

Election Misinformation in Vietnam



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About this report

This report is one of the final outputs of an IDRC-funded project to 1) understand election influence operations and measures to counter disinformation globally, especially pertaining to Asia; 2) map actors who are involved in election-related counter-disinformation actions in five countries in South and Southeast Asia, and 3) document their past and upcoming activities related to countering disinformation around elections. This research report was intended to lay the groundwork for a network of actors systematically working towards countering disinformation related to elections in Vietnam and document the impact of their actions. A set of recommendations were also introduced to mitigate impacts of election disinformation on the upcoming 2026 election in Vietnam, considering accelerated progress in digital transformation.

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List of acronyms

5K	Khẩu trang, Khử khuẩn, Khoảng cách, Không tụ tập, Khai báo y tế (meaning masks, disinfection, distancing, no gatherings, health declaration, in English).
AI	Artificial Intelligent
AMRI	ASEAN Ministers Responsible for Information
ASEAN	The Association of Southeast Asian Nations
CCP	Chinese Communist Party
CPV	Communist Party of Vietnam
KOL	Key opinion leaders
TFFN	ASEAN Task Force on Fake News
UNESCO	The United Nations Educational, Scientific and Cultural Organization
US	The United States of America
VAFC	Vietnam Anti-Fake News Centre
VND	Vietnamese Dong
VTV	Vietnam Television

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Executive Summary

Vietnam's political system is led by the Communist Party of Vietnam (CPV), which has been attempting to pursue the vision of a socialist law-based state. While many scholars question the domestic legitimacy of Vietnam's one-party elections, some start acknowledging the "inner-party democracy." In that system, elections of the National Assembly are the most important to the public and thus their misinformation becomes the subject of this analysis.

While Vietnam has been criticized for using the pretext of preventing misinformation to censor digital space, rushing to that conclusion might risk bypassing important contextual factors that offer insightful explanations on the Vietnamese government's reactions and actions vis-à-vis misinformation and fake news. This article attempts to address a key analytical question: What are key factors that shape understanding of misinformation in the Vietnamese context from the government's perspectives?

The article traces the Vietnamese government's understanding of misinformation from the history of "war" to defend national sovereignty and the Communist ideology and the inevitable influence of geopolitics in which Vietnam stands between China, the Association of Southeast Asian Nations (ASEAN), and the United States of America (US). The analysis also takes into account the contemporary factors such as Vietnam's fast digital transformation process, its inspiration to become ASEAN's digital leader, and COVID-19 as an accelerator.

Misinformation regulations in Vietnam appear to be complex, reflecting the conflicting position of whether to preserve the mindset as shaped by the history and geopolitics, or to go all-in with the opportunities presented by digital transformation. As a result, Vietnam's legal documents have not introduced the official definition for misinformation. Rather, these legal documents only refer to the so-called "prohibited acts", focusing on clarifying what contents shall not be published and spread. While Vietnam has introduced administrative and criminal handling of misinformation, there remains inconsistency in the scope of misinformation subjects being regulated. Furthermore, the existing law does not contain quantitative provisions to distinguish between administrative violations and criminal violations for the spread of misinformation or fake news. Due to absence of a clear definition and distinction between administrative violations and criminal violations, many regulations on handling the spread of misinformation have overlaps.

Understanding of misinformation as shaped by the above-mentioned factors has also determined which key stakeholders in combatting misinformation in Vietnam are. These include the CPV's Steering Committee 35, the Ministry of Public Security, the Ministry of Information and Communication, as well as the Vietnamese government's official websites and fan pages, and Vietnamese media agencies as fact-checkers. While social media companies like Facebook, Google, and especially TikTok also play a critical role in collaborating with the government in combatting misinformation, government agencies currently take the leading role.

It is important to note that election misinformation is one type of misinformation. Therefore, the government's understanding and regulations of election misinformation are also influenced by the elements mentioned previously. Depending on the substance of election misinformation, whether it is categorized as a national security issue, a public security challenge, or just an information chaos, responding actions will be taken by respective agencies. While misinformation is not new or unusual in Vietnam during election times, misinformation appearing in the 2021 election was unique for being significantly influenced by the digital transformation process and the rise of social media channels as the preferred information providers. Another important factor making the 2021 election a unique case study was the rise of misinformation as fueled by the COVID-19 infodemic.

