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Advancing Administrative Sanctions Through Digital Transformation: A Legal Perspective from Vietnam

Abstract

Digital governance refers to the process of applying digital technologies to innovate the operational methods of public authorities, with the aim of enhancing the effectiveness and efficiency of governance as well as the quality of public services. In Vietnam, digital transformation has been identified as an inevitable trend, strongly driven by the policies and directives of the Communist Party and the State. The revision of the existing legal framework is currently underway to align with the policy of streamlining the state apparatus and promoting digital transformation, ensuring consistency with newly enacted laws in the present period. Within this context, the field of administrative penalty enforcement is also under pressure to leverage technology in order to address the shortcomings of traditional methods. In practice, the conventional administrative sanctioning process in Vietnam remains cumbersome, slow, and insufficiently integrated with modern technological tools, resulting in cumbersome procedures for citizens and challenges for authorities. Consequently, digital transformation in administrative penalty enforcement is expected to simplify procedures, enhance transparency, and improve the effectiveness of law enforcement.

KEYWORDS: digital transformation, administrative sanctions, legal framework, e-governance, Vietnam

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1 Introduction

Digital governance refers to the process of applying digital technologies to innovate the operational methods of public authorities, with the aim of enhancing the effectiveness and efficiency of governance as well as the quality of public services. Digital transformation goes beyond the mere computerization of existing procedures (such as the implementation of e-government); it also encompasses a fundamental shift in governance mindset and the restructuring of processes toward a data-driven foundation.[1]

In Vietnam, digital transformation has been identified as an inevitable trend, strongly driven by the policies and directives of the Communist Party and the State.[2] The revision of the existing legal framework is currently underway to align with the policy of streamlining the state apparatus and promoting digital transformation, ensuring consistency with newly enacted laws in the present period. Within this context, the field of administrative penalty enforcement is also under pressure to leverage technology in order to address the shortcomings of traditional methods. In practice, the conventional administrative sanctioning process in Vietnam remains cumbersome, slow, and insufficiently integrated with modern technological tools, resulting in cumbersome for citizens and challenges for authorities. Consequently, digital transformation in administrative penalty enforcement is expected to simplify procedures, enhance transparency, and improve the effectiveness of law enforcement.

1 Burak Erkut, "From Digital Government to Digital Governance: Are We There Yet?" *Sustainability*, No. 3 (2020): 860; Dominik Bierecki, Christophe Gaie, Mirosław Karpiuk, "Artificial Intelligence in e-Administration *Prawo i Więź*, No. 1 (2025): 383-407.

2 Communist Party of Vietnam, *Documents of the 13th National Congress of the Communist Party of Vietnam – Volume I*, (National Political Publishing House, 2021), 45.

2 Discussion and Results

2.1. The Development of Legal Regulations Governing Digital Transformation in Administrative Sanctioning in Vietnam

Over the past decade, Vietnam has consistently advanced the application of information technology and digital transformation in state governance, including in the field of administrative penalty enforcement, with the aim of enhancing efficiency, transparency, and cost savings for both citizens and competent authorities. This development necessitates the continuous updating of the legal framework governing administrative sanctions, enabling the use of technical and professional means to detect violations and to conduct penalty enforcement through electronic platforms, in line with the national digital transformation agenda.

The 2012 Law on Handling of Administrative Violations (Law No. 15/2012/QH13) laid the legal foundation for the application of science and technology in administrative penalty enforcement for the first time. Article 64 of the Law authorizes competent agencies and officials to use "professional technical equipment and devices" to detect violations, but limits such application to the areas of traffic order and safety, and environmental protection. This provision paved the way for the use of devices such as cameras, speed-measuring equipment, and breath alcohol analyzers as a legal basis for imposing penalties, rather than relying solely on direct observation.

On 12 November 2013, the Government issued Decree No. 165/2013/ND-CP, stipulating the list, management, and use of professional technical equipment for detecting traffic and environmental violations. The Decree specifies in detail the types of devices permitted for use such as speed measuring devices with image recording capability, breath alcohol analyzers, and cameras and the procedures for collecting and processing results. This provided the legal basis for law enforcement bodies, such as the Traffic Police, to implement measures like issuing penalties based on camera surveillance (remote fine collection, commonly referred to in Vietnam as "cold ticketing" or "cold fines") or using speed guns. However, at this stage, digital transformation in administrative penalty enforcement remained limited; most procedures were still conducted manually, and there were no regulations governing sanctioning or communication with violators through online platforms.

In response to practical demands, the National Assembly enacted the Law Amending and Supplementing Certain Articles of the Law on Handling

of Administrative Violations in 2020 (Law No. 67/2020/QH14), introducing significant adjustments to expand and strengthen the application of science and technology in penalty enforcement. Specifically, the Law added a provision allowing records and decisions on the temporary seizure of evidence or means of administrative violations to be prepared and transmitted via electronic means instead of being issued solely in paper form. This represents a modest yet notable step, as it permits the use of electronic records and documents in sanctioning procedures, thereby laying the groundwork for the exchange and storage of violation-related information within digital systems.

The Government promulgated Decree No. 135/2021/ND-CP on the list, management, and use of professional technical equipment and the procedures for collecting and using data obtained from such equipment, replacing Decree No. 165/2013/ND-CP. This Decree expands the list of devices permitted for use across multiple sectors. For example, List I enumerates 24 types of professional technical equipment used for road traffic management, including speed-measuring devices, cameras, breath alcohol analyzers, distance-measuring devices, GPS devices, and traffic surveillance camera systems, among others. Notably, the Decree assigns the Ministry of Public Security to take the lead in guiding implementation and requires relevant ministries and sectors to issue procedures for the use of equipment and for the collection and utilization of data from devices provided by individuals and organizations within their respective management areas. For instance, the Ministry of Public Security issued Circular No. 67/2024/TT-BCA, stipulating procedures for managing and using professional technical equipment within the People's Public Security forces and for processing data obtained from devices provided by individuals and organizations.

