

# EXERCISE THE RIGHT TO PROSECUTE AND PROSECUTE CASES FOR VIOLATIONS OF QIUY REGULATIONS ON ROAD TRAFFIC IN ACCORDANCE WITH VIETNAMESE LAW

## EXERCIR O DIREITO DE PROCESSAR E PROCESSAR PROCESSOS POR VIOLAÇÕES DOS REGULAMENTOS DE QIUY NO TRÂNSITO RODOVIÁRIO DE ACORDO COM A LEI DO VIETNÃ

### MAI DAC BIEN

Assoc. Prof. Dr, Senior Procurator,  
Vice Rector of Hanoi University of  
Procuracy,  
Vietnam  
[bienmd@tks.edu.vn](mailto:bienmd@tks.edu.vn)

### MAI THU HANG

Lecturer at Hanoi Procuracy University,  
Vietnam  
[maithuhang0803@gmail.com](mailto:maithuhang0803@gmail.com).

### VU THE CONG

M.A, People's Police Academy,  
Vietnam  
[voloannga1@gmail.com](mailto:voloannga1@gmail.com)

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**Corresponding author:**

e-mail: [bienmd@tks.edu.vn](mailto:bienmd@tks.edu.vn)



crime.

**Resumo:** O crime de violação das regras de circulação rodoviária está definido no artigo 260.º do Capítulo XXI do Código Penal de 2015 (Código Penal). violar os regulamentos de segurança rodoviária causando danos à vida, saúde ou propriedade de outras pessoas. O sujeito de um crime é qualquer pessoa maior de 16 anos com capacidade criminal. De acordo com as disposições da Constituição de 2013 (Constituição), da Lei de Organização da Procuradoria Popular de 2014 (Lei de Organização da

**Abstract:** The crime of violating the regulations on participating in road traffic is defined in Article 260 of Chapter XXI of the 2015 Penal Code (Criminal Code). violate regulations on road traffic safety causing damage to life, health or property to other people. The subject of a crime is any person 16 years of age or older with criminal capacity. According to the provisions of the 2013 Constitution (Constitution), the 2014 Law on Organization of the People's Procuracy (the Law on Organization of the People's Procuracy) and the 2015 Criminal Procedure Code (Criminal Procedure Code). The People's Procuracy exercises the right to prosecute and supervise judicial activities in criminal proceedings to ensure that all criminal acts are detected, investigated, prosecuted and adjudicated in a timely manner. The subject of a crime is any person 16 years of age or older with criminal capacity. unjustly, wrongly, and omitted to commit crimes and at the same time do not unjustly offend innocent people.

This article presents the crime of violating the regulations on participating in road traffic specified in Article 260 of the Penal Code, activities of exercising the right to prosecution, and supervision of judicial activities during the investigation stage of the Procuracy. Officers of the People's Procuracy during the investigation phase of a case of violation of regulations on participation in road traffic.

**Keywords:** Constitution. Criminal Procedure Code. Investigating Agency. Investigators. Procurator. Defendant. Exercise of the right to prosecution. Supervision of judicial activities. Wrongful wrong; let go of

Procuradoria Popular) e do Código de Processo Penal de 2015 (Código de Processo Penal). A Procuradoria Popular exerce o direito de processar e supervisionar as atividades judiciais em processos criminais para garantir que todos os atos criminosos sejam detectados, investigados, processados e julgados em tempo hábil. O sujeito de um crime é qualquer pessoa maior de 16 anos com capacidade criminal. injustamente, erroneamente e omitido de cometer crimes e, ao mesmo tempo, não ofender injustamente pessoas inocentes.

Este artigo apresenta o crime de violação das regras de circulação rodoviária previstas no artigo 260.º do Código Penal, atividades de exercício do direito de ação penal e supervisão de atividades judiciais durante a fase de instrução do Ministério Público. Oficiais da Procuradoria Popular durante a fase de investigação de um caso de violação dos regulamentos sobre a participação no trânsito rodoviário.

**Palavras-chave:** Constituição. Código de Processo Penal. Órgão de Investigação, Investigadores. Procurador. Réu. Exercício do direito de ação penal. Fiscalização da atividade judiciária. Ilícito. Abandone o crime.

