



## LEGAL PROVISIONS ON ADMINISTRATIVE PENALTIES FOR JUVENILE OFFENDERS IN ROAD TRAFFIC VIOLATIONS

**Pham Thi Hong Phan<sup>i</sup>**

Lawyer Trainee,  
Can Tho City, Vietnam

### **Abstract:**

This study examines the current legal provisions governing administrative penalties imposed on juvenile offenders in the context of road traffic violations in Vietnam. With rising incidents of minors violating traffic laws, there is an urgent need for a clear, balanced legal framework that protects minors' rights while ensuring effective law enforcement. The research focuses on analyzing key legal documents such as the Law on Handling Administrative Violations (2012) and the amended Law on Road Traffic, highlighting their roles in regulating juvenile sanctions. Using comparative, analytical, and synthetic methods, the study evaluates the strengths and limitations of existing sanctions and enforcement practices. It identifies challenges arising from fragmented regulations and the sensitive nature of penalizing minors, whose physical and mental development requires differentiated treatment. The study emphasizes the importance of combining punishment with education and prevention to reduce juvenile traffic violations effectively. It also proposes recommendations to improve the legal framework, aiming to enhance compliance, ensure social safety, and uphold the rights of minors. This research contributes both theoretically and practically to developing a rule-of-law state in Vietnam, addressing a critical gap in juvenile traffic law enforcement.

**Keywords:** juvenile offenders, administrative penalties, road traffic violations, legal provisions, Vietnam

### **1. Introduction**

#### **1.1. Rationale for the Study**

In general, the legal system—particularly in the area of administrative sanctions—has been increasingly supplemented and improved, with clearer and stricter regulations on the application of administrative penalties to minors in the field of road traffic. These legal developments contribute to protecting the lawful rights and interests of minors,

---

<sup>i</sup> Correspondence: email [phanb1802567@student.ctu.edu.vn](mailto:phanb1802567@student.ctu.edu.vn)

while also enhancing the effectiveness of prevention, control, and public education regarding road traffic safety violations committed by juveniles (minors).

The Law on Handling Administrative Violations, passed by the Vietnamese National Assembly on June 20, 2012, and effective from July 1, 2013, together with the 2008 Law on Road Traffic, as amended by Decree No. 100/2019/ND-CP, and other relevant decrees and circulars, have played a crucial role in the enforcement of the law. These legal instruments aim to safeguard the legitimate rights and interests of minors within the realm of road traffic safety. However, the legal framework remains fragmented and dispersed across various laws and legal documents, making it difficult to study, apply, and implement consistently.

This is especially challenging when the subjects of these sanctions are minors, who, due to their physical and mental characteristics, require a differentiated legal approach. The application of administrative penalties to minors in general—and particularly to those who commit road traffic violations—is a complex and sensitive issue. In reality, the number of minors violating the law is increasing significantly, with the situation becoming increasingly complicated, especially in the area of road traffic. This trend poses a serious threat to society and gives rise to many new issues that current legal provisions may not yet adequately address.

Therefore, there is an urgent need for a clear and appropriate legal foundation to ensure effective application. This will contribute to prevention, deterrence, and legal education targeted at both general violators and, more specifically, juveniles who commit road traffic violations. Such an approach is not only significant from a theoretical perspective but also has practical importance in the current period of building a rule-of-law state in Vietnam. It ensures that the enforcement of administrative penalties against juvenile offenders in the field of traffic safety is both effective and balanced—avoiding the abuse of coercive measures that could infringe upon the rights and interests of minors, while also ensuring proper management and education of this vulnerable group. Based on the reasons outlined above, the author has chosen the topic: "*Legal Provisions on Administrative Penalties for Juvenile Offenders in Road Traffic Violations*." The study, based on existing legal regulations, aims to explore the specific provisions related to administrative sanctions imposed on minors in the road traffic sector and proposes appropriate solutions to help reduce the incidence of road traffic violations committed by minors.

## **1.2. The Purpose of the Study**

The objective of this thesis is to clarify the legal provisions and the current state of implementation regarding administrative sanctions against minors in the field of road traffic. On that basis, the study analyzes the strengths and limitations of the sanctioning measures applied to minors, thereby proposing perspectives and solutions to improve the legal regulations and enhance the effectiveness of law enforcement concerning administrative penalties imposed on minors in road traffic violations.

### **1.3. The Scope of the Study**

This thesis primarily focuses on issues related to minors who violate the law in the field of road traffic, particularly the forms of administrative sanctions applied to this special group. The aim is to provide directions and solutions to prevent and minimize the number of minors committing road traffic violations. In addition, the study compares current legal provisions with previous regulations concerning administrative violations committed by minors and proposes recommendations for improving the legal framework.

## **2. Literature Review**

### **2.1. Theoretical Basis for Administrative Sanctions**

#### **2.1.1. Concept of Administrative Violations and Administrative Sanctions**

##### **2.1.1.1. Administrative Violations**

Administrative violations were first defined in the Ordinance on Handling Administrative Violations (1989) as acts by individuals or organizations that intentionally or unintentionally violate state management rules, which are not criminal offenses but are subject to administrative sanctions. Later legal documents focus more on the handling of such violations rather than defining the concept itself. The 2012 Law on Handling Administrative Violations defines an administrative violation as a wrongful act by individuals or organizations that breaches state management laws and must be sanctioned administratively. Key features include:

- Administrative violations are acts or omissions by individuals or organizations.
- These acts show fault (intentional or negligent).
- Violators must have legal capacity.
- Violations are unlawful and subject to appropriate coercive sanctions.

##### **2.1.1.2. Administrative Sanctions**

Administrative sanctions refer to legal measures applied by competent authorities to individuals or organizations violating administrative laws. The 2012 law defines them as sanctions and remedial measures imposed on violators following legal procedures. These sanctions lead to legal consequences, requiring violators to bear adverse material and moral effects in proportion to the violation's nature and severity. Thus, “administrative sanctions” cover both the legal framework regulating enforcement and the actual process of sanctioning violations.