The Government's digital transformation agenda requires the legal framework on administrative penalty enforcement to take a significant step forward by enabling the entire sanctioning process to be conducted in an electronic environment. On this basis, the National Assembly adopted the Law Amending and Supplementing Certain Articles of the Law on Handling of Administrative Violations, in 2025 (Law No. 88/2025/QH15). This Law introduced Article 18a on the Handling of Administrative Violations in the Electronic Environment, providing a clear legal framework for sanctioning without direct physical contact through electronic systems. The provision stipulates that the handling of administrative violations in the electronic environment shall be carried out where conditions on

infrastructure, technology, and information are adequately met. The collection, storage, and use of data must ensure integrity, authenticity, security, and proper purposes. The Law also emphasizes the requirement for data connectivity and sharing, mandating that information systems serving sanctioning purposes be interconnected or capable of connecting with the National Database on the Handling of Administrative Violations and other relevant state management systems. This reform represents a significant innovation consistent with the strategy of building an electronic government, under which data on violations and sanctions will be centrally managed, facilitating the retrieval of violation histories and preventing both duplicate penalties and the omission of repeat offenses.

To implement the new provisions on digital transformation in administrative penalty procedures, on 1 July 2025, the Government issued Decree No. 190/2025/ND-CP, introducing additional regulations on the handling of administrative violations in the electronic environment. This marks a step toward institutionalizing the policy of promoting the application of information technology and digital transformation in state governance.[3] This Decree provides detailed regulations on the conditions and procedures for imposing administrative penalties through electronic means. Competent authorities must operate information systems that meet the digital platform standards applicable to state agencies, while individuals or organizations committing violations must possess suitable electronic devices and consent to participate in the electronic penalty process. Requirements relating to information security, data protection, electronic authentication, and data storage must be ensured in accordance with the law. Violators (or representatives of violating organizations) are required to use digital signatures, in compliance with the Law on Electronic Transactions; in the absence of such signatures, the system may apply alternative authentication methods permitted by law. In cases where an administrative violation record is prepared in an electronic environment and the violator is unable to provide an electronic signature, the digital signature of the record's issuer shall still ensure its legal validity. The delivery of the violation record, penalty decision, and related documents shall be conducted through an electronic portal or an information system designated by the competent authority.

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3 Cao Thi Dung, "Perspectives of the Party and the State on Digital Transformation and the Protection of the Party's Ideological Foundation in the Context of Digital Transformation" *Journal of State Organization*, No. 1 (2025): 17.

2.2. Practical Implementation of Digital Transformation in Administrative Sanctioning in Vietnam

2.2.1. Application of Technology in Administrative Sanctioning

The road traffic sector serves as a prominent example of the impact of digital transformation on administrative penalty enforcement in Vietnam. In recent years, the Traffic Police have widely implemented a model of traffic violation sanctioning through automated surveillance camera systems, commonly referred to as "remote fine collection." Cameras installed along major roads continuously record images of vehicles and violations such as running red lights, speeding, or improper lane usage. Violation data captured by the cameras are transmitted to a processing center for verification and for the issuance of penalty decisions, without the need to stop the vehicle on site.[4]

The Traffic Police Department, under the Ministry of Public Security, has established an Integrated Command Information Center, incorporating AI technology and connecting thousands of cameras on key roadways to monitor and handle traffic violations nationwide. The AI system is trained to recognize more than 20 common types of violations, filtering and issuing alerts in near real time. More complex violations that cannot be automatically detected are manually analyzed by officers to ensure that no case is overlooked. The "remote fine collection" process integrates technology with legal procedures: upon detecting a violation, the system extracts images or video, identifies the license plate and vehicle, and queries registration data to determine the owner. Officers then cross check the information against related databases, such as vehicle registration, prior violations, insurance, and inspection records, to verify and supplement the case file before sending a notice of violation to the vehicle owner.[5] Thanks to the application of technology, the system can identify whether an individual has previously been penalized. The violation data of vehicles and their owners are stored and linked with relevant databases, allowing for the retrieval of each individual's violation history. This not only helps determine the severity

4 Bui Tien Dat, Vu Minh Quan, and Nguyen Thuy Giang, "Sanctions for Administrative Violations through Detection by Specialised Technical Equipment in the Road Traffic Field" *Legislative Studies*, No. 20 (2022): 52.

5 Viet An, *Traffic Police Department Operates AI-Based Monitoring and Sanction Center*. https://vnexpress.net/cuc-csgt-van-hanh-trung-tam-giam-sat-va-xu-phat-bang-ai-4915346.html.

of each violation, but also provides a basis for applying the "recidivism" aggravating factor when sanctioning new offenses. Identifying recidivism is a crucial element in making fair and reasonable penalty decisions, while also enhancing the deterrent effect against repeated offenses.

