IMPACT OF THE ASEAN ELECTRONIC COMMERCE AGREEMENT ON VIETNAMESE LAW

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ABSTRACT

Purpose: The purpose of this study is to investigate the impact of the ASEAN Electronic Commerce Agreement on Vietnamese law.

Theoretical framework: Currently, electronic commerce plays an increasingly important role in meeting human needs and significantly contributes to economic development. The advent of the ASEAN Electronic Commerce Agreement has necessitated the enhancement of the legal framework for electronic commerce activities within the ASEAN region.

Design/methodology/approach: The ASEAN Electronic Commerce Agreement has a profound impact on the electronic commerce laws of ASEAN countries, serving as a basis for regulating electronic commerce issues in the region and aligning with global electronic commerce trends.

Findings: As a member of the ASEAN region, the ASEAN Electronic Commerce Agreement has opened up opportunities for Vietnam to develop and integrate with the international market. However, Vietnam also faces challenges, highlighting the urgent need to improve the national legal framework for electronic commerce.

Keywords: ASEAN Electronic Commerce Agreement, Electronic Commerce, Impact on Vietnam, Electronic Commerce Law.

IMPACTO DO ACORDO DE COMÉRCIO ELETRÔNICO DA ASEAN NO DIREITO VIETNAMITA

RESUMO

Objetivo: O objetivo deste estudo é investigar o impacto do Acordo de Comércio Eletrônico da ASEAN na legislação vietnamita.

Quadro teórico: Atualmente, o comércio eletrônico desempenha um papel cada vez mais importante na satisfação das necessidades humanas e contribui significativamente para o desenvolvimento econômico. O advento do Acordo de Comércio Eletrônico da ASEAN exigiu o reforço do quadro jurídico para as atividades de comércio eletrônico na região da ASEAN.

Design/metodologia/abordagem: O Acordo de Comércio Eletrônico da ASEAN tem um profundo impacto nas leis de comércio eletrônico dos países da ASEAN, servindo como base para a regulamentação de questões de comércio eletrônico na região e alinhamento com as tendências globais do comércio eletrônico.

Conclusões: Como membro da região da Asean, o Acordo de Comércio Eletrônico da Asean abriu oportunidades para o Vietnã se desenvolver e integrar com o mercado internacional. No entanto, o Vietnam também enfrenta desafios, salientando a necessidade urgente de melhorar o quadro jurídico nacional para o comércio eletrônico.


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IMPACTO DEL ACUERDO DE COMERCIO ELECTRÓNICO DE LA ASEAN EN LA LEGISLACIÓN VIETNAMITA

RESUMEN

Propósito: El propósito de este estudio es investigar el impacto del Acuerdo de Comercio Electrónico de la ASEAN en la legislación vietnamita.

Marco teórico: En la actualidad, el comercio electrónico desempeña un papel cada vez más importante para satisfacer las necesidades humanas y contribuye significativamente al desarrollo económico. El advenimiento del Acuerdo de Comercio Electrónico de la ASEAN ha exigido la mejora del marco jurídico para las actividades de comercio electrónico en la región de la ASEAN.

Diseño/metodología/enfoque: El Acuerdo de Comercio Electrónico de la ASEAN tiene un profundo impacto en las leyes de comercio electrónico de los países de la ASEAN, sirviendo de base para regular las cuestiones de comercio electrónico en la región y alineándose con las tendencias mundiales del comercio electrónico.

Conclusiones: Como miembro de la región de la ASEAN, el Acuerdo de Comercio Electrónico de la ASEAN ha abierto oportunidades para que Vietnam se desarrolle e integre en el mercado internacional. Sin embargo, Vietnam también se enfrenta a desafíos, lo que pone de relieve la necesidad urgente de mejorar el marco jurídico nacional para el comercio electrónico.

Palabras clave: Acuerdo de Comercio Electrónico ASEAN, Comercio Electrónico, Impacto en Vietnam, Ley de Comercio Electrónico.

1 INTRODUCTION

Electronic commerce has emerged and strongly influenced the economic growth of nations, not only making commercial activities more efficient but also providing favorable conditions to meet various consumer needs (Minh Quang, 2005, p. 16). Currently, electronic commerce has become a common approach for countries worldwide, and this is also the general trend among ASEAN countries.