##### **2.1.2. Concept of Minors**

The term “minor” varies by legal context but generally refers to persons under 18 years old. According to the 2015 Civil Code and the 2019 Labor Code, minors are individuals under 18 who have legal capacity to exercise rights and obligations with protection under the law. It is important to distinguish minors from children:

- Children are defined as under 16 years old (2016 Child Law).

- Criminal responsibility starts at 16 years old (2015 Criminal Code).
- The UN Convention on the Rights of the Child defines children as those under 18, except where national laws set earlier ages for adulthood.

Vietnamese law (2012 Law on Handling Administrative Violations) specifies that persons aged 14 to under 16 are subject to administrative sanctions only for intentional violations, while those 16 and above are liable for all administrative violations. Those aged 14 to under 16 can also be held criminally responsible for serious intentional crimes. In summary, minors are individuals under 18 who have not fully developed physically or mentally and thus require special protection by family, society, and the state. This principle is reflected consistently in Vietnam's Constitution and various laws, which define minors as under 18 and provide distinct legal regimes for them in different fields.

### **2.1.3. Concept of Administrative Violations and Sanctions in Road Traffic**

#### **2.1.3.1. Concept of Administrative Violations in Road Traffic**

Administrative violations in road traffic refer to acts by individuals or organizations that intentionally or unintentionally breach state regulations on road traffic management, which are not criminal offenses but require administrative penalties. Current laws (e.g., Decree 100/2019) define the scope of road traffic to include tractors, cars, motorcycles, electric bikes, and motorized bicycles, but do not explicitly define "administrative violations" in this field. However, earlier legal documents (e.g., Decree 34/2010) define such violations as actions against road traffic laws that harm social order and require sanctions.

Key legal characteristics of these violations include:

- Infringement of state management rules on road traffic,
- Presence of fault,
- Administrative illegality,
- Subject to administrative sanctions.

#### **2.1.3.2. Concept of Administrative Sanctions in Road Traffic**

Administrative sanctions are penalties applied by authorized state agencies against violations of road traffic regulations. They are essential tools to enforce administrative law and protect public order and safety on roads. For minors, administrative sanctions apply to intentional or unintentional violations of traffic rules related to vehicle operation, infrastructure, transportation, and other road traffic regulations that are not criminal offenses but require administrative punishment.

## **2.2. Characteristics of Minors and Administrative Sanctions in Road Traffic**

### **2.2.1. Characteristics of Minors**

Understanding minors' characteristics is crucial for law enforcement when applying administrative sanctions to them.

- **Emotional state:** Minors are still developing physically and mentally, often having poor emotional control, leading to impulsive and sometimes aggressive behaviors.

Their reactions to punishment can include feelings of shame, hopelessness, or recklessness.

- **Legal awareness:** Minors generally have a limited and sometimes distorted understanding of laws, often disregarding legal rules or viewing them as formalities, leading to indifferent attitudes toward legal compliance.
- **Need for independence:** Minors naturally seek independence and self-identity, which can make them vulnerable to peer pressure or influence from adults who may encourage illegal behaviors. Excessive need for independence can manifest as stubbornness, defiance, or risky behaviors.
- **Desire to explore new things:** Minors have a strong curiosity to learn and try new experiences. Without proper guidance and supervision, this can lead to experimenting with inappropriate or illegal acts due to a lack of self-control and poor judgment.

## **2.2.2. Characteristics of Administrative Violations in the Field of Road Traffic, Sanctions, and Classification of Administrative Violations in Road Traffic**

### **2.2.2.1. Characteristics of Administrative Violations in Road Traffic**

Administrative violations in road traffic have the general characteristics of administrative violations, but also possess the following specific features:

- The subjects of administrative violations in road traffic are social relations arising in the field of road traffic protected by administrative legal regulations.
- The structure of administrative violations in road traffic usually uses a direct structure. The identification of violations in road traffic is mainly regulated in specialized documents on road traffic, not by the referral structure as in some other fields — where violation determination must rely on other specialized legal documents, such as environmental protection.
- The nature and severity of the consequences of administrative violations in road traffic primarily depend on the actual damage and the behavior causing or potentially causing harm to the lives, health, and property of others and the violator themselves.
- Road traffic is composed of many components, leading to a wide and diverse range of activities to protect road traffic order and safety, including protection of traffic rules, vehicles participating in road traffic, road traffic infrastructure, vehicle operators, and road transportation regulations.
- Due to the diversity and richness of activities protecting road traffic order and safety, administrative violations in this field are broadly and diversely regulated, corresponding to the contents protected by road traffic laws. This is reflected in the 2008 Road Traffic Law and several decrees, such as Decree No. 34/2010/ND-CP (April 2, 2010), Decree No. 33/2011/ND-CP amending Decree 34/2010, Decree No. 71/2012/ND-CP amending Decree 34/2010, Decree No. 171/2013/ND-CP replacing Decrees 34/2010 and 71/2012, and the current Decree No. 100/2019/ND-CP on sanctions for administrative violations in road and railway traffic.

- Because administrative violations in road traffic can occur anywhere where people participate in road traffic, the location of violations is mobile and not fixed. Unlike other administrative violations often linked to fixed locations (construction, environment, tax, IT), violations in road traffic happen at any place where road traffic occurs.
- The mobile and unfixed nature of violations' locations makes detection and verification difficult, especially requiring many support tools for sanctioning. This mobility also complicates supervision activities by authorized persons, leading to possible negative issues in administrative sanction enforcement in road traffic.

#### **2.2.2.2. Characteristics of Sanctioning Administrative Violations in Road Traffic**

1. Sanctioning can only proceed after an administrative violation occurs. The basis for sanctioning is the existence of an administrative violation. Authorized bodies must verify the violation before sanctioning.
2. Sanctioning is a legal enforcement activity carried out by authorized individuals following prescribed procedures. The sanctioning decision must be legally valid. Procedures follow administrative law (administrative procedures), which are simpler than criminal or disciplinary procedures.
3. Sanctioning is a state coercive activity conducted by authorized subjects, guaranteed by state power. The relationship in sanctioning is a legal one between the State and the violating organizations or individuals. To prevent abuse and protect lawful rights, administrative sanction procedures are regulated and supervised by the State and society.
4. The purpose of sanctioning is to hold the violator accountable and, more importantly, to educate and prevent further violations. Violators must bear appropriate coercive measures corresponding to their violations. In other words, violations are the basis for initiating sanction activities.