A notable innovation is that the method of delivering violation notices and receiving responses has become more convenient, through the use of digital technology. At present, the Traffic Police are piloting the delivery of violation alerts via the VNeTraffic mobile application managed by the Ministry of Public Security. Vehicle owners who install this application receive a violation notice within approximately two hours after the offense is recorded.[6] The electronic notice provides details of the violation, including the type of offense, the time and location, supporting evidence in the form of images or video, and instructions for the violator to fulfill their obligations, such as paying the fine or appearing to resolve the matter. For vehicle owners who do not use the application, authorities continue to send written notices to the registered address of the vehicle owner and simultaneously update violation data on the Traffic Police Department's online portal for public access.[7] The combination of traditional and digital channels ensures that violators are promptly and effectively informed, while enhancing convenience for those with access to technology.

Upon receiving the notice, the violator may proceed to the police office as instructed to present identification documents, complete the record of the violation if it was not prepared at the scene, and receive the penalty decision. Owing to data connectivity between units, the violator is not required to return to the location where the offense occurred; the case file may be electronically transferred to the police office in the violator's place of residence for processing, provided that the technical infrastructure is adequate.[8] This is an important improvement, demonstrating how digital transformation removes geographical barriers in penalty enforcement by leveraging interconnected networks to maximize convenience for citizens.

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6 Hong Quang, *Traffic Violations: Notification Will Be Sent Within 2 Hours, Fine Payment Online*. https://tuoitre.vn/vi-pham-giao-thong-se-gui-thong-bao-trong-vong-2-gio-nop-phat-online-20250711083325391.html.

7 Bong Mai, *New Regulations on the Procedure for Handling 'Cold Fines' in Traffic Violations*. https://nhandan.vn/quy-dinh-moi-ve-trinh-tu-xu-ly-phat-nguoi-vi-pham-giao-thong-post848001.html.

8 Thanh Chau, *The Procedure for Handling Traffic Safety Violations Through Camera-Based Fines (So-Called "Cold Fines")*. https://baochinhphu.vn/trinh-tu-phat-nguoi-vi-pham-trat-tu-an-toan-giao-thong-duong-bo-10224112915131558.html.

A notable aspect is the integrated coordination between the Traffic Police and relevant agencies to ensure the enforceability of penalty decisions. Data from the "remote fine collection" system are shared with the vehicle inspection authority: if a vehicle owner fails to comply with the penalty decision within the prescribed time limit, an alert is updated in the system, preventing the vehicle from passing inspection until the fine is paid in full. Once the penalty has been satisfied, the police notify the removal of the alert so that the vehicle can undergo inspection as usual.[9] This "inspection suspension" mechanism exemplifies the application of technology to effectively enforce administrative sanctions in practice, ensuring that violators comply with the imposed measures.

Overall, the application of information technology and digital transformation in traffic violation enforcement in Vietnam has yielded positive results. The surveillance camera system and the "remote fine collection" process have enabled the timely detection and handling of numerous offenses that were previously difficult to control, such as violations occurring beyond the direct observation range of the Traffic Police. According to the Traffic Police Department, this model has significantly reduced violations such as overloading and reckless speeding on expressways, owing to the deterrent effect of continuous monitoring. For instance, after six months of piloting remote fine collection for overloaded vehicles in Ho Chi Minh City (November 2023–May 2024), the number of violations recorded by weight inspection devices was 3,124 cases, representing a decrease of nearly 91 percent compared to the same period before implementation (34,638 cases). Many vehicle owners complied, paying more than VND 15.6 billion in fines, with the total expected amount exceeding VND 28.6 billion.[10] Notably, the combination of technology and procedural reforms is gradually changing the habits and awareness of road users, as every violation can now be recorded and sanctioned, thereby fostering better compliance with the law. This serves as an important foundation for expanding digital transformation into other areas of administrative penalty enforcement.

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9 Bong Mai, *New Regulations on the Procedure for Handling 'Cold Fines' in Traffic Violations*. https://nhandan.vn/quy-dinh-moi-ve-trinh-tu-xu-ly-phat-nguoi-vi-pham-giao-thong-post848001.html.

10 Quy Hien, *Thanks to Cold Ticketing, Heavy Overload Violations Decreased Sharply*. https://nhandan.vn/nho-phat-nguoi-so-vu-vi-pham-cho-qua-tai-trong-giam-sau-post813695.html.

2.2.2. Integration of Administrative Sanction Procedures through the Online Public Service Portal

In addition to modernizing the stages of detecting violations and issuing penalty decisions, Vietnam has also promoted the digitization of the penalty execution and payment stages. A notable initiative is the integration of administrative penalty inquiry and payment services into the National Public Service Portal. Since 2020, in certain pilot localities, traffic violators have been able to access dichvucong.gov.vn to check penalty decisions and make online payments via bank accounts or e-wallets, replacing the traditional practice of making cash payments at the State Treasury or commercial banks.

Initial statistics indicate that, while the system offers considerable convenience, it has not yet been widely used. After three months of piloting in five localities in 2020, the Traffic Police uploaded 13,000 violation cases (including 11,000 cases with penalty decisions) to the National Public Service Portal, but only 97 cases were paid online, a very low rate.[11] This partly reflects citizens' initial habits and reluctance toward the new method, while also revealing technical and legal obstacles that must be addressed to promote the use of online public services.

The use of the National Public Service Portal requires citizens to have an electronic account and a certain level of information technology proficiency, which poses a barrier for many people, particularly the elderly or those with limited Internet access. As a result, the rate of voluntary account registration and online fine payment remains low. To address this, the State has intensified public communication and guidance efforts, while integrating public postal services: after paying fines online, citizens can receive the return of temporarily seized documents, such as driving licenses, at their homes via postal delivery, thereby saving travel time and encouraging the use of online methods. These are small but necessary steps toward fostering a habit of electronic interaction between citizens and administrative authorities.