Election misinformation in Vietnam is mostly categorized under anti-government content with the government and the party seemingly perceiving themselves as major targets of misinformation. As a result, responses to election misinformation in Vietnam have been government-centric and mostly involve state agencies like the CPV, the Ministry of Public Security, and the Ministry of Information and Communications. The article invites consideration for more empirical research on election misinformation and its impacts, adoption of more citizens-centric and multi-stakeholder approaches, and discretion for fine-tuning existing regulations, taking into account effects of digital technologies like artificial intelligence (AI).

1. The Vietnamese Political Landscape

Vietnam's political system is led by one single party - the Communist Party of Vietnam (CPV). Since Vietnam's market-oriented reforms - the so-called "Doi Moi"¹ - launched in 1986, the country has been attempting to pursue the vision of a socialist law-based state (Bui, 2018; Thach & Giang, 2023).

The Vietnamese concept of the "socialist law-based state" consists of three pillars:

(1) A socialist-oriented market economy; (2) A socialist rule-of-law state; and (3) A socialist democracy (Thach & Giang, 2023) and is characterized by five elements (Thanh Tuan, 2015):

1. People are the masters, rule of Constitution and laws is upheld, human rights are respected, safeguarded, and promoted.
2. State power is unified, but there is assignment, coordination and monitoring among state bodies, to perform legislative, executive and judicial functions.
3. The state manages the country and society according to laws, where the Constitution and laws are the result of institutionalization of the Party's guidelines, standpoints, and policies.
4. The Government's authority is determined by separating the types of decisions actively made by the Government from those that are directed by the Central Committee, the Politburo and the Secretariat. Similarly, the local governments' authority is determined by separating the types of decisions that can be made by the People's Councils and People's Committees from those that can be directed by the Party Executive Committee and the Party Standing Committee.
5. Judicial activities by judicial agencies must be based on the provisions of law, guidelines, and policies of the Party and the State.

Some contemporary scholars consider Vietnam's promotion of the socialist law-based ideology the ruling party's endeavour to justify its leadership with legal rationality (Bui, 2018). Because elections are a means of mass mobilization to foster the connection between the Party-State and the public, domestic legitimacy of elections is seen as the key measure of an elections' meaning. Consequently, legitimate electoral governance is seen as a key pillar in the establishment of the Vietnamese socialist law-based state.

Vietnam's one-party system was conventionally perceived as representing an authoritarian regime. When single-party regimes were still young and little known compared to the well-established multi-party systems, political scientists tended to equate multi-party with democracy and one-party with authoritarianism (Ware, 1995; Hague et al., 1992; Heywood & Chin, 2023). The underlying driver of such a tendency was the prevailing assumption that democracy can only arise from multi-party systems. Accordingly, Vietnam's elections, held without pressure from opposing parties, were often deemed invalid.

However, as there is rising research into government models beyond the Western liberal democracy (Haenig & Ji, 2024), political theorists increasingly debate whether multi-partyism is an effective way to achieve democracy, or power (-kratia) of the people (demos). The debate arises from recorded failures of multi-party systems in democratizing countries resulting in dominant-party systems such as in Bolivia and Turkey, as well as recognized performances of one-party states like Singapore (Tan, 2020), China, and recently, Vietnam.

One noticeable phenomenon is the emergence of direct reference to Vietnam's single-party regime (Malesky & Schuler, 2020; Malesky et al., 2022; Gueorguiev & Schuler, 2021; Thi Thoa & Kyong, 2022)

¹ "Doi Moi" means Renovation (Riedel & Turley, 1999).

instead of the previously seen automatic affiliation with authoritarianism. There seems to be increasing acknowledgement of different shades of democracies with recognition of “elite accountability”, “institutionalized process of collective policy making” (Abrami, Malesky, & Zheng, 2010), “elite factionalism” (Thayer, 2017) or “inner-party democracy”² (Abrami et al., 2013) as an alternative to the opposition party in multi-party systems.

As a result, there arises an alternative interpretation that elections are important to the politics of the Vietnamese one-party state. According to this interpretation, the CPV finds, arguably, that improving the integrity of elections is beneficial for legitimizing its existence, even in the absence of opposing political parties.

