



The Rewards for Accusers of Corruption by Vietnamese Law

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Currently, corruption is a serious problem in Vietnam. It is believed that a large number of government officials and civil servants corrupt, and many have been accused of guilty and fined or prisoned. In order to detect and promptly handle acts of corruption, Vietnamese laws allow and encourage every citizen to exercise their right to denounce acts of corruption. One of the important points that encourages individuals to denounce corruption is a reward regime. However, Vietnamese legal regulations on rewarding denouncers of corruption have shortcomings. This article analyzes these shortcomings and proposes some solutions to improve them.

Key words: *corruption, denouncing corruption acts, rewards bonus.*

INTRODUCTION

Corruption is a historical problem. Corruption occurs everywhere and is thought to negatively affect the development of each nation and infringe on freedom, democracy and social progress. Curbing corruption is a requirement for any country and in order to fulfill that requirement, it is necessary, first and foremost, to define corruption. In order to detect and promptly handle acts of corruption, Vietnamese laws allow and encourage every citizen to exercise their right to denounce acts of corruption. One of the important points that encourages individuals to denounce corruption is a reward regime. However, Vietnamese legal regulations on rewarding denouncers of corruption have shortcomings. This article analyzes these shortcomings and proposes some solutions to improve them.

1. Overview of corruption and denouncing corruption acts

Corruption is a historical problem. It appears from the outset of the distribution of power and state formation. The state always tends to abuse power, violating the legal rights and interests of individuals (Nguyen Dang Dung (2008), *Constitution in the rule of law*, Publishing House. Da Nang, p. 64). Power often leads to corruption and absolute power leads to absolute

corruption (Le Tuan Huy (2006), *Political Philosophy of Montesquieu*, Publishing House. General City Ho Chi Minh, p. 46). Corruption occurs everywhere and is thought to negatively affect the development of each nation and infringe on freedom, democracy and social progress. Curbing corruption is a requirement for any country and in order to fulfill that requirement, it is necessary, first and foremost, to define corruption.

According to Clause 1, Article 3 of the Anti-Corruption Law of 2018: “*corruption means an office holder’s abuse of his/her official power for personal gain*”. According to this definition, the characteristics of corruption can be drawn as follows:

Firstly, the subject of corruption is the person who has a position and authority or assigned the task but has abused that position, power or duty or task to gain benefits.¹

Secondly, the object of corruption is the social relations that are protected by the law, reflected in the material and non-material interests that the corrupt subject towards.

Thirdly, in terms of the subjectivity of corruption, the fault of the person who committed corruption is an intentional error. In terms of corruption motives, in most cases corrupt subjects are motivated by personal desires to satisfy their material and spiritual needs, so the motivation is benefit.

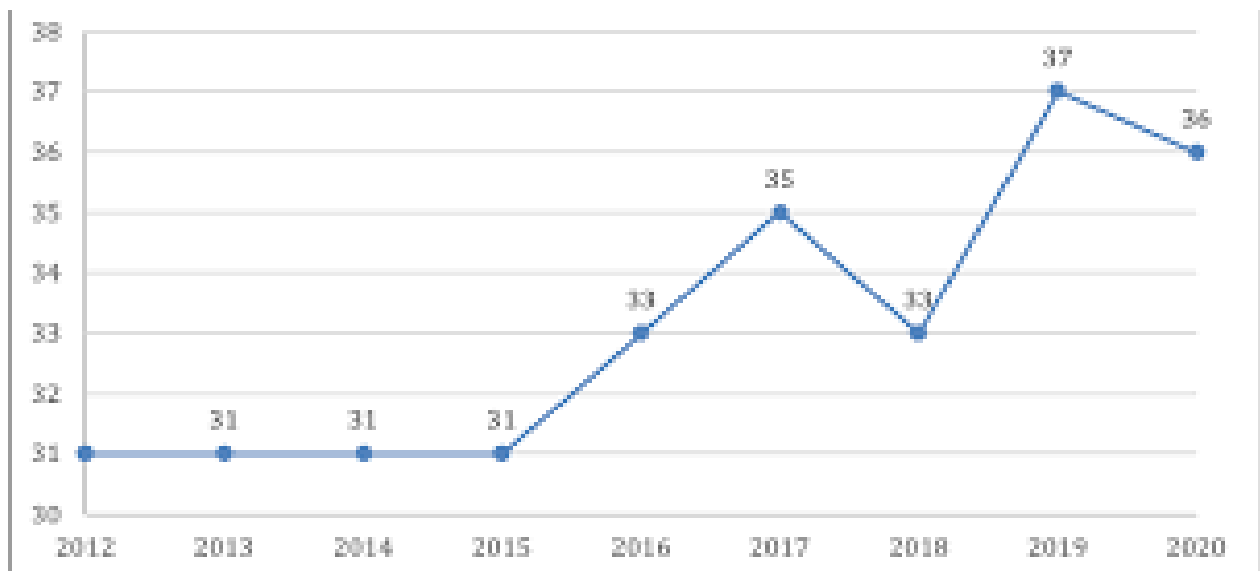
Fourthly, regarding objectivity, corruption is an illegal act of people with positions and powers, expressed by action or non-action. The action here is usually that people with positions and powers do not comply with the requirements and limits permitted by law; not acting often does not perform the tasks and duties assigned.