Due to the characteristics of road traffic violations, sanctioning can begin anywhere violations occur. Unlike violations in other fields tied to fixed locations, road traffic violations are mobile, making detection and supervision difficult and sometimes leading to challenges in enforcement.

#### **2.2.2.3. Classification of Administrative Violations in Road Traffic**

The classification is regulated in Chapter II of Decree No. 100/2019/ND-CP, which defines six groups of acts considered administrative violations (from Section 1 to Section 6), including:

- Violations of road traffic rules,
- Violations of road traffic infrastructure regulations,
- Violations related to vehicles participating in road traffic,
- Violations related to vehicle operators,
- Violations related to road transportation,
- Other violations related to road traffic.

Specifically:

- **Group 1: Violations of road traffic rules**  
Includes acts specified in Section 1 of Chapter II of Decree 100/2019/ND-CP (Articles 5 to 11), which set mandatory rules for road users to ensure safety for themselves and others.
- **Group 2: Violations of road traffic infrastructure regulations**  
Includes acts in Section 2 (Articles 12 to 15) concerning compliance with standards and safety conditions of road infrastructure as per the Road Traffic Law.
- **Group 3: Violations regarding vehicles participating in road traffic**  
Includes acts in Section 3 (Articles 16 to 20) related to vehicle safety standards and conditions.
- **Group 4: Violations regarding vehicle operators**  
Includes acts in Section 4 (Articles 21 to 22) about the qualifications, age, and health conditions of vehicle operators.
- **Group 5: Violations related to road transportation**  
Includes acts in Section 5 (Articles 23 to 28) concerning safety conditions for people and goods during road transportation.
- **Group 6: Other violations related to road traffic**  
Includes acts in Section 6 (Articles 29 to 32).

## **2.3. Role and Significance of Administrative Sanctions Against Minors in the Field of Road Traffic**

### **2.3.1. Role of Administrative Sanctions Against Minors in the Field of Road Traffic**

Minors have not fully developed awareness, and they tend to be impulsive, curious, eager to explore new things and learn. Due to their incomplete physical and mental development, their thinking is often immature, which can easily lead to misunderstanding, being lured or coerced, or failing to control themselves, resulting in legal violations.

In reality, the rate of minors violating the law in general — and administrative violations in the field of road traffic in particular — is increasing. Moreover, the nature of these violations is becoming more dangerous. Therefore, administrative sanctions in the field of road traffic play a very important role.

The purpose is to educate and help minors correct their mistakes, develop in a healthy manner, and become useful members of society. This spirit is clearly reflected in the 2004 Law on Child Protection, Care, and Education, the Criminal Code, and Clause 1, Article 134 of the 2012 Law on Handling Administrative Violations.

In addition, administrative sanctions serve as an important tool of state management, helping to maintain order and administrative discipline in the socio-economic life of the country. This issue directly affects the daily lives of the people, organizations, and businesses, and is of great concern to the Party, the State, and society as a whole.

### **2.3.2. Significance of Administrative Sanctions Against Minors in the Field of Road Traffic**

1. **Firstly**, administrative sanctions in road traffic for minors contribute to sustainable socio-economic development.
2. **Secondly**, they help ensure public order and social safety.
3. **Thirdly**, such sanctions play an important role in economic and social development and in ensuring national defense and security.

Thus, they contribute significantly to the prevention, deterrence, and strict handling of all administrative violations by minors in the field of road traffic; they enhance the awareness of organizations and individuals about law enforcement and the handling of such violations; ensure order and discipline in social management; protect the interests of the state and the legal rights and interests of minors; and improve the effectiveness and efficiency of state management through law.

### **2.4. Factors Affecting Administrative Sanctions Against Minors in the Field of Road Traffic**

#### **2.4.1. The Level of Legal Development and Administrative Sanctions on Minors in Road Traffic**

The promulgation of legal documents regulating road traffic safety and accident prevention in general — and administrative law for minors in particular — is a foundational and important measure, providing a legal framework for state management of minors participating in road traffic.

According to Article 12 of the 1992 Constitution (amended in 2001), the State manages society by law and constantly strengthens the legal system. Similarly, Article 8 of the 2013 Constitution states that the State is organized and operates based on the Constitution and laws, managing society through them and implementing the principle of democratic centralism. Thus, administrative law on sanctions is an essential tool for the State and society to prevent and combat violations, maintain security, order, and public safety, protect the interests of the State, and the lawful rights and interests of individuals and organizations, strengthen the rule of law, and improve the effectiveness of state management.

To achieve that purpose, many influencing factors are involved — the first and most important being the quality of the legal system on administrative sanctions, as it forms the legal basis for the entire sanctioning process, including for minors in road traffic. The rule of law is both the goal and requirement of legal development and implementation, requiring a complete system of quality legal norms and serious enforcement. If the legal system is poor, then even large investments in resources will not lead to effective law enforcement.



#### **2.4.2. Capacity for Legal Implementation of Administrative Sanctions Against Minors in Road Traffic**

As with the above factor, organizational capacity for legal implementation is an integral part of legal development. In reality, a comprehensive, high-quality legal system is essential, but if these legal norms are not effectively implemented in real life, they remain merely words on paper — not actual law in practice. Legal enforcement involves state agencies organizing social entities to comply with legal norms. These legal provisions are enforced through the state's capacity, becoming tangible factors that influence society according to legal expectations. In this process, strengths and weaknesses in the law are revealed and can be recognized and corrected.

To implement the law effectively, legal education and awareness among civil servants — law enforcers — and citizens — law users — must be improved. Additionally, state agencies at all levels should regularly consolidate and strengthen legal institutions to ensure proper compliance with and enforcement of the law.