## 1. Introduction

In the past time, the crime situation in general and the crime of violating the regulations on road traffic participation in particular in Vietnam has increased and has complicated developments. Although this is a crime committed with an unintentional error, the nature and level of danger to society is increasing, and it is necessary to have effective measures to fight and prevent. According to the provisions of the Criminal Procedure Code of Vietnam, the prosecution and investigation of criminal cases in general and criminal cases for violations of regulations on road traffic participation in particular belong to the Traffic Control Authority. investigation in the People's Public Security, the People's Army, the Agency assigned to conduct a number of investigative activities (hereinafter referred to as the investigating agency). Investigating agencies have the tasks, powers and responsibilities to promptly detect all crimes and offenses, prosecute cases, and quickly conduct all investigative measures to clarify crimes and offenders. The Procuracy exercises the right to prosecute in criminal cases, prosecutes and charges, and supervises the judicial activities of the investigating bodies to ensure that the right people are prosecuted and investigated. crime, in accordance with the law, not allowing the situation of injustice and omission of criminals. In the past 5 years (2018 - 2022), the Procuracy has exercised the right to prosecute, supervise and investigate 22,490 cases of violations of regulations on road traffic participation with a total of 21,588 defendants, making an important contribution to the investigation. important in the fight against this type of crime, maintaining political security, social order and safety, protecting human rights and citizens' rights in criminal proceedings.

## 2. Constituting the crime of violating the regulations on participating in road traffic according to the provisions of the Vietnam Penal Code

The crime of violating the regulations on participation in road traffic is specified in Article 260 of the Penal Code with the following contents: “Crime of violating regulations on participating in road traffic

1. *Those who participate in road traffic but violate regulations on road traffic safety and cause damage to other persons in one of the following circumstances shall be subject to a fine of between VND 30,000,000 and 100,000,000 VND, non-custodial reform for up to 03 years or imprisonment from 01 to 05 years: a) Causing death; b) Inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or more; c) Inflicting injury or causing harm to the health of 02 or more people with the total injury rate of these persons from 61% to 121%; d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.*

2. *Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 3 and 10 years of imprisonment:*

*a) Do not have a driver's license as prescribed; b) In the state of using alcohol, beer with an alcohol concentration in the blood or breath exceeding the prescribed level, using drugs or other strong stimulants; c) Running away to avoid responsibility or intentionally failing to help the victim; d) Failure to obey orders of traffic controllers or instructions; e) Causing death of 02 people; e) Inflicting injury or causing harm to the health of 02 or more people with the total bodily injury rate of these persons from 122% to 200%; g) Causing property damage from 500,000,000 VND to less than 1,500,000,000 VND.*

3. *Committing the crime in one of the following circumstances, the offenders shall be sentenced to between 07 and 15 years of imprisonment: a) Causing death of 03 people or more; b) Inflicting injury or causing harm to the health of 03 or more people with a total injury rate of 201% or more of these persons; c) Causing property damage of VND 1,500,000,000 or more.*

4. *Violation of regulations on participation in road traffic in cases where it is likely to lead to the consequences specified at one of the points a, b and c, Clause 3 of this Article if not prevented in time, be subject to a fine of between VND 10,000,000 and VND 50,000,000, non-custodial reform for up to 1 year or a prison term of between 3 months and 1 year.*

5. *Offenders may also be banned from holding certain posts, practicing certain professions or doing certain jobs for 1 to 5 years.”*

Composition of the crime:

- Object of the crime: Crime of violating the regulations on road traffic participation infringing on the object of the crime is public safety prescribed by the State, but specifically, road

traffic safety. infringing upon the right to be protected by law in terms of human life, health and property, property of state agencies and organizations.

- The objective side of the crime: The objective side of the crime is the manifestations outside the objective world of the crime, including the objective behavior, the consequences of the crime, the time and place of the crime.