Finally, the consequences of corruption are the damage or threat to damage the interests of the State, the rights and legitimate interests of organizations and individuals.

Corruption in Vietnam is an issue that is attracting much attention of the whole society. According to Transparency International (TI), Vietnam’s perceived corruption index (CPI) over the years is:

¹ Clause 7, Article 3 of the 2018 Anti-Corruption Law provides: “*personal gain means a benefit or advantage that an office holder wishes to obtain by abusing his/her official capacity*”.

Year	2012	2013	2014	2015	2016
Scores	31/100	31/100	31/100	31/100	33/100
Raking	123/176	116/177	119/175	112/168	113/176
Year	2017	2018	2019	2020	
Scores	35/100	33/100	37/100	36/100	
Raking	107/180	117/180	96/180	104/180	



It can be seen from the table that Vietnam’s perceived corruption index was very low, at 31 (out of 100) between 2012 and 2015, and this figure rose marginally to just 33 (out of 100) in the year 2016.

In 2017, with strong commitments of the Party and the State, domestic anti-corruption efforts have achieved very encouraging results. However, in 2018, Vietnam’s perceived corruption index decreased to 33 (out of 100). In 2020, the figure increased to 36 (out of 100). Thus, corruption in Vietnam still has very complicated changes.

The document of the Ninth Congress of the Communist Party of Vietnam (April 2001) states: *“Strictly punishing who are corrupt and irresponsible causing serious consequences. Protect those who are determined to fight against corruption; rewarding those who discovered the right cases of corruption”* (The Communist Party of Vietnam (2001), *Documents of the IXth National Congress*, Publishing House. National politics, p. 218). Base on that, the 3rd Party Central Committee and the 10th meeting of the Party Central Committee issued Resolution No.



04-NQ/TW dated August 21, 2006, on strengthening the Party's leadership in Anti-corruption also states: *"Handling resolutely, promptly and openly those who are corrupt regardless of their position, incumbent or retired; have mechanisms to encourage and protect those who actively fight against corruption"* (Conference of the 3rd Party Central Committee (2006), Session X (July 2006), Publishing House. National Politics, p. 45).

Institutionalizing the Party's Policies, our State has promulgated legal regulations to create an effective legal corridor to fight against corruption. One of the effective tools to prevent corruption is to recognize the right of individuals to denounce corruption.

Article 30 of the 2013 Vietnamese Constitution stipulates: *"Everyone has the right to lodge complaints or denunciations about illegal acts of agencies, organizations or individuals with competent agencies, organizations or persons"*. Clause 1, Article 2 of the 2018 Law on Denunciation stipulates: *"Denunciation means an individual, according to the procedures prescribed by this Law, notifying a competent organization or individual for a violation committed by any organization or individual which causes or threatens to cause damage to the State interests or legitimate rights and interests of organizations and individuals, including: Denunciation of violations against the law during the performance of duties; Denunciation of violations against the law related to state management of the fields"*.

Corruption negatively affects state activities. Therefore, by the provisions of the law, the State always encourages individuals to exercise their right to denounce to the agencies and organizations about corruption activities. At the same time, through the exercise of the right to denounce, individuals have directly participated in state management, social management, and oversight of state agencies' activities.

Politically and legally, denouncing corruption is a constitutional right of the individuals. The individual who stands up to speak out loud to expose the violation of the law, in general, and the corruption acts, in particular, is supported and protected by the State (Ho Thi Thu An (2011), 'A mechanism to protect the accuser', *Journal of Legislative Studies*, No. 197). Denouncing corruption reflects the negative and unstable activities of the state apparatus, as well as violations of public officials, servants or any individual or organization. It is also an important source of information for State agencies to enhance the effectiveness of anti-corruption efforts. In order to encourage brave individuals to denounce corruption, a mechanism for rewarding denouncers has been build by the law system. Accordingly, Article 68 of the 2018 Anti-Corruption Law stipulates: *"Anti-corruption informers shall be rewarded as prescribed by law"*. However, at present, even though it has just been issued, the regulations on rewarding denouncers stipulated in the 2018 Anti-Corruption Law and the 2018 Law on Denunciation exists a number of loopholes. These loopholes are the main reasons leading to an increase corruption, not a decrease.

