

Resocialization as prevention of deviant behavior in the Socialist Republic of Vietnam: a review of legislation and practice

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Abstract. The Vietnamese government has set the task of creating a prosperous people and a strong, democratic society, a just and civilized country. This task cannot be achieved without a sound domestic policy that includes the fight against anti-social phenomena such as domestic drunkenness, chronic alcoholism, and drug addiction as an essential component, which create the ground for criminogenic behavior. The Objective of the study is to study the basic acts of Vietnamese legislation on the regulation of the prevention of deviant behavior among alcoholics and drug addicts and the resocialization of persons who committed crimes and are in prison, as well as those released from them. The general methodological basis is represented by the dialectical method, which allowed studying the research object in development to establish the corresponding cause-and-effect relationships. The authors used general scientific methods, including analysis and synthesis, induction, and deduction methods, to obtain reliable and scientifically significant results. Attention is drawn to the specific methods of resocialization combined with methadone treatment for drug addicts in the Socialist Republic of Vietnam, the conditions and regime of such treatment, and specific individuals' responsibilities. In the twenty-first century, there are gradual changes in the worldview of the political leadership and the legal practice of Vietnam concerning people with addictions that can be treated and corrected. This has led to the adoption of evidence-based resocialization methods, particularly the use of methadone substitution therapy for drug addicts. Russian scientists are actively engaged in the problem of resocialization in the context of Russian criminal law issues. This article is the first to raise the issue of the Vietnamese approach, information about which is taken from sources in the Vietnamese language.

Keywords: drug addiction, reintegration into society, resocialization

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1 Introduction

In the 21st century, the Socialist Republic of Vietnam made a considerable leap in economic development. Without abandoning socialist ideals, the country's leadership has learned to apply a flexible policy in many foreign and domestic policy positions. This has led to an acceleration in national GDP growth, improved public health, and an increased number of residents [1].

The article examines the normative legal acts issued after adopting the new Constitution of 2013 [2] and the law enforcement practice in relation to persons suffering from socially dangerous addictions and prone to offenses. The article analyzes the normative legal acts aimed at combating drug addiction, alcoholism and related to the socialization of perpetrators. The main ones are the following: Law of the National Assembly No. 23/2000/QH10 "On the prevention and control of drug addiction"; Decree of the Government of the Socialist Republic of Vietnam No. 221/2013/ND-CP "On measures of compulsory detoxification of people suffering from drug addiction" of December 30, 2013; Law of the National Assembly No. 44/2019/QH14 "On the prevention and treatment of alcoholism" of June 14, 2019. Concerning the correction and resocialization of criminals, the norms of the Law "On the execution of sentences" No. 41/2019/QH14 of June 14, 2019, and, with regard to juveniles, the Decree "On the rules for the organization and functioning of reform schools" No. 02/2014/NĐ-CP of January 10, 2014, are analyzed. Medical and other practices are studied, with the help of which the state is trying to implement a policy of building a healthy society, particularly a pilot project for 2018 – 2019 on free comprehensive rehabilitation of drug addicts who take drugs for the first time. The article analyzes the legal acts regulating the activities for the resocialization of persons suffering from drug addiction or who have committed crimes, including the Decree of the Prime Minister No. 623/QĐ-TTg of April 14, 2016, approving the National Strategy for the prevention and control of crime for 2016-2025, focused on 2030 [3].

A major social problem in modern Vietnam has become drug addiction, which has transformed from opium smoking to heroin injections, and severe alcoholism. According to some data, there may be about 500,000 drug addicts in the Socialist Republic of Vietnam [6, p. 319]. It is quite evident that such people with deviant behavior are potential offenders. Therefore, crime prevention should be based primarily on the treatment or isolation of socially dangerous persons and resocialization. The authors define resocialization as "a targeted impact on individuals who have returned from prison, as well as those with unlawful attitudes and dangerous, potentially criminogenic bad habits (addictions), to include them in normal life as full members of society" [4]. The concept of resocialization is familiar to Vietnamese science. The term "xã hội hóa lại" (resocialization) in Vietnam is understood as a particular direction of socialization. The Government of Vietnam has developed a program for the treatment of drug addicts. One of the program elements is a plan to expand methadone replacement therapy (MRT) clinics [5]. According to Western scientists, methadone is a highly effective drug for the treatment of opioid addiction. The MRT program in Vietnam has expanded rapidly since the first pilot project in 2006, and by 2015, the country had 170 clinics with 31,200 patients [6].

The purpose of the study is to analyze the approach of Vietnamese law to the regulation of the issues of deviant behavior prevention among alcohol and drug addicts, as well as the resocialization of persons who have committed crimes and are in prison and released from prison and reformation facilities.

To achieve the objective, the task was set and performed to study the basic legal acts adopted in the 21st century, aimed at combating drug addiction and alcoholism, and the resocialization of convicts.

2 Methods

The general methodological basis is represented by the dialectical method and a complex of general scientific methods, including analysis and synthesis, deduction, and induction. Attention is drawn to the specific methods of resocialization combined with methadone treatment for drug addicts in the Socialist Republic of Vietnam, the conditions and regime of such treatment, and specific individuals' responsibilities. The most important legal acts regulating these issues are analyzed: the Law of the National Assembly No. 23/2000/QH10 "On the prevention and control of drug addiction", the Law of the National Assembly No. 44/2019/QH14 "On the prevention and treatment of alcoholism" of June 14, 2019, the Law "On the execution of sentences" No. 41/2019/QH14 of June 14, 2019.

