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**STATE MANAGEMENT OF CONSUMER
RIGHTS PROTECTION IN PROVINCIAL
LEVEL AREAS IN VIET NAM**

**Major: Commercial Business
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SUMMARY OF THE PhD THESIS IN ECONOMY

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PREAMBLE

1. The necessity of the thesis topic

Along with the development of goods and services markets, the consumer rights protection has become more important as it is one of the most vital factors to ensure the sustainable development of every country and every locality. In particular, the role of the State in protecting the interests of consumers is also assured along with the socio-economic development and global integration trends.

In Viet Nam, the Consumer Rights Protection Law was approved by the 12th National Assembly and has been effective since July 1, 2011. Along with that, many guiding documents and implementation guidelines have been promptly issued by the Party, Government and competent authorities to make the consumer rights protection more effective. As a result, the consumer rights protection in Viet Nam has achieved certain results, contributing to ensuring the stability of the people's social life and economic development of the country.

The strong growth of the market economy, science and technology, and the trend of international integration, ...etc have created not only the positive impacts but also the negative impacts on the interests of consumers. Violations of consumer rights in Viet Nam tend to increase, causing the social issues. Violations take place with larger scope and scale, and with more sophisticated and complicated forms. The Consumer Rights Protection Law, which was promulgated and implemented early, is a forward step in State management in Viet Nam. However, in reality the implementation of State management tasks on the consumer rights protection at provincial level areas still has many limitations, leading to the limited impact of the Consumer Rights Protection Law in Viet Nam. There are numerous past studies and researches about State management of consumer rights protection in the locality done by scientists around the world, however, due to different socio-economic conditions, there are still gaps that need to be resolved for each particular application. Moreover, in Viet Nam, there are not many studies about State management of consumer rights protection in the provincial level areas. Therefore, the research work to clarify the theoretical and practical basis, to analyze and evaluate the current state of State management of consumer rights protection in the provincial level areas in recent years, to propose the directions and solutions to strengthen the consumer rights protection work in the provincial level areas in Viet Nam is crucial and necessary.

Based on that, the author selected "State management of consumer rights protection in provincial level areas in Viet Nam" to be the research topic for the PhD thesis in economics.

2. Research Objectives and Mission

a) Research objectives:

Researching on theoretical and practical basis and proposing solutions to comprehend the State management of consumer rights protection in the provincial level areas in Viet Nam.

b) Research mission:

Systematizing and clarifying the theoretical basis and practical experience on the State management of consumer rights protection in the provincial level areas; Analyzing and evaluating the actual situation of implementing the State management of Consumer Rights Protection in the provinces in Viet Nam in the period of 2012-2022; Proposing directions and solutions to improve the State management of Consumer Rights Protection in the province of Viet Nam until 2030.

3. Research objects and scope

a) Research objects:

Theoretical and practical issues on the State management of consumer rights protection in the provincial level areas, in particular, the implementation of the responsibility to protect consumers' interests by State management agencies at Provincial level countries such as the Provincial People's Committee and Departments of Industry and Trade nationwide.

b) Research scope:

- *About the content:* The topic focuses on theoretical research on State management for the consumer rights protection; the Research on practical implementation of State management of consumer rights protection by the People's Committees in provinces, and by the Departments of Industry and Trade of the provinces who are assigned as agencies to perform the State management of consumer rights protection to protect the interests of consumers in the provincial level areas; the proposed solutions to comprehend the State management for the consumer rights protection

- *About scope:* The topic focuses on studying the state management of consumer rights protection in a province-level locality in Viet Nam.

- *About time:* The topic focuses on studying the current state of state management of consumer rights protection in the province of Japan, Korea and Vietnam from 2011 to 2021; and propose solutions and recommendations to improve this work for Viet Nam by 2030.

4. Contributions of the thesis

In Theory: The thesis systematizes, clarifies and applies theoretical issues related to consumer rights protection in general and State management of consumer rights protection at provincial level in particular. such as the concept of "Consumer", "Consumer rights", "Legal interests of consumers", "Consumer rights protection", "State management", "State management of consumer rights protection" and "State management of consumer rights protection at provincial level"; the role of Consumer Rights Protection; roles and responsibilities of relevant entities; the contents and tools of State management of consumer rights protection; Influential factors and evaluation criteria for the State management of Consumer rights protection; building theoretical and practical basis through international experience.

In Practice: The thesis correctly and fully assesses the actual situation of implementing the contents of State management of consumer rights protection; the actual situation of the organizations and the inspection and control of consumer rights protection at provincial level; clearly analyzes the influencing factors, the status of violations of the interests of consumers; systematizes the views and orientation for the State in the promoting and developing the consumer rights protection in the locality; proposes orientations, solutions and recommendations to improve the State management of consumer rights protection in the province until 2030.

The outcomes of the thesis will be a useful reference for State management agencies on consumer rights protection as well as relevant agencies, organizations and individuals.

5. Study methodology and Research methodology:

a) Study Methodology:

The thesis is researched and implemented on the basis of the Marxist-Leninist methodology on dialectical and historical materialism; Party's viewpoint, and orientation for development of consumer rights protection activities in Viet Nam.

b) Research Methodology:

The PhD student uses some main research methods as follows: 1) Analytical method; 2) Statistical and synthesis methods; 3) Document Research methods; 4) Comparison; 5) Forecasting method.

