

MINISTRY OF EDUCATION AND TRAINING  
**HO CHI MINH CITY UNIVERSITY OF LAW**

**INFORMATION ON NEW CONTRIBUTIONS OF THE THESIS**

**Name of topic: TEMPORARY DETENTION MEASURE UNDER VIETNAMESE CRIMINAL PROCEDURE LAW**

**Major:** Criminal Law and Criminal Procedure

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**NEW CONTRIBUTIONS OF THE THESIS**

The thesis "*Temporary detention under the Vietnamese Criminal Procedure Law*" was selected because in the system of criminal procedure enforcement measures, temporary detention is the most severe preventive measure. Correctly applying temporary detention helps ensure the resolution of criminal cases by the prosecution agencies, contributing to improving the effectiveness of the fight against crime as well as contributing to ensuring the implementation of democracy and respect for the basic rights of citizens protected by law. However, when applying this measure, the person subject to it will be temporarily isolated from society for a certain period of time, leading to restrictions on the rights and legitimate interests of citizens recognized and guaranteed in the Constitution, even though they have not been officially convicted by a legally effective judgment. Therefore, it is required that the provisions on temporary detention under the Criminal Procedure Law must be complete, appropriate, scientific and the competent authority must really consider and circumspect aiming to limit the application of detention measures, replacing them with less severe measures. From there, the research on the topic meets the legal, practical and scientific theoretical requirements set forth in our country.

The thesis "*Temporary detention measures under the Criminal Procedure Law of Vietnam*" is a doctoral scientific work in Vietnam that conducts in-depth, comprehensive and systematic research on temporary detention measures under the Criminal Procedure Law of Vietnam, in addition to absorbing and inheriting many domestic and foreign research works.

The new points of the research results are shown in the following contents:

*Firstly*, the Thesis contributes to enriching, clarifying and providing comprehensive theoretical issues on detention measures in criminal proceedings on the basis of legal documents of the United Nations and Europe, General Comments, scientific viewpoints; contributing to supplementing and completing the theoretical system on detention measures under the Vietnamese Criminal Procedure Law, including: Concept and detailed analysis of the connotation of the concept of detention measures; Pointing out the characteristics of detention measures reflected in the strictest nature in the system of preventive measures, selectivity, applied by competent authorities and subjects that can be subject to detention measures and grounds for detention according to law; Pointing out the purpose and meaning of detention measures; Analyzing the basis for regulating detention measures; Analyzing the basic principles of the Criminal Procedure Law affecting the application of regulations on detention measures.

*Secondly*, the Thesis has systematized the history of regulations on provisional detention in Vietnamese criminal proceedings from 1945 to before 2015 to show the development process of regulations on provisional detention and draw legislative lessons on provisional detention in criminal proceedings. The thesis has analyzed and compared international law on provisional detention in criminal proceedings, as well as summarized the experiences of the laws of several specific countries around the world to identify elements that are consistent with Vietnamese cultural traditions regarding the legislative activities of criminal proceedings concerning provisional detention. Some experiences can be referenced when proposing solutions to improve regulations on provisional detention under Vietnamese Criminal Procedure Law.

*Thirdly*, the Thesis accurately, comprehensively and fully analyzes and evaluates the current situation of temporary detention measures under the Criminal Procedure Law in terms of legal regulations and application of the law in practice. All issues related to temporary detention measures such as: subjects who can be subject to temporary detention measures, grounds for temporary detention, duration of temporary detention, authority, procedures for temporary detention and the application of temporary detention measures for people under 18 years of age who commit crimes are clarified in terms of both legal regulations and practical application of criminal procedural law on temporary detention measures in the process of resolving criminal cases from 2018 to present. At the same time, the Thesis also discusses the difficulties and inadequacies in legal regulations and practical application of criminal procedural law on temporary detention measures, analyzes and finds the causes of limitations to serve as a basis for proposing solutions to improve the law and ensure the application of temporary detention measures under the current Vietnamese Criminal Procedure Law.

*Fourthly*, the Thesis has proposed solutions to improve the law and ensure the application of temporary detention measures according to the current Vietnamese Criminal Procedure Law and overcome the limitations and difficulties in the provisions on temporary detention measures according to the Vietnamese Criminal Procedure Law and the practice of applying temporary detention measures. It has proposed orientations to improve the law and ensure the effective and necessary application of temporary detention measures such as: ensuring the application of temporary detention measures in the context of reforming the State apparatus in a streamlined, effective and consistent manner with the strong development of science and technology; Associated with ensuring the legitimate rights and interests of people, agencies conducting proceedings and subjects subject to temporary detention measures; Ensuring the uniformity and unity of the legal system; Must be consistent with the development trend of Vietnamese law on preventive measures in criminal proceedings in general and temporary detention measures in particular. The Thesis has proposed recommendations to improve the law on temporary detention measures; Recommendations to improve the quality of the application of temporary detention measures in the context of building a rule-of-law state and judicial reform in Vietnam. There are five recommendations to improve the law on temporary detention measures, including: (i) Improving regulations on the grounds for applying temporary detention; (ii) Improving regulations on the authority and procedures for applying temporary detention; (iii) Improving regulations on the duration of temporary detention; (iv) Improving the law on the cancellation of temporary detention; (v) Improving regulations on the temporary detention of persons under 18 years of age. These solutions are built on a comprehensive, scientific theoretical foundation and practical application of criminal procedural law on temporary detention measures in the past time, in line with the Party's policies and guidelines on judicial reform, contributing to improving the effectiveness of applying temporary detention measures according to the Criminal Procedure Law in the context of national development in the new era in Vietnam today.

*Ho Chi Minh City, October 22, 2025*

**Postgraduate student**

**Ngo Thi Thuy Trang**