

Protection of Human Dignity and Honor under the 2015 Vietnamese Criminal Code: Provisions and Policy Recommendations

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Abstract

Protecting human rights is one of the essential requirements in the development of laws in general and criminal law in particular in Viet Nam. To optimally ensure human rights, including the right to respect for dignity and honor, and to reflect progressive values, criminal law includes specific provisions addressing crimes that infringe upon these interests. This article employed the secondary data analysis method to approach and process previous studies on protecting dignity and honor through criminal law. Based on this, the authors analyzed the provisions in the section on crimes in the 2015 Criminal Code (amended and supplemented in 2024) regarding offenses against dignity and honor, affirming that Vietnam's criminal law has relatively clear regulations aimed at protecting human dignity and honor, while indicating that Viet Nam regards these as protected legal interests that need to be safeguarded by criminal law. However, the current legal provisions still have certain shortcomings regarding these crimes which serve as the basis for the authors to propose solutions to improve relevant legal regulations.

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1 Introduction

The term “human dignity” in Latin, “dignitas,” refers to “creating worthy beauty, majesty, virtue, honor, consideration, respect, trust, and prestige.” According to Vietnamese Dictionary, “human dignity is understood as moral quality, i.e., the qualities and values of a human being” [1]. “Human dignity is the inherent moral worth of a person, constituting the ethical and legal basis for protecting other human rights” [2]. The term “honor” originates from the Latin noun “decus,” meaning solemnity or glory. Honor, in general, refers to the status of a person entitled to respect, i.e., their position, and it pertains to something in a being (especially an individual) that causes or should cause others to respect them: incomparable excellence or value [3]. Honor is the respect of public opinion, based on spiritual and moral values, aimed at bringing honor and expressing society's or a

collective's respect [4]. Honor is society's regard for an individual or organization and is recognized as a personal right. Human honor is not inherent; it is formed through practical activities, expressed from moral and social perspectives, and is individualized and tied to specific individuals.

Crimes violating human dignity and honor refer to intentional or negligent conduct (actions or omissions) that infringe upon the right to respect and protection of another person's dignity and honor. Article 20 of the 2013 Constitution of the Socialist Republic of Viet Nam stipulates: “Everyone has the inviolable right to bodily integrity, and their health, honor, and dignity are protected by law; no one shall be subjected to torture, violence, persecution, corporal punishment, or any other form of treatment that violates their bodily integrity, health, or insults their honor and dignity.” Human dignity and honor are among the inviolable rights, and no individual, agency, or organization has

the right to violate another's dignity and honor. Acts that infringe upon another's dignity and honor are subject to legal sanctions. Specifically, to implement the provisions of Article 20 of the Constitution, key legal documents of the State, such as the Criminal Code, the Criminal Procedure Code, the Law on Execution of Criminal Judgments, and the Civil Code, recognize and protect the rights to respect for human dignity and honor. This demonstrates that Viet Nam's legal system aligns with international legal standards in protecting human dignity and honor.

Important international legal instruments on human rights emphasize the protection of human dignity and honor. For instance, Article 1 of the 1948 Universal Declaration of Human Rights (UDHR) states: "All human beings are born free and equal in dignity and rights." Additionally, Article 5 of the UDHR affirms: "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment." The 1966 International Covenant on Civil and Political Rights (ICCPR) further reaffirms in Articles 7 and 17 that no one shall be subjected to unlawful attacks on their honor and reputation. As a member of the United Nations and a party to the ICCPR since 1982, Viet Nam is bound by these instruments. The alignment of Viet Nam's domestic laws with international legal standards in these documents reflects legislative progress and demonstrates Viet Nam's proactive responsibility in domesticating its international commitments to protect human rights.

Thus, it can be seen that the right to dignity and honor is an inviolable, individualized right. This right is recognized and protected by both international and national laws, forming a component of personal rights within the broader framework of human rights and serving as the foundation for other human rights – "without dignity, there are no human rights." Dignity is the foundational condition for recognizing a person as a legal subject [5]. The right to human dignity and honor is the right to live a valuable life, to be recognized and respected by society, and to be free from any insult or harm to reputation and value.