6. Research structure

In addition to the Introduction and Conclusion. The thesis consists of 4 chapters:

Chapter 1: Overview of published studies related to the thesis topic

Chapter 2: Theoretical and practical basis of State management of consumer rights protection in provinces

Chapter 3: State management of consumer rights protection in the provincial level areas in Viet Nam

Chapter 4: Solutions to improve and comprehend the State management of consumer rights protection in the provincial level areas in Viet Nam

CHAPTER 1: OVERVIEW OF PUBLISHED RESEARCH RELATED TO THE THESIS TOPIC

1.1. Research works related to the thesis

1.1.1. Studies on consumer theory, roles of consumer protection, and consumer protection guidelines

Research topics on consumer theory, roles of consumers, consumer protection and consumer protection guidelines have been interested, researched, and mentioned in doctoral theses, textbooks, books by many researchers around the world as well as in Viet Nam. Some featured works are as follows: 1) “Research on solutions to protect consumers in the market economy” (2009); 2) “Consumer Research - Issues on Consumer Rights Protection in Viet Nam” (2002); 3) “Q&A on the Consumer Rights Protection Law” (2016), 4) “Report on Consumer Survey Results” (2016), 5) “Is it really safe” (2004); 6) “Resolution 39/248 of 16 April 1985 on consumer protection” and revised by “Resolution No. 70/186 of 22 December 2015 on consumer protection” (1985, 2015); 7) “New Trends and Key Challenges in the Area of Consumer Protection” (2014); 8) “Consumer Protection and Behavioral Economics: To be or Not to be?” (2008); 9) “Know your rights” (2006).

1.1.2. Studies on consumer protection legislation, consumer dispute settlement mechanisms

Some typical research works on consumer protection legislation, consumer dispute settlement mechanism: 1) “Business responsibilities for product and goods quality” (2012); 2) “Study to ensure the implementation of the Consumer Rights Protection Laws” (2014); 3) “Improving the Consumer Rights Protection Laws in Viet Nam in the context of international economic integration” (2007); 4) “Corporate product liability - a legal tool to protect consumers” (2009); 5) “Implement the law to protect the interests of consumers in Viet Nam” (2012); 6) “Responsibility of manufacturers and suppliers in providing information about goods quality to consumers” (2017); 7) “Resolving disputes between consumers and traders in Viet Nam today” (2014); 8)

“Study on dispute settlement methods between consumers and business individuals and organizations to enforce the Consumer Rights Protection Laws” (2012); 9) “Textbook of Consumer Rights Protection Laws” (2012); 10) “Consumer protection - problems and prospects” (2020), 11) “An examination, review and analysis of Consumer protection and the Consumer Protection Act 1986 in India” (2019); 12) “Tribunal for consumer claims” (2008); 13) “Consumer Rights Protection in International and Municipal Law: Problems and Perspectives” (2015); 14) “Remedy as of Right for Consumer Protection” (2016); 15) “Consumer Awareness and Consumer Protection in Hungary” (2018)

1.1.3. Research on consumer protection in a specific field and the issue of cooperation and coordination of consumer protection

Some research works on consumer protection in a specific field and cooperation and coordination in consumer protection include: 1) “Good Practices for Financial Consumer Protection” (2012); 2) “The Global Governance of Online Consumer Protection and E-commerce” (2019); 3) “Role of Media in Consumer Protection” (2014); 4) “Consumer Rights Protection Law in the field of food safety and hygiene in Viet Nam today” (2017).

1.1.4. Studies on the roles, functions, and organizational structure of state agencies and organizations involved in consumer protection

Some research works on the roles, functions and organizational structure of state agencies and organizations involved in consumer protection include: 1) “Handbook on ASEAN Consumer Protection Laws and Regulation” (2018); 2) “ASEAN Strategic Action Plan on Consumer Protection 2016-2025” (2016); 3) “Guidelines on Consumer Protection: Agency Structure and Effectiveness” (2017); 4) “The role of the Consumer Protection Association in protecting consumers” (2011);

1.2. Reference content and research gaps

1.2.1. Reference content

Theoretical basis, definitions of consumer, consumer rights, consumer rights protection, state management in general and state management of consumer rights protection in particular, the contents specified in the Consumer Rights Protection Law (responsibility of consumers, businesses, State management agencies and Consumer Protection Association, ...); the Party's viewpoints and guidelines, and the State's policies for the protection of consumers' interests.

1.2.2. Research gaps of the topic

Currently, there are almost no in-depth studies on the State Management of Consumer Rights Protection in the provincial level areas in Viet Nam as the topic of the thesis which make this a new topic.

The topic has the roles of researching fully and systematically from theory to practice, including: systematizing the theoretical basis; practical research from international experience; assessment of the actual implementation status; identifying limitations, and root causes; forecasting trends and situations; identifying influencing factors; systematizing the views and orientations of the State towards the State management of the consumer rights protection in the locality, from which to develop directions and comprehend solutions in promoting the State management of consumer rights protection in the provincial level areas in Viet Nam.

CHAPTER 2: THEORETICAL AND PRACTICAL BASIS OF STATE MANAGEMENT ON CONSUMER RIGHTS PROTECTION IN PROVINCIAL LEVEL LOCATION

1.1. Theoretical basis for state management of consumer rights protection in the provincial level areas

2.1.1. Related concepts

a) *The definitions of consumer rights protection*

- Definition of Consumer: The thesis mentions some concepts of Consumer approached from different points of view, from both economic to legal regulations, such as Dictionary of Modern Economics by David D. Pearce (1999), Black's Law Dictionary, United Nations Guide to Consumer Protection (1985, 2015), Consumer protection legislation of countries and regions such as European Union, Canada, Columbia, France, Russia, India, Japan, Korea, Malaysia, Singapore and Viet Nam.