As the Vietnamese government promoted socialist law-based ideology, the electoral system underwent continuous reforms to establish integrity (Gueorguiev & Schuler, 2021). Specifically, Vietnam’s electoral reforms involve guaranteeing that respect for integrity is embedded in electoral laws, procedures, practices, attitudes, and institutions. The ultimate goal is to ensure integrity in the exercise of power by the elected institutions and individuals. Examples of integrity-based reforms include introducing competitiveness between candidates by raising the candidate-to-seat ratio and the number of non-party members, permitting contestation against centrally nominated candidates, and allowing self-nominated independent candidates (Bui, 2018).

On the one hand, these efforts appear to professionalize electoral governance and contribute towards raising public trust in and legitimacy of the CPV leadership. On the other hand, some scholars (Bui, 2018; Tran, 2020; Hop et al., 2023; Thoa, 2022) argue that implementing reforms does not automatically equate to improved transparency and accountability of the electoral system. While these scholars acknowledge the government’s efforts to promote a more virtuous national system of rules and values for the electoral process, they also raise concerns about the effectiveness of the reforms.

It is argued that the CPV’s major struggle is to come to terms with the idea of submitting its leadership to the rule of law (Malesky & Schuler, 2008; Phuc, 2021). This struggle is said to have been manifesting itself in the Vietnamese electoral governance with long-standing records of what is deemed as a lack of transparency and accountability in the Vietnamese electoral governance, from a Western point of view. Therefore, Western observers often consider the results of Vietnam’s elections invalid.

Studies on Vietnam’s politics have focused on the CPV, the National Assembly (Malesky et al., 2022; Malesky et al., 2012) and their respective elections. The 2013 Constitution of Vietnam describes the CPV as the leading force of the State and society. The Constitution appoints the National Assembly as the highest representative organ of the Vietnamese people and grants it the highest authority in constitutional and legislative affairs. While there are elections for different state legislatures such as the local People’s Councils, the Party legislatures, and, most importantly, the Party Central Committee, existing literature on Vietnam’s elections focus exclusively on the National Assembly elections.

There are important factors guiding this tendency. First, the electoral process for the National Assembly of Vietnam is open to public. The electoral date is often referred to by Vietnamese newspapers as the “National Festival,” where citizens can access information about candidates

² A quote, for example: “... attraction to its political institutions was severe enough that Hu Jintao, President and General Secretary of the Chinese Communist Party (CCP), felt compelled to issue an internal CCP document. He criticized the Vietnamese authorities for moving “too quickly toward inner-party democracy,” even warning that a de-stabilizing Mikhail Gorbachev-like figure may come to power. The CCP also banned public discussion of Vietnam’s reforms, deploying instead party intellectuals to argue against a Vietnam-like course of political development.”

through mainstream media, discuss the candidates, and gather in groups to cast their votes of free will. According to Article 67 of Law No. 85/2015/QH13 on Election of Deputies to the National Assembly and People's Councils, candidates for the National Assembly Deputies can conduct election campaigns through means of mass media. Second, the electoral process is legally subject to regulations set in the Constitution and the Law on elections of deputies to the National Assembly and People's Councils. According to Article 1 of this law, "the election of deputies to the National Assembly and People's Councils shall be conducted using the principles of universal suffrage, equality, direct voting, and secret ballot." There is significant media coverage and press observation over the National Assembly elections. In other words, implementation of the National Assembly elections is regulated by laws, and thus the election results gain both domestic and international legitimacy.

Meanwhile, election of the 'CPV's Central Committee, despite its importance in Vietnam's politics, is subject only to the Party's internal rules and are not open for public participation or monitoring. Therefore, within the context of this investigation on impacts of misinformation over elections, the primary study subject is the election of the National Assembly in Vietnam, and the impact of misinformation on its results.

2. Understanding Misinformation in Vietnam

Misinformation in the Vietnamese context is described using various terms such as "wrong," "distorted," "toxic content," and "fake news" (Sombatpoonsiri & Luong, 2022). Sombatpoonsiri and Luong (2022) criticized Vietnam and other Southeast Asian countries like Thailand, Cambodia, and Myanmar for using the pretext of preventing misinformation to censor the digital space. The cited evidence includes a variety of regulatory measures and content monitoring policies that are believed by the authors to have been implemented because the government associated the emergence of false online information with an increase in hate speech, extremism, and political divides.