Firstly, the objective act of the crime of violating the regulations on participating in road traffic is an act of participating in road traffic that violates regulations on road traffic safety which is expressed in the following forms: (1 ) Driving vehicles (cars, motorcycles, bicycles, tractors, excavators, bulldozers...) in violation of speed, going against the prescribed road, stopping, parking, overtaking , reverse the vehicle, change the direction of the vehicle against the regulations; (2) Do not operate road vehicles, such as walking across the road, herding cattle on the road, etc., against the regulations. The object of the crime's impact can be vehicles, people or property.

Second, the consequences of the crime: The offender causes damage: Causing death; b) Inflicting injury or causing harm to the health of 1 person with an injury rate of 61% or more; c) Inflicting injury or causing harm to the health of 02 or more people with the total injury rate of these persons from 61% to 121%; d) Causing property damage of between VND 100,000,000 and under VND 500,000,000.

If the act of violating the regulations on participating in road traffic without causing loss of life or causing serious damage to the health and property of others, but has the actual ability to lead to serious consequences. defined in one of the points a, b, c, clause 3, Article 260 of the Penal Code, if they are not prevented in time, they will still have to bear penal liability.

Third, time and place: Offenders can commit crimes at any time and place.

- Subject of the crime: According to the provisions of Article 12 of the Penal Code, the subject of the crime of violating the regulations on road traffic participation is a person who is full 16 years of age or older and has penal liability capacity. Having criminal capacity means having the ability to perceive and be able to control one's behavior.

- The subjective side of the crime: The subjective side of the crime is the internal psychological state of the offender when committing the crime, expressed by the fault, motive and purpose of the crime. The crime of violating the regulations on participating in road traffic is committed with an unintentional error (unintentionally because of overconfidence), the offender, though foreseeing his behavior may cause harmful consequences to society, but believe that the

consequences would not have occurred or could have been prevented. Because it is an unintentional mistake, the offender has no motive or purpose to commit the crime.

- Regarding penalties: Article 260 of the Penal Code stipulates that the main penalty for offenses against regulations on participation in road traffic is a fine of between VND 30,000,000 and 100,000,000, non-custodial reform. imprisonment for up to 3 years or imprisonment from 3 months to 15 years. In addition, offenders may also be subject to the additional penalty of being banned from holding certain posts, practicing certain professions or doing certain jobs for between 01 and 05 years.

### **3. Exercising the right to prosecute and supervise judicial activities in investigating cases of violations of regulations on participating in road traffic**

#### ***3.1. Legal basis***

Procurators of the People's Procuracy exercise the right to prosecute and supervise judicial activities in investigating criminal cases in general and cases on crimes of violating regulations on participating in road traffic. in particular based on the following legal documents: Article 107 of the Constitution; Article 4 of the Law on Organization of the People's Procuracy; Article 260 of the Penal Code; Road Traffic Law 2008; Articles 159, 160, 165, 166 of the Criminal Procedure Code; Regulation on the exercise of the right to prosecution and supervision of prosecution, investigation and prosecution (issued together with Decision No. 111/QD-VKSTC, dated April 24, 2020 by the Chief Procurator of the Supreme People's Procuracy High); Directive No. 05/CT-VKSTC dated April 27, 2020 of the Procurator General of the Supreme People's Procuracy "On strengthening prosecutorial responsibility in solving criminal cases, meeting the requirements of crime prevention and combat "; Some other text.

#### ***3.2. Activities to exercise the right to prosecute and supervise judicial activities in investigating cases on crimes of violating regulations on participating in road traffic***

According to the law, the People's Procuracy exercises the right to prosecute and supervise judicial activities in the criminal domain to ensure that all criminal acts and offenders are detected, investigated and prosecuted. promptly prosecute and adjudicate, not allowing unjust, wrong, and omission of criminals, and at the same time not unjustly offending innocent people. The investigation phase of criminal cases in general and crimes of violating regulations on road traffic participation in particular begins when the investigating agency issues a decision to prosecute the case and prosecute the accused. Investigators have the duties, powers and responsibilities to conduct investigative activities in accordance with law to clarify the contents