The thesis has inherited the concept of Consumer in the Viet Nam Consumer Rights Protection Law 2010 and added the content "not for commercial purposes" in the consumption purpose, in accordance with the provisions of the Consumer Protection Law. Country and practice: "*Consumer is a person who buys and uses goods and services for consumption and living purposes of individuals, families, organizations and not for commercial purposes*".

- Legitimate rights and interests of consumers: According to the guidance of the United Nations, and as in the Consumer Rights Protection Law in Viet Nam, Consumers have 08 basic rights as follows: The right to satisfy the basic demand; Right to be safe; Right to be provided with information; Right to choose; Right to be Represented; Right to claim and

compensate for damage; The right to consumer education; The right to live in a clean and healthy environment.

On the basis of inheriting published and further developed works, the thesis has built the concept: "*Legal interests of consumers are benefits that consumers obtain or are entitled to enjoy in the course of business transactions with organizations and individuals trading goods and services in accordance with the provisions of law. These legitimate rights and interests are recognized and protected by the State and society.*"

- ***The concept of consumer protection:*** Some authors have introduced the concept of consumer protection such as Doan Quang Dong (2015), Phan The Thang (2016), The ASEAN Committee Consumer Rights Protection (2022).

On the basis of systematizing the theories about Consumers, the legitimate rights and interests of Consumers, and inheriting the concepts in the aforementioned studies, the thesis has developed the following concepts: "*Consumer rights protection means the use of lawful tools by relevant agencies, organizations and individuals in order to promote and protect the legitimate rights and interests of consumers in the process of consumption and transactions with organizations and individuals trading in goods and services.*"

b) ***The concept of state management of consumer rights protection***

- ***The concept of state management:*** Some authors and research works have introduced the concept of State management such as the Ministry of Home Affairs, Civil servant level upgrade exam documents (2016), Hanoi Law University, Textbook of theory on state and law (2019), Ho Chi Minh National Academy of Politics, Intermediate Textbook of Political Theory (2021), Hoang Phe, Viet Namese Dictionary (2003).

Systematizing the theories on State Management, the thesis has determined that the concept of State Management in the thesis is in the narrow sense or State administrative management, specifically: "State management is an activity exercising the executive power of the State, which is the organized and regulated influence by state power on social processes and operational behavior of organizations and individuals, carried by agencies in the state from Central to the implementation agencies to ensure the objectives, functions, and tasks of the State."

- ***The concept of State management of consumer rights protection:*** Some authors have introduced the concept of State management of consumer protection such as Doan Quang Dong (2015),

Phan The Thang (2016). On the basis of systematization of theories on State management of consumer rights protection, inheriting the concepts from the above studies, the thesis has developed the following concept: "*State management of consumer rights protection is the use of management tools by State management agencies such as laws, systems, and State management organizations to protect the legitimate rights and interests of consumers*".

- The concept of State management of consumer rights protection in provincial level areas: In this thesis, the phrase "in provincial level area" is the same meaning or instead of the phrase "in the provinces, central cities". This phrase has been widely used in current legal documents, especially in the Law on Organization of Local Government 2015. On the basis of provisions in the 2013 Constitution, Law on Organization of Local Government, Law on Security To protect consumers' interests, the thesis has determined: People's Committees of provinces and central cities (referred to as Provincial People's Committees for short) are state administrative agencies or State management agencies in the province.

On that basis, the thesis has developed a new concept: "*State management of consumer rights protection in the provincial level area is the act of the state administrative agency in the provincial level areas or the local government in the provincial level areas (the Provincial People's Committee) using management tools such as the law, system, and State management organization to protect the legitimate rights and interests of consumers in their provinces.*"

2.1.2. The role of state management of consumer rights protection in the provincial level areas

a) The role of consumer rights protection: Consumer protection is a very necessary and practical activity because it is related to all aspects of social life, helping to ensure the rights of consumers, contributing to the fight against inequality in society. Protecting the interests of consumers will contribute to preventing and limiting damages, risks and losses for consumers in particular as well as for society in general. Protecting consumers' interests contributes to promoting healthier and more sustainable business activities of enterprises, thereby contributing to the strong growth of the national economy - society.

b) The role of the state administration of consumer rights protection in the provincial level areas: Local authorities and provincial State Administration of Consumer Rights Protection (provincial People's Committee, Department of Industry and Trade) always play a central and

directional role in all local consumer protection activities. These State management agencies are responsible for making policies, orientations and plans; directing the implementation of legal documents, programs, plans and organizing the inspection and control of such implementation in the provinces. The thesis has also pointed out the important role of the local government in the provincial level areas in various aspects.

2.1.3. Contents of State management of consumer rights protection in the provincial level areas:

a) Concretize policies, legalize regulations, promulgate programs and implementation plans on consumer protection in the province: Pursuant to the orientation, guidelines and direction of the Party, policies and laws of the State, superior agencies, the Provincial People's Committees and Departments of Industry and Trade to develop and promulgate policies, strategies, plans, programs and schemes on consumer protection. to organize implementation in their province. Provincial-level People's Committees need to develop programs and action plans on consumer protection for each period and stage at the request of superior agencies (Government, Ministry of Industry and Trade, ...) for implementation or direct and guide lower-level agencies and organizations (district and town-level local governments, ...) to perform.