2. Inadequacies in legal regulations on reward for people accusing acts of corruption

In order to encourage individuals to denounce corruption correctly, thereby providing information for competent state agencies to detect and handle corrupt acts, the reward regime is one of the very important factors. Unlike a complaint, a denunciation of an individual does not always stem from the fact that his or her rights and interests are violated. Denunciations may stem from individual indignation for harmful activities which affect the interests of other individuals or organizations or the interests of society. Since the rights of the individual are not directly violated, they may or may not conduct the denunciation.

In this case, there should be an incentive mechanism for individuals to make denunciations in accordance with the law. With that mindset, if the State has an appropriate reward regime, it would be a great motivation to promote the denouncement of corrupt acts in a positive and effective way. Conversely, if the reward regime has many shortcomings, it will not encourage brave individuals to denounce corruption. Currently, some researchers argue that rewarding can lead to false accusations to receive incentives (Heyes Anthony - Sandeep Kapur (2008), 'An Economic Model of WhistleBlower Policy' *Journal of Law, Economics and Organization*, No. 25) However, this is not worrisome. According to the provisions of law, the denouncer will be responsible for the denunciation content and has to compensate for damage caused by his/ her intentionally false denunciation. Therefore, if a person makes a false accusation, he or she cannot be rewarded, but on the contrary, be fined and/or has to bear adverse legal consequences.

Thus, it is necessary to reward the right whistleblower. Currently, however, the reward regulations for the people who report corruption are still quite deficient. Specifically:

2.1. The regulations on rewarding people who denounce corruption behavior contain many unclear qualitative criteria.

Previously, Article 67 of the 2005 Anti-Corruption Law (amended and supplemented in 2007 and 2012) stipulates that: *"if whistleblowers are honest and active in collaborating with competent agencies, organizations and individuals In the detection, prevention and handling of corrupt acts, material and spiritual rewards shall be rewarded according to law provisions"*. In comparison with the 2011 Law on Denunciation, the point e of clause 1 only briefly regulates *"Denunciators are rewarded in accordance with the law"*. Thus, both the 2005 Anti-Corruption Law (amended and supplemented in 2007 and 2012) and the 2011 Law on Denunciations do not specify the form of reward and reward for the denouncers. To clarify this issue, the Government issued Decree No. 76/2012/ND-CP dated October 3, 2012, detailing the implementation of some articles of the Law on Denunciation.

Article 20 of Decree No. 76/2012/ND-CP stipulates that whistleblowers in general and people denouncing corruption acts, in particular, will be rewarded in the following forms: Bravery Order; Certificate of Merit of the Prime Minister; Certificate of merit of the ministerial, branch, provincial or central mass organization-level and Certificates of merit. Accordingly, those who denounce corruption acts want to receive the Bravery Order must satisfy the criteria “*without being afraid to sacrifice their lives, their own spirit, physical benefits and their relatives, they have the courage to denounce, actively collaborate with the competent agencies, organizations and individuals in detection, prevention and handling of violations of the law causing particularly serious consequences*”. Similarly, the accuser of corruption who wants to receive the Certificate of Merit of the Prime Minister must satisfy the criteria “*has the courage to denounce, actively collaborates with the competent agencies, organizations and individuals in detection, prevention and handling of violations of the law causing very serious consequences*”. People who denounce corruption and want to be awarded Certificate of merit of the ministerial, provincial or central mass organization-level must satisfy the conditions of “*denounced, actively collaborated with the competent agencies, organizations and individuals in detection, prevention and handling of violations of the law causing serious consequences*”. Finally, the Certificate of Merit is awarded to those who denounce corruption acts that meet the conditions “*having outstanding achievements in the denunciation, detection and prevention of the violations of law recognized by agencies, grassroots units or more*” or “*achievements having the effect of encouraging education, as an ideal for people within the units of grassroots-level or higher*”.²

Thus, according to Decree No. 76/2012/ND-CP, the *serious consequences* of corrupt behavior will be used as a basis for deciding the forms of commendation as a Bravery Order; Certificate of Merit of the Prime Minister; Certificate of merit of the ministerial, provincial or associations at the central level. However, in Decree No. 76/2012/ND-CP, there is not any regulation to provide a basis for determining the consequences of corrupt behavior is *serious, very serious* or *particularly serious*. Therefore, when there is a need to assess the consequences caused to decide the form of reward, the competent person will not have a specific basis or criteria to determine the appropriate form of reward. Even with this rule, it can be seen that, in many cases, competent people will also be anxious when making their rewarding decisions. It is difficult to use these “qualitative” criteria to decide the form of reward for those who denounce corrupt acts.