It can be said that in recent years, ASEAN has become a hotspot for electronic commerce, especially in the post-Covid 19 era. The remarkable development of electronic commerce has enabled ASEAN countries to integrate into the global economy and compete with other regional countries. According to the E-Conomy Sea report in 2022 (The Southeast Asia Digital Economy Report, 2022) ASEAN is the region with the highest growth rate in electronic commerce, with total revenue reaching nearly USD 200 billion in 2022 and estimated to reach USD 330 billion by 2025. The practical development of electronic commerce has raised the issue of improving the general legal framework for electronic commerce activities in the ASEAN region. Consequently, the ASEAN Electronic Commerce Agreement has been
established as an important basis for regulating electronic commerce issues among member countries.

As a member of the ASEAN region, Vietnam's electronic commerce is subject to many impacts from electronic commerce activities in ASEAN countries. The ASEAN Electronic Commerce Agreement contributes to opening up opportunities for Vietnam to leverage its existing advantages in the national economy and integrate to promote growth in the international market (Rahardiansah, T. 2024). However, Vietnamese electronic commerce also faces challenges that require timely improvements in national electronic commerce laws.

2 THEORETICAL FRAMEWORK

The ASEAN Electronic Commerce Agreement has had a profound impact on the electronic commerce laws of ASEAN countries in general, and Vietnam in particular. Several studies on this issue include:


"ASEAN E-Commerce During the COVID-19 Pandemic and the Future: Perspectives and Lessons from Businesses."


Lurong CHEN (October 2017), "Developing Asia in the Era of Cross-border E-commerce," Economic Research Institute for ASEAN and East Asia (ERIA).

Legislative Council Secretariat (2023), Information Note Development of cross-border e-commerce among ASEAN member countries.

Generally, these studies have addressed issues related to the impact of the ASEAN Electronic Commerce Agreement. However, the research lacks specificity and comprehensive coverage regarding its impact on Vietnamese law. Therefore, this author aims to analyze and clarify the impact of the ASEAN Electronic Commerce Agreement on Vietnam's electronic commerce laws and provide recommendations for improvement.
3 METHODOLOGY

To carry out the research, the author employed a combination of research methods, including legal analysis, synthesis, evaluation, and comparative methods. These research methods were used in a tightly integrated and balanced manner to achieve the objectives of the study.

4 RESULTS AND DISCUSSION

4.1 THE EMERGENCE OF THE ASEAN ELECTRONIC COMMERCE AGREEMENT

ASEAN is an economic, cultural, and social organization of countries in the Southeast Asian region (Le Thi Ngoc Han, Hoang Gia My, 2022) and its cooperative activities are built and carried out based on agreements among member countries according to the principles of consultation and consensus (Article 20 of the ASEAN Charter 2007) which also form the basis of ASEAN's legal system.

Alongside the proliferation of the internet, electronic commerce has emerged to meet consumer needs in the context of the digital economy. Electronic commerce in ASEAN has increasingly asserted its position, as evidenced in ASEAN's documents or programs on trade in services. The clear significance and role of ASEAN Electronic Commerce were first demonstrated through the signing of the E-Asean Framework Agreement in 2000 among member countries (Bui Dinh Phuong, Duong Thi Thuy Ha 2022). This agreement laid the foundation for a favorable business environment through electronic means, while addressing issues such as digital signatures, electronic transactions, electronic payments, intellectual property rights arising from electronic commerce, etc. The agreement also raised the issue of establishing a legal framework for electronic commerce among member countries and facilitating the development of electronic commerce (Article 5 of the E-Asean Framework Agreement), serving as the basis for the ASEAN Electronic Commerce Agreement (Rizky Banyualam Permana, 2018).