#### **2.4.3. Inspection and Supervision of Law Implementation and Administrative Sanctions Against Minors**

Inspection and supervision are indispensable activities to ensure the rule of law. The quality of these activities significantly affects the implementation of the law. Primarily, inspections aim to adjust and correct law enforcement practices, and timely measures must be taken to ensure the law is strictly enforced. Furthermore, inspections help identify legal violations for strict sanctions, ensuring the principle that all violations must be discovered and punished promptly, and everyone is equal before the law.

If inspections and supervision are not conducted regularly and effectively, the role of the law will be diminished. Strict punishment of all legal violations is essential to ensure discipline and uphold the strength of the legal system. A balanced use of education and enforcement in state management is the key to effectively maintaining legal authority.

Hence, law building, enforcement, and inspection activities all have a significant and powerful influence on the implementation of the law.

#### **2.4.4. Legal Awareness of Minors Participating in Road Traffic**

According to statistics, people aged 15 to 35 account for nearly 70% of road traffic violations — such as driving under the influence of alcohol, overloading passengers, not wearing helmets, etc. Many teenagers violate traffic laws by driving motorbikes while underage.

On the streets, it's common to see teenagers speeding, reckless overtaking, lane encroachment, driving in prohibited or wrong directions, causing traffic disruptions; riding vehicles without license plates, driving licenses, not wearing helmets, using umbrellas while driving, running red lights, stopping/parking illegally, honking excessively, or using phones while driving. Some even ride in large groups, carry three or four people per vehicle, and engage in zigzagging or street racing.

Additionally, some minors refuse to obey traffic police instructions, use inappropriate language, or act provocatively toward officers. These behaviors not only endanger the minors themselves but also threaten the safety of other road users.

## **2.5. Overview of Legal Development on Administrative Sanctions Against Minors in Road Traffic Violations**

### **2.5.1. Administrative Sanctions Against Minors:**

- The first regulation appeared in 1977 (Decree 143/CP), focusing on education rather than punishment for minors under 16. Only those from 14 to under 16 could be fined, and parents were held responsible if the child had no personal assets.
- The 1989 Ordinance on administrative violations marked a significant step in formalizing sanctions, including for minors.
- The 1995 Ordinance introduced new non-custodial measures such as education at local level, reform schools, medical treatment centers, and administrative supervision.
- The 2002 Ordinance (amended in 2007 and 2008) further developed sanctions by adding more specific measures, especially regarding treatment facilities for minors.
- The 2012 Law on Handling Administrative Violations (effective 2013) strengthened the legal framework and enforcement efficiency.
- The 2020 amendment (effective 2022) updated the law to better align with modern social and legal contexts.

### **2.5.2. Road Traffic Law:**

- The first legal document was the 1994 Ordinance on Protection of Traffic Works, but it was limited.
- The 2001 Road Traffic Law (effective 2002) was the first comprehensive law in this area.
- The 2008 Road Traffic Law replaced the 2001 version, updated to meet the demands of international integration.
- The Decree 100/2019/NĐ-CP (effective 2019) currently regulates administrative sanctions in road traffic and railway sectors, with specific provisions for minors.

## **2.6. Legal Regulations on Administrative Sanctions Against Minors in the Field of Road Traffic**

### **2.6.1. Forms of Administrative Sanctions for Minors in Road Traffic Violations**

#### **2.6.1.1. Overview**

Administrative sanctions are legal measures imposed by competent authorities on individuals or organizations that violate laws. When applied to minors in road traffic, these measures aim to educate rather than strictly punish.

There are two main types of administrative sanctions:

- Principal Sanctions,
- Supplementary Sanctions.

#### **2.6.1.2. Principal Sanctions**

##### **a. Warning**

- A warning is the lightest form of sanction, used mainly for educational purposes. It causes no material loss and is meant to raise awareness of wrongful behavior.
- Applied to minors (aged 14–16) who commit minor or first-time offenses.
- Not applied to those under 14 years old.
- Must be issued in writing by an authorized official.
- Before issuing a warning, the official must consider whether a verbal reminder is more appropriate.

##### **b. Monetary Fine**

- This is the most common form of sanction but has limited applicability for minors.
- Minors aged 14–16: Not subject to monetary fines.
- Minors aged 16–18: May be fined, but the fine cannot exceed 50% of the amount imposed on adults.
- If the minor cannot pay, parents or guardians must pay on their behalf.
- For example, driving a motorcycle without a license by a minor aged 16–18 may result in a fine of 400,000 to 600,000 VND, half of the adult fine.
- If a person under 16 drives a vehicle, they are not fined, but the vehicle owner may be fined between 800,000 and 2,000,000 VND.

These regulations reflect the principle that minors, due to their limited awareness and responsibility, should receive lighter or alternative forms of sanctions compared to adults. Parents and guardians are expected to play a role in monitoring and educating minors to comply with traffic laws.

#### **2.6.1.3. Supplementary Sanctions for Juveniles in Road Traffic Violations**

According to the 2012 Law on Handling Administrative Violations, five administrative sanctions exist: warning, fine, license revocation/suspension, confiscation of items/vehicles, and deportation. Of these, only three apply to juveniles: warning, fine, and confiscation.

##### **2.6.1.3.1. Confiscation of Items or Vehicles**

- Confiscation involves transferring ownership of the item or vehicle used in the violation to the state budget.
- It applies in serious cases with intentional wrongdoing.
- If the vehicle/item belongs to the juvenile or was given to them by the owner knowingly, it may be confiscated.

- However, if the juvenile illegally used or took the item, it must be returned to the rightful owner, and the violator must pay a fine equal to its value instead.

This sanction is used only if the item/vehicle is directly related to the violation and the act is clearly defined in traffic regulations.

#### **2.6.1.4. Remedial and Preventive Measures for Juveniles in Traffic Violations**

##### **2.6.1.4.1. Remedial Measures**

Besides primary and supplementary penalties, violators may be subject to remedial actions. These are applied when:

- Consequences have occurred or are likely to occur.
- They can be imposed even after the statute of limitations for administrative penalties.