Despite initial limitations, the model of paying administrative fines through the National Public Service Portal has affirmed the correctness of its policy orientation. Digitizing fine collection channels offers multiple

11 Thu Thuy, *Application of Information Technology in Handling Traffic Violations: How Is It Done?*. https://cand.com.vn/Hoat-dong-LL-CAND/Ung-dung-Cong-nghe-thong-tin-trong-xu-ly-vi-pham-giao-thong-nhu-the-nao-i571268/.

benefits: (i) Convenience for citizens, enabling them to pay fines anytime and anywhere, avoiding the need to queue at the State Treasury; (ii) Transparency, as payments are made through the banking system, minimizing the risk of mismanagement or misappropriation of funds; and (iii) Resource efficiency, reducing the volume of paperwork for officials (eliminating the need to issue manual receipts or compile statistics by hand) and lowering social costs in terms of time and travel expenses.[12] In practice, in many developed countries, 100 percent of traffic violation fines are paid either through designated agencies or online, with the police not directly collecting fines in order to prevent petty corruption.[13]

Beyond the traffic sector, efforts are underway to expand the integration of administrative penalty data into digital platforms. The Government has developed national databases on population and on administrative violations, providing the foundation for intersectoral connectivity. The long-term vision is to establish a centralized administrative penalty management system in which every penalty decision, across all sectors such as land, construction, environment, and taxation, can be monitored, enforced, and statistically recorded through a single online portal. This approach not only improves services for citizens, but also enables regulatory authorities to analyze violation data for timely policy adjustments. It can be said that the initial steps taken in the traffic sector are providing valuable experience for Vietnam to implement digital transformation in administrative penalty enforcement on a broader scale.

12 Nguyen Hoang Viet, "New Legal Provisions on Monetary Fines in Handling Administrative Violations" *Legislative Studies*, No. 14 (2022): 51.

13 Do Thien, "Traffic Penalty Systems in Other Countries" *Legal News Online*, 12 February 2014. https://plo.vn/cach-phat-giao-thong-o-cac-nuoc-post265517.html.

2.3. Legal Challenges in the Context of Digital Transformation of Administrative Sanctioning in Vietnam

2.3.1. The Procedures, Processes, and Standards for Electronic Evidence Remain Unclear

One major challenge lies in ensuring the legal validity of electronic documents and evidence in the penalty enforcement process.[14] In court proceedings, the law has gradually recognized electronic evidence and established evaluation criteria such as authenticity and integrity. However, in administrative penalty enforcement – which involves a much simpler procedure – detailed regulations remain lacking, resulting in numerous practical difficulties. For instance, how can it be confirmed that an image captured by a camera is authentic and has not been altered? Who bears the responsibility for proving this? What steps must be taken in the process, from collecting violation data to storing it in the case file, to ensure the integrity of the evidence? Circular No. 73/2024/TTBCA issued by the Ministry of Public Security provides that results collected using technical equipment (such as images and data) must be listed, printed, and included in the violation case file.[15] This essentially treats printed images from cameras as ordinary evidence. However, in the future, when the process becomes entirely digital, with no printed documents, it will be necessary to establish a digital evidence protocol, for example, applying digital signatures and time stamps to violation data immediately upon collection to confirm its originality. Without such regulations, electronic evidence could be subject to disputes over reliability and probative value, making it difficult to conclusively resolve cases if the violator does not cooperate.

Practical experience with "remote fine collection" in the traffic sector shows that penalties are not always effectively enforced. One reason is that the Law on Handling of Administrative Violations currently lacks coercive measures to ensure strict compliance by violators. Another reason is that violators intentionally evade sanctions by changing their place of residence, selling the vehicle, or claiming that they were unaware of, and

14 Paul W. Grimm, Daniel Capra, Gregory P. Joseph, "Authenticating Digital Evidence" *Baylor Law Review*, No. 1 (2017): 3.

15 Bong Mai, *New Regulations on the Procedure for Handling 'Cold Fines' in Traffic Violations*. https://nhandan.vn/quy-dinh-moi-ve-trinh-tu-xu-ly-phat-nguoi-vi-pham-giao-thong-post848001.html.

never received, the penalty notice.[16] In addition, remote fine collection faces a significant challenge in that it is based solely on the violation committed by the vehicle, without identifying who was actually driving at the time. This becomes problematic when the person operating the vehicle at the time of the violation is not its registered owner, leading in some cases to wrongful penalties when the Traffic Police incorrectly identify the violating vehicle.[17]

2.3.2. Protection of Personal Data and Privacy

The expansion of camera-based surveillance and the integration of databases entail the collection and processing of large volumes of personal data, such as vehicle images linked to their registered owners, facial recognition information, and travel routes. Without robust protection mechanisms, the risk of infringing on privacy rights is significant: camera systems may inadvertently capture private activities, and violation data, if leaked, could harm an individual's honor or reputation, or be exploited for commercial or advertising purposes without the person's knowledge.

For a long time, Vietnamese law had no provisions on the protection of personal data collected through the use of professional technical equipment for detecting and sanctioning violations, resulting in a legal gap regarding issues such as the retention period of data, its use for purposes other than penalty enforcement, or the right to request deletion of data after the fine has been paid. On 17 April 2023, the Government issued Decree No. 13/2023/ND-CP on the protection of personal data, the first legal instrument to address this matter. Subsequently, on 26 June 2025, the National Assembly adopted the Law on Personal Data Protection, effective from 1 January 2026, establishing a legal framework and sanctions for violations, thereby affirming the importance of privacy rights in the digital era.