of the case, all circumstances of the crime, identify the offender to serve the case. prosecute, adjudicate and impose penalties on offenders. After issuing a decision to prosecute the case and prosecute the accused, the investigating authority shall transfer the decision and all case files to the Procuracy to exercise the right to prosecute and supervise the prosecution of the case. prosecution, prosecution and investigation (Tran Cong Phan, 2016). In the exercise of the right to prosecute and supervise investigation activities, it is necessary to accurately evaluate each case, ensure that all criminal acts and offenders are detected, prosecuted, investigated, prosecuted and tried. promptly, strictly, with the right person, at the right crime, in accordance with the law, not wrongly wronged innocent people, not overlooked criminals and offenders (Le Xuan Hai, 2020). According to the provisions of the Criminal Procedure Code, within 03 days from the date of receipt of the decision to prosecute and the case file, the procurator on behalf of the Procuracy conducts the study of the file, examines the case file. , assess the validity and legitimacy of the decisions to prosecute the case, prosecute the accused, the investigative activities in the stage of solving crime information, report to the Leaders The Procuracy (Director, Deputy Director) shall decide to approve or cancel or change the decision to prosecute the case or prosecute the accused. After the Procuracy approves the decision to prosecute the accused, the investigating agency shall take investigation measures to clarify the contents of the case.

During the investigation process, the Procurator regularly supervises the investigation activities, promptly issues an investigation request for the investigator to carry out in order to quickly clarify the contents of the case, identify the offender (Tran Thanh Thuy, 2016). The purpose of making an investigation request is “to clarify criminals and offenders” (Nguyen Cao Cuong, 2019). The procurator requested the investigator to conduct investigative activities to clarify the contents of the case about the crime of violating the regulations on participating in road traffic. Investigation measures include: site examination, autopsies (in case of death), vehicle examination; take testimonies of traffic participants, witnesses, victims, persons with related interests and obligations; interrogation of the accused; confrontation, identification, experimental investigation. Investigation activities to clarify the contents of the case about: Time, place, and acts causing traffic accidents, in which to determine what specific violations the accused has committed in the Road Traffic Law pedestrians, such as speeding, illegally diverting vehicles or other acts, etc., the consequences of a crime must clearly determine who is harmed, killed or injured with a rate of injury. What percentage of body damage (%), how much property damage, type of property, what is the value of the property? The above damage must be determined by the conclusion of forensic examination or the conclusion of property valuation of a competent

State agency. What is the vehicle used by the accused when causing the accident? Where does it come from, who is the owner of that vehicle? Clearly identify the offender's identity in terms of name, age, place of residence, criminal record, criminal record and other details related to the proper settlement of the criminal case; collect sufficient evidence to convict as well as exculpatory evidence for the accused. Excluding evidence can be circumstances that exclude criminal liability, exempt from criminal liability, or extenuating circumstances of criminal liability specified in the Penal Code and the Criminal Procedure Code. Clearly identify the claim of the victim or their representative. When conducting an investigation, the investigating authority can issue many types of decisions such as: Orders for arrest of persons in case of emergency, orders for arrest of persons held in urgent cases, custody orders, and orders to arrest the accused for temporary detention. detention, decision to apply other preventive measures, coercive measures, search warrant; decide to extend temporary detention or investigation; decide to solicit the assessment and valuation of assets; decided to temporarily suspend the case, suspend the investigation of the case... These orders and decisions of the investigating authority must be immediately sent to the procuracies together with the case files so that the procuracies can exercise their right to prosecute and inspect the grounds and legitimacy of the decisions. Procurators in the whole process of investigating the case regularly conduct research on records, check the validity and legitimacy of the orders and decisions of the investigating agency, and the procedural activities conducted. to report to the leadership of the Procuracy for decision on approval, non-approval, cancellation or change of such orders or decisions. Thus, the main content of supervision is the activity of examining the legitimacy of decisions and acts of agencies, organizations and individuals in the process of handling denunciations and information about crimes and petitions to initiate criminal proceedings. to the stage of investigation and prosecution of criminal cases (Le Ngoc Duy, 2021). In the case of the crime of violating the regulations on participating in road traffic, supervising the investigation of the traffic accident scene plays a very important role. If the inspection and examination of the scene is done well, the examination activities of the subjects of the scene examination will be conducted in an objective, comprehensive, close manner and in accordance with the law; as a basis for the investigation, prosecution and trial process to be convenient, correct and highly effective (Nguyen Van Khanh, 2019). When studying the case file, the procurator carefully reads each document page, takes notes of the document's content, copies important documents, carefully examines the photo, video-clip or other recorded data. sound images, scene diagrams, and other

evidence to identify incriminating evidence and evidence that can exclude criminal responsibility for the accused; other circumstances related to the correct settlement of the case.