In addition, the “qualitative” criterion is also presented in the regulations on rewarding of Certificate of Merit. Accordingly, the accuser of corrupt acts who want to receive the Certificate of Merit must “*having outstanding achievements in the denunciation, detection and prevention for the violations of law recognized by agencies, grassroots units or more*” or “*achievements having the effect of encouraging education, as an ideal for people within the units of grassroots-level or higher*”. The criterion of “*having outstanding achievements*” or

² Article 21 of Decree No. 76/2012/ND-CP.

“achievements having the effect of encouraging education” is not quantitative one and not clear enough.

These discretionary regulations did not encourage individuals to actively denounce corrupt behavior. When denouncing corrupt acts, the denouncers have to denunciations and coordinate with the competent agencies to settle denunciations in order to provide relevant documents and evidence. These activities are costly in terms of time, money, and effort of those who denounce corruption and more importantly, denouncers can also face threats, revenge and repression.

As mentioned before, the subject of corruption is the person with the position and authority. Therefore, denouncing corrupt acts is the denunciation of people with positions and powers (Cao Vu Minh (2016), ‘Denouncing corrupt behavior - Looking at the correlation between the Law on Denunciation and the Anti-Corruption Law’, *Internal Affairs Magazine*, No. 31). When there are positions and powers, those are very likely to use their power to threaten, retaliate and reprimand those who denounce corruption (Nguyen Thang Loi (2012), “Law on protection of denunciators and some recommendations”, *Democratic and Law Review*, No. 11). Overcoming fear, unafraid of being threatened, retaliated, repudiated, individuals bravely denounced corruption. However, when denouncing properly, they are not sure to be rewarded if their denunciation of corrupt behavior does not meet the standards of reward prescribed by law. This is also one of the reasons that the most people do not care about denouncing corruption.

Currently, the 2018 Law on Denunciation has taken legal effect and replaced the 2011 Law on Denunciation. On that basis, the Government issued Decree No. 31/2019/ND-CP dated 10 April 2019 to replace Decree 76/2012/ND-CP. Thus, the qualitative criteria for rewarding denouncers of corruption are also stipulated in Decree No. 76/2012/ND-CP. However, other shortcomings arise that Decree No. 31/2019/ND-CP does not mention the issue of rewarding people who denounce corruption. In comparison with the 2018 Law on Denunciation, this law only makes brief provisions *“Denounces that fully and truthfully cooperate with competent organizations and individuals in discovering, preventing and taking actions against violations against the law shall be provided rewards according to the law”* (Article 62). *“According to the law”* first and foremost is to comply with the 2003 Law on Emulation and Commendation (amended and supplemented in 2005 and 2013) and Decree No. 91/2017/ND-CP dated 31/7/2017 detailing the implementation of some articles of the Law on Emulation and Commendation.

Pursuant to the 2003 Law on Emulation and Commendation (amended and supplemented in 2005 and 2013), individuals may be rewarded in forms such as Medals (Article 33); Medals in military (Article 52); State honorary title (Article 58); “Ho Chi Minh Prize” or “State Prize” (Article 66); Diplomas of Merit (Article 70); Certificate of merit (Article 74). However, individuals who denounce corruption are not eligible for these kinds of reward.

According to legal regulations, there are many kinds of Medals such as “Determined-to-Win-Military-Flag Medal”; “For National Security Medal”; “Glorious Fighter Medal” first, second, and third classes; “Friendship Medal”. In particular, “Determined-to-Win Military Flag Medal”, “For National Security Medal”, “Glorious Fighter Medal” is awarded to officers, non-commissioned officers, professional soldiers, soldiers, civil servants, employees and defense workers working in agencies and units of the People’s Army or the People’s Police have a time of dedication of 10 years or more.³ The “Friendship Medal” is awarded to foreigners who have contributed greatly to building, strengthening and developing good and comprehensive friendship and cooperation between Vietnam and other countries and organizations.⁴ People who denounce corruption acts may not be officers, non-commissioned officers, professional soldiers, soldiers, civil servants, public employees and defense workers working in agencies or units of the People’s Army or People’s Police with more than 10 years of devotion and may not also be foreigners who contribute to building, strengthening and developing friendly relations between Vietnam and other countries and water organizations. Therefore, they are not eligible to receive the above Medals.

State honorable titles include such categories as “People’s Teacher”, “Excellent Teacher”; “People’s physician”, “Excellent physician”; “People’s Artist”, “Excellent Artist”; “People’s artisans” and “Excellent Artisans” are awarded to individuals with outstanding professional activities. The accuser of corrupt acts does not perform excellent professional, professional, and professional activities, then they are not the object of these awards. Similarly, “Ho Chi Minh Prize” and “State Prize” are titles awarded to the authors of one or more outstanding works. The accuser of corrupt behavior is not an author or excellent work, so it will never be awarded “Ho Chi Minh Prize” or “State Prize”. Thus, the accuser of corrupt acts can only be rewarded in the following forms: Orders, Diplomas of Merit, Certificate of Merit. These types of awards seem to be the same as those in Decree No. 76/2012/ND-CP. Whether the form of reward cited by the 2018 Law on Denunciation to the 2003 Law on Emulation and Commendation (amended and supplemented in 2005 and 2013) is the continuation of the provisions in Decree No. 76/2012/ND -CP although Decree No. 76/2012/ND-CP has expired? In order to answer this question, we must consider the criteria to receive the Orders, Diplomas of Merit, Certificate of Merit in the 2003 Law on Emulation and Commendation (amended and supplemented in 2005 and 2013) and Decree No. 91/2017/ND-CP.

