crime, a criminal offender of which only faces a maximum of 12 years in prison. However, the reality shows any wrongdoings spreading a dangerous infectious disease to other people is likely to impact negatively on general interests of the whole society such as health and economic development. Therefore, the consequence of the wrongdoings is considerable, which should be categorized as one of the most serious crimes under the current Criminal Code.

3.3.3. Strengthening international cooperation in the prevention and control of the COVID-19 epidemic.

A present, the COVID-19 pandemic has not only influenced adversely one country but also spread to other nations around the world. Therefore, international cooperation is one of the core aspects, which is also determined as an important contribution in the progress of anti-pandemic in Vietnam. Obviously, international cooperation is a great source of encouragement in terms of spirit, which shows concern, trust, and solidarity in the partnership between Vietnam and the international community. As a factual matter, Vietnam has undertaken consultations and discussions with international organizations and other countries to learn valuable experiences, shares preventive measures and policies, as well as find out necessary policies for new situations of the COVID-19 pandemic. In 2020, Vietnam, with the role of president of ASEAN, Vietnam led other regional countries to organize successfully online meetings in the fight against the COVID-19 pandemic such as ASEAN+3 submit, ASEAN and EU, ASEAN and WHO.

In new situations, the government of Vietnam needs to coordinate more closely with countries where Vietnamese people live and work to promptly support them as well as bring them from countries suffering COVID-19 pandemic seriously. Simultaneously, Vietnam continues to regularly exchange, learn and share experiences, cooperate with other countries and international organizations in prevention and control of the pandemic, especially the policies of vaccination, technology and advanced measures applied in successful models. Via international forums and seminars,

Vietnam should more actively and voluntarily participate in consultation and discussions and sign agreements with other countries regarding these issues. By virtue of this, Vietnam may respond timely to the pandemic via feasible modifications in domestic legal documents to adapt to periods of the COVID-19 pandemic.

3.3.4. Accelerate vaccination rollouts for Vietnamese people to create community immunity.

The objectives of the vaccine strategy are to reduce pressure on the health system; alleviate symptoms and mortality and bring life back to normal. Until July 2021, the Vietnam Fund for Vaccination Prevention of Coronavirus Disease 2021 founded by the Government ensures to purchase 170 million COVID-19 vaccine doses for more than 70% population. Even, Vietnam provided clear policies on vaccination from the beginning of 2021, including Decree 10/4/2016/ND-CP dated 1/07/2016 on vaccination activities, Resolution No. 21/NQ-CP dated 18/03/2021 on the purchase and use of vaccines against COVID-19, Decision No. 1210/QD-BYT approving the plan to receive, store, distribute and use COVID-19 vaccine and other related documents. However, the progress of vaccination in Vietnam has encountered three problems, including the limited supply of the COVID-19 vaccine from overseas, the vaccine hesitancy of local people and healthcare workers (Bohane, 2021). Until the beginning of July, people getting the first dose vaccine is only 1.3% of the population and less than 0.1% for 2 doses, ranking the lowest among the ASEAN member states (Vu, 2021). Meanwhile, according to a statistic of BBC (2020) despite the greatest number of injected people, Israel, Chile and Canada are successful models of vaccination campaigns, achieving a very high rate of vaccination about 140 doses per 100 population.

From legal perspectives, the Government is recommended to take the following urgent measures. Firstly, the Government continues to update and provide guiding legal documents on pre-vaccination of approved types of vaccines. Up till now, only AstraZeneca has specific guiding documents on screening and treatment before injection according to Decision 1624/QD-BYT, dated 18/03/2021 on AstraZeneca's interim guidance on pre-vaccination screening for COVID-19 vaccine. Secondly, the demand for vaccination against COVID-19 in society today is relatively high. However, the current difficulty is that there is only policy or roadmap on the priority groups according to Resolution No. 21/NQ-CP dated 26/2/2021 on the purchase and use of vaccines against COVID-19. Meanwhile, the rest of Vietnamese people, including private entities having vaccine sources and paying the fees by their own money, have not stipulated under legal documents. Thus, legal provisions on this matter should be provided timely. Simultaneously, the government should allow private entities with sufficient expertise and financial capacity to independently search for vaccine supplies based on the list of vaccines licensed for circulation by the Ministry of Health, negotiate for purchase and organize their own injecting services. Thirdly, the government continues to provide guiding legal documents, and encourage Vietnamese people in the use of the COVID-19 vaccination management platforms for health declaration and vaccine injected registration, including "Public vaccination portal" at tiemchungcovid19.gov.vn; Immunization support system; management service system and the application "Electronic health book". Fourthly, the Government needs to raise public awareness about current policies and legal documents on vaccination. Finally, the central and local authorities need to more strictly supervise and fine wrongdoers violating against Article 101 of Decree No. 15/2020/ND-CP in relation to vaccine misinformation. Recently, thousands of people have received unofficial invitations to register for the COVID-19 vaccine through various forms of false promotion from organizations and individuals claiming to have access to the source of COVID-19 vaccine from manufacturers.

Conclusion

From what is mentioned, the study has proved that the Government of Vietnam is successful in the fight against the Covid-19 pandemic from legal perspectives. Even, in the fourth phase of the Covid-19 outbreak, the government still maintain a good national governance to control and minimize the negative impacts of the pandemic on the whole society. However, due to external impacts such as a new variant of Coronavirus, lack of vaccine supply from foreign manufacturers, the current situation in Vietnam is not good as in the first three phases of the outbreaks. To overcome difficulties and maintain success, the Government of Vietnam should conduct the upcoming strategies quickly and drastically in the new situation. Specifically, the government should continue to raise the public awareness and responsibility of government agencies in law compliance, improve legal frameworks on the prevention of infectious diseases, enhance international cooperation, accelerate the progress of vaccination in the community.