According to Sombatpoonsiri and Luong (2022), the government of Vietnam, in a fashion similar to that of Cambodia and Thailand, has (1) prosecuted some anti-government critics on the basis of spreading "fake news"; (2) obliged Internet Service Providers and social media platforms to cooperate with the government in checking and removing adverse content; and (3) developed automatic tools to monitor content on social media channels. The authors associated these policy responses to "fake news" with digital repression, politicization, and weaponization.

This conclusion arises from the fact that the Vietnamese legal system has not yet provided a sufficiently clear definition of "misinformation" or "fake news". Many authors work with the assumption that the Vietnamese government intentionally keeps the legal definition of misinformation vague, and focuses instead on projecting threats of public disorder, national insecurity, and damaged national image as direct adverse impacts of the spread of misinformation. This approach is believed to have, in turn, empowered the government to (1) increase content moderation; and (2) enforce legal charges against spreaders of misinformation.

Concluding that the Vietnamese government politicized and weaponized claims of misinformation or "fake news" to ensure the regime's survival by silencing political challengers is quite straightforward. However, doing so might risk bypassing important contextual factors that offer insightful explanations on the Vietnamese government's reactions and actions vis-à-vis misinformation and fake news.

Without considerate and thoughtful contextualization to uncover the real motives underlying the government's actions and behaviours, any recommendations, judgement, or expectations of behavioural change become irrelevant and inappropriate. Therefore, the following section invites

readers to consider some key factors to obtain a more comprehensive understanding of misinformation in Vietnam.

The key analytical question is: **What are the key factors that shape the understanding of misinformation in the Vietnamese context, from the government's perspective?** Answers to this question will shed light on the rationales and motivations driving Vietnam's policy responses to misinformation in general, and election misinformation specifically.

2.1. Misinformation in Vietnam as shaped by history

First, one must take into account the history of misinformation in Vietnam (Tuan, 2019). Even though Vietnam officially gained independence in 1975, the “war” to defend national sovereignty and the Communist ideology continues to guide how policies and regulations are framed and how the Vietnamese government functions.

It is not a coincidence that many international political theorists consider the Vietnam War an ideological one between communism and capitalism. The United States of America (US), in the same way that it more recently fought the “global war on terror” on the Afghanistan and Iraq fronts, vested (with its capitalist allies) significant efforts in physical combat against the communist bloc on the Vietnam front in the past (Kaiser, 2000). Vietnam had allied with various socialist countries, and thereby became the strategic target of the US attempt to stop the spread of communism from China to other countries in the South via Vietnam (Lawrence, 2010).

During that physical war, it was Vietnam against Colonialism, and Communism against Capitalism. In the age of information, that mentality still applies, whether consciously or subconsciously. In other words, regulating misinformation becomes a “war” in the field of information, which the Vietnamese government has to fight, against outside forces, to safeguard national independence and Communist ideology (Phong, 2021; Tam, 2022; Lien, 2024).

Therefore, it comes as no surprise that many international scholars describe Vietnam's actions on misinformation as politicizing or weaponizing. This view may contain some truthful elements to it, as long as the Vietnamese government continues to perceive misinformation as a war to be fought and adopt the “war” approach in official political discourse that guides policies addressing misinformation. The Vietnamese government appears to believe in the effectiveness of “war tactics” and usually applies these in areas considered important to the country's fate, as much in the “war” against misinformation as in COVID-19 times (Le, 2010).

2.2. Misinformation in Vietnam as influenced by geopolitics

Another factor that determines how misinformation is understood and regulated in Vietnam is the country's concern with geopolitics, especially with balancing between China and the US (Dung, 2022). Before colonialism and capitalism in the West, Vietnam spent 1000 years under the Northern colonial power of Chinese empires. In the 21st century, territorial disputes in the South China Sea are among the most influential factors shaping Vietnam-China dynamics. Moreover, like most Association of Southeast Asian Nations (ASEAN) countries, Vietnam tends to maintain good relations with China due to factors of physical proximity and economic inter-dependence. Additionally, Vietnam and China are among a few nations that embrace leadership of Communist Parties and are tied by a sense of “comradeship”.