3 Discussion

The main normative act regulating the prevention and resocialization of drug addicts is the Law of the National Assembly "On the prevention and control of drug addiction" No. 23/2000/QH10. Article 6 of the National Assembly's Law obliges drug addicts and their families to strictly follow the doctor's recommendations on detoxification; monitor and help people who have given up addiction to integrate into the community. According to the Drug Abuse Prevention Act, the Government has a policy of encouraging voluntary detoxification and organizing compulsory detoxification facilities, lasting from one to two years. In medical institutions, they organize work, study, and treatment of drug addicts to resocialize them. People treated for drug addiction under the supervision of the administration of their place of residence are integrated into society, helping families create conditions for professional training and job search (Article 26 of Law No. 23/2000/QH10) [7].

Implementing the policy of combating drug addiction, in Vietnam, MRT clinics were opened, based on which various studies are conducted on the possibilities of safe integration of drug addicts for society. Medical research conducted in 2013 in the North of Vietnam[†] showed that 98.7% of drug addicts were men, the average age was 36 years, among them 74.6% worked. After receiving treatment, almost everyone faced the problem of employment and discrimination. Difficulties of integration into society were observed both in cities and in rural areas [8]. Other researchers found a high level of unemployment among MRT patients in the urban population, while in rural areas, the level of discrimination was lower and employment was easier [9]. The Vietnamese approach to combating drug addiction is mainly the forced nature of treatment and resocialization. The Decree of the Government of the Socialist Republic of Vietnam No. 221/2013/ND-CP on measures for the compulsory detoxification of people suffering from drug addiction allows police officers at the commune level, together with the competent medical authorities, to collect a dossier on a person illegally using drugs. This file, together with the statement of the head of the district Department of Justice, is sent to the district people's court for consideration for a decision on the application of measures for compulsory detoxification [10].

Resocialization policy encourages citizens suffering from drug addiction to independently enroll in the MRT program by applying for their attending physician. After a special commission reviews all medical documents, the patient's application is registered, and he/she enters the MRT program [11]. Since 2018, a "Pilot Project" for 2018 – 2020 has been created for free comprehensive rehabilitation of drug addicts who take drugs for the first time and have a permanent residence permit [12].

[†] A large percentage of drug addicts live in the mountainous areas of North Vietnam (the northern mountainous provinces of Vietnam are considered epicenters of drug use).

Alcoholism is a severe problem in Vietnamese society. The treatment of alcohol dependence in Vietnam was considered in Vietnamese and foreign studies. In the mid-1990s, studies were conducted on the consideration of genetic factors in the treatment of alcoholism. Experts believe that socio-economic factors and genetic predisposition are two variables that can influence the psychosocial aspects of the competent use of medical care [13]. Alcohol detoxification is carried out voluntarily. Pathological alcoholics are considered persons with an acute mental state, but in the case of offenses do not fall under the exception of criminal liability, as provided in Article 21 of the Criminal Code of the Socialist Republic of Vietnam [14].

In June 2019, the National Assembly of the Socialist Republic of Vietnam adopted Law No. 44/2019/QH14, “On reducing the consumption of alcoholic beverages”. Article 4 of the Law establishes the right to live in an environment free from the harmful effects of alcohol. Inducing and forcing the consumption of alcoholic beverages is prohibited, as well as advertising alcohol containing 15 or more degrees [19]. The law on reducing the consumption of alcoholic beverages introduces measures for the diagnosis, treatment, and rehabilitation of people who drink alcohol and suffer from concomitant diseases [19].

In respect of which special measures for resocialization are carried out, a special category of citizens are persons who have committed crimes and have been released from prison. The purpose of such resocialization is to prevent the re-commission of crimes by creating conditions for the socialization of this category of citizens. [16-19] According to the concept of Vietnamese scientists, the first stage of resocialization begins in places of detention. Article 4 of the Law “On the execution of sentences” establishes the principle of combining sentences with reformation. It is indicated that for persons under the age of 18, the sentence execution should be aimed mainly at education and the development of a model of behavior that is useful for society. Convicted persons have the right to receive education and vocational training while serving their sentences. Illiterate offenders are required to learn to read and write, and foreign prisoners are encouraged to learn Vietnamese. For general education and vocational training, prisoners are allocated one day a week, except on Sundays and holidays. The law emphasizes that work is essential for further integration into society. The Law “On the execution of sentences” states that correctional institutions, together with the district police, must organize preparations for the resocialization of a prisoner before he completes his sentence or is released on parole. According to Article 45 of the Law, measures for prisoners’ resocialization include psychological counseling and support, career guidance and job search, financial assistance for better integration into society. Funding for reintegration is provided by the state budget, the “prison integration fund,” and voluntary contributions [20].

4 Conclusion

Several factors constrain the ongoing positive changes in this area. The most important of them is the insufficient financial and material base based on which it is possible to carry out appropriate measures, weak support from civil society, and compulsion, which is crucial in deciding on a person’s resocialization. The state encourages citizens’ and organizations’ activities to create conditions for integrating various categories of resocialized citizens into society, which gives positive results regarding public safety and crime prevention.

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