Furthermore, the ASEAN Trade in Goods Agreement was established as one of the fundamental agreements of the AEC, signed in February 2009 and effective from May 17, 2010, this is considered as the first ASEAN document regulating all goods trade activities. This agreement paved the way for the application of electronic commerce in trade transactions. Particularly, at the 49th ASEAN Economic Ministers' Meeting in 2017, the ASEAN Work
Program on Electronic Commerce 2017-2025 was adopted with the aim of addressing electronic commerce issues in ASEAN such as electronic commerce governance rules, reducing entry barriers, reducing related costs, creating a favorable environment to promote electronic commerce development, enhancing international cooperation, and protecting consumers (2017-2025 Asean work programme on electronic commerce). The program evaluated the legal framework on electronic commerce of ASEAN member countries and raised the issue of establishing the ASEAN Electronic Commerce Agreement. Thus, the emergence of the ASEAN Electronic Commerce Agreement is an important outcome of the ASEAN Work Program on Electronic Commerce 2017-2025. In addition to the E-Asean Framework Agreement, the ASEAN Economic Community (AEC) Blueprint 2025 also highlights important content on electronic commerce and serves as the basis for establishing the ASEAN Electronic Commerce Agreement. Accordingly, the ASEAN Economic Community aims to address electronic commerce issues, create a secure environment, and provide a framework for electronic commerce activities of member countries. Initially, the plan was expected to be completed by 2015, but later, the deadline for this goal was extended to 2025. Along with these objectives, the plan sets requirements for enhancing consumer protection laws regarding electronic commerce, resolving online disputes, defining electronic identities, digital verification within a strict and comprehensive framework for personal data protection, etc (ASEAN Economic Community Blueprint 2025).

The ASEAN Electronic Commerce Agreement was signed on January 22, 2019, in Hanoi, Vietnam. The Agreement officially entered into force on December 2, 2021, after receiving notification of the approval documents from Indonesia (Yongrok Choi and Do Quynh Mai, 2018). The Agreement laid down common principles and areas of cooperation in electronic commerce among ASEAN members, while “recognizing the role of electronic commerce in promoting economic growth and social development in the ASEAN region”. The ASEAN Electronic Commerce Agreement affirmed “the contribution of electronic commerce to enhancing sectoral connectivity and cooperation in the ASEAN region” (ASEAN Agreement on Electronic Commerce), as reflected in the ASEAN Economic Community Blueprint 2025, and acknowledged the basis for the Agreement's establishment: “facilitating the development of electronic commerce” based on Article 5 of the E-Asean Framework Agreement.

The ASEAN Electronic Commerce Agreement provides general provisions on cross-border electronic commerce such as paperless transactions, electronic signatures, consumer protection, personal data protection, and other issues such as cybersecurity, electronic payments, logistics, etc. The Agreement serves as a tool to pave the way for the digital economy.
in the ASEAN region, where it “acknowledges the significant contribution of electronic commerce in facilitating cross-border trade and investment, while substantially reducing entry and operational costs for enterprises, especially micro, small, and medium-sized enterprises”. It also emphasizes “the importance of coordinated cooperation among Member States and the promotion of the development and use of electronic commerce within the ASEAN region”. The Agreement sets three objectives: “facilitating cross-border electronic commerce transactions within the ASEAN region; contributing to creating a reliable and trustworthy environment for the use of electronic commerce within the ASEAN region; and enhancing cooperation among Member States to develop and use electronic commerce to promote comprehensive growth, narrow development gaps within the ASEAN region” (ASEAN Agreement on Electronic Commerce). These objectives align with the global trend of electronic commerce and are in line with the development context of electronic commerce in ASEAN countries.

Thus, the ASEAN Electronic Commerce Agreement meets the essential requirements for the development of electronic commerce in ASEAN and particularly has a strong impact in the context of economic recovery after the Covid-19 pandemic. The Agreement is based on the preparedness regarding the role of electronic commerce, as demonstrated in previous ASEAN framework documents and programs. Through this, electronic commerce becomes a strong driver for ASEAN businesses, providing opportunities for ASEAN countries to access international markets and contribute to regional economic integration and social cohesion among its members.

4.2 IMPACT OF THE ASEAN ELECTRONIC COMMERCE AGREEMENT ON VIETNAM

Vietnam joined ASEAN in 1995, marking a historical milestone in the cooperative relationship between Vietnam and ASEAN member countries. As a member of ASEAN, Vietnam has the opportunity to expand its market, achieve economic growth, develop culture and society, and create a peaceful and stable environment for international integration, etc. It can be said that the ASEAN organization has a significant impact on Vietnam’s development in all aspects, including the impact from electronic commerce in general and the ASEAN Electronic Commerce Agreement in particular.