Procurators may cooperate with investigators in taking testimonies of the arrested, the accused, witnesses, victims or other investigative activities to clarify the grounds for instituting the accused, the grounds for the prosecution of the accused. detention, grounds for accusations. The procurator regularly closely monitors the compliance with the law in investigating activities of investigators to ensure that the investigation activities comply with the provisions of the law on competence, order, procedures and time. to ensure that the investigation is on time, and that there is no wrongful prosecution, detention or omission of criminals. At the same time, there should be no situation where investigators force confessions, use corporal punishment or falsify case files for personal or self-seeking motives. When detecting a violation of the law by the investigating agency or investigator, the Procurator resolutely requests the termination or reports it to the Institute's leadership to request termination, remedy or take appropriate handling measures according to regulations. of the law, such as annulling illegal decisions, strictly handling investigators, requesting the replacement of investigators, and criminally prosecuting investigators who commit crimes.

At the end of the investigation time limit, the investigating agency shall issue an investigation conclusion, propose prosecution or issue a decision to terminate the investigation of the case. These decisions and the entire case file are transferred to the Procuracy for the Procuracy to issue a decision on prosecution or other decisions. Within 20 days for less serious crimes or serious crimes and 30 days for very serious or particularly serious crimes, the procurator shall continue to study the records to re-check the grounded and lawful decisions and procedural activities of investigating bodies and investigators. Prosecutors need to have good skills in synthesizing and evaluating evidence, thereby deciding to use evidence in fighting crime (Nguyen Thanh Mai, 2018). At the end of the prosecution period, if it is determined that the prosecution and investigation are grounded and in accordance with law, the Procuracy shall issue an indictment to prosecute the accused before the court for trial. In order to ensure the prosecution of the right person and the right crime, the Procurator directly conducts a number of investigative activities such as interrogating the accused, taking testimonies of victims and witnesses to strengthen the incriminating evidence as well as to check and re-evaluate the survey results conducted by the enumerator (Hoang Anh Tuyen – Pham Thi Thuy Linh, 2020).



After researching, the Procurator evaluates and concludes on the groundability and legitimacy of the decisions, case files and reports, and proposes to the Institute's Leaders to decide as follows:

a) If the investigation agency's decision or order and the investigator's procedural activities are grounded and lawful and it is clear that the accused has committed a crime against the regulations on road traffic participation, the to prosecute the accused before the Court for trial;

b) In case the investigation agency's decision or order or the investigator's procedural activities are groundless and illegal, there is one of the grounds not to prosecute the case as prescribed in Article 157 The Criminal Procedure Code or having grounds specified in Article 16 or Article 29 or Clause 2, Article 91 of the Penal Code, shall issue a decision to terminate the case or to terminate the case against the accused;

c) In case there are grounds to suspend the case as prescribed in Article 247 of the Criminal Procedure Code and Clause 6, Article 1 of Law No. 02/2021/QH15 dated November 12, 2021 on amendments and supplements to a number of Article of the Criminal Procedure Code 2015 shall issue a decision to temporarily suspend the case or suspend the case for the accused;

d) If the evidence is not sufficient to determine that the accused has committed a crime against the regulations on participation in road traffic or seriously violated legal procedures, a decision shall be issued to return the dossier and request the investigation agency to request the investigation agency. conduct additional investigative activities to gather more evidence for prosecution.