b) Organization of state management of consumer rights protection in the provincial level areas: Local State management agencies shall build and set up a system of agencies, organizations and apparatus for State management in their locality to carry out the task of protecting the interests of consumers. The Government has assigned the Provincial People's Committee to be the State management agency for the protection of consumer rights in the locality. The Department of Industry and Trade is the agency that helps the Chairman of the Provincial People's Committee perform the State management of consumer rights protection in the province. The departments and agencies are responsible for coordinating with the Department of Industry and Trade to protect the interests of consumers in the fields under their management.

c) Performing state management responsibilities assigned to enforce consumer rights protection laws in the province: It is the local State management agency to organize the implementation of the contents of the State management on the consumer rights protection in the locality in accordance with the law on protection of consumer rights. The Consumer Rights Protection Law 2010 and its guiding documents stipulate the State management responsibilities for the protection of

consumer interests of the Provincial People's Committee and the Department of Industry and Trade, including: i) Propaganda, dissemination, legal education on Consumer Rights Protection; consulting, supporting and raising awareness on Consumer Rights Protection in the locality; ii) Managing activities, facilitating the social organizations to participate in protecting consumers' interests; iii) Managing the activities of the Dispute Mediation Organization between consumers and local business organizations and individuals; iv) Implementing the control of commercial transactions, transaction registration according to regulations; v) Providing professional guidance for the district-level State management agency in charge of consumer protection to implement contents related to the protection of consumer interests; vi) Reporting on the performance of the State Management of Consumer Rights Protection in the province periodically or at the request of superior competent authorities.

d) Inspection and control of the state administration of consumer rights protection in the province: It is the provincial People's Committee (Department of Industry and Trade) to inspect, examine and supervise the compliance and implementation of the law to protect the interests of consumers; settlement of complaints, denunciations and handling of violations of the consumer rights protection law taking place in their province. The Department of Industry and Trade publishes a list of consumer rights violations when violations are related to at least two districts in the province.

In addition, Resolution No. 82/NQ-CP also requires the Provincial People's Committee to strengthen control and limit the circulation of goods and services that are not of good quality, unsafe and affect the legitimate rights and interests of Consumers.

2.1.4. State management tool for protecting consumer rights in the provincial level areas:

State management tools here include the system of policies, legal documents, direction of the Party and the State, and the system of related organizational apparatus and resources allocated locally to perform the tasks assigned.

a) The system of policies, legal documents and directions of the Party and the State: Including the guidelines, outlines, and directions of the Party; relevant legal documents of the State, of which directly are the Consumer Rights Protection Law and guiding documents; and other legal documents indirectly adjusted such as: Civil Code, Law on Competition, Law on Commerce, Law on Product and Goods Quality, Law on Food

Safety, Law on Advertising, Law on Cyber Information Security, Law on Digital Transactions, ...

b) Implementation resources, organizational apparatus: is the system of organizational apparatus, facilities and people of local State management agencies to perform the task of protecting consumers' interests; This system includes state agencies from the provincial level to the district and commune levels. Each level, depending on its assigned functions and tasks, is responsible for participating and coordinating in the implementation of consumer rights protection. The Government assigns the Provincial People's Committee and the Department of Industry and Trade to be the State management agencies in charge of protecting consumer interests in the provincial level areas.

2.1.5. Factors affecting the state management of consumer rights protection in the province

a) Subjective factors: Including the awareness of local authorities, provincial People's Committees and State management agencies on the consumer rights protection in the province about the role of protecting consumer's interests, and their interests and willingness to actively participate in this.

b) Objective factors: Including factors such as: undertakings and guidelines of the Party, policies and laws of the State regarding the protection of consumers' interests; Awareness and active participation of relevant stakeholders (business community, social organizations, press agencies, media and consumers themselves); status and level of development of the economy - society; The level and process of international integration of the country.

2.1.6. Criteria for evaluating state management of consumer rights protection in the province

The thesis has built the following list of evaluation criteria:

- Issue timely, completely and appropriately the documents directing and guiding the implementation of State management work on the consumer rights protection in the locality.
- Organize a unified system, implementation resources that are aligned with the reality.
- Implement the contents and responsibilities of State management on the consumer rights protection in accordance with the provisions of the Consumer Rights Protection Law.

2.2. Practical basis from international experience

The thesis has selected Japan and Korea as typical countries for the study of international lessons based on the following reasons: having a

close and deep relationship with Viet Nam; having similarities in culture, customs and habits in business and consumption; has a long-standing cooperative relationship on Consumer Protection with Viet Nam; the similar division of administrative units and the legal system, the same consumer protection agency; Viet Nam needs to aim for a higher level of development in terms of consumer protection.

Some lessons for Viet Nam to apply in comprehending the State Management on Consumer Rights Protection in the locality include: i) Effective support from the central side for localities in timely development and issuance of policy, implementation plan; training and fostering local officials; financial support for local activities. ii) Building an appropriate organizational structure, allocating adequate resources, creating cohesion from central to local; operating the General Consumer support system. iii) Effective coordination and timely support for consumer protection organizations and centers.

CHAPTER 3: THE ACTUAL SITUATION OF STATE MANAGEMENT ON CONSUMER RIGHTS PROTECTION IN PROVINCIAL LEVEL AREAS IN VIETNAM

3.1. Overview of the violations of consumer rights in Viet Nam

Violation of consumers' rights in Viet Nam tends to increase, causing social issues, especially for relevant State management agencies. Violations take place with larger scope and scale, and with more sophisticated and complicated forms. This encroachment occurs in almost all fields, living areas and business and consumption methods.