Vietnam is not exempt from the general trend of electronic commerce development among ASEAN countries. Recognizing the increasingly important role of electronic commerce, Vietnam has also emphasized issuing legal documents regulating electronic commerce activities and continuously amending and supplementing them to adapt to practical
requirements. Electronic commerce emerged relatively late in Vietnam, with international documents such as the UNCITRAL Model Law on Electronic Commerce and the E-Asean Framework Agreement serving as important foundational documents guiding the development of electronic commerce regulations in Vietnam. Since then, electronic commerce has gradually appeared in Vietnamese legal regulations. In 2005, the Law on E-Transactions was enacted, which directly regulates electronic transaction-related matters among agencies and organizations. This also serves as the basis for specific electronic commerce activities in Vietnam based on legal regulations. Additionally, the government has issued decrees to guide and supplement the effective implementation of electronic commerce laws, aligning with practical requirements and ensuring the rights of stakeholders, such as Decree No. 27/2007/ND-CP detailing the implementation of the Law on E-Transactions in financial activities; Decree No. 101/2012/ND-CP on Non-Cash Payments, Decree No. 52/2013/ND-CP on Electronic Commerce, Decree No. 130/2018/ND-CP detailing the implementation of the Law on E-Transactions regarding digital signatures and digital signature authentication services, Decree No. 85/2021/ND-CP amending and supplementing certain provisions of Decree No. 52/2013/ND-CP, etc. Particularly, the Law on E-Transactions 2023 was enacted with new provisions replacing the 2005 Law on E-Transactions, regulating electronic commerce activities and the implementation of electronic transactions (Vu Thi Huong Tra, Hoang Thi Kim Oanh 04/2023).

It can be seen that Vietnam has specific legal documents regulating electronic commerce, continuously updated, amended, and supplemented to meet the changing requirements of reality and align with the development trends of other countries worldwide. Alongside this, Vietnam's electronic commerce is greatly influenced by international laws, notably the impact of the ASEAN Electronic Commerce Agreement on Vietnam.

4.2.1 Cross-Border Electronic Commerce

Cross-border electronic commerce essentially involves electronic commerce activities aimed at profit, including activities such as buying and selling goods, supplying services, investing, promoting trade, and other profit-making activities. Unlike traditional trade activities, cross-border electronic commerce activities are conducted by entities in different countries. This type of trade activity helps entities, especially businesses, to participate in the global electronic commerce market, thereby expanding business opportunities and meeting the integration needs of the entities.
The ASEAN Electronic Commerce Agreement regulates cross-border electronic commerce on issues such as paperless transactions, electronic signatures, online consumer protection, etc. Accordingly, ASEAN member countries acknowledge the expansion of the use of electronic versions to manage trade and exchange electronic documents through the use of appropriate information and communication technology in accordance with the Agreement on paperless transactions of the Member States (Legislative Council Secretariat, 2023). Moreover, the Agreement also recognizes the importance of allowing information to be transmitted across borders through electronic means for business purposes and compliance with legal regulations. Member countries have the responsibility to eliminate or minimize barriers to cross-border information such as personal information, and comply with appropriate protection measures to ensure security and confidentiality of information.

The ASEAN Electronic Commerce Agreement has created conditions for the development of electronic commerce and has become an important channel for exporting goods, thereby opening up many opportunities for Vietnam. According to a report released by Amazon, Vietnam's cross-border retail revenue is estimated to grow by over 20% annually, reaching 75.4 trillion VND in 2021 and expected to reach 256.1 trillion VND by 2026 (Asendia, June 2022). The report also suggests that business-to-consumer electronic commerce is considered an export sector, and within the next 5 years, this sector may rank fifth in Vietnam (Legislative Council Secretariat, 2023). Although cross-border electronic commerce is a relatively new field in Vietnam, electronic commerce activities are increasingly popular through sales platforms such as Shopee, Lazada, Tiki, Sendo, Alibaba, Global Sources, etc. However, the operating methods of each platform vary, and besides legal regulations, entities must also comply with the regulations of each electronic commerce platform. Moreover, the cross-border electronic commerce market poses challenges for entities to strive to enhance competitiveness to adapt in a timely manner. Issues such as counterfeit goods, poor-quality goods of unknown origin, or goods that violate intellectual property rights are increasing and creating obstacles for the development of electronic commerce in Vietnam. Additionally, information security, costs, and human resources are also pressing issues requiring Vietnam to improve legal mechanisms and management efforts to address obstacles and enhance effectiveness in the application process.
4.2.2 Online Consumer Protection

