POLICY ON THE PREVENTION AND CONTROL OF TOBACCO HARM IN VIETNAM

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ABSTRACT

Purpose: The purpose of the article research the policy on the prevention and control of tobacco harm in Vietnam, point out several limitations, shortcomings, and propose recommendations to complete the legal system concerned.

Theoretical framework: The research employs theories about the policy on the prevention and control of tobacco harm in Vietnam, regulations on the prevention and control of tobacco harm, and mechanisms apply in Vietnam.

Design/methodology/approach: The research employs three common methods in legal science research: (1) Legal analysis method; (2) Legal efficiency evaluation method; and (3) Comparative legal method. The above research methods help compare and contrast theories on the policy on the prevention and control of tobacco harm in Vietnam and bring out some essential findings.

Findings: Some valuable findings have been revealed such as the formulation and development of the policy on the prevention and control of tobacco harm in Vietnam, some theoretical issues, and limitations on regulations of the policy on the prevention and control of tobacco harm in Vietnam.

Research practical and social implications: The article proposes some tasks remaining undone, and further tasks will be fulfilled in the future. The article may support many developments in future research in Vietnam.

Originality/value: The research on the policy on the prevention and control of tobacco harm in Vietnam become more and more urgent and very important in Vietnam.

Keywords: Tobacco, Health, Health Law, Policy, Smoker.

POLÍTICA DE PREVENÇÃO E LUTA CONTRA OS DANOS CAUSADOS PELO CIGARRO NO VIETNAM

RESUMO

Objetivo: O objetivo do artigo é pesquisar a política de prevenção e controle de danos ao cigarro no Vietnã, apontar várias limitações, deficiências e propor recomendações para completar o sistema legal em questão.

Estrutura teórica: A pesquisa emprega teorias sobre a política de prevenção e controle de danos ao cigarro no Vietnã, regulamentos sobre a prevenção e controle de danos ao cigarro, e mecanismos que aplicam no Vietnã.

Projeto/metodologia/abordagem: A pesquisa emprega três métodos comuns em pesquisa de ciências jurídicas: (1) método de análise jurídica; (2) método de avaliação de eficiência jurídica; e (3) método jurídico comparativo. Os métodos de pesquisa acima ajudam a comparar e contrastar teorias sobre a política de prevenção e controle de danos ao cigarro no Vietnã e trazer para fora algumas conclusões essenciais.

Constatações: Algumas descobertas valiosas foram reveladas, como a formulação e o desenvolvimento da política de prevenção e controle de danos ao cigarro no Vietnã, algumas questões teóricas e limitações sobre as regulações da política de prevenção e controle de danos ao cigarro no Vietnã.

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Investiga\c{c}\~ao implica\c{c}\~oes pr\~aticas e sociais: O artigo prop\~oe algumas tarefas que continuam por fazer, e outras tarefas s\~er\~ao cumpridas no futuro. O artigo pode apoiar muitos desenvolvimentos em pesquisas futuras no Vietn\~am.

Originalidade/valor: A investiga\c{c}\~ao sobre a politica de preven\c{c}\~ao e controle dos efeitos nocivos do cigarro no Vietname torna-se cada vez mais urgente e muito importante no Vietname.

Palavras-chave: Cigarro, Sa\u00eute, Lei da Sa\u00eute, Politica, Fumante.

POL\u00edTICA DE PREVEN\u00e7\u00e3O Y CONTROL DEL DA\u00d1O CAUSADO POR EL TABACO EN VIETNAM

RESUMEN

Propósito: El propósito del artículo es investigar la política de prevención y control del daño al tabaco en Vietnam, señalar varias limitaciones, deficiencias y proponer recomendaciones para completar el sistema legal en cuestión.

Marco teórico: La investigación emplea teorías sobre la política de prevención y control del daño causado por el tabaco en Vietnam, las regulaciones sobre la prevención y el control del daño causado por el tabaco y los mecanismos que se aplican en Vietnam.

