

Related Studies and the Necessity of Issuing Law of Consumer Protection in Vietnam

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Abstract

Kotler (2000) defines the consumerist movement "as an organized movement of citizens and government to strengthen the powers of buyers in relation to sellers". In a third-world perspective, Consumerism has been defined as "the efforts made either by the consumer himself, the government, and/or independent organizations to protect the consumer from the unscrupulous practices of businesses in their quest for profit" (Onah, 1979). Consumer right is an entitlement that a consumer enjoys at the market place

By observations and qualitative analysis with synthesis and inductive methods, study results shows that first, The nature of the relationship between consumers and Enterprise is a kind of private relationship, the laws of most countries are reserved for the parties to a contractual relationship freedom of agreement and the intervention of State in these relationships is relatively limited; second, Protecting consumers' interests is an important, regular and long-term task, the responsibility of the Party committees, authorities, officials, party members and organizations in the political system and the whole society. Thoroughly overcome the situation of irresponsibility, insensitivity and lack of drasticness of each branch, locality and unit assigned to be in charge.

Key-words: Law of Consumer Protection, Consumer Rights, Related Studies.

JEL: K10, K11, K15.

1. Introduction

The prolonged COVID-19 pandemic has changed consumer trends, mainly shifting to online shopping.

Along with that, the market was affected by many factors causing the prices of many items to skyrocket, which significantly affected the interests of consumers.

The situation of selling fake, counterfeit and used goods also often appears, not to mention when consumers have a need to exchange or return goods, many consumers are refused or prolonged complaint settlement time.

That's not to mention the recent outbreak of COVID-19 that has made anti-epidemic support products sold out. This is also the reason why the prices of these items are constantly galloping because small traders arbitrarily raise prices in the style of floating water.

Not stopping there, at many petrol stations across the country recently, they also continuously hung signs of holiday or out of stock before the date of price adjustment, which has caused an uproar in public opinion. This not only affects the trading market but also directly affects the interests of consumers

The Consumer Protection law issued to protect the interests of consumers with the stable and sustainable development of society and the country. to protect consumers in provinces and cities, thereby improving the efficiency of enforcement of the Law on Protection of Consumer Rights as well as implementing unified activities among associations nationwide to protect consumer rights.

Authors will organize this paper with introduction, literature review, methodology, main findings, discussion and conclusion.

2. Literature Review

DTN Huy (2015) pointed that law has relationship with stronger corporate governance and confirmed by (TTH Ha et al, 2019; PM Dat et al, 2020).

And Le, K., & Nguyen, M. (2021) stated there is relation between education (law, for ex) and political engagement.

Next we summarize related studies:

Table 1 - Summary of previous studies

Authors	Year	Content, results
Shapiro, C	1983	Consumer protection regulation is based on a belief that the private market fails in a significant way: it fails to supply consumers with adequate information to make efficient choices among products.
Kotler	2000	Consumerism has been defined as a social movement seeking to augment the rights and powers of consumers in relation to sellers.
Armstrong et al	2009	In a related model where consumers have ability to refuse to receive marketing, authors find that this ability to soften price competition and can make all consumers worse off.
Njuguna et al	2014	Concluded that most household consumers were aware of their consumer rights but majority of them were not effectively utilizing the established consumer protection mechanisms. The study recommended for a policy on consumer education and activation in Kenya. It also recommended that manufacturers should establish a division for consumer affairs to listen to consumer complaints addresses their issues.
TTH Ha, NB Khoa, DTN Huy, VK Nhan, DH Nhung, PT Anh, PK Duy	2019	Better corporate governance need compliance with laws.
N Thi Hang, D Thi Tinh, DT Ngoc Huy, PT Hong Nhung	2021	We need to train labor force with updated law knowledge and others.
Nguyen Trong Diep et al	2022	Mentioned in Consumer protection Law 2010 and amendment pointed Vulnerable consumers under this Act include: Children in accordance with the law on children; People living in ethnic minority areas as prescribed by law on ethnic work; Pregnant women, etc.

(Source: author synthesis)

3. Methodology

As usual in this paper, Authors mainly use experience, observations and qualitative analysis with synthesis and inductive methods.

4. Main Findings

4.1. Discussion on Consumer Protection Law in Vietnam

According to Consumer Protection Law of Vietnam 2010 and amendment:

Article 11. Assurance of consumer information security

1. Business organizations and individuals must ensure safety, accuracy and completeness of information about consumers that they collect, use, store and take measures for preventing the following behaviors:

- a) Steal or gain unauthorized access to information;
- b) Unauthorized use of information;
- c) Unauthorized alteration or destruction of information.

2. Business organizations and individuals must have a mechanism to receive and deal with consumer complaints regarding unauthorized collection of information, misuse or notice scope.

3. In case the information system is hacked, creating a threat, loss of information of consumers, organizations, business individuals or archives

Relevant information must be notified to the authorities within twenty four (24) hours after detecting the incident and taking the necessary measures to protect, ensure the safety of consumer information.