In electronic commerce activities, consumers play a crucial role; however, consumers are often in a vulnerable position, and their rights are easily infringed. Therefore, consumer protection is the foundation for creating a fair and comprehensive business environment to meet consumer needs and limit negative impacts that affect consumer rights. Online consumer protection is one of the important contents of cross-border electronic commerce regulated by the ASEAN Electronic Commerce Agreement. The Agreement acknowledges the application and maintenance of transparency and effectiveness of consumer protection measures for electronic commerce. In which, each member country must have mechanisms to protect consumers in electronic commerce similar to protecting consumers under other commercial forms (Aliza Mufida and authors, 2020). At the same time, the Agreement also recognizes cooperation between competent authorities to protect consumers in activities related to electronic commerce.

In Vietnam, consumer protection is a matter of concern for the state and competent authorities. The reality shows that consumers engaging in business activities on current electronic commerce platforms face various risks such as data leaks, personal information theft, fraud, purchasing counterfeit or imitation goods, etc. This poses a demand for the enhancement of the legal framework to precisely regulate the protection of consumer rights, aligning with the practical needs of the country and complying with international legal provisions, particularly the ASEAN Electronic Commerce Agreement.

The Vietnamese Law on Consumer Protection was first introduced at the 8th session of the 12th National Assembly on November 17, 2010, and came into effect on July 1, 2011 (Nguyen Thanh Tuan, 2023). The 2011 Law on Consumer Protection established an effective legal framework for consumer protection efforts, facilitating competent authorities' roles in managing and supervising electronic commerce activities to timely detect and address misconduct affecting consumer rights. With specific regulations governing consumer protection activities, consumer awareness regarding the protection of their rights in consumption has also improved. However, after a period of enforcement, the 2011 Law on Consumer Protection revealed inadequacies and became outdated. In the context of the ASEAN Free Trade Agreement, the Vietnamese government issued directives to enhance the effectiveness of consumer protection practices, such as Directive No. 30-CT/TW dated January 22, 2019, which aimed to strengthen the leadership of the Party and the management responsibility of the state regarding consumer protection efforts, and Resolution No. 82/NQ-
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CP, outlining the government’s action plan to implement Directive No. 30-CT/TW of the Party Central Committee (Nguyen Thanh Tuan, 2023).

Following the realization that the 2011 Law on Consumer Protection was no longer suitable for current practices, the Law on Consumer Protection 2023 was passed. Although not yet in effect, it has already garnered significant attention in terms of consumer protection and serves as a basis and framework for entities to comply with and implement.

4.2.3 Electronic Signatures

It can be argued that for the global development of electronic commerce, the refinement of legal frameworks regarding electronic signatures is a pressing requirement for many countries worldwide. As the legitimate use of electronic signatures in transactions becomes more prevalent, the number of countries enacting laws related to electronic signatures also increases significantly (E-Abdalla Hamed, 2005) ASEAN countries have timely embraced the global trend of electronic signature development. The ASEAN Electronic Commerce Agreement stipulates: “Except where otherwise provided by its laws and regulations, each Member State shall not deny the legal validity of a signature solely on the basis that it is in electronic form”. Accordingly, the Agreement acknowledges the legal validity of electronic signatures and excludes other provisions of law or individual regulations of member states. Each member state will have its mechanisms to recognize the legal value of electronic signatures.

The legal value of electronic signatures in Vietnam is regulated in the Law on Electronic Transactions 2005 and further supplemented and perfected in the provisions of the Law on Electronic Transactions 2023. The Law on Electronic Transactions 2023 specifically states: “An electronic signature shall not be denied legal validity solely because it is in electronic form” (Article 23 of the Electronic Transactions Law 2023). This provision is in line with the ASEAN Electronic Commerce Agreement and affirms the use and legal validity of electronic signatures, which cannot be denied.