In essence, Vietnam needs to demonstrate to the international community that it is committed to developing a socialist law-based state in which no one is above the law, and where the law is applied equally and fairly to all stakeholders regardless of status or any other indicator of power. This is important as Vietnam wishes to demand China to comply with international law in disputed waters despite power asymmetry between the two countries. The need for Vietnam to demonstrate respect for rule of law and commitment to international laws, norms and practices extends to the regulation of misinformation.

Vietnam officially recognized the importance of maintaining good relations with the US by entering the Comprehensive Strategic Partnership in 2023 (U.S. Embassy & Consulate in Vietnam, 2023). The partnership will lead to positive impacts on relations with the US-led alliance in the West as well as the US-led international institutions that operate international laws, including laws on territorial disputes. Nevertheless, due to the historical ideological struggle between Communism and Capitalism, Vietnam continues to maintain a certain level of precaution when it comes to US-led promotion of freedom of expression and multi-party democracy (Carpenter, 2022; Do T., 2023; Manyin, 2010). Regulations around misinformation in Vietnam are not immune to this precaution.

These seemingly conflicting interests exert significant influence on how misinformation is regulated in Vietnam, shedding light on the following critical questions:

- Why has Vietnam not applied Internet shutdowns as a tactic to prevent misinformation?
- Why has Vietnam adopted strict measures on social media companies like Facebook, YouTube, TikTok, but refrained from banning these companies like in some other nations?
- Why does Vietnam apply less stringent Internet regulations compared to China, despite the two's similarity in being ruled by a Communist party?

2.3. Misinformation in Vietnam as fueled by the digital transformation process

While Vietnamese citizens are digitally active and aware of the existence of misinformation and their impacts, the fact that most access information through social media and tend to entertain unverifiable information turns misinformation in the digital age into a public security issue in Vietnam.

Social media has offered a new means of communication, expanding public discussion space for Vietnamese citizens. According to Kemp, there were 76.95 million active social network users in Vietnam by February 2022 (Kemp, 2022). This was equivalent to 78.1% of the population at the time. Of this, 70.4 million people were Facebook users. The average daily time spent by Vietnamese citizens using the Internet was 6 hours and 38 minutes.

Prior to 2000s, mainstream media was the only discussion channel. But after the advent of the Internet and especially social media, Vietnamese citizens have obtained a new space to exercise freedom of speech (Nguyen, 2022). On the Internet and social media, any user can become a content creator. Neither Facebook, YouTube, nor TikTok has yet made it mandatory for its content creators to provide credentials before publication.

As Vietnam's legal framework for managing social media is immature and does not yet regulate lobbying, the practice of promoting ideas and policies on prominent social media platforms becomes common. The 2014-2019 media landscape in Vietnam observed an increase in professional content generators on Facebook, including journalists and paid online commentators (Mach, 2019). The intensive presence of Vietnamese journalists on Facebook led to a blurring of distinction between

professional journalism and manipulated communication. Together, these dynamics were believed to have contributed to the proliferation of misinformation and fake news on Facebook and the deterioration of journalistic quality in Vietnam (Mach, 2019).

Without scrutiny, the quantity and quality of content being published and shared on social media is unrestricted. Beside healthy content, there is an equal share of harmful content, misinformation, and fake news.

According to a survey conducted by Indochina Research (2019), Vietnamese citizens from Hanoi and Ho Chi Minh City experienced fake news mostly through online channels, namely social media (45%) and news websites (44%). Other more traditional types of news channels like newspapers, TV, and radio were less vulnerable to fake news, in the opinion of the surveyed. Sixty-five percent claimed to have been exposed to fake news at least once a week. The survey results also pointed out that Vietnamese citizens were concerned about fake news with 88% of survey respondents looking forward to more action from those in charge (government agencies) to prevent publication of fake news.

Another research (Indochina Research 2022) which surveyed 3,710 citizens across 55 out of 63 provinces in Vietnam, revealed that 32% of the surveyed population was exposed to fake news or misleading information at least once a week. There were more concerns towards the younger generations of Gen Z and Y³ because 4 out of 10 claimed to have experienced being exposed to misinformation on weekly basis. Social media was considered less reliable than mainstream media (TV, radio, print). However, while only 1 out of 3 users reported that they trusted social media platforms, most respondents said they still relied on social media to access information daily.