Article 14. Rights of consumers

1. The safety of life, health, property, information protection, other legitimate rights and interests when participating in transactions and using products and goods and services provided by business organizations and individuals.

2. To be provided with accurate and complete information about products, goods and services ; business organizations and individuals; Contents of transactions of products, goods and services ; origin and origin of goods; be provided with invoices, vouchers and related documents transactions and other necessary information about products, goods or services purchased and used by consumers.

3. Selection of products, goods, services, business organizations and individuals according to their actual needs and conditions; decide to participate or not to participate into transactions and contents of agreements when entering into transactions with organizations and business people; be provided with products, goods and services in accordance with the content transacted.

4. Commenting with business organizations and individuals on prices and product quality, goods, services, service styles, transaction methods and other content related to transactions between consumers and business organizations and individuals (business).

5. Participate in the formulation of policies and laws on the protection of human rights.

6. Claim for damage when products, goods or services fail to conformity with standards, technical regulations, measurement, quality, safety, quantity, features, uses, prices or other content that organizations and individuals do business with registered, announced, listed, advertised, committed or as required by law.

7. Complaints, denunciations, lawsuits or requests for social organizations to initiate lawsuits to protect their interests in accordance with this Law and other provisions of relevant laws.

8. Get advice, support and guidance on knowledge and skills on product, goods and services consumption.

9. Be facilitated to choose a healthy and sustainable consumption environment.

10. Other rights as prescribed by relevant laws.

Article 15. Obligations of consumers

1. Inspecting products, goods and services before receiving them according to regulations ; choose to consume products, goods and services of origin, export, clear origin; sustainable consumption, not contrary to fine customs and ethics society, without causing harm to their own life and health and that of others.

2. Information for relevant state agencies, organizations and individuals when broadcasting goods and services circulating on the market are not safe, causing damage or threaten to cause damage to human life, health, or property consumption; acts of organizations and individuals trading infringing goods and services to the legitimate rights and interests of consumers.

3. Comply with other obligations as prescribed by other relevant laws.

On August 24, 2021, the Prime Minister issued Decision No. 1427/QĐ-TTg on assignment of agency in charge of drafting and submission deadline Law projects, ordinances and resolutions are added to the Construction Program Laws and ordinances in 2021 and the law-making program in 2022.

In that case, the Ministry of Industry and Trade was assigned to assume the prime responsibility for coordinating with relevant ministries and branches develop a project on the Law on Protection of Consumer Rights (amended).

Next, Viewpoints on the drafting of the Law on Protection of Consumer Rights

Affirming that protecting the interests of consumers is the common responsibility of society as a whole and protecting consumers is about protecting sacred rights of each citizen.

- Continue to protect the disadvantage of consumers in transactions with business organizations and individuals. The nature of the relationship between consumers and Enterprise is a kind of

private relationship, the laws of most countries are reserved for the parties to a contractual relationship freedom of agreement and the intervention of State in these relationships is relatively limited.

Hence:

Completing regulations on consumer information protection.

To clarify the content of consumer information protection, Law of Consumer protection (amendment) adjusts and supplements a number of regulations, As follows:

- Supplement the concept of consumer information.
- Supplement regulations on responsibility to protect information of consumers, in which, there are regulations on authorizing a third party to perform the tax collection, store and use consumer information. Along with that, the Law of Protection Consumer rights (amended) also have provisions governing liability to protect information of business organizations and individuals when organizations and individuals receive benefits indirectly from consumers.
- Supplementing regulations on the required contents in the information protection policy.
- Supplement regulations on responsibilities of business organizations and individuals: establish a mechanism for consumers to conditionally select information fields that

Consumers agree to provide, except for some information that must be provided in accordance with regulations.

- Supplement regulations on responsibilities of business organizations and individuals - establish a mechanism for consumers to choose whether to allow or not to allow to use consumer information in a number of activities, such as: sharing with third parties, used for marketing purposes.
- Supplement regulations on responsibility for notifying authorities within 24 hours when there is a problem with the information system that causes danger : consumer information loss.

4.2. Ho Chi Minh Ideologies on Human Rights

From the affirmation of the values of a nation such as the right to equality, the right to life, the right to happiness and the right to freedom in the Declaration of Independence, President Ho Chi Minh affirmed that the right of every human being can only be truly enjoyed, guarantee when associated with the independence and freedom of the nation. Imbued with his thought, over the past 91 years, under the leadership of the Party, the Vietnamese people have not only persevered in their struggle to defend the results of the August Revolution in 1945, but also successfully waged the resistance war against the

colonialists. French people and resisting American imperialism's invasion, liberating the South, reunifying the country, etc., steadfastly aiming for national independence associated with socialism, but also continuing to build and develop an increasingly prosperous country.