Under Decree 100/2019/NĐ-CP and the Law on Handling Administrative Violations (amended 2020), two key remedial measures apply to juveniles in traffic:

- 1) Restoration to the original state before the violation.
- 2) Return of illegal gains, or payment of an amount equal to the value of confiscated items/vehicles.

However, most juveniles lack independent income or assets, making these penalties hard to enforce. Moreover, current laws do not require parents or guardians to pay in their place.

#### **2.7. Alternative Measures to Administrative Sanctions for Juveniles in Traffic Violations**

To involve families and communities in the education and prevention of repeat offenses, the amended law (2020) introduces alternative, non-punitive measures. These can replace formal sanctions based on the nature of the offense and do not count as administrative penalties.

##### **2.7.1. Eligible Individuals & Types of Measures**

###### **2.7.1.1. Reminder (Warning)**

- A quick, direct, and educational approach for minor violations.
- Applied when the offender is a minor and the act does not require strict punishment.

###### **2.7.1.2. Home Supervision**

- For minors aged 14 to under 18 with repeated violations (2+ times in 6 months) such as theft, gambling, fraud, or disturbing public order, not reaching criminal level.
- Supervised by families and local authorities.

#### **2.7.1.3. Community-Based Education (New in 2020)**

- Applies to those aged 12 to under 14 who commit acts that show signs of serious crimes, but are not prosecuted.
- Requires stable residence, school attendance, and a written commitment from parents/guardians.

This model encourages restorative justice, prevention, and rehabilitation, while reducing reliance on detention or fines.

#### **2.7.2. Procedures for Applying and Enforcing Alternative Administrative Measures for Minors in Road Traffic Violations**

Alternative measures focus on engaging minors, their families, and communities rather than relying solely on state intervention. As such, government agencies have a limited role in the process—only stepping in if the minor reoffends, at which point the alternative measure may be terminated and formal sanctions imposed (except for the reminder measure).

This approach emphasizes accountability and early correction, helping both minors and their families recognize the seriousness of the behavior.

##### **2.7.2.1. Reminder Measure**

- Issued verbally and immediately by the authorized official during the violation assessment process.
- No formal record is made.
- Applied when the violation is minor and conditions are met.

##### **2.7.2.2. Home Supervision**

- Aims to reduce social stigma and enhance family involvement in education and behavior correction.
- Within 3 days of the decision taking effect, the Commune-level People's Committee must notify the family and assign individuals/organizations to assist with supervision.
- The minor can continue attending school or vocational training and participate in community programs.
- If the minor **reoffends**, the home supervision measure is terminated, and formal sanctions are applied.

##### **2.7.2.3. Community-Based Education**

- Applied by a competent authority when the violation meets conditions for alternative education.
- Within 3 working days, the People's Court must notify the minor's guardians and local authorities or child support/social protection centers for supervision.

This system enhances the protection of minors' rights, increases the role of families and communities, and aligns with international commitments that Vietnam has ratified regarding juvenile justice.

### **3. Methodology**

The author employed various methods, including the comparative method, synthesis method, and analytical method, to clarify the current situation and causes of administrative violations committed by juveniles in the field of road traffic safety. Data was collected and compared to evaluate and propose solutions to ensure effective handling of administrative violations by minors in the road traffic sector.

### **4. Results and Discussion**

#### **4.1. Current Situation of Juvenile Administrative Violations in Road Traffic in Vietnam**

Juvenile violations of road traffic laws are a growing concern both globally and in Vietnam. Despite efforts by the Party, Government, and various ministries to address this issue through policies, legal frameworks, and awareness campaigns, the number of violations committed by minors continues to rise and has become increasingly complex. On average, around 2,000 children die each year in traffic accidents across the country. High school students are involved in 90% of these accidents, and the fatality rate among them has reached 7.39 per 100,000 students. A significant portion of these accidents involves minors driving vehicles without proper licenses, helmets, or the legal age to operate such vehicles. In 2020, 14,977 traffic accidents were recorded nationwide, causing 6,857 deaths and 11,161 injuries. Among those injured, 974 were under 18 years old, and 260 minors were found responsible for causing accidents. These figures show that minors are not only victims but also frequent contributors to road traffic incidents.

A key issue is the use of motorbikes and electric bikes by students, especially in urban areas. Many drive to school without proper documentation or safety equipment. Some students even use spontaneous, unregulated parking lots near schools. Despite awareness efforts, many parents allow or even encourage their children to drive, even when they are underage. After leaving school grounds, students often engage in dangerous behavior such as riding without helmets, racing, weaving in and out of traffic, and carrying multiple passengers. Schools have limited authority to manage student behavior outside their premises, and they often rely on local police for enforcement. However, enforcement remains inconsistent.

Vietnam's Law on Road Traffic (2008) allows individuals aged 16 and above to operate vehicles under 50cc without a license. While these vehicles have lower engine capacity, they can reach speeds of up to 60 km/h, which is dangerous when driven by untrained and immature users. Despite the risks, many families purchase these vehicles for their children to use as transportation to school. In 2020, nearly 800 traffic accidents

involved minors under the age of 18. At the same time, close to 500,000 electric and under-50cc vehicles were registered nationwide, primarily used by students, with the largest concentrations in major cities like Hanoi, Ho Chi Minh City, and Can Tho City.

The rise in traffic incidents among youth stems largely from a lack of legal awareness, weak parental supervision, and a tendency among teenagers to show off. Common violations include racing, riding in groups, reckless speeding, and ignoring traffic signals. Although authorities have repeatedly conducted awareness campaigns and issued penalties, these efforts have had limited success due to gaps between policy and enforcement.

## **4.2. Difficulties and Causes in Applying Administrative Penalties to Minors in Road Traffic**

### **4.2.1. Difficulties**

Minors are at a developmental stage where their personalities are not fully formed. They tend to be impulsive, easily excited, and drawn to risky behaviors such as illegal racing, riding incorrectly, or gathering in groups on roads. Their understanding of the law is limited, so many do not realize their actions are violations. Although the current laws on penalizing minors for traffic violations are relatively appropriate, enforcement still faces many challenges. The number and severity of violations by minors continue to rise, yet penalties like warnings or fines often fail to deter or prevent repeat offenses.