#### **4. Some recommendations and solutions to improve the quality of prosecutorial practice and supervision of judicial activities in investigating cases of property robbery**

According to statistics of the Supreme People's Procuracy, from 2018 to 2022, the Procuracy at all levels nationwide has exercised the right to prosecute, supervise the prosecution, and investigate 4389,852 criminal cases with a total of 630,068 defendants, including 22,490 cases of violating regulations on road traffic participation with a total of 21,588 defendants. The Procuracy prosecuted 325,153 cases with a total of 570,625 defendants, of which 17,567 cases of violating regulations on road traffic participation with a total of 17,996 defendants. The court has

heard 317,000 cases with a total of 550,777 defendants, of which 17,128 cases of violation of regulations on road traffic participation with a total of 17,585 defendants.

Procurators of the Procuracy at all levels have well performed their functions of exercising the right to prosecution and supervising judicial activities in investigating, prosecuting and adjudicating criminal cases (Cao Thi Ngoc Ha, 2020). The cases of violation of the regulations on road traffic participation prosecuted by the Procuracy and brought to trial by the Court are basically all right people, right crimes, according to the law, no case has been prosecuted. wrongly convicted. That result has positively contributed to maintaining political security, social order and safety, protecting the interests of the State, and the legitimate rights and interests of agencies, organizations and individuals. At the same time, ensure the human rights of the accused and defendants in criminal proceedings. However, there are still a number of cases of violation of the regulations on road traffic participation that have been suspended from investigation due to insufficient evidence to prove the accused's criminal behavior and due to a number of other reasons. The status of returning dossiers for additional investigation many times but failing to overcome shortcomings and violations during the investigation process; a number of procurators do not have high legal knowledge, experience and skills in practicing the right to prosecute and supervise investigations, and have not fulfilled their responsibilities when accepting and settling criminal cases.

In order to overcome the above limitations and shortcomings, meet the requirements of continuing to build and perfect the socialist rule of law state, and the requirements of fighting against this type of crime, it is necessary to have advanced solutions. The quality of the procurator's exercise of the right to prosecution and supervision of judicial activities in investigating cases of violations of regulations on participation in road traffic is as follows:

Firstly, continue to improve the provisions of the law: Law is a fundamental and important factor to ensure the quality of the practice of the right to prosecute and supervise the judicial activities of the procurator in the investigation of the case. on the crime of violating the regulations on participating in road traffic. Therefore, it is necessary to continue to amend and improve the Criminal Procedure Code and the regulations of the Procuracy in the direction of strengthening the duties, powers and responsibilities of the Procurator in the investigation phase, ensuring the Prosecutors are entitled to take the initiative in deciding issues related to the performance of their functions and duties, such as deciding on escorting, escorting, arresting detainees in case of emergency, detaining arrested persons.

Second, strengthen training and retraining to improve professional qualifications and capacity, political qualities, professional ethics and sense of responsibility of prosecutors: The People's Procuracy needs to strengthen the work of prosecutors. train and re-train the procurator team in legal knowledge, professional skills to practice the right of prosecution, supervision of judicial activities in general and in-depth skills in solving cases of crimes against regulations. regulations on participation in road traffic; fostering skills in studying records, determining crimes and identifying law violations by investigating agencies and investigators in case investigation; the skill of making inquiry requests; strengthen the direct conduct of a number of investigative activities; regularly summarize and draw experience in the exercise of the right to prosecution and supervision of judicial activities in the criminal field. Enhancing education to improve moral quality, political bravery and responsibility for public service for the procurators, always upholding the spirit of crime prevention and fighting to protect the State, society and rights. human rights, civil rights.

Third, ensure the appropriate facilities and treatment regime for Procurators to exercise the right to prosecute and supervise judicial activities: The State needs to increase investment in necessary facilities such as office buildings. work, working equipment and technical means for the procurator team to facilitate the performance of their official duties. Strengthening remuneration regimes and policies such as salary, bonus, allowance, and reward in an appropriate and satisfactory manner so that the procurator team can rest assured in their work, without negative thoughts and behaviors, and corruption. , intentionally doing wrong, causing bad consequences to the performance of functions, tasks and powers of the People's Procuracy.