2 Protection of Human Dignity and Honor through the Provisions of the 2015 Criminal Code of Viet Nam

Viet Nam's Criminal Code is one of the most effective tools for protecting human rights through provisions on

crimes and criminal liability. The rights to dignity and honor are recognized in the section on crimes in the 2015 Criminal Code (amended and supplemented in 2017), specifically in the following groups of offenses: Group of offenses related to sexual activities: Rape (Article 141); Rape of a person under 16 years old (Article 142); Forcible sexual intercourse (Article 143); Forcible sexual intercourse with a person aged 13 to under 16 (Article 144); Sexual intercourse or other sexual activities with a person aged 13 to under 16 (Article 145); Sexual abuse of a person under 16 (Article 146); Use of a person under 16 for pornographic purposes (Article 147). These offenses infringe upon the right to sexual autonomy, which is a part of the right to freedom, equality, dignity, and self-respect. The 2015 Criminal Code prescribes penalties corresponding to the nature and severity of each act, with the most severe penalty being the death penalty (for rape of a person under 16).

Group of offenses involving humiliation or insult to human dignity and honor*: Humiliating another person (Article 155); Slander (Article 156); Forcing another to commit suicide (Article 130); Humiliating a comrade (Article 397). The common characteristic of these offenses is the act, whether through words or actions, of insulting or defaming another person's honor, moral quality, or human value. The most severe penalty applicable to this group is imprisonment for up to 12 years (for forcing another to commit suicide).

Group of offenses involving the trafficking or exchange of people or human body parts: Human trafficking (Article 150); Trafficking of a person under 16 (Article 151); Swapping a child under 1 year old (Article 152); Abusing a person under 16 (Article 153); Trafficking or appropriation of human tissues or body parts (Article 154). A human being is not only a part of social relations but also the central element, the subject that creates and transforms those relations. The value of a human being is noble and is always respected and protected by law. Acts of trafficking, exchanging, or degrading human dignity by treating people as commodities for profit are dangerous acts classified as crimes under the Criminal Code. The most severe penalty for this group can be life imprisonment (for trafficking of a person under 16 or trafficking or appropriation of human tissues or body parts).

Group of offenses violating other objects but also simultaneously violating human dignity and honor:

Unlawful arrest, detention, or confinement involving acts of torture, cruel treatment, or degrading punishment (Subparagraph b, Paragraph 3, Article 157); Violation of the confidentiality or security of correspondence, telephone, telegraph, or other private means of communication involving the disclosure of illegally obtained information, affecting another person's honor, reputation, or dignity, or causing another to commit suicide (Subparagraphs d and đ, Paragraph 2, Article 159); Prosecuting an innocent person (Article 368); Use of corporal punishment (Article 373); Coercion in interrogation involving acts of corporal punishment, cruel treatment, or degrading the dignity of the person interrogated, questioned, or causing the coerced person to commit suicide or wrongfully accusing an innocent person (Subparagraph d, Paragraph 1, Subparagraph a, Paragraph 3, and Subparagraph b, Paragraph 4, Article 374).

This group of offenses is quite diverse, manifested through acts that violate various objects, but they are addressed here due to the following common characteristics: First, in terms of objective acts, the dangerousness of these crimes is assessed based on their violation of various objects, but these acts also infringe upon human dignity and honor. Second, the aggravating circumstances in sentencing frameworks include acts that trample or degrade another person's dignity, significantly increasing the dangerousness of the crime. The most severe penalty that a subject may face is life imprisonment (for coercion in interrogation, Paragraph 4, Article 374).

3 Issues Arising from the Provisions of the 2015 Criminal Code on Protecting Human Dignity and Honor

Through studying the crimes violating human dignity and honor in the 2015 Criminal Code, the authors identify several inconsistencies that require further examination, as follows:

Firstly, regarding the scope of crimes violating human dignity and honor. According to traditional perspectives, crimes violating dignity and honor are those from Article 141 to Article 156. Chapter XIV includes groups of crimes violating life, health, and dignity and honor of individuals. With the current arrangement, the general consensus among scholars is that crimes from Rape (Article 141) to Slander (Article 156) target social relations related to violating human

dignity and honor. Some documents also suggest that the objects of the crimes of Transmitting HIV to Others (Article 148) and Intentionally Transmitting HIV to Others (Article 149) are health and human dignity and honor [6].

Upon examining the content of Articles 148 and 149 of the Criminal Code, it can be observed that acts of transmitting or intentionally transmitting HIV to others are not directly aimed at infringing upon human dignity and honor. Some opinions argue that Articles 148 and 149 belong to the group of crimes violating life, as HIV was once considered a “disease of the century,” which is incurable and life-threatening. However, modern medicine can treat HIV, enabling those with HIV to live healthy lives and have near-normal life expectancy. Thus, this disease no longer poses a significant threat to human life but primarily affects health. Acts of transmitting HIV to others violate the right to health protection. Therefore, the authors advocate for crimes related to HIV should be placed after the crime of Maltreating Others (Article 140) and before the group of sexual offenses. This reordering would facilitate grouping HIV-related crimes with those violating human health.