First of all, according to the 2003 Law on Emulation and Commendation (amended and supplemented in 2005 and 2013), the Order includes the following categories: “Gold Star Order”; “Ho Chi Minh Order”; “Independence Order” first, second, and third classes; “Military Exploit Order” first, second, and third classes; “Labor Order” first, second, and third classes;

³ Article 54, 55, 56 of the 2003 Law on Emulation and Commendation (amended and supplemented in 2005 and 2013).

⁴ Articles 57 of the 2003 Law on Emulation and Commendation (amended and supplemented in 2005 and 2013).

“Fatherland Defense Order” first, second, and third classes; “Feat Order” first, second, and third classes; “Great National Unity Order”; “Bravery Order”; “Friendship Order”.

In these above Orders, the “Gold Star Order” and “Ho Chi Minh Order” are the two noblest Orders of the Vietnamese state, only for individuals with “*great merit, especially excellent in the revolutionary career of the Party and the nation*” or “*great merits, many outstanding achievements or outstanding achievements for the country in one of the fields of politics, economy, society, literature, art, science, technology, and nation room, security, diplomacy or other fields*”.⁵ The denunciation of corrupt acts, even in accordance with the law, is not defined as “great merit”, so it is impossible to receive these types of Orders. “Military Exploit Order”, “Feat Order” and “Fatherland Defense Order” are given to individuals of the people’s armed forces. “Friendship Order” is awarded to foreigners. “Great National Unity Order” is awarded to members of the Presidium of the Vietnam Fatherland Front Central Committee for at least 10 years or at least 15 years continuously holding the position of the head of the city organization members in the Front system from provincial level upwards. Therefore, “Military Exploit Order”, “Feat Order” and “Fatherland Defense Order”, “Great National Unity Order”, “Friendship Order” are not the types of orders that can be donated to people who denounce corruption.

According to the law, the lowest-ranking of “Independence Order” is third-class, which is awarded to individuals “*there is a long-term dedicated process at agencies, organizations, unions and has made excellent achievements with influence scope and set a national example in one of the political, economic, social, literary, artistic, scientific, technological, diplomatic or other fields*”.⁶ The accuser of corrupt acts cannot satisfy the condition of “long-term dedication process at agencies, organizations, unions”, so it will not be given a third-class “Independence Order”. Once a third-class “Independence Order” is not given, the person who denounces corruption cannot be awarded a second or first-class “Independence Order”. Similarly, the lowest-ranked “Labor Order” is third-class awarded to individuals who have been awarded the Certificate of Merit of the Prime Minister and continue to make excellent achievements in 5 consecutive years. The Certificate of Merit of the Prime Minister is a prerequisite for being awarded a third-class “Labor Order”. If the accuser of corruption has not been awarded the Certificate of Merit of the Prime Minister, he cannot be awarded a third-class “Labor Order”. However, in a case of the accusation, if the accuser is given the Certificate of Merit of the Prime Minister, they do not simultaneously receive the third-class “Labor Order”.

From the above analysis, it can be seen that the accuser of corrupt acts cannot be the rewarded person in the form of “Gold Star Order”; “Ho Chi Minh Order”; “Independence Order”; “Military Exploit Order”; “Labor Order”; “Fatherland Defense Order”; “Feat Order”; “Great

⁵ Article 34, 35 of the 2003 Law on Emulation and Commendation (amended and supplemented in 2005 and 2013).

⁶ Article 57 of the 2003 Law on Emulation and Commendation (amended and supplemented in 2005 and 2013).

National Unity Order”; “Friendship Order”. So, can the accuser of corruption be given the “Bravery Order”?