However, sanctions alone are not sufficient; it is equally important to develop technical standards and regulations to ensure that penalty-related data is securely protected. For instance, camera data should be encrypted, with access restricted to authorized personnel only; the sharing of data

16 Le Trung Hieu, "Improvements of Legal Regulations on "Cold Fines"," *Legislative Studies*, No. 23 (2017): 53.

17 Quynh Tho, *Motorist Fined Through Traffic Surveillance Despite no Violation – Turns out it was a Mistake*. https://plo.vn/bi-csgt-phat-nguoi-du-khong-vi-pham-hoa-ra-phat-nham-post823068.html.

must comply with the "purpose limitation" principle; and citizens should be informed of the data retention period and the means of accessing their own data. If these safeguards are not effectively implemented, the risk of misuse or leakage of personal information will increase, undermining public trust in the digital system.

2.3.3. Ensuring Citizens' Rights in the Electronic Administrative Sanctioning Process

Digital transformation does not imply a reduction of the rights of persons subject to administrative sanctioning. On the contrary, digital systems should be designed with a "citizen-centric" approach, ensuring that individuals can exercise all their rights and fulfill their obligations in the most convenient manner possible.[18] The challenge lies in ensuring fairness and accessibility for all individuals. Not everyone is sufficiently proficient in technology to use applications or access online portals; therefore, at the current stage, competent authorities must continue to maintain traditional channels, such as sending letters and providing in-person services, to handle administrative procedures for citizens. At the same time, the electronic administrative sanctioning process must be transparent and clearly structured, so that citizens can easily monitor the status of their cases. For example, after paying a fine online, they should receive an electronic confirmation; if the decision has been executed, the system must update to remove any related alerts. A lack of such information may cause confusion for citizens or force them to make repeated visits to different offices, which contradicts the objectives of administrative reform. Therefore, when applying administrative sanctioning in the electronic environment, attention must be paid to ensuring the right of the alleged violator to present explanations, in order to guarantee objectivity, transparency, democracy, and compliance with the law in the sanctioning process, which serves as the basis for issuing the penalty decision. A feasible mechanism is to allow the violator to submit explanations remotely, via an online portal or application, within a specified period after receiving the violation notice, instead of being required to be physically present to sign the record of violation.[19]

18 Quoc Dinh, *Putting Citizens at the Center of Digital Transformation*. https://daidoanket.vn/lay-nguoi-dan-lam-trung-tam-trong-chuyen-doi-so-10304256.html.

19 Cao Vu Minh, "Accountability in Administrative Sanctions and Legal Aspects Needing Improvement" *Journal of Law and Practice*, No. 50 (2022): 79.

The right to lodge complaints and initiate lawsuits must also be safeguarded in the digital environment. Under current law, a person subject to administrative sanctioning is entitled to challenge the sanctioning decision through a complaint procedure or by filing a lawsuit before an administrative court. Empirical evidence suggests that only a limited number of "remote fine collection" traffic violation cases are brought to court, but errors cannot be entirely ruled out. In this context, the electronic system should support the complaint process by providing a function that allows citizens to submit complaints online and attach supporting evidence. Likewise, the complaint handling authority could respond via electronic means. These are the next steps to be considered to ensure the comprehensiveness of the rule of law in the course of digital transformation, meaning that technology must not diminish the legal institutions that safeguard human rights.

2.3.4. Accountability and Responsibility of State Authorities

The employment of AI systems presents challenges for liability rules[20]. When applying complex technical systems such as AI in administrative sanctioning, the question arises: who bears ultimate responsibility, the human or the machine? As a matter of principle, all administrative decisions must be issued by a competent authority and the issuer must be legally accountable, with technology serving solely as a supporting tool. However, in practice, there is a risk that officials may delegate responsibility to the system if they become overly reliant on technology. To prevent this, the decision-making process should be clearly regulated: AI may automatically detect violations, but the penalty decision must be reviewed and approved by an authorized official, with the legal grounds and extracted data from the system clearly recorded. Upon request from the citizen, the authority must be able to explain the grounds and process that led to the penalty decision.[21] This requires capacity building for officials to ensure that they understand and are able to operate digital systems, thereby avoiding a mindset of leaving the process entirely to machines. At the same time, an internal control mechanism for digital operations must be in place. For example, the system log should record which official approved a decision

20 Miriam Buiten, Alexandre de Streel, Martin Peitz, "The law and economics of AI liability" *Computer Law and Security Review*, No. 48 (2023).

21 Le Thi Thuy, "Some Fundamental Solutions to Enhance Accountability in Public Service Activities" *State Management Review*, No. 248 (2016): 36.

or entered specific data, so that in the event of an error, the relevant individual can be held accountable.

Another aspect of accountability concerns responsibility when the system makes errors or experiences malfunctions. If the software misidentifies a case and causes inconvenience to a citizen, will the authority provide compensation or issue an apology? At present, the Law on State Compensation Liability provides for compensation in administrative management activities, but it primarily applies to unlawful administrative decisions that have caused damage.[22] In the technological context, there are nonmaterial damages, such as the time and effort spent resolving system errors, that are difficult to quantify. Therefore, the State should adopt a constructive attitude and respond promptly when receiving reports of malfunctions from citizens, treating such responses as part of the responsibility of the agency providing digital public services. Only then can the public develop trust in and support for digital transformation.

In summary, the above legal challenges demonstrate that applying digital technology to administrative sanctioning is by no means a simple matter of replacing equipment or modifying procedures. Rather, it requires a comprehensive approach that encompasses the improvement of the legal framework, the enhancement of enforcement capacity, and the safeguarding of citizens' rights.