Additionally, enforcement officers sometimes hesitate to strictly punish minors, especially when violations involve groups or happen repeatedly. This leniency undermines the effectiveness of penalties in discouraging unlawful behavior.

### **4.2.2. Causes of Difficulties**

One major cause is the legal framework itself. For example, minors aged 14 to under 16 are only subject to warnings for violations, even if they repeat offenses multiple times. This leads to ineffective deterrence and a lack of respect for the law. Enforcement is further complicated because many minors cannot pay fines themselves. Parents often pay on their behalf, which reduces the direct consequences for the minors and weakens the impact of penalties. This creates procedural difficulties and diminishes the penalty's role in correcting behavior.

The procedures for handling violations are often complex and time-consuming. Even simple violations can require multiple steps and documents, which burdens both enforcement officers and offenders without delivering strong results. The increasing number and complexity of traffic violations by minors, combined with limited legal knowledge and coordination among officials, further hinder effective enforcement. There are also inconsistencies in the law itself. Some provisions conflict, causing confusion about how to handle repeat offenses and making it harder to apply penalties uniformly. Finally, current laws lack effective sanctions for parents or guardians who fail to ensure fines are paid. Since penalties cannot be enforced directly against adults who do not pay

on behalf of minors, many fines remain unpaid, delaying or preventing the execution of sanctions.

### **4.3. Some Solutions to Improve Administrative Penalties for Minors in Road Traffic**

#### **4.3.1. Improving Legal Regulations on Administrative Penalties for Minors in Road Traffic**

Protecting children and minors, especially those violating road traffic laws, is a major concern of the government. Despite efforts, violations by minors continue to rise and become more complex. Besides basic, regular solutions, it's necessary to further improve policies and laws on penalizing minors for traffic violations and to address practical difficulties in applying these laws effectively.

Since the enactment of the Law on Handling Administrative Violations and the Road Traffic Safety Law, many detailed guiding documents have been issued and have brought positive results. However, there remain shortcomings and challenges in applying administrative penalties to minors in traffic, which require further improvement.

First, the issue of accurately determining the age of individuals subject to penalties is crucial. The law does not clearly specify how to calculate age when the exact birthdate is unknown, causing confusion and inconsistent application among enforcement agencies. Therefore, it is recommended that the law include clear provisions on age determination for imposing administrative penalties on minors.

Second, current regulations require sending penalty decisions to offenders within 2 days, which is often impractical for units handling large caseloads, with officers working in different locations, especially during challenges like the pandemic or changes in addresses. Extending this time frame to 5 working days would help agencies manage enforcement better and adapt to real conditions.

Third, based on existing traffic laws and regulations, the Ministry of Public Security should coordinate with relevant agencies to review and update legal documents related to traffic safety and order for minors. This includes studying and revising rules on traffic safety corridors, enhancing road safety management, especially for minors, and clarifying responsibilities and budgets for local authorities. Regular data updates and cooperation among central and local agencies are necessary to develop appropriate policies that effectively prevent and handle violations.

In the context of economic and social development and international integration, it is essential for authorities at all levels to innovate and improve the legal system on administrative penalties for minors in traffic. This will help ensure traffic order and safety, gradually reduce accidents, and build a civilized, safe, and sustainable traffic culture.



### **4.3.2. Improving Effectiveness and Overcoming Challenges in Applying Traffic Laws to Minors**

#### **4.3.2.1. Warning Penalties**

Some suggest removing warning penalties since many countries focus mainly on fines. For minors, warnings should be accompanied by notifications to their families, schools, or local authorities to support education and deterrence. Warnings should be better managed with electronic records. Repeated warnings must escalate to fines, with parents responsible for payment.

#### **4.3.2.2. Stricter Sanctions for Ages 14-16**

Minors aged 14 to under 16 who intentionally violate traffic laws multiple times within 3 months and pose high risks should face fines instead of warnings. If they cannot pay, parents or guardians must pay, reinforcing their role in educating and supervising these minors.

#### **4.3.2.3. Fines for Ages 16-18**

Fines for minors aged 16 to under 18 are capped at half the adult rate, which is reasonable. However, for vulnerable youths—such as those from difficult families or homeless—greater emphasis on education is needed to raise legal awareness.

- **Streamlining Procedures.** Integrate violation reports and vehicle detention records to simplify administrative processes. Develop clear, scientific, and straightforward procedures that help offenders understand their violations and encourage compliance.
- **Training Officials.** Enhance training and professional development of officials handling minor traffic violations to improve management, enforcement, and education efforts, ensuring laws are applied fairly and effectively.
- **Monitoring and Evaluation.** Regularly assess the application of administrative penalties on minors to identify challenges and gaps. This helps propose timely legal amendments and ensures consistency across related regulations.
- **Sanctions for Parents/Guardians.** Introduce penalties for parents or guardians who fail to pay fines on behalf of their children, promoting their responsibility in managing and educating minors.

### **4.3.3. Raising Traffic Awareness and Education for Minors**

Educating minors on traffic safety is crucial as they are still developing their understanding, including legal awareness. Without proper guidance, their perception of the law may be distorted, leading to violations. Education must be consistent, creative, and long-term to build a culture of safe traffic behavior starting from school and childhood.

In Tra Vinh Province, South of Vietnam, legal education and support are provided through 14 models and 1,359 clubs actively promoting traffic safety awareness. Local police collaborate with these groups to raise minors' awareness of laws, encourage

participation in crime prevention, and maintain traffic safety. Over 1,600 campaigns reached 78,000 participants, helping reduce crime and traffic accidents significantly.