Diseño/metodología/enfoque: La investigación emplea tres métodos comunes en la investigación de las ciencias jurídicas: (1) Método de análisis jurídico; (2) Método de evaluación de la eficiencia jurídica; y (3) Método jurídico comparativo. Los métodos de investigación anteriores ayudan a comparar y contrastar teorías sobre la política de prevención y control del daño causado por el tabaco en Vietnam y sacan a la luz algunos hallazgos esenciales.

Hallazgos: Se han revelado algunos hallazgos valiosos, como la formulación y el desarrollo de la política sobre la prevención y el control de los daños causados por el tabaco en Vietnam, algunas cuestiones teóricas y limitaciones de las regulaciones de la política sobre la prevención y el control de los daños causados por el tabaco en Vietnam.

Implicaciones prácticas y sociales de la investigación: El artículo propone algunas tareas pendientes, y otras tareas se cumplirán en el futuro. El artículo puede apoyar muchos desarrollos en futuras investigaciones en Vietnam.

Originalidad/valor: La investigación sobre la politica de prevención y control de los daños causados por el tabaco en Vietnam se hace cada vez m\~as urgente y muy importante en Vietnam.

Palabras clave: Tabaco, Salud, Derecho Sanitario, Politica, Fumador.

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1 INTRODUCTION

Vietnam is considered a developing country, which means the infrastructure, legal system and people's health awareness are still limited. Therefore, the smoking status of a group of the population is widespread in Vietnam.

There are no exact statistics on the time of appearance and popularity of tobacco in Vietnam. However, Vietnamese people have been familiar with tobacco (cigarettes, rolled cigarettes, etc.), and water-pipes (smoke with plows, bowls, etc.) for many generations. During the wars against France, against the United State, and defending the Southwest and Northern...
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borders, the image of a soldier holding a cigarette before entering a fierce battle has become viral, familiar, and casual. Tobacco became a luxury good during this difficult period, and the cigarette factories had a societal position. In the new era of peace, the sight of people queuing at cigarette shops is ordinary. Alternatively, going to weddings, funerals, or anniversaries, guests who come to the house are always invited to a cigarette by the host. Middle and high school pupils using unauthorized cigarettes during school breaks or some teachers taking a break with a cigarette and a teapot is not difficult to see. The number of women smoking is even high and especially popular in the Northwest and Northeast mountainous areas. That said, Vietnamese people love to smoke, and tobacco has long become one of the indispensable goods in social life in Vietnam. A recent study states, “Vietnam is still among the top 15 countries with the highest tobacco use in the world” (Dan Tri electronic newspaper, 2023_2).

However, more and more people could understand the severe harm of smoking. Tobacco causes serious damage to health, is economically costly, pollutes the environment, and is uncomfortable for those who accidentally inhale the smoke. Due to the assessment of the adverse effects of tobacco, the Vietnamese State has long shown a resolute and uncompromising attitude toward preventing and controlling tobacco harm. In 2012, to many people’s surprise, the State promulgated the Law on Prevention and Control of tobacco harm. Following this essential law, the State continuously promulgated legislation related to tobacco management in Vietnam. This action shows that the prevention and control of tobacco harm is always a fundamental and urgent issue in Vietnam.

2 LITERATURE REVIEW

Although many researchers are acquainted with this field, there is a small amount of scientific research on the prevention and control of tobacco harm in the health law of Vietnam. Because smoking is overly familiar, has existed for a long time in Vietnam, and has also been propagated widely by the health sector. Therefore, people and researchers in medicine and jurisprudence are bored with preventing and controlling tobacco harm. In other words, research on the harmful effects of tobacco is not attractive to researchers in medicine and jurisprudence in Vietnam. Even the content of training programs of law-teaching universities in Vietnam does not include the Law on Prevention and Control of tobacco harm. Currently, almost all the research is on the crime of cigarette smuggling, manufacturing, and trading fake cigarettes under criminal law, research tobacco business conditions, tax calculation methods for cigarettes in Vietnam, etc. Regarding the direct research on the prevention and control of tobacco harm,
almost few scholars in Vietnam are interested and exploited. However, plenty of legal regulations exist on tobacco management, prevention, and control of tobacco harm. Among them, relevant legislation to this topic, such as the Law on Prevention and Control of tobacco harm 2012; Decision No. 229/QD-TTg dated January 25, 2013, of the Prime Minister approving the “National Strategy for the prevention and control of tobacco harm until 2020”; Decree No. 77/2013/ND-CP dated July 17, 2013, of the Government “Detailing the implementation of the Law on Prevention and Control of tobacco harm on several measures to prevent and control tobacco harm”; Decision No. 47/2013/QD-TTg dated July 29, 2013, of the Prime Minister on “Establishing and approving the Charter of organization and operation of Fund on preventing and controlling tobacco harm”.