According to Article 50 of the 2003 Law on Emulation and Commendation (amended and supplemented in 2005 and 2013), “Bravery Order” is awarded to individuals has the courage to save people and save the State’s property, people’s property”. In turn, Article 32 of Decree No. 91/2017/ND-CP explains more clearly “*there is a brave action to save the people and save the property of the State, the property of the people is to save people and save properties when meeting a fire, natural disasters, accidents and disasters; bravely volunteering into dangerous places caused by epidemics to protect people’s lives...*”. The denunciation of corruption is not “*save people and save the property of the State, the property of the people is to save people and save properties when meeting a fire, natural disasters, accidents and disasters*”, is not “*bravely volunteering into dangerous places caused by epidemics to protect people’s lives*”. Thus, it is also difficult for the accuser of corruption to be rewarded in the form of “Bravery Order”. In reality, since the Decree No. 91/2017/ND-CP came into effect, no individuals have been awarded a “Bravery Order” for denouncing corruption (Central Emulation and Reward Council (2019), *Summary report of emulation and commendation work in 2018, implementing tasks in 2019*, on January 9, p. 8).

Secondly, for Diplomas of Merit, the current law provides for two types: Certificate of Merit of the Prime Minister;⁷ Certificate of merit of the ministerial, branch, provincial or central mass organization-level.⁸ Accordingly, the Certificate of Merit of the Prime Minister is awarded to individuals with one of the following criteria: i. *has outstanding achievements and is considered in the emulation movement*; ii. *has been awarded the Certificate of merit of the ministerial, branch, provincial or central mass organization-level and in the next 5 years to successfully complete outstanding tasks*; iii. *set up many achievements or unexpected achievements of influential scope in the ministerial, branch, provincial or central mass organization-level*. Certificate of merit of the ministerial, branch, provincial or central mass organization-level is awarded to individuals with one of the following criteria: i. *have excellent achievements and is considered in the emulation movement*; ii. *set up many achievements, have influence in each field of ministries, branches, provinces and centrally-run cities and central mass organizations*.

The criterion “*is considered in the emulation movement*”⁹ and “*has been awarded the Certificate of merit of the ministerial, branch, provincial or central mass organization-level and in the next 5 years to successfully complete outstanding tasks*” is relatively easy to identify

⁷ Article 71 of the 2003 Law on Emulation and Commendation (amended and supplemented in 2005 and 2013).

⁸ Article 72 of the 2003 Law on Emulation and Commendation (amended and supplemented in 2005 and 2013).

⁹ According to Article 10 of the 2003 Law on Emulation and Commendation (amended and supplemented in 2005, 2013), if they want to be considered in emulation movement, individuals must register to participate in emulation. The accusers of corrupt behavior never perform the registration to participate in emulation, so it is impossible to satisfy the criterion “*is considered in the emulation movement*”.

through specific quantitative criteria. However, the denouncers of corruption cannot satisfy these criteria. Meanwhile, the criteria “*set up many achievements or unexpected achievements of the influential scope of the ministerial, branch, provincial or central mass organization-level*” or “*set up many achievements, have influence in each field of ministries, branches, provinces and centrally-run cities and central mass organizations*” are difficult to determine and depend entirely on the judgment of the commendation competent person. According to statistics of the Government Inspectorate, summarized in 2017 and 2018, the Government Inspectorate has not yet awarded the Certificate of Merit to any individual denouncing corruption.¹⁰ Once the Certificate of merit of the ministerial, branch, provincial or central mass organization-level has not been obtained, the Certificate of Merit of the Prime Minister cannot be awarded.

Thirdly, according to the law, the Certificate of Merit to give to individuals to make regular or unexpected achievements includes a. Certificates of Merit of heads of agencies or units under the ministries, branches, ministerial-level agencies or Government-attached agencies; b. Certificates of Merit of chairmen of Managing Board, general directors or directors of State Enterprises; c. Certificates of Merit of heads of professional agencies or the equivalent under provincial-level People’s Committees. d. Certificates of Merit of Chairman of district-level People’s Committees; đ. Certificates of Merit of Chairman of commune-level People’s Committees.

Certificate of Merit is given when an individual meets one of the following criteria: i. *have achievements to be considered in the emulation movement*; ii. *making extraordinary achievements*; iii. *well fulfill the duties and obligations of citizens; having good moral qualities, solidarity, exemplary observance of guidelines and policies of the Party and laws of the State*. Thus, it is most likely that the accuser of corruption may be rewarded in the form of a certificate of merit because the criteria for receiving a Certificate of Merit are quite simple. Comparing to the 2011 Law on Denunciation, the 2018 Law on Denunciation represents a step backward in the regulations on rewarding denouncers of corruption.