2.4. International Experience in Digital Transformation of Administrative Sanctioning

Many countries around the world have taken the lead in applying technology to administrative sanctioning, particularly in the traffic sector, thereby offering valuable lessons for Vietnam. For example, in developed countries such as Australia, France, Germany, South Korea, and Malaysia, the model of "remote fine collection" through camera surveillance combined with a separated fine collection mechanism has become common practice. Police officers generally do not stop vehicles or collect cash fines on the spot; instead, all violations are recorded by camera systems, after which the competent authority sends a violation notice directly to

22 Tran Van Hung, "The Law on State Compensation Liability and the Issue of Protecting Human Rights" *Vietnam Lawyers Journal*, No. 4 (2018): 27.

the registered address of the vehicle owner. The notice clearly states the nature of the offense, the applicable fine, and instructions for payment or lodging a complaint.[23]

One noteworthy international practice is the separation between the authority responsible for imposing sanctions and the authority responsible for collecting fines. In Australia, traffic police have the authority to prepare violation records and issue administrative sanctioning decisions, while the collection of fines is carried out by the road management authority. After receiving a notice, issued either by the police or generated from the camera system, specifying the violation, the fine amount, the account details for payment, the time and location of the offense, and the payment deadline, the violator can choose to pay the fine in person or transfer the amount to the account indicated in the notice.[24]

In France, police officers prepare electronic records using handheld devices, after checking the violator's documents and entering all relevant information about the person and the offense. The violator signs using an electronic pen, completing the record, which the police then send to a central processing center. This center issues a penalty notice with full details and sends it to the violator's place of residence. For static traffic violations, police officers also prepare electronic records on site, without requiring a signature, and send the penalty notice to the registered vehicle owner. The police do not have the authority to collect fines directly. Violators may pay fines in cash, by check, by credit card, or through penalty stamps, as instructed in the notice, either at a public finance center or via the Internet using a credit card. The most common method is online payment, which allows violators to pay at any time and from any location through the official payment portal of the competent authority.[25]

In South Korea, a dense network of surveillance cameras combined with high speed Internet connectivity can capture most traffic violations for the purpose of "remote fine collection". When a violation is detected, the system records the vehicle information, immediately retrieves the owner's data, and sends a penalty notice to the registered residential address.

23 Do Thien, "Traffic Penalty Systems in Other Countries."

24 Phan Thong Anh, Vo Phuc Anh, "Whether or not a Provision on Account Establishment for Vehicle Fines for Motorists Traffic Offences?" *Legislative Studies*, No. 6 (2017): 37.

25 Nguyen Tuyen, *Experience in Handling Traffic Violations in France*. https://baotintuc.vn/tin-tuc/kinh-nghiem-xu-ly-vi-pham-giao-thong-tai-phap-tiep-theo-va-het-20140324222554413.html.

As most financial transactions in South Korea are conducted through banks and online payment systems, the police only need to enter the name and identification number of the vehicle owner to identify their bank account; if the fine is not paid within the prescribed period, that account will be frozen.[26]

International experience shows that, upon receiving a violation notice, citizens make fine payments at the state treasury or an administrative office rather than directly to the police.[27] This approach aims to prevent misconduct within the enforcement force, as police officers have no opportunity to receive money directly, thereby reducing the risk of bribery and illicit payments. This model is highly relevant for Vietnam, particularly as the country is developing the National Public Service Portal as an intermediary fine collection channel, separating the payment process from direct interaction between the violator and the sanctioning officer.

Many countries place strong emphasis on maximizing convenience for citizens in paying fines online. In several states in Germany and Australia, for example, the violation management system allows individuals to access the official website, enter the violation code provided in the notice sent by post, view the details of the offense, and make payment via credit card or bank transfer. This enables citizens to fulfill their obligations regardless of whether the violation occurred in a different city or state, without the need to travel. In Malaysia, nearly 100 percent of citizens choose to pay fines online due to this convenience. To encourage compliance, many jurisdictions impose stricter measures for late payments: after the deadline, a second notice is sent with the fine increased by 50 percent or doubled; continued noncompliance may result in additional sanctions, such as suspension of vehicle inspection, revocation of driving licenses, or recovery through court proceedings.[28] Thanks to these warning systems and strict sanctions, the rate of fine payment compliance in these countries is very high, thereby ensuring the deterrent effect of the law.

International experience demonstrates that digital transformation in administrative sanctioning is an irreversible trend that brings significant practical benefits: it enhances governance efficiency by enabling

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26 Cao Ha, *International Experiences in Traffic Violation Penalties That Vietnam Should Learn From*. https://giaothong.tapchixaydung.vn/kinh-nghiem-cac-nuoc-phat-vi-pham-giao-thong-viet-nam-nen-hoc-hoi-18387797.html.

27 Do Thien, "Traffic Penalty Systems in Other Countries."

28 Do Thien, "Traffic Penalty Systems in Other Countries."

the detection and sanctioning of violations anytime and anywhere, while reducing personnel costs; it increases transparency and objectivity by minimizing direct contact and ensuring that all violations are supported by recorded evidence; and it offers convenience for citizens through streamlined procedures that can be carried out online. The key conditions for success, as learned from other countries, are the establishment of a comprehensive legal framework and a fully integrated digital infrastructure, combined with sustained efforts in public communication and education to ensure that both citizens and officials can adapt to the new approach.