In addition to recognizing the legal value of electronic signatures, the ASEAN Electronic Commerce Agreement also stipulates that electronic signatures must have authentication methods that meet certain implementation standards of Lurong CHEN, 2017). It is evident that electronic signatures serve to relatively accurately identify the signatory, effectively replacing traditional signatures in electronic contracts. The authentication of electronic signatures aims to ensure accuracy and security when parties choose to use electronic
signatures in transactions. Based on this, organizations providing electronic signature authentication services in Vietnam have emerged to meet the demand for electronic signature authentication, contributing to the accuracy and safety of electronic signatures and enhancing trust in their use. When Vietnam promulgates regulations on electronic signatures, it also regulates electronic signature authentication, which is considered a basic condition for using electronic signatures in economic transactions. The 2023 Law on Electronic Transactions introduces new provisions on electronic signatures, thereby contributing to the improvement of Vietnam's electronic commerce legal framework, aligning with the development needs of countries in the region and globally. Consequently, electronic signatures are increasingly poised to expand and develop in facilitating Vietnam's electronic transactions.

4.2.4 Cybersecurity

Parallel to the development of electronic transactions, cybersecurity is also a necessary issue that requires adjustment with its own legal mechanisms. The ASEAN Electronic Commerce Agreement addresses the issue of cybersecurity, wherein member states build capabilities and assume responsibility for cybersecurity. Additionally, the agreement emphasizes the cooperation mechanism on cybersecurity among member states (ASEAN Agreement on Electronic Commerce).

The practical situation in Vietnam demonstrates that as the demand for electronic transactions increases, ensuring cybersecurity becomes paramount. Statistics show that Vietnam ranks among the top 3 countries most targeted by cyberattacks in the Asia-Pacific region (The training conference on state secret protection and cybersecurity, 2023). In the first 6 months of 2023, nearly 17 million alerts of cyberattack activities were recorded, marking a 240% increase compared to the same period in 2022. Among these, 208 information systems of state agencies, ministries, and sectors were targeted by hackers aiming to steal information, data, and classified documents across various fields. Consequently, Vietnam consistently focuses on refining legal provisions on cybersecurity. The 2015 Law on Cybersecurity has concretized the state's policies and orientations regarding cybersecurity, thereby meeting the developmental demands of the economy and contributing to ensuring national security, defense, as well as the rights and interests of entities. Furthermore, the enactment of the 2018 Law on Cybersecurity has significantly contributed to the enhancement of the legal framework concerning cybersecurity by establishing a healthy and safe cyberspace, safeguarding national information systems, ensuring effective state management on cybersecurity, and protecting
national security, as well as the lawful rights and interests of entities. It can be said that the legal mechanisms to ensure cybersecurity have been effectively implemented in Vietnam. The 2018 Law on Cybersecurity introduces new provisions, amendments, and remedies to address practical challenges, thereby laying down a legal foundation for electronic transactions and promptly addressing law violations in cyberspace.

However, cyber threats continue to proliferate with increasing complexity. The provisions in the ASEAN Electronic Commerce Agreement once again underscore the importance of cybersecurity. This serves as a basis for Vietnam to enhance the legal framework on cybersecurity, with a focus on cooperation among ASEAN member states to ensure a healthy and effective cybersecurity environment that meets the practical needs of electronic commerce in the economy.

### 4.2.5 Non-cash Payments

The ASEAN Electronic Commerce Agreement recognizes the importance of secure, safe, and efficient electronic payment systems. Additionally, the agreement raises the issue of readiness among member states regarding capabilities, infrastructure, and regulations on electronic payment systems. These can be viewed as fundamental requirements for Vietnam and other member countries to prepare for integration into non-cash payments in ASEAN’s electronic commerce. Furthermore, the agreement encourages member states to “utilize secure, safe, efficient, and interoperable electronic payment systems to facilitate electronic commerce in accordance with their laws and regulations”. This provision has facilitated Vietnam in establishing its own legal framework on non-cash payments, aiming to utilize secure, efficient, and safe electronic payment systems that are in line with the country's practical needs and contribute to meeting the common trend of non-cash payments among ASEAN countries.

Based on these premises, non-cash payments in Vietnam have the conditions to develop and diversify with various forms suitable for consumer needs. According to statistics, compared to the same period in 2022, the number of non-cash payment transactions in the first 5 months of 2023 increased by 52.35%. Specifically, transactions via the internet increased by 75.54%, via mobile channels increased by 64.26%, via QR code methods increased by 151.14%, via POS increased by 30.35%, while transactions via ATMs decreased by 4.62% (Doan Quynh Huong, 2021). This demonstrates a significant shift from traditional payment methods to electronic and non-cash payments. Vietnam has also promptly issued general regulations on non-cash payments to facilitate electronic transactions in practice, such as Decree No.
101/2012/ND-CP on non-cash payments, Decree No. 80/2016/ND-CP amending and supplementing Decree No. 101/2012/ND-CP. Additionally, several documents have been issued to regulate non-cash payment activities in specific fields, such as Decision No. 241/QD-TTg in 2018 approving the Project to promote bank payments for public services: taxes, electricity, water, tuition fees, hospital fees, and social welfare programs; the Ministry of Standards' establishment of domestic chip card standards; and the "Technical Specification for QR Code Display from the Accepting Unit for Payment" by the Ministry of Standards.