To effectively enforce traffic laws for minors, authorities must continue regular communication efforts using various specific methods:

- **Oral Communication.** Direct talks help minors understand traffic laws clearly. Parents and caregivers play a vital role as trusted figures and must set good examples by following traffic rules themselves. Schools also contribute by integrating traffic safety lessons to build minors' responsibility and awareness.
- **Media Campaigns.** Social media, newspapers, radio, and TV are powerful tools to spread legal knowledge. Reporting traffic violations, sharing accident causes, and promoting safety solutions increase minors' awareness and community involvement.
- **Slogans and Signs.** Posting clear, visible slogans on roads, near traffic lights, in residential areas, and at schools reminds everyone to follow traffic laws, fostering a safety culture.
- **School Program.** Regular policy dialogues, legal forums, and competitions like mock trials and legal quizzes help students and youth staff understand traffic laws and encourage compliance.
- **Support for Offenders.** Police and social services organize legal education plans for juvenile offenders and their families, promoting rehabilitation and community reintegration. Local authorities coordinate with social organizations to sign pledges and support youth to avoid repeated violations.

Legal education is a key strategy for helping minors respect and follow traffic laws responsibly. Local governments prioritize this through diverse, practical programs to embed traffic safety into everyday life.

#### **4.3.4. Strengthening Family, School, and Social Responsibility in Educating Minors on Road Traffic Safety**

Family plays a crucial role in shaping minors' behavior. Those raised in loving, supportive families tend to violate laws less than those in difficult situations or lacking parental care. Good family education helps limit legal violations by teaching respect for traffic laws through role models like parents and grandparents. Parents should pay close attention to their children, especially since minors are curious and prone to mistakes. By understanding their children's feelings and guiding them with care (not punishment), parents can help correct wrong behaviors and prevent violations of traffic laws.

Schools also play a vital role by combining knowledge and moral education about traffic safety. Besides teaching basic traffic rules, schools organize activities and campaigns to raise awareness and prevent accidents. Teacher training and strict enforcement of school rules help control risky behaviors. Strong cooperation between families and schools is essential. Frequent communication between parents and teachers allows timely intervention if a minor shows risky behavior or legal violations.

Plus, collaboration between schools and local authorities is important. When minors violate traffic laws or engage in activities like illegal racing, local authorities should be informed of appropriate measures. This helps reduce traffic violations among minors.

In conclusion, to prevent and reduce minors' violations of traffic laws, coordinated efforts are needed from families, schools, authorities, and social organizations. Focused education, care, and guidance will help minors live healthy, law-abiding lives.

#### **4.3.5 Enhancing the Effectiveness of Controlling Administrative Penalties for Minors in Road Traffic and Other Violations by Public Officials**

Regular inspections are vital for preventing and handling administrative violations by minors in road traffic. They help detect both positive examples and negative issues, guiding improvements in legal documents and enforcement methods. Frequent supervision reduces corruption and abuse, ensuring fair and effective penalties.

Multiple agencies—mainly the police, traffic inspectors, local authorities, and courts—are involved in patrol, inspection, and penalty enforcement. Clear division of responsibilities is essential to avoid overlap or gaps. Traffic inspectors play a key role in monitoring, handling complaints, disciplining officials who mishandle penalties, and reporting violations. Increased direct inspections at local levels help identify strengths and weaknesses, allowing targeted improvements. Strict penalties are necessary for units that resist correction.

Beyond internal inspections, broader supervision from local people's councils, public complaints, and courts strengthens oversight and transparency. Laws now allow citizens to sue directly over administrative penalty disputes, increasing pressure on authorities to act carefully and fairly.

#### **4.4. Discussions**

The enforcement of administrative penalties for minors violating road traffic laws in Vietnam must strictly follow the country's legal framework, including Circular 100/2019/NĐ-CP and relevant regulations. The research emphasizes the importance of clear coordination among agencies like the traffic police, traffic inspectors, local authorities, and courts to ensure enforcement is lawful and effective. This multi-level cooperation helps avoid overlaps and gaps in control, reflecting the principles outlined in Vietnam's legal system.

Regular inspection and supervision, as mandated by Vietnamese law, are essential to detect violations, prevent corruption, and promote fairness in penalty enforcement. The legal provisions allowing people's councils to monitor enforcement activities and citizens to appeal decisions enhance transparency and accountability. These mechanisms help ensure that administrative penalties are applied consistently with the law and protect the rights of minors. Moreover, the expanded rights of citizens to challenge penalties under Vietnam's administrative law contribute to judicialization, which increases pressure on authorities to act within legal boundaries. This alignment with

national laws strengthens the legitimacy of enforcement activities and improves public trust.

In conclusion, the enforcement approach described in the research upholds Vietnam's legal standards by promoting cooperation, transparency, and adherence to due process, especially in handling cases involving minors.

## **5. Conclusion**

### **5.1. Main Conclusion**

Violations of the law by minors in the field of road traffic remain a critical issue that requires top-priority attention. Minors are the future generation of the country, so effective education, prevention, and dissemination of legal knowledge aimed at deterrence and reducing traffic safety violations among this group are essential and necessary. Applying penalties to minors who violate the law is necessary, but the primary goal should be deterrence, education, and prevention. Doing well in education and legal awareness campaigns will improve knowledge, legal understanding, and compliance, which helps limit violations among minors.

Although challenges remain, the current application of the Law on Handling Administrative Violations and the Road Traffic Law, along with related regulations, has contributed to improving the legal framework and achieved certain positive results. This has helped reduce violations committed by minors. This work outlines some basic content regarding administrative penalties for minors violating traffic safety laws. It reviews the practical application of current laws, highlighting some effective results and proposing solutions to limit violations by minors and raise their awareness of legal compliance.

Based on existing difficulties, several recommendations are made to improve legal regulations on administrative penalties for minors in road traffic and to address current challenges. Despite some limitations, these efforts have helped prevent traffic violations by minors in daily life. Ultimately, this contributes to raising awareness and encouraging minors to comply properly with the law, thereby reducing violations and lessening the burden on families and society in educating minors about traffic safety compliance.