Fourth, strengthen the management, direction, control and inspection in the Procuracy: Procuracies at all levels need to strengthen the management, direction and control of the performance of their functions. exercise the power to prosecute and supervise judicial activities during the investigation stage of cases of violations of regulations on participation in road traffic. On the basis of the Work Plan of the Supreme People's Procuracy, every year, Procuracy at all levels proactively grasp the situation of crimes committed against regulations on participation in road traffic occurring in the area to build Develop a Work Plan, which sets out specific targets and solutions to strive for the achievement of the goal of quickly detecting and promptly investigating all violations of traffic order and safety, not giving up. commit crimes, do not unjustly offend innocent people; propose investigation requirements for 100% of cases accepted; reduce the rate of return of additional investigation dossiers to less than 3%; to prevent the suspension of the case or the suspension of the accused because he has not committed a

crime. Leaders of procuracies at all levels need to strengthen and renew inspection, examination and professional guidance for procurators and lower-level procuracies in order to promptly detect errors and omissions in order to promptly instruct them. direct, correct and remedy violations. Paying attention to inspecting the implementation of professional requirements on the supervision of the prosecution of the case, the prosecution of the accused, making investigation requests, supervising the making of the case files, carefully studying the conclusions. When the lower procuracies report on difficulties and problems in the process of performing their tasks, the superior people's procuracies should study and give a clear, accurate and timely response to ensure progress of the case as well as ensuring the criminal prosecution of offenders.

Fifth, strengthen coordination with investigating bodies: The relationship between the Procuracy and the investigating bodies is a relationship of coordination and regulation. In order to complete the procedural tasks, the Procuracy and the investigating agency must respect and promote both types of relationship, and the coordination and enforcement must be limited within the scope of their functions, tasks and powers. the period prescribed by law (Pham Minh Tuyen, 2019). When exercising the right to prosecute, supervise prosecution, and investigate cases of violations of regulations on road traffic, the procurator should promptly coordinate with investigators to directly participate in the scene examination. , autopsy, and vehicle examination to determine the fault of the parties causing the accident, thereby determining who is the violator of traffic safety regulations to prosecute the case and prosecute the accused.

Procurators need to strengthen control over the handling of denunciations and information about crimes, take measures to expand sources of receiving denunciations and information in order to fully grasp traffic accidents that cause serious consequences. serious, very serious or particularly serious. Resolutely request the investigative agency to solicit forensic examination and property valuation in traffic accidents with signs of causing serious damage to health and property to handle lawfully. Arrange for qualified and experienced procurators to participate in solving cases of violations of regulations on participation in road traffic.

Sixth, strengthen the supervision of State agencies and the people: The Law on Organization of the People's Procuracy 2014 stipulates that the People's Procuracy has the responsibility to coordinate with the Vietnam Fatherland Front Committee. Nam supervises the activities of the People's Procuracy (Nguyen Van Pha, 2020). Strengthen coordination with supervisory agencies of the National Assembly, People's Council, Vietnam Fatherland Front Committee, and other political organizations in supervising the exercise of the right to

prosecution and supervision. judicial activities of the Procuracy in general and investigation of cases on crimes of violating regulations on participation in road traffic in particular to ensure that the investigation and prosecution do not occur unjustly, wrongly or omitted.

## 5. Conclusion

Exercising the right to prosecute and supervise judicial activities in investigating cases of violations of regulations on road traffic participation is extremely important in criminal proceedings, it ensures the prosecution. , investigation and prosecution by the Procuracy in the whole process of settling the case is grounded and lawful; ensure the quick detection of crimes, timely investigation and clarification of the case's contents. At the same time, promptly detect violations of the law by investigating bodies and investigators in the prosecution and investigation, thereby quickly requesting termination and remedial consequences, ensuring the prosecution and investigation. investigating, prosecuting and adjudicating the right people, the right crimes, and the law, there are no cases of injustice, wrongdoing or omission of crimes. Well perform the function of exercising the right to prosecute and supervise judicial activities in investigating cases of crimes of violating regulations on road traffic participation, contributing to well performing the functions and tasks of the People's Procuracy. people, thereby maintaining political security, social order and safety, protecting the interests of the State, and the lawful rights and interests of agencies, organizations and individuals, especially those of the accused. criminal investigation section.

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