3.1.1. Recent consumer complaints

In 2021, the Ministry of Industry and Trade received more than 13,000 consumer complaints (via Call Center 1800-6838), an increase of 17.6% compared to 2020, mainly in certain categories such as: fulfilling commitments for Consumers; quantity, quality, delivery time; warranty, consumer privacy protection; trading pirated goods, counterfeit goods, imitated goods, poor quality goods; In the context of the Covid 19 pandemic, speculation, sales of unknown origin, violations related to e-commerce, ... also increased sharply. Many Consumers have been scammed, losing money when buying online, following the seller's request. Ho Chi Minh City and Hanoi are always in the top in terms of the number of consumer requests and complaints, accounting for over 50% of overall. However, the number of 13,000 calls is still relative small

compared to the reality of consumer rights violations taking place every day across the country.

3.1.2. Some types of consumer rights violations in Viet Nam:

On the basis of synthesis of highly reliable documents, the thesis has identified and analyzed the most prominent types of violations of consumer rights in Viet Nam nowadays, including: Violations on provision of information about goods and services for consumers; Violations on registration of commercial contracts, residential registration; Violations against regulations on entering into contracts, general delivery conditions, fulfilling commitments with consumers; Violations caused by supply of counterfeit goods, imitation goods, unknown origin, no invoices and vouchers as prescribed; Violations in e-commerce, online purchase and sale; Recall of defective goods; Other violations.

3.2. Analysis of the state management of consumer rights protection in the provincial level areas

3.2.1. Actual situation of promulgating documents to concretize policies, laws, programs and plans to protect consumers' interests in the province

Provincial People's Committees, Departments of Industry and Trade have actively followed and based on documents on guidelines and guidelines of the Party, policies and laws of the State, plans, programs and directives of the Government and Prime Minister, and the Consumer Protection Agency at the central level to advise, develop and issue directing documents, plans and guidelines for implementation in their respective provinces.

3.2.2. The actual situation of the organization and state management apparatus on consumer rights protection in the locality

a) *System and implementation organization:* There is no Department of Industry and Trade who establishes dedicated Department for Consumer Protection. All Departments of Industry and Trade have assigned the task of protecting consumers' interests to specialized departments, such as the Division of Trade Management, the Division of Planning and Finance, the Division of Import and Export, the Division of Inspection, ...etc. Of which, most of them are assigned to the Chamber of Commerce Management (50/63 provinces and cities); Hanoi assigned to the Division of Planning-Finance. Before 2018, many Departments of Industry and Trade assigned the Sub-Department to manage the market. Thus, the operating model has not been completed and unified among localities throughout the country.

b) Personnel and resources for implementation: Currently, most of the Departments of Industry and Trade assign consumer rights protection relating tasks to 01 part-time officer. In most localities, the budget allocated for this work by the Department of Industry and Trade is modest, only from 100-300 million VND/year, even, in some localities, it is only more than 50 million VND. This amount is too small to carry out a big task which is related to the quality of life and activities of millions of consumers. The lack or inadequate allocation of resources for Consumer Rights Protection is one of the reasons leading to limitations for this work in the locality.

3.2.3. The actual situation of implementing the state management responsibilities assigned to enforce consumer rights protection laws in the provincial level areas

a) Propagating, disseminating and educating the law; Consulting, supporting and raising awareness on Consumer Rights Protection in the province: Has been implemented in a variety of ways. In the period 2011-2020, the provinces have carried out 8,375 seminars, 13,540 training sessions, published 387,219 copies of books, newspapers, magazines, generated 643 meetings, marches, 116,045 radio and television sessions. In response to 63 provinces and cities on March 15, the Consumer Protection Associations advised and supported to resolve 13,294 consumer complaints. However, there are still some limitations such as: the disseminating content is, lacking main points, not close to the needs, and is only concentrated in big provinces and cities; the implementation method is short of creativity, efficiency, and low information technology application.

b) Managing activities and facilitating the operation of consumer protection social organizations: The period 2011-2020 recorded a strong growth of consumer protection associations, from 38 Associations before 2010 to 55 associations by 2021. Currently, there are 7 associations recognized as specific associations by the province, and 13 associations have been supported by the Provincial People's Committee or assigned annual tasks. However, there are still 35/55 associations that have not received financial support from the Provincial People's Committee. Most of these associations operate autonomously and have not received effective attention and support from State management agencies. There are still 8/63 provinces and cities that have not yet established associations; many localities have provincial associations, but not at district level.

c) Managing activities of organization mediating disputes between consumers and local business organizations or individual business: In fact, there is no Department of Industry and Trade that set up a mediation organization according to determined regulations.

d) Implementing the control of trade contracts and general transaction conditions in accordance with the law: In the period 2011-2020, the Departments of Industry and Trade have well organized the receipt and handling of applications for registration of commercial contracts and general transaction conditions. 100% of dossiers are processed within the statutory time limit, moreover many localities have shortened the time limit for returning processing results. However, it is still limited that some Departments of Industry and Trade have not really paid attention and focused on performing this work well; The level of human resources implemented has not yet met the reality and development of enterprises, ...etc.

d) Professional guidance for the State management agency in charge of protecting consumer interests at district level: Some provinces and cities in the period 2011-2021 have organized many training courses for districts, commune to propagate and improve knowledge for district officials. However, these activities only take place in a few places, not regular and important activities. There are many Departments of Industry and Trade that are vacating the task of providing professional guidance to the District People's Committee.

e) Report on implementation results of State management of consumer rights protection in the provincial level areas: Report on results of implementation of State management of consumer rights protection in the provincial level areas according to periodical or at the request of superior competent authorities is a regular work that has been promptly and seriously performed by the People's Committees and Departments of Industry and Trade of the provinces upon request. However, through reviewing the content, there are still many localities that submit sketchy reports in which the data and information provided have not met the requirements given.