2.2. The level of material reward is too low, there is no effect to encourage brave individuals to denounce corruption.

In principle, when denouncing correctly about corruption, the accuser is spiritually praised and rewarded materially. The level of material rewards also receives considerable attention from the accuser because, as analyzed, the accusers of corruption must spend a lot of time, effort and money as well as face the danger, so the bonus amount can be viewed as an incentive for brave accusers to denounce corruption. According to a sociological survey of 2000 individuals

¹⁰ Government Inspectorate, Report No. 2966/BC-TTCP summary the emulation and commendation work in 2017, the direction of the term of work in 2018, November 28, 2017, p. 7 - 8; Summary report of emulation and commendation work in 2018 and implementation of tasks in 2019, on 18/3/2019, p. 6 - 8.

in Ho Chi Minh City, Dong Nai and Binh Duong, when asked, “*Between the issue of merit and material reward, you are interested in What is the factor when denouncing corrupt behavior*”, 52% (1040 individuals) have the answer “*interested in material reward*”, 6% (120 individuals) have the answer “*concerned about the issue of spiritual merit*”, 42% (840 individuals) answered that “*both the spiritual and material rewards*” are concerned. Thus, the results show that the majority of surveyed people are very interested in material rewards. This is understandable because money is very important in life.

Previously, according to Decree No. 76/2012/ND-CP, the accuser could be awarded a Bravery Order; Certificate of Merit of the Prime Minister; Certificate of merit of the ministerial, branch, provincial or central mass organization-level and Certificates of merit. According to Decree No. 91/2017/ND-CP, when being awarded a Bravery Order, the accuser is rewarded 4.5 times the base salary.¹¹ Upon receiving the Certificate of Merit of the Prime Minister, the accuser received a bonus of 3.5 times the base salary.¹² Upon receiving the Certificate of merit of the ministerial, branch, provincial or central mass organization-level, the denouncers are rewarded with 1.0 times the base salary.¹³ Similarly, when receiving the Certificate of Merit, the accuser receives a bonus of 0.3 times the base salary.¹⁴ However, if it is a Certificate of Merit of the Chairman of the commune-level People’s Committee, the accuser will only be rewarded 0.15 times the base salary.¹⁵

Particularly in the field of anti-corruption, in addition to the general bonus, individuals who have outstanding achievements in denouncing corruption acts are also rewarded under the Circular No. 01/2015/TTLT-TTCP-BNV dated March 16, 2015, of the Government Inspector General and the Minister of Home Affairs. According to Article 6 of the Circular No. 01/2015/TTLT-TTCP-BNV, individuals denouncing corruption acts are rewarded and also rewarded from the Reward Fund for anti-corruption by the Government Inspectorate with the following bonus levels:

“Bravery Order: 60 times of basic salary applicable to cadres, civil servants and public employees (hereinafter referred to as basic salary);

Certificate of Merit of the Prime Minister: 40 times the base salary;

Certificate of merit of the ministerial, branch, provincial or central mass organization-level: 20 times of basic salary;

¹¹ Point h, Clause 1, Article 70 of Decree No. 91/2017/ND-CP.

¹² Point a, Clause 1, Article 73 of Decree No. 91/2017/ND-CP.

¹³ Point b, Clause 1, Article 73 of Decree No. 91/2017/ND-CP.

¹⁴ Point c, Clause 1, Article 73 of Decree No. 91/2017/ND-CP.

¹⁵ Point d, Clause 1, Article 73 of Decree No. 91/2017/ND-CP.

In case of recovering the State's money and property valued at more than 600 times the base salary, the excess prize specified at Points a, b and c, Clause 2 of this Article shall be considered but must not exceed 10% the amount and value of assets recovered and must not exceed 3,000 times the base salary". Thus, the accuser of corruption can be rewarded up to 3.4 billion Vietnam dong.

Unfortunately, this provision is difficult to apply in practice by the accused of corruption if it wants to reward according to Circular No. 01/2015/TTLT-TTCP-BNV, they must be determined as "*having excellent achievements*". Meanwhile, the process of assessing how "*having excellent achievements*" is extremely complicated. According to statistics of the Government Inspectorate from 2015 to 2017, only 6 people were awarded according to the Circular No. 01/2015/TTLT-TTCP-BNV with the highest bonus level of 20 times the base salary. Since then, no individual has been rewarded with 3,000 times the basic salary (equivalent to 3.4 billion).¹⁶

When the 2018 Law on Denunciation takes effect, the accusers of corrupt acts can hardly be rewarded with the form of Bravery Order, Certificate of Merit of the Prime Minister, Certificate of merit of the ministerial, branch, provincial or central mass organization-level. Perhaps, the person who accused of corruption could only receive a certificate of merit. However, the Circular No. 01/2015/TTLT-TTCP-BNV does not stipulate the bonus level when the accused of corrupt acts is awarded a Certificate of Merit.¹⁷ Thus, when receiving a certificate of merit, the person who denounced corruption is only rewarded 0.3 times of the basic salary or 0.15 times of the base salary (for Certificate of Merit of the Chairman of the commune People's Committee). Based on Decree No. 38/2019/ND-CP dated 9 May 2019, from July 1, 2019, the basic salary is VND 1,490,000/ month. Thus, the accuser of corrupt acts can only receive VND 447,000 or VND 223,500 in bonuses. The amount of bonuses that people accusing of corruption acts receive is too small compared to the efforts and the dangers they face. With a low level of material reward as current regulations, it is difficult to encourage individuals to actively participate in denouncing corruption. This is understandable because once the accusers' rights are not commensurate with the dangers and losses they may encounter, they never choose to denounce corruption.