2.5. Recommendations for Improving Digital Transformation in Administrative Sanctioning in Vietnam

Firstly, it is necessary to improve the legal framework governing electronic evidence and documents. The law should clearly define the legal value of evidence collected from electronic means and devices, such as images, videos, and digital data, in administrative sanctioning, while establishing technical standards for collection and preservation procedures. For example, violation data should be digitally signed by an authorized officer, stored in a secure system, and accompanied by an access log. Such measures would ensure that electronic evidence has a level of reliability equivalent to that of traditional evidence, thereby serving as a solid basis for issuing sanctioning decisions.

Secondly, privacy and personal data protection must be ensured through the development of specific regulations on data management within the electronic sanctioning system. In particular, the law should specify the retention period for violation data, for example, deleting images one year after the case is resolved to avoid the accumulation of sensitive data, and strictly prohibit the use of data for unlawful purposes. An anonymization mechanism should be applied when sharing data between agencies not directly responsible for sanctioning, providing only necessary information, for example, license plate numbers for inspection suspension without including the driver's personal details. In parallel, the legal framework on personal data protection should be further developed to establish a solid legal basis for the secure processing of citizens' data in the digital environment.

Thirdly, interagency coordination and data interoperability must be strengthened to maximize the effectiveness of digital transformation in administrative sanctioning. Regulations should be enacted to promote data connectivity and sharing among the police, transport authorities, financial agencies, judicial bodies, and local governments, in accordance with the "one violation – one digital case file" principle. Each case should be assigned a unified file code, allowing all relevant authorities, such as the decision making authority, the state treasury collecting the fine, and the enforcement authority, to update the processing status in the system. This requires investment in uniform technological infrastructure from the central to the local level to avoid partial connectivity that may cause disruptions. At the same time, an interagency monitoring mechanism should be established; for example, once the State Treasury receives the fine payment, it should update the status to "paid" so that the police can immediately remove the violation alert, or when a court accepts a lawsuit against a sanctioning decision, it should notify the issuing authority to temporarily suspend enforcement. If these coordination procedures are standardized in legal instruments, the electronic sanctioning system will operate effectively and consistently nationwide.

Fourthly, the accountability and transparency of sanctioning authorities should be enhanced. The law should emphasize the principle that, regardless of the level of technological application, ultimate responsibility for a sanctioning decision rests with the issuing authority. It is therefore recommended to add provisions requiring that all automatically generated decisions, such as those proposed by camera systems, be approved by an authorized person, who will be held accountable for any errors. Regular accuracy checks of technical systems, such as camera calibration and recognition software testing, should be conducted, with results disclosed appropriately to strengthen public trust. In cases where a system error leads to an incorrect decision, the authority must proactively revoke or amend the decision, issue an apology to the citizen, and provide remedies, such as refunding fines and compensating for any damages. This should be codified in law to ensure that authorities cannot evade responsibility. Additionally, the creation of a transparent administrative sanctioning information portal should be encouraged, disclosing statistical data, such as the number of cold ticketing cases, number of online fine payments, and number of complaints, to enhance public oversight.

Fifthly, capacity building for human resources and public awareness campaigns should be prioritized. While not directly regulated by law,

the effectiveness of the above solutions depends on training programs for public officials on digital system operation skills, information security practices, and service oriented attitudes in the electronic environment. At the same time, public communication and guidance should be strengthened to help citizens understand how to use online public services, as well as their rights and obligations when participating in the electronic sanctioning process. When both implementers and participants are knowledgeable and proficient, the law can be effectively applied in practice. This is a decisive factor in ensuring that the digital transformation process is sustainable and enjoys broad public support.

3 Conclusion

Digital transformation offers significant opportunities to innovate the methods of administrative sanctioning in Vietnam. In practice, from surveillance camera systems to the National Public Service Portal, technology has contributed to improving efficiency, enhancing transparency, and creating convenience for both the State and citizens. However, to maximize its effectiveness, this process must go hand in hand with legal and institutional reforms, ensuring the core values of legality, fairness, protection of human rights, and accountability of public authorities.

Vietnam has demonstrated its commitment to improving the legal framework, as reflected in the National Assembly's adoption of provisions on electronic sanctioning in the 2025 amended Law on Handling of Administrative Violations, which is a positive signal. The objective is to establish a robust legal foundation for the comprehensive digitization of the sanctioning process, supporting the deployment of new technological solutions without adversely affecting citizens' rights. International experience shows that combining a sound legal framework with modern technological infrastructure can transform administrative sanctioning procedures from cumbersome processes into swift, transparent, and citizen-friendly public services.

In the future, researchers may explore several directions: (1) Studying the application of artificial intelligence and machine learning in detecting administrative violations, for example using AI to analyze images to detect illegal construction or improper waste disposal, and identifying the legal

requirements applicable to AI, including responsibility when AI errs and the prevention of algorithmic bias; (2) Assessing the social impacts of automated sanctioning to determine whether it leads to long-term behavioral change or merely short-term compliance, and examining the role of law in education and prevention through technology; (3) Comparing China's social credit model with Western rule of law approaches in electronic sanctioning, drawing lessons on balancing management efficiency with the protection of human rights; (4) Exploring the potential use of blockchain technology to manage the fine payment process, store receipts transparently, and prevent misconduct; (5) Surveying public acceptance of new electronic enforcement measures, such as account freezes or tax deductions, with the aim of proposing communication strategies and legal reforms suited to Vietnam's legal culture. These research directions can support lawmakers and policymakers in shaping policies that ensure technology serves the law and the people, thereby promoting progress in administrative sanctioning in Vietnam within the broader process of global digital transformation.

Bibliography

Bierecki Dominik, Christophe Gaie, Mirosław Karpiuk, "Artificial Intelligence in e-Administration *Prawo i Więź*, No. 1 (2025): 383-407. https://doi.org/10.36128/PRIW.VI54.1201.