Instruction No. 22/CT-TTg dated May 26, 2020, aims to promote the development of non-cash payments to achieve set targets, especially in the context of the Covid-19 pandemic.

It can be seen that the ASEAN Electronic Commerce Agreement has expanded the development opportunities for non-cash payments, enabling electronic commerce transactions to be conducted swiftly, conveniently, cost-effectively, and easily managed and controlled during implementation (Slamet, T. S., Pasapan, P., Palullungan, L., & Salim, A., 2023).

4.3 RECOMMENDATIONS FOR DEVELOPING ELECTRONIC COMMERCE IN VIETNAM

Electronic commerce, especially electronic commercial activities, is becoming increasingly prevalent and playing a significant role in the economy. In this context, the ASEAN Electronic Commerce Agreement serves as a common legal framework regulating electronic commerce activities among ASEAN countries. The agreement has created conditions for member countries, including Vietnam, to vigorously develop electronic commerce while also imposing requirements for enhancing the legal framework associated with the construction and development of the socio-economic aspects of each member country.

4.3.1 Cross-border Electronic Commerce

Vietnam is assessed as the most promising electronic commerce market in the ASEAN 6 region (ASEAN 6 includes Brunei, Indonesia, Malaysia, the Philippines, Singapore, and Thailand) with a projected growth rate of 129% from 2022 to 2025. In response to this reality, Vietnam has formulated electronic commerce development policies in various stages to support economic entities, exemplified by Decree No. 80/2021/ND-CP guiding the law on supporting small and medium-sized enterprises; Decision No. 645/QD-TTg on the National Electronic Commerce Development Program for the 2021 - 2025 period; Decision No. 1415/QD-TTg on
the Project “Promoting Direct Participation of Enterprises in Overseas Distribution Networks by 2030”. Thus, Vietnam has established an effective legal framework for developing cross-border electronic commerce and implemented measures such as enhancing capacity, training for enterprises in electronic commerce applications, supporting digital transformation activities, increasing participation in electronic commerce trading platforms, etc.

To promote cross-border electronic commerce activities in line with the cross-border electronic commerce laws of ASEAN countries, Vietnam needs to emphasize cooperation among ASEAN members and reflect this in electronic commerce regulations. Based on the legal framework for electronic commerce that has been issued, Vietnam needs to ensure proper implementation to achieve the set objectives. Additionally, it is necessary to enhance the effectiveness of state management agencies to ensure stable and robust development of cross-border electronic commerce activities, strengthen strict control, and compliance with legal regulations to prevent the misuse of electronic commerce activities to conduct illegal acts, affecting the rights of stakeholders (Lurong CHEN, 2017). In electronic commerce transactions, enterprises, as the main entities, need to be improved with measures such as enhancing the training of the digital workforce, ensuring skills and expertise in various fields, investing in building and upgrading infrastructure for electronic commerce (Legislative Council Secretariat, 2023). In the process of perfecting the legal framework for cross-border electronic commerce, Vietnam needs to learn from the experiences of countries worldwide, especially ASEAN countries. Through this, ensuring the establishment of a legal mechanism that aligns with the practical needs of the country, economic and social development, enhancing personal data security measures, ensuring compliance with cybersecurity regulations, and alignment with the ASEAN Electronic Commerce Agreement.