3. Recommendations for improvement

As analyzed, the regulations on rewarding people who denounce corruption are clearly inadequate. This leads to a situation of discouraging people from actively denouncing

¹⁶ Government Inspectorate Report No. 337/BC - TTCP on December 30, 2018, summarizing the 7-year implementation of the Law on Complaints and Law on Denunciations, 2018.

¹⁷ Circular No. 01/2015/TTLT-TTCP-BNV only stipulates the level of bonus when the denunciator of corruption is awarded a Bravery Order, Certificate of Merit of the Prime Minister, Certificate of merit of the ministerial, branch, provincial or central mass organization-level. Circular No. 01/2015/TTLT-TTCP-BNV does not stipulate the bonus level when the accused of corruption acts is awarded a Certificate of Merit.

corruption. In addition, the regime of rewards is still limited, making the denouncers not accuse with their identified names to be able to receive rewards from the State but choose to denounce anonymously and impersonate to denounce. Therefore, revising the rules on rewarding denouncers of corruption is an urgent requirement. Accordingly, the provisions of the law to reward denouncers of corruption must be amended as follows:

First, the law should expand the scope of subjects to be rewarded when denouncing corruption acts.

Corruption has a very high hidden nature. People who commit acts of corruption are those with positions and powers, so hiding is often very sophisticated and it is difficult to detect (Jeffrey V. Butler - Danila Serra - Giancarlo Spagnolo (2020), 'Motivating whistleblowers', *Management Science*, Vol. 66, issue 2). Therefore, in other violations, the denunciation may be simpler, much easier than denouncing corruption. Therefore, the policy should clarify that any individual participating in the accusation to help the competent authorities to detect and handle corruption is also rewarded. When participating in the denunciation of corrupt behavior, the accuser is not only costly in time, effort, and money, but also, in particular, can face the dangers of revenge and repression accused so all the accusers' contributions are worthy of recognition. The denunciation of corrupt behavior, not only helps state agencies to detect timely handling of violations but also shows the positive concern of the denouncers to the management of state agencies. Therefore, denouncing corruption behavior should be respected and honored by state reward.

Secondly, the policy-makers need to regulate specifically forms of reward for denounces. Currently, according to the 2018 Law on Denunciation, it is difficult to reward the accuser can only receive the Certificate of Merit by the titles of Bravery Order, Certificate of Merit of the Prime Minister, Certificate of merit of the ministerial, branch, provincial or central mass organization-level is stipulated in the 2003 Law on Emulation and Commendation (amended and supplemented in 2005, 2013), which is difficult to apply to those who denounce corruption. However, the Certificate of Merit does not encourage brave individuals to report acts of corruption at a serious, very serious or particularly serious level. In theory, the rewards should match the seriousness of corrupt acts denounced. Therefore, the law should specify that the accuser of corrupt acts can be awarded a Bravery Order, Certificate of Merit by the Prime Minister, Certificate of merit of the ministerial, branch, provincial or central mass organization-level, Certificate of Merit. In this case, the Government can revise Decree No. 91/2017/ND-CP by specifying criteria and conditions for the accuser to be rewarded with the form of Bravery Order, Certificate of Merit of the Prime Minister, Certificate of merit of the ministerial, branch, provincial or central mass organization-level, Certificate of Merit. Thus, the accusers of corrupt acts feel that their accusation has been recognized and honored by the state.



Finally, it is necessary to set a higher amount of monetary rewards for individuals who are rewarded when denouncing corruption acts. Specifically, we could learn policies in Korean law on the level of reward for those who denounce corruption. According to the Korean Anti-Corruption Law, the accusers of corruption may receive between 2% - 10% or up to 200 million Won (160,000 USD) of worth collected from the decounced corrupt case (Mai Văn Duan (2015), 'Experience of Korean accuser protection', *Journal of Inspection*, No. 10). According to American law, rewards were set to equal 10-30% of the monetary sanctions collected, and an Investor Protection Fund was established to fund those rewards. In 2013, the Securities and Exchange Commission paid \$14 million to a whistleblower for reporting a Chicago-based scheme to defraud foreign investors seeking U.S. residency (Yehonatan Givati (2016), 'A Theory of Whistleblower Rewards', *Journal of Legal Studies*, No. 45). In other words, although the denunciation does not contribute very much to the detection of corrupt behavior, the accuser will still be rewarded based on the amount of money/monetary benefit collected. Increasing the level of bonuses for people who denounce corruption is also an effective solution to fight and prevent corruption in Vietnam today.



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