In addition, several articles in newspapers have mentioned the issue of prevention and control of tobacco harm, such as Tuyengiao electronic newspaper in 2022 with “The current situation, challenges and solutions for the prevention and control of tobacco harm in Vietnam”; electronic newspaper of Hanoi Department of Health in 2022 with “Alarming the increasing situation of e-cigarette smoking and heating among young people: Dangers to health”; Electronic newspaper of Ha Tinh Province People’s Committee in 2022 with “Raising awareness on the prevention and control of tobacco harm for young people”; Portal of Hung Ha - Thai Binh district in 2022 with “Warning of school age e-cigarette smoking”; Vnexpress online newspaper in 2022 with “Smoking 20 cigarettes a day still denies addiction”; Dan Tri electronic newspaper in 2022 with “Alarm: The rate of e-cigarette smoking increases 18 times after five years”; electronic newspaper Ha Tinh web portal in 2022 with “Lung cancer at high risk due to smoking”; Dan Tri electronic newspaper in 2023 with “Warning: E-cigarettes entering schools cause many students to be hospitalized”; Le Thi Thu et al., in 2023 with “Benefits of increasing tobacco tax - experience in some countries in the world and lessons for Vietnam”.

3 METHODOLOGY

To research the prevention and control of tobacco harm, the author has used traditional research methods of the social sciences and legal sciences, such as legal analysis, the legal efficiency evaluation, legal comparative, and sociological investigation method.

In general, the above research methods are used in close and harmonious combination by the author to achieve the research purposes of this article.
4 RESULTS AND DISCUSSION

4.1 LEGAL SYSTEM ON THE PREVENTION AND CONTROL OF TOBACCO HARM IN VIETNAM

The legal system governing tobacco and the prevention and control of tobacco harm in Vietnam is pretty diverse. By and large, the legal system is built rigorously and logically. In addition to promulgating laws, the State of Vietnam also promulgates sub-law legislative, such as Decree, Circular, Directive, and Decision. Up to the present time, the following legislation are related to the prevention and control of tobacco harm:

- Law on Prevention and Control of tobacco harm in 2012: This is Vietnam’s first and only law regulating tobacco-related issues and prevention and control of tobacco harm. All tobacco-related matters are subject to the provisions of this act.
- Decision No. 877/2004/QD/CTN dated November 11, 2004, of the State President on ratification of “Framework Convention on Tobacco Control”.
- Decision No. 1315/QD-TTg dated August 21, 2009, of the Prime Minister approving the “Plan for implementation of the Framework Convention on Tobacco Control”.
- Decision No. 229/QD-TTg dated January 25, 2013, of the Prime Minister approving the “National Strategy for prevention and control of tobacco harm until 2020”.
- Joint Circular No. 05/2013/TTLT-BYT-BCT dated February 8, 2013, of the Ministry of Health and the Ministry of Industry and Trade “Guiding the labeling and printing of health warnings on cigarette packages”.
- Directive No. 05/CT-BYT dated May 28, 2013, of the Minister of Health on “Strengthening the implementation of the provisions of the Law on Prevention and control of tobacco harm in the Health”.
- Decree No. 67/2013/ND-CP dated June 27, 2013, of the Government “Detailing several articles and measures to implement the Law on Prevention and Control of tobacco harm on tobacco trading”.
- Decree No. 77/2013/ND-CP dated July 17, 2013, of the Government “Detailing the implementation of the Law on Prevention and control of tobacco harm on several measures to prevention and control of tobacco harm”.
- Decision No. 47/2013/QD-TTg dated July 29, 2013, of the Prime Minister on “Establishing and approving the Charter of organization and operation of Fund on preventing and controlling tobacco harm”.