Secondly, the 2015 Criminal Code does not specifically describe the crime of sexual abuse of a person under 16, leading to inconsistent recognition of sexual abuse acts. According to Resolution 06/2019/NQ-HĐTP, sexual abuse refers only to acts involving physical contact between the offender's body parts and the victim's body parts (tactile contact). In reality, other forms of contact (such as visual or auditory contact) also demonstrate a lack of respect for the victim's sexual autonomy but not yet subject to criminal liability, especially in the context where acts of sexual harassment or sexual assault have not been criminalized in Viet Nam's Criminal Code.

Thirdly, determining what constitutes “serious insult” in the crime of humiliating another person remains challenging due to the absence of explicit statutory definitions and lack of judicial guidance or precedent. Without a unified understanding of “serious insult” for the crime of humiliating another person, the handling of such acts depends on the subjective judgment of judges. Some opinions suggest that the seriousness of the act can be assessed based on the offender's attitude and perception, the intensity and duration of the insulting act, the victim's social position or role, the

psychological impact on the victim, and the surrounding environment [7]. Therefore, specific guidelines or judicial precedents are needed to ensure consistent and appropriate application in practice.

4 Conclusion

Protecting human dignity and honor is a critical task that requires the collective effort of society, particularly the role of the law. The 2015 Criminal Code has shown significant progress in criminalizing and prescribing penalties for acts violating human dignity and honor. However, alongside its strengths, these provisions still

reveal certain shortcomings and limitations. Therefore, to enhance the effectiveness of protecting human dignity and honor, it is necessary to continue improving the provisions of criminal law and guiding documents, while also raising individuals' awareness and responsibility in protecting their own dignity and honor and respecting that of others.

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References

1. Center for Lexicography (2013). Vietnamese Dictionary. *Da Nang Publishing House*, p. 913.
2. Nguyen Ngoc Chi (2018). Scientific Commentary on the 2015 Criminal Code. *People's Public Security Publishing House*, p. 57.
3. Mette, L. (2004). What is Human Dignity? *Maynooth Philosophical Papers*, pp. 59-69. Accessed at: <https://mural.maynoothuniversity.ie/id/eprint/392/>
4. Institute of Legal Sciences - Ministry of Justice (2006). Legal Dictionary. *Judicial Publishing House*, p. 133.
5. Jeremy, W. (2009). Dignity, Rank, and Rights: The 2009 Tanner Lectures at UC Berkeley. *Oxford University Press*, pp. 210.
6. Tran Van Luyen, Phung The Tac, and others (2019). Scientific Commentary on the 2015 Criminal Code (amended and supplemented in 2017) – Section on Crimes. *People's Public Security Publishing House*.
7. Nguyen Trung Kien (2020). On the Crime of Humiliating Others, Some Issues, and Recommendations for Improvement. *People's Court Journal*, Issue 8/2020.

Bảo vệ nhân phẩm, danh dự của con người bằng các quy định của Bộ luật Hình sự Việt Nam năm 2015 và một số ý kiến đề xuất

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Tóm tắt Bảo vệ quyền con người là một trong những yêu cầu quan trọng khi xây dựng pháp luật nói chung và pháp luật hình sự nói riêng tại Việt Nam. Nhằm đảm bảo tối ưu các quyền con người, trong đó có quyền được tôn trọng về nhân phẩm, danh dự và thể hiện sự tiến bộ nên pháp luật hình sự có quy định cụ thể về các tội phạm xâm phạm những lợi ích này. Bài viết sử dụng phương pháp phân tích dữ liệu thứ cấp để tiếp cận, xử lý các nghiên cứu trước đó về vấn đề bảo vệ nhân phẩm, danh dự bằng pháp luật hình sự. Trên cơ sở đó, phân tích các quy định thuộc Phần các tội phạm trong Bộ luật hình sự năm 2015 (Sửa đổi, bổ sung năm 2024) về các tội phạm xâm phạm nhân phẩm, danh dự, có thể khẳng định pháp luật hình sự Việt Nam có những quy định khá rõ ràng nhằm bảo vệ quyền về nhân phẩm, danh dự của con người chứng tỏ Việt Nam coi nhân phẩm, danh dự là một lợi ích cần được bảo vệ bằng pháp luật hình sự. Tuy nhiên, quy định pháp luật hiện hành vẫn còn những bất cập nhất định về các tội phạm này, đây là cơ sở để đề xuất một số giải pháp hoàn thiện quy định pháp luật có liên quan.

Từ khóa bảo vệ, nhân phẩm, danh dự, tội phạm, Luật Hình sự Việt Nam