3.2.4. Current status of inspection and control of state management of consumer rights protection in the provincial level areas

a) Inspecting, examining and handling violations of the law on consumer rights protection: Although the number of inspection and examination cases reported by localities is always huge, the majority is not an act in the Consumer Rights Protection Law, but mostly related to

other specialized fields. The activities of inspection, examination and handling of violations that are currently focused by the Departments of Industry and Trade are the registration and implementation of commercial contracts and business registration of enterprises. The inspection and examination work has several limitations and shortcomings because of the shortage of staffs. Sanctions for handling administrative violations in this field are not commensurate with the level of violations and not enough of a deterrent.

b) Supporting and settlement of consumer complaints, denunciations and reflections: The reception and settlement of consumer complaints in the province has improved remarkably. In the period 2013-2014, only about 300 cases per year, in the period 2015-2020, it has increased to over 500 cases per year. Over 85% of local cases have been successfully resolved. Consumer Protection Associations are making important and prominent contributions to the reception and settlement of consumer complaints, as an extension of the State Administration for Consumer Rights Protection. In the period 2011-2019, Consumer Protection Associations across the country advised and supported 13,294 consumer complaints.

c) Publicly publicizing the list of business organizations and individuals that violate consumer rights: Local State management agencies are still hesitant and reticent in publicly disclosing this information.

3.3. Actual situation of factors affecting the state management of consumer rights protection in the provincial level areas

3.3.1. Subjective factors

Protecting the interests of consumers in the locality has gradually become an important issue, receiving the attention of the Party, State, all levels, branches and the whole society. However, there are still many provinces that are not fully aware and the leadership and direction are not thorough and drastic in the protection of consumers' interests in their localities.

3.3.2. Objective factors

The thesis has assessed the current situation of the following factors to see the level of impact and influence on State management activities on the protection of consumers' rights in the locality, specifically including the following aspects:

i) Undertakings and guidelines of the Party, policies and laws of the State on the Consumer Rights Protection Law

- ii) Awareness of parties in society about the responsibility to protect the interests of consumers.
- iii) Status and level of socio-economic development
- iv) The country's level of international integration and international cooperation on consumer rights protection.

3.4. General assessment

3.4.1. Results achieved

- *Firstly*, in terms of development and promulgation of legal documents, implementation programs and plans to concretize policies and consumer rights protection law in the provincial level areas: conducted in a timely manner; the contents closely followed the actual requirements; has brought certain results in implementation.

- *Secondly*, in terms of the tools of State management on consumer rights protection: has been paid attention to improve and being applied effectively, efficiently and systematically;

- *Thirdly*, in terms of work of propaganda, dissemination and education of the law; Consulting, supporting and raising awareness on Consumer Rights Protection: is considered as one of the most strongly deployed activities today.

- *Fourthly*, in terms of the control of commercial transactions, registration and recall of defective products: step by step is implemented to help limit damages and disputes for consumers, and to prevent negative social impacts. pole.

- *Fifthly*, in terms of the management of activities, support and facilitation for social organizations to participate in the consumer rights protection; supervising the performance of tasks when assigned to the consumer protection social organization: has been concerned by the Provincial People's Committee and the Departments of Industry and Trade.

- *Sixthly*, in terms of the work of inspection, examination, settlement of consumer complaints and denunciations and handling of violations of the consumer rights protection law in the provincial level areas: carried out regularly but still limited.

3.4.2. Existing limitations:

- *Firstly*, for the development and promulgation of legal documents, implementation programs and plans to concretize policies and consumer rights protection law in the provincial level areas: need to be proactive and timely; This state management work needs to be further improved.

- *Secondly*, for the organizational apparatus and tools of the State management of the consumer rights protection law in the locality: the operation model is not yet complete and unified among localities throughout the country.

- *Thirdly*, for the work of propaganda, dissemination and education of the law; Consulting, supporting and raising awareness on Consumer Rights Protection: there are still many limitations.

- *Fourthly*, for the management of activities, support and facilitation for social organizations to participate in the consumer rights protection; supervising the performance of tasks when assigned to the consumer protection social organization: not yet paying due attention in many localities.

- *Fifthly*, for the control of commercial transactions, registration and recall of defective products: although there are initial results, there are still many difficulties and limitations in reality.

- *Sixthly*, for the work of inspection, examination, settlement of consumer complaints and denunciations and handling of violations of the law on protection of consumer rights in the province: it should be more completed.

- *Seventhly*, for the work of providing professional guidance to the district-level State Administration for Consumer Rights Protection to implement relevant contents: there are still many limitations.

3.4.3. Reasons

a) Subjective reasons:

The first cause belongs to the state management of the provincial government; specifically, the state management responsibility for consumer rights protection of the provincial People's Committee and the Department of Industry and Trade throughout the country. Accordingly, it includes content such as:

- *Firstly*, the protection of consumer rights has not been received due attention from leaders at all levels.

- *Secondly*, the resources of the state management agency on consumer rights protection at the provincial level are not strong enough, not commensurate with the assigned tasks.

- *Thirdly*, there has not been an effective coordination mechanism among agencies and organizations implementing consumer rights protection at all levels.

b) Objective reasons:

Coming from the shortcomings, inadequacies and limitations in mechanisms, policies and activities of the State and central state

management agencies; social organizations engaged in consumer rights protection; business community; consumers themselves; as well as the participation of relevant organizations such as press, industry associations, socio-political organizations; Accordingly, including the following contents:

- *Firstly*, the system of policies and legal regulations on consumer rights protection is still inadequate and needs to be improved soon.