- Decree No. 185/2013/ND-CP dated November 15, 2013, of the Government “Regulations on sanctioning of administrative violations in the commerce, trading in counterfeit and banned goods and protecting the interests of consumers”.
- Decree No. 117/2020/ND-CP dated September 28, 2020, of the Government “Regulations on sanctioning administrative violations in the health”.

However, regular cigarettes and e-cigarettes is prevalent in Vietnam. Particularly for e-cigarettes, the research found that “the rate of e-cigarette smoking increased 18 times after five years” (Dantri electronic newspaper, 2022). At the same time, tobacco smuggling activities in border areas with neighboring countries, including Cambodia and China, are increasingly sophisticated, troublesome, and complex. Therefore, in the upcoming time, the State of Vietnam will continue strengthening the management, supervision and issue more legislation related to the prevention and control of tobacco harm.

4.2 POLICY SYSTEM ON THE PREVENTION AND CONTROL OF TOBACCO HARM

The above section presented a brief overview of smoking status and its harsh damage to people's health, economic waste, and environmental pollution. The State is always aware of the dangers of tobacco, so it has issued many regulations on the prevention and control of tobacco harm. In particular, the policy on prevention and control of tobacco harm is crucial content and is regulated in detail, rigorously, and clearly in the Law on Prevention and Control of tobacco harm 2012. The contents of the policy on the prevention and control of tobacco harm are the undertakings, ideas, directions, guidelines, and principles of the State regarding the prevention and control of tobacco harm in Vietnam. In detail, the content of the policy on prevention and control of tobacco harm includes:

Firstly, socializing resources to carry out the prevention and control of tobacco harm:

For a long time, the prevention and control of tobacco harm have been identified as a necessary, urgent, and essential task of the State and the whole society. However, most people are still indifferent to the prevention and control of tobacco harm. Hence, mainly the State must carry out all activities to prevent and control tobacco harm. On the other hand, the annual state budget for preventing and controlling tobacco harm is also limited due to economic difficulties. Because of the growing economic background and limited state budget revenues, the State cannot spend too much money to prevent and control tobacco harm. Therefore, socializing

3 Article 4 of Law on Prevention and Control of tobacco harm 2012.
resources to prevent and control tobacco harm is reasonable and wise. Only when the whole society joins hands and contributes will the effect be as expected. Moreover, the contribution and sharing of resources from society help the State reduce pressure and save the state budget, which can be used for other vital tasks. Besides, with the nature of the State of Vietnam as a State of the people, by the people, and for the sake of the people, the State and the people have to shoulder all difficulties to carry out the task of building and developing the economy and society. Consequently, not only in the field of prevention and control of tobacco harm, lots of activities of the State have been socialized for the people to participate: The field of justice (Notary, Bailiff), telecommunications, finance - banking, etc. Thus, socializing resources to prevent and control tobacco harm is an utterly relevant issue for Vietnam’s current conditions and circumstances.

Second, apply appropriate tax policies to reduce tobacco use:

In Vietnam, tax is always one of the essential tools for the State to implement “monetary policy” (Nguyen Vinh Hung, 2021, p. 41 - 42) and “macro-economic stability” (Pham Quang Vinh, 2011, p. 10). Simultaneously, tax is also the primary source of revenue, “creating a financial source for the state budget” (Nguyen Thi Lan Huong, 2016, p. 07) in Vietnam. Tax “is an important material condition for the State to exist and develop” (Hanoi Law University, 2020, p. 05). Tax revenue for tobacco production and trading every year always accounts for a significant proportion of the total tax revenue of the state budget. On the other hand, “tobacco is a product that needs to be restricted in consumption because tobacco causes a lot of severe damage to human health and negative impacts on the economy and society. Countries worldwide, including Vietnam, have been actively implementing measures to prevent and control tobacco harm” (Le Thi Thu et al., 2023, p. 91). In other words, tobacco is an useless, toxic, wasteful commodity. Hence, tobacco production and trading cause society to lose a part of labor and the economy to quite much damage. Therefore, Vietnam's tax law always determines that tobacco production and trading are subject to high taxes. In addition, the high tobacco tax also beneficially affects the prevention and control of tobacco harm. According to current regulations, individuals and organizations that produce, trade, and use tobacco are subject to various taxes, such as personal income tax, corporate income tax, value-added tax, and special consumption tax. For imported tobacco, it has an additional import tax. Especially compared with other common goods, tobacco is subject to special consumption tax. This particular tax is to restrict consumption behavior. In other words, tobacco consumption is not beneficial, so the State applies a tax with a soaring rate, which is the special consumption tax. This addition shows that tobacco is an undesirable commodity of the State. In fact, income from
these taxes contributes significantly to the state budget and limits tobacco production and trading activities. It is obvious that the image of tobacco sellers in the market has almost vanished, which compared to the late 90s of the 20th century. Consequently, applying high taxes to reduce the rate of tobacco use is fruitful in the prevention and control of tobacco harm. In fact, “increasing taxes on tobacco has proven to be the most effective solution to reduce tobacco consumption and bring many other benefits not only to smokers, their families but also to society as a whole” (Le Thi Thu et al., 2023, p. 91). It is possible to anticipate that in the long term, the tax rate on tobacco will be very high in Vietnam.

Thirdly, the tobacco business plan must be consistent with the socio-economic development goals and gradually reduce the supply of tobacco, in line with the reduction of demand for tobacco use:

Vietnam and every country worldwide do not encourage people to use tobacco. The State discouraged tobacco production and trading in Vietnam. The more tobacco users, the more negative effects it has on society. Therefore, at present, the permission to produce and trade cigarettes is mainly to meet a group of user’s needs. Because of some people’s enjoyment, the State of Vietnam always respects and protects its citizens’ legitimate rights and interests. However, motivating or creating favorable conditions for tobacco production and business should not be developed. Even though cigarettes are allowed to be produced and traded in Vietnam, it is necessary to gradually reduce the supply of cigarettes in the long run. Only then is it appropriate to reduce the demand for tobacco use in society. As an alternative, the tobacco business plan must be consistent with the goals of socio-economic development in Vietnam.

Fourth, encourage and create conditions for domestic and foreign agencies, organizations, and individuals to participate in providing tobacco cessation counseling and services; research on the damaged effects of tobacco and methods of smoking cessation; researching and manufacturing tobacco cessation drugs; cooperate and sponsor for the prevention and control of tobacco harm, also tobacco users who voluntarily quit smoking:

Along with the policy of restricting the production and trading of cigarettes, finding measures to support people to quit smoking is also crucial and indispensable. Therefore, the State constantly encourages and creates favorable conditions for domestic and foreign agencies, organizations, and individuals to participate in providing addiction counseling services for smokers. Not only that, but the State's policy also creates favorable surroundings to support research on the damaging effects of tobacco and smoking cessation methods, research, and production of smoking cessation drugs. On the other hand, with determination and unremitting efforts, the State always strengthens cooperation and funding to prevent and control tobacco
harm and supports tobacco users to quit smoking voluntarily. The determination and efforts of the State gained accomplishment when a part of long-time smokers successfully quit smoking, and a large number of people in society unanimously support advocates of “a smoke-free society”, then to move towards eliminating tobacco from social life in Vietnam.

Fifth, to encourage and create environments for organizations and individuals to grow tobacco, produce tobacco and process tobacco ingredients to switch jobs:

The progress towards eliminating tobacco from social life in Vietnam impacts tobacco producers and traders significantly. For a long time, producing and trading cigarettes has been a job or a source of income for a quarter population in society. Along with the strategy to eliminate tobacco from society, it is indispensable to consider those affected. As a result, the State has also made preparations and calculations for supporting people whose income is based on tobacco production and trade. Moreover, it is imperative to encourage and create conducive environments for tobacco producers and traders to adjust their jobs to other production and business activities. In addition, when tobacco producers and traders have better jobs and incomes from other production and business activities, they do not return to tobacco-related jobs. Thus, cigarettes are no longer produced and sold, and supply has been limited. So, if the State supports job switches for tobacco producers and traders well, the strategy to prevent and control tobacco harm will gain many achievements. In the past, when realizing that the production and use of firecrackers caused significant danger to society, the State also wholly banned the people’s production and business of firecrackers. Traditional firecracker villages, such as Binh Da commune, Thanh Oai district, Hanoi City have stopped producing and trading firecrackers. Nevertheless, with the policy of supporting suitable job switches, the people of Binh Da commune dealt with doing new jobs, and today, Binh Da commune is one of the localities with a high annual income in Thanh Oai district. Therefore, if the promotion and support of people producing and trading tobacco are effective in changing jobs, tobacco will have less chance to exist in Vietnam.

Sixth, reward agencies, organizations, and individuals with achievements in the prevention and control of tobacco harm:

The prevention and control of tobacco harm is a crucial policy and task for the State and society. Individuals, agencies, and organizations will make great contributions to implementing prevention and control of tobacco harm activities. Outstanding achievements come from the great efforts and determination of those who are always working hard and dedicated to the work. Hence, it is necessary to have praise and recognition to encourage the spirit of worthy individuals, agencies, and organizations. It seems fair in evaluating work for deserving people.
who consistently make an effort. On the other hand, the commendation of high-achieving individuals, agencies, and organizations is an example for others to learn and follow. In addition to the above policies, attention to the rewarding work of agencies, organizations, and individuals who have outstanding achievements in the prevention and control of tobacco harm has always been of great interest to the State; also, implementation is entirely objective, fair, and effective.

In short, policy on the prevention and control of tobacco harm is the guiding ideology throughout the development and implementation of the law on the prevention and control of tobacco harm in Vietnam. In terms of theory and practice, the policy on preventing and controlling tobacco harm in the State of Vietnam is exceptionally suitable to the conditions and characteristics of the economy and society. Thus, it is sure to affirm that preventing and controlling tobacco harm achievements in Vietnam have a great contribution to the prevention and control of tobacco harm policy.

4.3 RECOMMENDATIONS

The prevention and control of tobacco harm is a fundamental policy of the Party and the State of Vietnam. This guideline ensures people’s health, saves against economic waste, and keeps the natural environment clean, safe, and healthy. For that reason, all classes in society support the policy on the preventing and controlling tobacco harm and join hands to bring them to life. However, it still exists among indifferent people, and smoking is common in Vietnam. Thus, according to the author, it is necessary to carry out the following solutions:

_Firstly_, further strengthen the propaganda and dissemination of tobacco damages and the Law on Prevention and Control of tobacco harm:

The propaganda and dissemination of tobacco damages and the Law on Prevention and Control of tobacco harm have broadcasted widely in Vietnam. However, according to the research and opinion of the author, the obtained efficiency is not high, which shows up in the number of smokers and especially in the rejuvenation of smokers. The subjective psychology and disregard might make tobacco-user think tobacco does not cause immediate effects, so many people have been using this product. Research shows that these consumers in Vietnam smoke more than 20 cigarettes per day (Vietnamnet online newspaper, 2022). Smoking is costly, wasted economically, and rapidly destroys smokers’ health. Statistics show that lung cancer is getting younger and younger and increasing sharply in terms of the number of people infected: “In Vietnam, every year, there are more than 22,000 deaths from lung cancer. This is
an alarming number. In particular, tobacco causes 90% of lung cancer cases, etc. Not only are smokers at risk, but passive smokers are also severely affected” (Electronic Newspaper Ha Tinh web portal in 2022). “There are 25 diseases related to tobacco use, such as stroke, coronary heart disease, chronic obstructive pulmonary disease, and lung cancer, etc. These are all leading causes of death in Vietnam. According to research by Hospital K, the rate of lung cancer patients who smoke is 96.8%; The number of deaths from non-communicable diseases accounts for 73% of all deaths from disease and injury in Vietnam, one of the important reasons being the high rate of tobacco use” (Tuyengiao electronic newspaper, 2022). Although the consequences of smoking are burdensome on health and costly economically, Vietnamese people still disregard tobacco damage. Even though the Law on Prevention and Control of tobacco harm has been promulgated for over ten years, only a few people know about this law. It was rumored that the writer of this law was a longtime smoker. Absolutely, inaccurate rumors damage the reputation of this act. Possibly due to subjectivity and lack of understanding, smokers are not interested in regulations on preventing and controlling tobacco harm.