### **5.2. Lessons and Experiences in Educating Youth to Prevent Road Traffic Violations**

Educating young people to obey road traffic laws is essential to ensure their safety and the safety of others. One key lesson is that education should start early, combining clear information about traffic rules with real-life consequences of violations. Creating awareness through schools, family involvement, and community programs helps youths understand the importance of compliance. Another experience is that strict penalties alone are not enough; education must focus on building a sense of responsibility and respect for the law. Practical training, such as supervised driving practice and interactive workshops, can improve understanding and behavior.

Consistent communication and positive role models also encourage youths to follow traffic laws. Finally, combining legal enforcement with ongoing education creates the best results in reducing traffic violations among minors, helping build safer communities and responsible future drivers.

### **5.3 Suggestions for Further Research**

Future research could focus on exploring the effectiveness of different educational programs targeting minors to improve compliance with traffic laws. Comparative studies between urban and rural areas might reveal location-specific challenges and solutions. Additionally, investigating the role of family and peer influence on youths' traffic behavior could provide deeper insights into prevention strategies. Further studies could also evaluate the impact of new technologies, such as mobile apps or virtual reality simulations, in enhancing traffic safety education for minors. Research into long-term behavioral changes following educational interventions would be valuable to assess sustained effects.

Finally, exploring legal frameworks and enforcement measures in other countries and their applicability to Vietnam could help improve current policies and reduce traffic violations among minors more effectively.

### **Acknowledgements**

This study could not have been completed without the invaluable support of many individuals, to whom the researcher is deeply grateful. Sincere thanks are extended to the lecturers of the School of Law and the School of Foreign Languages, Can Tho University (CTU), Vietnam, for their foundational instruction and continued academic guidance. In particular, the researcher is profoundly thankful to Dr. Nguyen Lan Huong, her academic supervisor, for her insightful direction and expertise in the legal field that significantly shaped this research. Special appreciation also goes to Dr. Thai Cong Dan and Ms. Thai Phan Bao Han, English lecturers, for their generous assistance in proofreading and refining the language and formatting of this paper. Finally, the researcher expresses her heartfelt gratitude to the editorial board of the *European Journal of Social Sciences Studies* for accepting and supporting the publication of this work. Their commitment to academic dissemination has allowed the paper—focused on the integration of legal enforcement and educational initiatives to reduce traffic violations among minors—to reach a global audience, contributing to the development of safer communities and more responsible future drivers, particularly within the Vietnamese context.

### **Conflict of Interest Statement**

Both authors strongly agreed on the publication of this paper, and there was no contention or rivalry during the finishing of the work. In other words, the authors declare no conflicts of interest in this article. Both authors are fully and equally responsible for the benefits and harms after this article is published. The authors, moreover, declare that

the material presented by us in this paper is our original work and does not contain any materials taken from other copyrighted sources. Wherever such materials have been included, they have been clearly indented or/and identified by quotation marks and due and proper acknowledgements have been given by citing the source at appropriate places.

### About the Author

Ms. Pham Thi Hong Phan is currently a lawyer trainee in Can Tho City and a student majoring in English Language at the School of Foreign Languages, Can Tho University (CTU), Vietnam. She also holds a Bachelor's degree in Law from the School of Law, Can Tho University. Her research interests lie at the intersection of law and language, with a particular focus on the relationship between legal systems and linguistics, as well as the application of English in legal research and practice. She is especially committed to developing skills in legal analysis, academic writing, and professional communication to support both her academic pursuits and future career in the context of international integration. She can be contacted at: [phanb1802567@student.ctu.edu.vn](mailto:phanb1802567@student.ctu.edu.vn).

### References

- National Assembly of the Socialist Republic of Vietnam. (2012). Law on Handling Administrative Violations. Hanoi: Government Publishing House.
- National Assembly of the Socialist Republic of Vietnam. (2008). Law on Road Traffic (Amended by Decree No. 100/2019/ND-CP). Hanoi: Government Publishing House.
- Government of Vietnam. (2019). Decree No. 100/2019/ND-CP on sanctioning administrative violations in road traffic. Hanoi: Official Gazette.
- Ministry of Transport of Vietnam. (2019). Circular on the implementation of Decree No. 100/2019/ND-CP regarding road traffic violations. Hanoi: Ministry of Transport Publishing.
- Pham, T. H. (2020). The role of legal sanctions in road traffic safety education for minors in Vietnam. *Journal of Vietnamese Legal Studies*, 12(3), 45-59.
- Nguyen, L. M. (2018). Challenges in applying administrative penalties for juvenile road traffic offenders. *Vietnam Law Review*, 5(2), 27-36.
- Tran, Q. K. (2021). Comparative study of juvenile traffic law enforcement in Southeast Asia. *Asian Journal of Traffic Safety*, 8(1), 78-91.
- United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP). (2017). *Road safety in Asia and the Pacific: Legal frameworks and enforcement*. Bangkok: UNESCAP.
- World Health Organization. (2018). *Global status report on road safety*. Geneva: WHO Press. Retrieved from [who.int/publications-detail-redirect/9789241565684](https://who.int/publications-detail-redirect/9789241565684)

Creative Commons licensing terms

Author(s) will retain the copyright of their published articles agreeing that a Creative Commons Attribution 4.0 International License (CC BY 4.0) terms will be applied to their work. Under the terms of this license, no permission is required from the author(s) or publisher for members of the community to copy, distribute, transmit or adapt the article content, providing a proper, prominent and unambiguous attribution to the authors in a manner that makes clear that the materials are being reused under permission of a Creative Commons License. Views, opinions and conclusions expressed in this research article are views, opinions and conclusions of the author(s). Open Access Publishing Group and European Journal of Social Sciences Studies shall not be responsible or answerable for any loss, damage or liability caused in relation to/arising out of conflicts of interest, copyright violations and inappropriate or inaccurate use of any kind content related or integrated into the research work. All the published works are meeting the Open Access Publishing requirements and can be freely accessed, shared, modified, distributed and used in educational, commercial and non-commercial purposes under a [Creative Commons Attribution 4.0 International License \(CC BY 4.0\)](https://creativecommons.org/licenses/by/4.0/)