- *Secondly*, *the system of state management apparatus on consumer rights protection* from the central to local levels is still limited, not unified and synchronous.

Thirdly, for social organizations involved in consumer rights protection: activities are still limited and have not strongly promoted their roles and functions in supporting, consulting and representing consumers.

- *Fourth*, for the business community: the sense of responsibility for consumers, understanding and knowledge of the law on consumer rights protection of enterprises is still limited.

- *Fifth*, for consumers: fully understanding and applying legal knowledge on consumer protection and related laws is still limited.

CHAPTER 4: SOLUTIONS TO COMPREHEND STATE MANAGEMENT OF CONSUMER RIGHTS PROTECTION IN PROVINCIAL LEVEL AREAS IN VIETNAM

4.1. Context and forecast of consumer rights violations in the near future

4.1.1. Background

The economy continues to grow strongly but is also under a lot of external pressure such as the low growth rate, the impact of the Covid 19 epidemic, ...etc. Consumer rights protection activities are supported and concerned by the Government ministries and sectors from all levels. However consumer rights violations are still common and showing the signs of increasing.

The development of science and technology, digitalization, digital platform, industrial revolution 4.0 and deep international integration have a clear and direct impact on life, economy and society, changing production and business methods, consumption habits and behaviors, and the State management of consumer rights protection. There have been many deformed acts, taking advantage of the indirect business environment to steal, buy and sell; to exchange personal data of users; to sell fake goods and counterfeit goods; to violate intellectual property

rights; to sell low quality goods or goods banned or restricted from trading, ...etc. Such activities have been causing challenges for agencies and organizations in implementing management and supervision.

4.1.2. Trend forecast

Consumer rights violations will continue to increase in many different forms, from simple to complex, from manual to high-tech application, from individuals to organizations. In particular, violations through the use of high technology is projected to increase, such as online fraud, theft of personal information, ... etc. Violations of consumer rights will continue to take place more frequently both in scale, and levels, occurring on a regional and global scale as a result of the increasing and easier supply of goods and services across borders.

4.2. Perception and orientations to improve the State management of consumer rights protection in the provincial level areas

4.2.1. Perceptions:

On the basis of gathering and systematizing the undertakings and guidelines of the Party, the policies and laws of the State, the thesis has given the perceptions to improve the State management on the consumer rights protection locally as follows:

- Must attracting parties in society to participate in the protection of consumers' rights
- Consumer rights protection activities must not infringe upon the interests of the State, the legitimate rights and interests of organizations and individuals trading in goods and services and other organizations and individuals.
- Local state management agencies in charge of protecting consumer rights must regularly improve the effectiveness of State management apparatuses and organizations to ensure consumer protection activities being conducted in a timely, fair, transparent and lawful manner.
- Taking advantage of domestic and foreign resources to realize the goal of Consumer rights protection.

4.2.2. General direction

On the basis of Directive No. 30-CT/TW dated January 22, 2019 of the Secretariat and related policies, the thesis has systematized the general orientations for State management on consumer rights protection in Viet Nam is as follows:

-Strengthening the leadership of party committees and organizations at all levels; promoting the pioneering and supervisory role of the cell and party members in the protection of consumers' rights.

- Completing the legal framework, organizing a specialized apparatus, improving law enforcement capacity, ensuring the effectiveness and efficiency of State management on consumer rights protection

-Strengthening the propaganda, education and dissemination of policies and laws related to the consumer rights protection.

-Strengthening the inspection, examination, supervision, handling of violations and support for consumers.

- Strengthening socialization, raising the role and responsibility of organizations and individuals producing and trading goods and services and social organizations in the work of consumer rights protection

- Proactively and actively integrating internationally in cooperation activities on consumer protection within ASEAN and international frameworks.

4.3. Solutions and recommendations to improve the state management on consumer rights protection in provincial level areas:

4.3.1. Solutions for state management agencies on consumer rights protection in the provincial level areas

a) Strengthening the work of formulating and promulgating documents concretizing policies, legal regulations, programs and implementation plans on consumer rights protection in the province.

b) Improving the organization and apparatus of State management on consumer rights protection in the province which includes the following contents:

- In the short term, it is necessary to strengthen the organization and apparatus in the direction of unifying the State management apparatus for consumer rights protection in the localities.

- In the long term, it is necessary to propose the establishment of a Department dedicated to protecting consumer rights at the Department of Industry and Trade.

- Promoting the establishment of a conciliation organization under the Department of Industry and Trade or the Provincial Consumer Protection Association.

c) Improving the capacity to implement the State management of consumer rights protection in the provincial level areas which includes the following contents:

- Strengthening the directing and operating role of the Provincial People's Committee in consumer rights protection

- Improving the enforcement capacity of consumer right protection for the Department of Industry and Trade and the District People's Committee.

- Strengthening coordination and cooperation between the provincial State Administration of Consumer Rights Protection and relevant agencies and organizations at the central and local levels.

- Strengthening the assignment of State tasks, supporting local Consumer Protection Associations.

- Enhancing propaganda and dissemination of knowledge and legislation on consumer rights protection.

- Developing and implementing a coordination mechanism in support and settlement of consumer disputes and complaints among relevant entities in the province.

- Building a mechanism for information, advice on consumption and warning for consumers.

- Enhancing interaction and communication between consumers and state agencies and consumer rights protection associations.

- Effectively implementing development programs and projects for the benefit of consumers in the province.

d) Completing inspection and control of the State management of consumer rights protection in the provincial level areas which includes the following contents:

- Strengthening inspection, examination, detection and handling of consumer rights violations in the provinces.