Affirming that human rights and the rights of each nation are legitimate, at the beginning of the Declaration of Independence, President Ho Chi Minh showed a profound and transcendent thought when quoting the Declaration of Independence of the United States of America in 2016. 1776 and the Declaration of the Rights of Man and of the Citizen of the French Revolution of 1791: "All men are created equal. They are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness"; "Men are born free and equal in rights, and must always be free and equal in rights". With this argument, he came to affirm: "Broadly speaking, this sentence means: all peoples in the world are born equal, every nation has the right to live, to be happy and to have the right to live. freedom" and "Those are truths that no one can deny". And so, every Vietnamese and Vietnamese people have these legitimate rights; no one can take it away; and if deprived, the whole nation will be resilient, united, persistently fight to win back and determined to protect.

(Source: Ho Chi Minh: Complete Volume, Publishing House. National Politics- Truth, Hanoi, 2011, vol.4).

In the context of globalization, the situation in the world and in the region is still very complicated and unpredictable, international relations have both advantages and challenges today, on the basis of determining the ultimate goals. The priority is to protect the independence, sovereignty and territorial integrity of the sea and islands in association with the guarantee of human rights, a peaceful, prosperous and happy life for the people, the entire Party, the people and the entire army. We continue to adhere to the policy of independence, self-reliance, peace, and friendship with other countries in the spirit of "resolutely and persistently fighting, defeating all attempts and interventions of various powers. hostile to internal affairs, infringing upon the country's independence, sovereignty, unity, territorial integrity, national security and political stability"[11]; At the same time, "expand relations and promote cooperation with political, social and people forces of other countries, strive for peace, national independence, democracy, development cooperation and social progress." "[12] As the Document of the 13th Party Congress affirmed, in order to build and protect the socialist Vietnamese Fatherland more and more prosperous, happy and sustainable.

4.3. Programs of the Party to Protect Consumer Rights

In order to promote the achieved results, overcome limitations and weaknesses, and improve efficiency in the protection of consumers' interests, the Secretariat requires all levels of Party committees, organizations, authorities, the Government and the Government at all levels. The Fatherland Front and mass organizations at all levels shall seriously and effectively perform the following tasks and solutions:

1. Strengthen the leadership of party committees and organizations at all levels; promote the pioneering and supervisory role of the cell and party members in protecting the interests of consumers.

Protecting consumers' interests is an important, regular and long-term task, the responsibility of the Party committees, authorities, officials, party members and organizations in the political system and the whole society. Thoroughly overcome the situation of irresponsibility, insensitivity and lack of drasticness of each branch, locality and unit assigned to be in charge; There is a close and synchronous coordination mechanism among agencies, organizations and localities, including clear and specific assignment of tasks for each level and each branch in the protection of consumers' interests. Use Develop criteria to evaluate the performance of consumer protection; consider this as one of the contents to assess the level of completion of annual tasks of individuals and organizations, heads of Party committees at all levels, party organizations, and state management agencies.

2. Completing the legal framework, organizing a specialized apparatus, improving law enforcement capacity, and ensuring the effectiveness and efficiency of state management over the protection of consumers' interests.

Reviewing, amending, supplementing and perfecting the system of policies and laws, creating a favorable legal framework and the ability to effectively implement the protection of consumers' interests in a unified, synchronous manner and in line with people's consumption habits in the context of international integration, the development of science and technology and the development trend of e-commerce transactions. Publicity and transparency of information related to standards and origin of products and goods. Improve mechanisms and policies to mobilize resources, improve enforcement capacity of state management agencies and associations to protect consumer interests.

(Source: Directive No. 30-CT/TW on strengthening the Party's leadership and the State's management responsibility for the protection of consumers' interests).

5. Discussion and Conclusion

Therefore, Vietnam's Consumer Rights Day 2022 (March 15) with the theme "Safe consumption in the new normal period" is a message affirming the role, position and importance of consumer protection.

The basic principles of consumer protection have been recognized and The basic rights of consumers as well as the responsibilities of organizations and individuals trading in goods and services have been recognized and covered in the Law on Consumer Protection

Protecting consumers in the process of economic development and integration is the responsibility of the whole society. The protection of consumers' interests not only brings benefits to consumers, but also promotes the building of a healthy business environment for businesses and individuals, creating an important driving force for the economy to develop stably. In recent years, the protection of consumers' interests in the province has made positive changes.

Last but not least, Focus on training, fostering, improving capacity, professional qualifications, public service ethics, sense of responsibility for the contingent of officials and civil servants participating in the protection of consumers' interests. Promote administrative reform, application of information technology and new scientific and technical achievements in this field.

Promote propaganda, education and dissemination of policies and laws related to the protection of consumers' interests.

Diversifying communication methods, renewing propaganda, disseminating and educating policies and laws on consumer protection. Improve consumer knowledge and skills for the whole society and create favorable conditions for effective enforcement of consumer rights, especially for vulnerable consumers (children, students, students, etc.) members, the elderly, women, poor workers, rural areas, mountainous areas, border areas, islands, remote areas...).

Publicly, transparently and widely and fully inform consumers in many suitable forms about the quality of goods and services and warn of risks causing unsafety to consumers. Improving business ethics and forming a culture of safe, civilized, healthy and sustainable development.

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Conflicts of Interest

There is no conflict of interest.

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