4.3.2 Electronic Transactions Law 2023

The Electronic Transactions Law 2023 was passed by the 15th National Assembly at its 5th session on June 20, 2023, and will come into effect on July 1, 2024 (Doan Quynh Huong, 2021). Although not yet in effect, the Electronic Transactions Law 2023 has made a significant impact in supporting and improving regulations on electronic commerce. The Electronic Transactions Law 2023 introduces many new points to supplement and improve legal regulations, such as the scope of application of electronic signature regulations, supplementing conditions for converting between paper documents and data messages, regulations on digital signatures, etc.
However, the provisions of the Electronic Transactions Law 2023 are still not specific enough, lacking guidance for effectively implementing issues related to electronic commerce in practice. For instance, the Electronic Transactions Law 2023 specifies the scope of application in general terms; there are no provisions on conditions to ensure safety that could be substituted for personal signatures as in the 2005 Electronic Transactions Law; detailed provisions on conditions for trustworthy service business operations are yet to be formulated, etc. Therefore, the requirement to perfect the provisions of the Electronic Transactions Law continues to be raised to create conditions to encourage entities to implement electronic transaction policies more quickly, at lower costs, with easier access, and with greater safety and reliability. Through this, perfecting the provisions of the Electronic Transactions Law aims to demonstrate the freedom and respect of relevant parties in line with the characteristics of electronic commerce laws, meeting the requirements of electronic commerce laws of countries in the region. Completing a comprehensive legal framework contributes to facilitating the transition of commercial activities from traditional environments to digital environments in all sectors of the digital economy. Based on this, electronic commerce laws in general, and the Electronic Transactions Law in particular, need to be amended and supplemented based on the legal regulations of some countries worldwide and countries in the ASEAN region.

### 4.3.3 The Law on Consumer Rights Protection

In the context of increasingly prevalent electronic commerce activities on a large scale, violations of consumers' legitimate rights and interests are also on the rise (Nguyen Van Hung, 2013). Many businesses, driven by profit motives, exhibit a lack of responsibility in commercial activities, leading to instances of poor-quality products and counterfeit goods in the market, significantly affecting consumers. Additionally, consumers themselves often lack a clear understanding of their legal rights and interests to effectively exercise them. Therefore, the urgent issue is to enhance consumers' awareness of their rights and legitimate interests when engaging in transactions, using goods, and services, while also improving consumers' self-protection capabilities to mitigate risks that infringe upon their commercial activities.

The Consumer Rights Protection Law of 2010 is a document regulating the protection of consumer rights in electronic commerce in Vietnam. The provisions on consumer rights protection remain general regulations applicable to all commercial activities, without a clear distinction between protecting consumer rights in electronic commerce transactions and traditional commercial transactions. Furthermore, provisions on consumer rights protection are
also stipulated in other documents related to electronic commerce, such as Decree No. 52/2013/ND-CP; however, the implementation remains incomplete and does not fully cover various types of consumers' personal information in the digital environment. The Consumer Rights Protection Law of 2023 replaces the old law, supplementing provisions on sustainable production and consumption.

In the context of Vietnam gradually refining regulations on consumer rights protection in electronic commerce and being influenced by the 2023 Electronic Commerce Agreement, the protection of personal information must focus on the responsibility of organizations and individuals when collecting, using, storing, and processing others' personal information in the online environment. Many issues related to personal data protection are yet to be clarified in the law, contributing to significant changes in consumer rights protection efforts, laying the groundwork for the basic legal framework for developing consumer protection activities in our country, meeting practical requirements, and clearly demonstrating the role of consumers in emerging consumption trends.

5 CONCLUSION

The ASEAN Electronic Commerce Agreement plays a crucial role in the economic and social development of ASEAN countries and serves as a basis for conducting electronic commerce activities in the region. As a member country of ASEAN, electronic commerce in Vietnam has experienced remarkable growth and development in recent years. The ASEAN Electronic Commerce Agreement has had a strong impact on electronic commerce in Vietnam, serving as a foundation and driving force for Vietnam to leverage its existing capacity in electronic commerce and create conditions for further expanding and developing various aspects related to electronic commerce. Key impacts of the ASEAN Electronic Commerce Agreement include issues such as cross-border electronic commerce, electronic signatures, consumer rights protection, cybersecurity, etc. Based on this, Vietnam sets requirements to develop and refine legal regulations on electronic commerce to align with the country's economic and social conditions, meet the needs of stakeholders. Additionally, Vietnam must enhance cooperation and integration with ASEAN countries in electronic commerce and improve the effectiveness of implementing electronic commerce regulations closely linked to current economic development.
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The training conference on state secret protection and cybersecurity organized by the Ministry of Science and Technology on September 8, 2023.