2.4. Misinformation in Vietnam as inspired by the desire to become ASEAN's digital leader

Vietnam has made a concentrated effort to promote digital transformation with the introduction of an ambitious national strategy for 2025-2030 in Decision No. 749/QĐ-TTg (dated 3rd June 2020), and to be among ASEAN's digital leaders.

Since the Decision in 2020, Vietnam has made great achievements in the digital transformation of both public and private sectors. The digital identity system has been established and public services and information has been brought online (Dharmaraj, 2023). Google identified Vietnam's digital economy growth rate as the highest in Southeast Asia for two consecutive years (2022 reaching 28%, 2023 reaching 19%) (Vietnam.vn, 2023b).

Vietnam's ambition to become ASEAN's digital leader, powered by the growth in its digital economy, appears to have contributed to its openness in leading regional attempts to combat misinformation. Vietnam initiated establishment of the ASEAN Task Force on Fake News (TFFN) in 2022 (Ministry of information and communications, 2022) as a specialized cooperation mechanism to deal with and reduce the harmful effects of misinformation and fake news in the region. As the pioneer of the idea, Vietnam introduced a framework for the operation of the TFFN.

In September 2023, the Vietnamese Ministry of Information and Communications hosted the ASEAN regional forum on tackling misinformation in cyberspace within the framework of the 16th Conference of ASEAN Ministers Responsible for Information (AMRI-16) (Vietnam News Agency, 2023). The forum explored joint attempts by ASEAN countries to fight misinformation, provided recommendations on

³ Gen Z (1997 - 2012); Gen Y (1981 - 1996) (Indochina Research, 2022, p. 10)

actions to address the problem, and shared good regional practices. Besides, it promoted collaboration among ASEAN governments, localities of ASEAN member countries and social media platforms.

At AMRI-16, Mr. Nguyen Thanh Lam, Vietnamese Deputy Minister of Information and Communications, pointed out a lack of multi-stakeholder engagement in ASEAN mechanisms (Vietnam News Agency, 2023). He elaborated that ASEAN countries have been focusing on government cooperation while missing out engagement from media organizations (in their role of providing trustworthy information and identifying and fixing fake news), research institutions and media outlets (in their role as independent research and fact-checking units). As a result, AMRI-16 aimed to bring forth open space for multi-stakeholder engagement including the media, cross-border platforms, and other relevant stakeholders, in addition to government agencies. The forum also demonstrated ASEAN's commitment to mitigating the harm caused by misinformation and promoting joint efforts to foster a healthy and trustworthy information space for its citizens.

Vietnam's active leadership in promoting ASEAN cooperation to combat misinformation has significant implications for Vietnam's commitment to three things: (1) regulation of misinformation in Vietnam must comply with regional and international standards, which means a balance between deterring harmful content while safeguarding freedom of expression; (2) investment in raising public awareness and digital literacy skills as an alternative to state censorship; (3) support for multi-stakeholder engagement outside of the government, namely media organizations, research institutions, and media outlets as independent units.

These commitments signify an important shift in Vietnam's understanding and regulation of misinformation, from one that is state-centred (protecting the interests of the Party and focusing on censorship of anti-government content) to one that is more citizen-centred (protecting the interests of the people and focusing on measures to empower the people and invite participation of independent forces outside of the government). As quoted in VietNamNet (Vietnam.vn, 2023a) news portal, the Deputy Minister said: "ASEAN countries need to make an effort to find solutions to combat fake news to create a reliable and responsible cyberspace for people [emphasis added]."

While this does not automatically equate to Vietnam abandoning concerns around anti-government content, it does signify more commitment expressed in political discourse to regulate misinformation for the best interest of the public.

2.5. Misinformation in Vietnam during and after COVID-19 infodemic

The COVID-19 pandemic demonstrated the risks of misinformation and disinformation. Social media was the biggest source of false or misleading information about the pandemic. In Vietnam, the United Nations Educational, Scientific and Cultural Organization (UNESCO) launched an official call to "end fake news and disinformation" in 2020 (UNESCO, 2023). In fact, the first Anti-Fake News Centre was launched by the Vietnamese government to combat the COVID-19 infodemic (Diep, 2021). Most of the content reviewed in 2020 by the Factcheckvn project, an initiative by a Vietnamese news agency to combat misinformation, was also related to the pandemic (Viet Nam News, 2023).