- Enhancing settlement of consumer complaints and denunciations; actively advising and supporting consumers in resolving disputes with business organizations and individuals.

4.3.2. Recommendations to the State, central state management agencies and other relevant entities

a) For the State and central state management agencies in charge of protecting the rights of consumers:

- Completing the legal system on consumer rights protection.

- Comprehending the system of State management apparatus on consumer rights protection from central to local levels.

b) For other relevant entities

b1) For social organizations participating in the consumer rights protection:

- Completing the organization and content of consumer protection activities.

- Actively performing the tasks assigned by the State, utilizing more domestic and foreign resources

- Improving the capacity of the Association's staffs, especially those who advise and assist in resolving consumer complaints and disputes.

- Promoting the bridge role between consumers and businesses, actively contributing ideas to businesses.

b2) For the business community:

- Improving knowledge of consumer protection laws.

- Promoting enterprises to develop and apply standards and policies for consumers in production and business.

- Promoting the construction of a customer care department, ensuring compliance with the law on Consumer rights protection.

- Improving corporate behavior and responsible business culture towards consumers.

- Promoting, and improving product quality; strengthening supervision and management of product quality

b3) For Consumers:

- Regularly self-improve knowledge of laws on consumer protection, skills in consumption, purchase and use of products and goods.

- Improve the ability to protect themselves when the consumer's rights are violated; promptly provide information, feedback and complaints to relevant agencies and organizations.

b4) For media agencies, socio-political organizations, and other business associations:

- Always play the role of a useful, effective, timely and accurate information channel to help consumers make the right decisions in choosing and consuming products and goods.

- Promote propaganda, encourage organizations and individuals to do business for consumers, have many good products and goods to meet the requirements of consumers.

- Participate more strongly in supporting members and people when shopping and consuming such as equipping with knowledge and skills in consumption, consumer protection laws, etc.

- Continue to perform well as a useful bridge between member enterprises and consumers to receive, support and resolve disputes between the two parties.

CONCLUSION

Based on the urgency of the topic, the PhD student selected "***State management of consumer rights protection in provincial level areas in Viet Nam***" as topic for his doctoral thesis. The project has achieved the following results:

Theoretically, the topic has systematized and deeply analyzed the theoretical basis of State management of consumer rights protection; clearly defined the role, content, tools and organizational structure of the consumer rights protection in the provincial level areas. On the basis of acknowledged scientific arguments, the topic has inherited and developed novelty on issues related to the State management of consumer rights protection in the provincial level areas in Viet Nam. Especially the topic has built and clarified several concepts such as "Consumer", "Legal rights and interests of Consumers", "Consumer Rights Protection", "State management of consumer rights protection", and "State management of consumer rights protection in the provincial level areas". The topic has also pointed out the factors affecting the State management consumer rights protection in the locality; studied international experiences to draw lessons and practical bases that can be applied to Viet Nam.

In practice, the topic has researched, evaluated and analyzed the current situation of violations of the consumers rights, the actual implementation of the contents of State management on consumer rights protection, the current state of the organizational apparatus, the implementation of the State Management on Consumer Rights Protection in the locality of the Provincial People's Committee, Department of Industry and Trade, the current situation of influencing factors, ...; pointed out the limitations and inadequacies in the implementation of the State Management of Consumer Rights Protection by these agencies in the provincial level areas in our country.

From the research results on the theoretical basis, lessons learned, assessment of the current situation of related issues and on the basis of analysis and forecast of trends, the current situation of violations of the consumer rights in the region, the thesis has proposed the viewpoints, orientations and solutions to improve the State management of consumer rights protection activities in the provincial level areas, applying to 2030.

LIST OF THE AUTHOR'S WORKS

1. Phan The Thang (2006), *"Taiwan's experience in consumer rights protection"*, Foreign Economic Review, Foreign Trade University, Hanoi.
2. Phan The Thang (2008), *"Building a model of law enforcement to protect consumer rights in Viet Nam. Some lessons learned from countries around the world"*, Foreign Economic Review, Foreign Trade University, Hanoi.
3. Phan The Thang (2016), Ministry level scientific research project with code ĐTKHCN.136/16, *"Study on state management of consumer rights protection of Departments of Industry and Trade"*, Viet Nam Competition Administration Authority, Ministry of Industry and Trade, Hanoi.
4. Phan The Thang, Phan The Cong (2017), *"Strengthening the protection of consumer rights in the locality - Foreign experience and lessons learned for Viet Nam"*, Journal of Trade Research, ISSN 0866 - 7853, No. 25 (February 2017), Commercial Research Institute, Hanoi.
5. Phan The Thang, Phan The Cong (2017), *"The issue of protecting consumers' rights in e-commerce transactions - Current situation and some recommendations"* Journal of Commercial Research, ISSN 0866-7853, no. 26 (April 2017), Trade Research Institute, Hanoi.
6. Phan The Thang (2022), *"Perspectives, orientations and some solutions to improve the State management of consumer rights protection in the provincial level areas in Viet Nam"*, Journal of Public Research. Industry and Trade, ISSN 0866-7853, No. 75 (9/2022), Institute of Strategy and Policy for Industry and Trade, Hanoi.
7. Phan The Thang (2022), *"Assessment of the state management of consumer rights protection in the provincial level areas in Viet Nam"*, Journal of Industrial and Commercial Research, ISSN 0866-7853, No. 76 (10/2022), Institute of Strategy and Policy for Industry and Trade, Hanoi.