References

BBC News, 2021, Covid vaccines: How fast is progress around the world?. Date of access: 20/08/2021. <https://www.bbc.com/news/world-56237778>

Bohane, H., 2021, COVID-19 Worries Return to Vietnam, Date of access: 20/07/2021. <https://thediplomat.com/2021/05/covid-19-worries-return-to-vietnam>

Communist Party of Vietnam Online Newspaper, 2021, Vietnamese satisfaction with COVID-19 pandemic control measures highest in the world, Date of access: 20/08/2021. <https://en.dangcongsan.vn/vietnam-in-foreigners-eyes/vietnamese-satisfaction-with-covid-19-pandemic-control-measures-highest-in-the-world-573708.html>

Djalante R., Nurhidayah L., Minh H. V., Phuong N. T. N., Mahendradhata Y., Trias A., Lassa J., Miller M. A., 2020. COVID-19 and ASEAN responses: Comparative policy analysis. *Progress in Disaster Science*. 8 (2020) 100129.

Korea Parliament, the Infectious Disease Control and Prevention Act 2009 amended by Act No. 17067, 04/03/2020

Lê V.L.H., Nguyễn T.P., 2020, Chính phủ và những chính sách quyết đoán chống đại dịch Covid-19.(Government and Assertive Anti-Pandemic Policies Covid-19), Date of access: 28/08/2020. <https://vietnamnet.vn/vn/tuanvietnam/tieudiem/chinh-phu-va-nhung-chinh-sach-quyet-doan-chong-dich-covid-19-630565.html>;

Ministry of Health, Decision No. 1210/QĐ-BYT approving the plan to receive, store, distribute and use COVID-19 vaccine, 09/02/2021

Ministry of Health, Decision No. 5053/QĐ-BYT on the practical Manual for tracing contacts, 03/12/2020

Ministry of Health, Decision No. 878/QĐ-BYT on guiding medical isolation at quarantine camp, 12/03/2020

Nguyen, Q.V., Cao, D.A., Cao and Nghiem, S.H., 2021. “Spread of Covid-19 and Policy Responses in Vietnam: An Overview,” *International Journal of Infectious Diseases* 103

Pollack, T. et al., 2021. Emerging COVID-19 success story: Vietnam’s commitment to containment. Date of access: 20/07/2021. <https://ourworldindata.org/covid-exemplar-vietnam>

The Legislative Yuan, Communicable Disease Control Act 1944, amended 2019, 19/06/2019

Tran, C.C., Michael, D.G. and Nicola, N (2020), “*Vietnam: a COVID-19 success story*”, Date of access: 28/07/2020. <https://devpolicy.org/vietnam-20200518-2>.

UN Economic and Social Commission for Asia and Pacific, What is good governance? Date of access: 15/06/2020. <https://www.unescap.org/sites/default/files/good-governance.pdf>

VN CONGRESS, Constitution 2013, 7th Congress, second session.

VN CONGRESS, Criminal Code 1015 amended 2017, 13th Congress, 3rd session.

VN CONGRESS, Law on access to information 2016, 13th Congress, 11th session.

VN CONGRESS, Law on Handling of Administrative Violations 2012, 13th Congress, 10th session

VN, CONGRESS, Law on medical treatment and examination 2009, 12th Congress, 9th session.

VN CONGRESS, Law on the prevention and control of infectious disease 2007, 7th Congress, 2nd session.

VN GOVERNMENT, Decree 10/4/2016/ND-CP on vaccination activities, 1/07/2016

VN GOVERNMENT, Decree 117/2020/ND-CP on sanctions of administrative violations in the health sector, 28/09/2020

VN GOVERNMENT, Decree No. 15/2020/ND-CP on administrative sanctions in the fields of the post, telecommunications, information technology, and electronic transactions, 03/03/2020

Vu M., 2021, Vietnam ranks lowest in Southeast Asia Covid-19 inoculation, Date of access: 20/08/2021. <http://hanoitimes.vn/vietnam-ranks-lowest-in-southeast-asia-covid-19-inoculation-317280.html>

Appendix

Figure 1: How old are you?	2
Figure 2: What is your expertise?	2
Figure 3: Are you Vietnamese?	2
Figure 4: Do you update regularly about policies and legal documents issued on COVID-19 preventive and control activities?	2
Figure 5: Which media do you use to update the information?.....	2
Figure 6: Which method have you done to prevent and control Covid-19 up till now?.....	2
Figure 7: Do you know about the Law on Prevention and control of Infectious diseases 2007?	2
Figure 8: In your opinion, in which legal document specifies penalties for sanctioning administrative violations in the health sector?	2
Figure 9: In your opinion, how serious the crime of spreading infectious diseases to people under Article 240 of the current Criminal Code is?	2
Figure 10: Do you think Vietnamese government can prevent and control Covid-19 in this circumstance?.....	2

Figure 11: In your opinion, did the government of Vietnam successfully prevent and control COVID-19 in the period of 2020-2021? 2

Figure 12: If it is successful, which factors have played the main role? 2

Figure 13: According to you, what is the main reason that the number of cases is growing rapidly in many provinces in Vietnam?..... 2

Figure 14: According to you, what strategy and mission should be implemented in the upcoming period to assure the set goals? 2