Aware of shortcomings in the propaganda and dissemination of prevention and control of tobacco harm, the State has constantly strengthened and expanded forms of propaganda and dissemination of the tobacco damage over the years. In particular, the forms of propaganda about tobacco harm are pretty practical and effective like on cigarette packs, the producer must print pictures of lung cancer patients in pain and the words reminding “smoking leads to lung cancer”4. More or less, the above efforts of the State have achieved remarkable results. Nevertheless, according to the author, for the Law on Prevention and Control of tobacco harm to be more effective, it is required to expand the forms of propaganda on the harmful effects of tobacco. Television channels, media, and newspapers should be exploited more, also, social networks should be used to propagate and disseminate tobacco damage and the Law on Prevention and Control of tobacco harm because statistics show that the number of Vietnamese people using social networks is vast at present (Young Businessman magazine, 2022). Many prefer to spend more time on social networks than following traditional information channels. Therefore, the exploitation of propaganda and dissemination of policies and laws on the Prevention and Control of tobacco harm through social networks is one of the recommendations that is relatively effective for legislators in Vietnam.

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4 Article 4 of Joint Circular No. 05/2013/TTLT-BYT-BCT dated February 8, 2013, of the Ministry of Health and the Ministry of Industry and Trade “Guiding the labeling and printing of health warnings on cigarette packages.”
Secondly, additional crimes related to illegal tobacco production and trading, tobacco smuggling, and illegal cross-border tobacco transportation:

In Vietnam, “Tobacco business is a conditional business line. Organizations and individuals buying, selling, processing, and importing tobacco ingredients; manufacturing, trading, and importing tobacco must have a license issued by a competent state agency”. Due to enormous profits from smuggled tobacco, numerous individuals seek ways to transport and trade this smuggled commodity into Vietnam. Until now, cases of transporting smuggled cigarettes in substantial quantities into Vietnam have been continuously detected (Ministry of Public Security electronic newspaper, 2023).

Regarding sanctions, the 2015 Criminal Code (amended and supplemented in 2017) stipulates several crimes related to illegal goods trading activities, namely Article 188 - smuggling; Article 189 - illegally transporting goods across the border. Tobacco is defined as a commodity, so it is mainly subject to sanctions based on these two law articles. Regarding the level of punishment, the maximum penalty for the crime of smuggling tobacco is only from VND 1,500,000,000 to VND 5,000,000,000 (about USD 60,000 - USD 200,000) or imprisonment from 7 to 15 years. As for the crime of illegally transporting tobacco across the border, the penalty is from 1,000,000,000 VND to 3,000,000,000 VND (about 40,000 USD - 120,000 USD) or imprisonment from 5 to 10 years. The value of smuggling cases of tobacco is usually huge. There are many cases of transporting smuggled tobacco with an economic value of up to tens of billions of VND (about several million USD) (VTV Electronic newspaper, 2020). According to the author, the penalty level of the current Criminal Code is not commensurate or satisfactory compared to the economic value it brings to the offenders. Alternatively, more than the level of punishment is needed to deter tobacco smuggling and illegal transportation of smuggled tobacco into Vietnam. In addition, based on the above provisions, people who commit crimes of tobacco smuggling and illegally transporting tobacco in particular or other similar criminal activities in general will only be subjected to one of two penalty types, namely "jail sentence" or “fines”. If the offender pays a fine as prescribed by law, he/she is not required to serve the prison sentence. The author believe this article is not reasonable and satisfactory because imprisonment has a significant meaning in deterring and preventing crime. The fines are only an additional penalty to overcome the consequences. If the fines are used to avoid serving a prison sentence, the offender will likely re-offend soon after,