Bong Mai, *New Regulations on the Procedure for Handling 'Cold Fines' in Traffic Violations*. Nhan Dan. https://nhandan.vn/quy-dinh-moi-ve-trinh-tu-xu-ly-phat-nguoi-vi-pham-giao-thong-post848001.html.

Bui Tien Dat, Vu Minh Quan, and Nguyen Thuy Giang. "Sanctions for Administrative Violations through Detection by Specialised Technical Equipment in the Road Traffic Field" *Legislative Studies*, No. 20 (2022): 52-58.

Burak Erkut, "From Digital Government to Digital Governance: Are We There Yet?" *Sustainability*, No. 3 (2020): 860-891. https://doi.org/10.3390/su12030860.

Cao Ha, "International Experiences in Traffic Violation Penalties That Vietnam Should Learn From" *Transport Newspaper*, 25 June 2020. https://giaothong.tapchixaydung.vn/kinh-nghiem-cac-nuoc-phat-vi-pham-giao-thong-viet-nam-nen-hoc-hoi-18387797.html.

Cao Thi Dung, "Perspectives of the Party and the State on Digital Transformation and the Protection of the Party's Ideological Foundation in the Context of Digital Transformation" *Journal of State Organization*, No. 1 (2025): 17-20.

Cao Vu Minh, "Accountability in Administrative Sanctions and Legal Aspects Needing Improvement" *Journal of Law and Practice*, No. 50 (2022): 79-90.

Communist Party of Vietnam, *Documents of the 13th National Congress of the Communist Party of Vietnam – Volume I*, National Political Publishing House, 2021.

Do Thien, "Traffic Penalty Systems in Other Countries" *Legal News Online*, 12 February 2014. https://plo.vn/cach-phat-giao-thong-o-cac-nuoc-post265517.html.

Grimm Paul W., Daniel Capra, Gregory P. Joseph. "Authenticating Digital Evidence" *Baylor Law Review*, No. 1 (2017): 3-55.

Hoang Minh, "Amending the Law on Handling Administrative Violations: Promoting Digital Transformation and Simplifying Procedures". *VOV2*. https://vov2.vov.vn/phap-luat/sua-luat-xu-ly-vi-pham-hanh-chinh-day-manh-chuyen-doi-so-don-gian-hoa-thu-tuc-53119.vov2.

Hong Quang, *Traffic Violations: Notification Will Be Sent Within 2 Hours, Fine Payment Online*. https://tuoitre.vn/vi-pham-giao-thong-se-gui-thong-bao-trong-vong-2-gio-nop-phat-online-20250711083325391.html.

Le Thi Thuy, "Some Fundamental Solutions to Enhance Accountability in Public Service Activities" *State Management Review*, No. 248 (2016): 36-39.

Le Trung Hieu, "Improvements of Legal Regulations on "Cold Fines" *Legislative Studies*, No. 23 (2017): 53-57.

Miriam Buiten, Alexandre de Streel, Martin Peitz, "The Law and Economics of AI Liability" *Computer Law and Security Review*, No. 48 (2023). https://doi.org/10.1016/j.clsr.2023.105794.

Nguyen Hoang Viet, "New Legal Provisions on Monetary Fines in Handling Administrative Violations" *Legislative Studies*, No. 14 (2022): 51-54.

Nguyen Tuyen, *Experience in Handling Traffic Violations in France*. https://baotintuc.vn/tin-tuc/kinh-nghiem-xu-ly-vi-pham-giao-thong-tai-phap-tiep-theo-va-het-20140324222554413.html.

Phan Thong Anh, Vo Phuc Anh, "Whether or not a Provision on Account Establishment for Vehicle Fines for Motorists Traffic Offences?" *Legislative Studies*, No. 6 (2017): 37-41.

Quoc Dinh, *Putting Citizens at the Center of Digital Transformation*. https://daidoanket.vn/lay-nguoi-dan-lam-trung-tam-trong-chuyen-doi-so-10304256.html.

Quy Hien, *Thanks to Cold Ticketing, Heavy Overload Violations Decreased Sharply*. https://nhandan.vn/nho-phat-nguoi-so-vu-vi-pham-cho-qua-tai-trong-giam-sau-post813695.html.

Quynh Tho, *Motorist Fined Through Traffic Surveillance Despite no Violation – Turns out it was a Mistake*. https://plo.vn/bi-csgt-phat-nguoi-du-khong-vi-pham-hoa-ra-phat-nham-post823068.html.

Thanh Chau, *The Procedure for Handling Traffic Safety Violations Through Camera-Based Fines (So-Called "Cold Fines")*. https://baochinhphu.vn/trinh-tu-phat-nguoi-vi-pham-trat-tu-an-toan-giao-thong-duong-bo-102241129151315 58.html.

Thu Thuy, *Application of Information Technology in Handling Traffic Violations: How Is It Done?*. https://cand.com.vn/Hoat-dong-LL-CAND/Ung-dung-Cong-nghe-thong-tin-trong-xu-ly-vi-pham-giao-thong-nhu-the-nao-i571268/.

Tran Van Hung. "The Law on State Compensation Liability and the Issue of Protecting Human Rights" *Vietnam Lawyers Journal*, No. 4 (2018): 27-28.

Viet An, *Traffic Police Department Operates AI-based Monitoring and Sanction Center*. https://vnexpress.net/cuc-csgt-van-hanh-trung-tam-giam-sat-va-xu-phat-bang-ai-4915346.html.