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5 Clause 1, Article 19 of Law on Prevention and Control of tobacco harm 2012.
and possibly the violation level is even greater. Perhaps the legislator wants to deal with economic crimes by recovering the violated money, so they develop the current handling plans. It is clear that this regulation is unreasonable and may lack deterrence in preventing criminal activities with the increasing scale and severity of violations. Therefore, the author firm that reviewing the above law is necessary. Moreover, the regulation including all types of smuggling crimes in the same law and similarly for illegally transporting goods across the border is not scientific, rigorous, detailed, and transparent because the value of smuggled goods depends on the nature or characteristics of each type of commodity. At the same time, each type of smuggled goods has different economic values, and the level of impact, influence, and ability to cause damage is also dissimilar. Thus, it is required to consider and divide the crime of smuggling tobacco and illegal transport of tobacco into two independent laws in the Criminal Code. In other words, separating regulations on smuggling tobacco and illegal cross-border tobacco transportation is entirely needed.

In addition, the government should consider increasing the level of monetary penalties for those who commit the crime of smuggling tobacco and illegally transporting tobacco across the border. As Vietnam's inflation is relatively high, the fines in the Criminal Code 2015 (amended and supplemented in 2017) are no longer suitable for current practice. On the other hand, it is necessary to strengthen the market management for tobacco further and strengthen the management of goods transport activities in the border areas. Only then can we effectively deter and prevent smuggling tobacco and illegal tobacco transportation across the border. After all, smuggled tobacco will not be able to exist in Vietnam.

Third, family and school need to strengthen their role in monitoring and educating children and pupils not to use tobacco in any form:

Currently, e-tobacco is gradually replacing traditional tobacco among young people in Vietnam (Hung Ha - Thai Binh District web portal, 2022). The reason why young Vietnamese people prefer e-tobacco to traditional tobacco is that e-tobacco has excellent appeal, a variety of flavors and shows “fancy”. Even young students blatantly smoke e-tobacco in school or in public places. However, e-tobacco, like traditional tobacco, badly affects users’ health. “According to the research results on tobacco consumption among pupils by the Ministry of Health, the ratio of using e-tobacco is 2.15% for middle school pupils and 3.1% for high school ones. The scale of female students who are using tobacco has shown signs of increasing, primarily consuming new tobacco products, namely e-tobacco, heated tobacco, and banned substances that “hide the shadow” of e-tobacco oil” (Dan Tri electronic newspaper, 2023). This reality is alarming and must be dealt with quickly and thoroughly. On the one hand, the law is
required to strictly regulate the prohibition of tobacco use for juveniles under 18 years old. On the other hand, family and school have to pay attention and supervise children and pupils who use tobacco and e-tobacco. Students are easily manipulated and lured during immature periods. If family and school do not intervene timely, a fall is likely to happen to this generation. Therefore, the school needs pay attention and closely monitor the development of pupils and make strict regulations for whom use tobacco. As for the family, parents and grandparents should spend more time educating children not to be smokers and to stay away from people who use tobacco. Thus, gradually building the next generation not use tobacco is an efficient solution to prevent and control tobacco harm in Vietnam.

5 CONCLUSION

Smoking harms society, so Vietnamese people widely agree and support the policy on preventing and controlling tobacco harm. In general, policy on the prevention and control of tobacco harm are essential viewpoints and guidelines of the Party and the State of Vietnam. However, due to many factors, the prevention and control of tobacco harm in Vietnam have been ineffective. The ratio of smokers is soaring and tends to be younger. The rate of people suffering from tobacco-related diseases tends to increase rapidly as well. For those reasons, it is indispensable to find appropriate solutions to bring policy on preventing and controlling tobacco harm into life. After all, to improve the effective implementation of policy on the prevention and control of tobacco harm, it is crucial to simultaneously carry out solutions, such as: Further strengthening the propaganda and dissemination of tobacco damage and the Law on Prevention and Control of tobacco harm; additional crimes related to illegal tobacco production and trading, tobacco smuggling, and illegal cross-border tobacco transportation; family and school need to strengthen their role in monitoring and educating children, students not to use any kinds of tobacco.

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