According to statistics from the Ministry of Public Security, around 600,000 pieces of information about COVID-19 were posted on social media platforms from January to mid-March 2020 (Chinhphu.vn, 2020). Of these, 654 instances were identified by the Ministry of Public Security as spreading false information (Chinhphu.vn, 2020). Compared to those months in 2019 before COVID-19, there was a 50-percent increase in the quantity of misinformation in the latter months of 2020, as

reported by the Minister of Information and Communications (Diep, 2021). The Vietnamese National Cybersecurity Centre was quoted to have handled a total of “35,000 bad, malicious, and false news on social media and internet platforms” (Diep, 2021).

The COVID-19 infodemic revealed a concerning tendency of Vietnamese citizens’ demand for misinformation as most students were reported to demonstrate interest in certain characteristics of misinformation such as catchy title, enticing content, updated (but not necessarily verified) news. Some empirical research studies were conducted to investigate the ability of Vietnamese citizens to identify fake news in the context of the COVID-19 pandemic. The research findings (Oanh et al., 2023) showed that only 32.2% of the interviewed could identify fake news even though the majority were aware of the need to verify information, compare sources, and evaluate news factors. The research also pointed out that social media users were usually aged 18-35 and thus had less expertise and experience to identify misinformation and fake news.

Findings from another study, which examined the scale and sentiment dynamics of misinformation and unverified information about public health interventions during a COVID-19 outbreak in Da Nang, Vietnam, between July and September 2020, also supported this conclusion (Quach et al., 2022). Analysis of 54,528 online posts generated during the COVID-19 outbreak pointed out that all misinformation posts were made on social media and were predominantly negative. Another important observation was that those posts with unverifiable information and negative sentiment attracted more public attention during the outbreak.

COVID-19 was an important event that turned misinformation into an urgent challenge for public security across the globe, as well as in Vietnam.

3. Laws Regulating Misinformation in Vietnam

Understanding misinformation as shaped by the above-mentioned factors has profoundly influenced misinformation regulation in Vietnam. Such a profound influence will be elaborated in the following sections.

3.1. Vietnam’s legal provisions for handling acts of spreading misinformation

Currently, Vietnam’s legal documents have not introduced an official definition of misinformation. The Government’s Decree No. 15/2020/ND-CP dated February 03, 2020, stipulates penalties for administrative violations in the fields of post, telecommunications, radio frequencies, information technology and electronic transactions. The decree, which amended and supplemented Decree No. 14/2022/ND-CP dated January 27, 2022 (Decree No. 15/2020/ND-CP) only mentions the term “fake information”. In addition, neither the Law on Cyber Information Security of 2015, the Press Law of 2016, nor the Law on Cybersecurity of 2018 provides any definition of fake information or misinformation. These legal documents only refer to so-called “Prohibited acts.”⁴ As such, the existing regulations only focus on clarifying what content shall not be published or spread. The prohibited acts include:

- Opposing the Socialist Republic of Vietnam; threatening national security and social safety; sabotaging national fraternity; propagating wars and terrorism; evoking animosity and conflict between people, races, and religions.

⁴ In Vietnamese: *Các hành vi bị cấm*

- Propagating and inciting violence, obscenity, pornography, crimes, social problems, superstition; contradicting national tradition.

For example: The Ministry of Information and Communications coordinated with the Ministry of Public Security to handle gambling advertisements. Since 2023, these authorities have removed 1,574 websites, links and other advertisements for gambling on social networks and television. Most recently, the Inspectorate of the Ministry of Information and Communications fined Vietnam Television (VTV) and FPT Telecom Joint Stock Company (FPT Telecom) 50 million Vietnamese Dong (VND) and VND85 million respectively, for allowing gambling content to appear on television within the framework of a football match (Long, 2024).

- Revealing state, military, economic, or diplomatic secrets, and other secrets defined by the State;
- Providing false information; slandering or damaging the reputation of organizations or the dignity of individuals;
- Advertising, propagating, and trading in banned goods or services; spreading banned works of news, literature, and art or other banned publications;
- Organizations and individuals spreading false information about other organisations and individuals in a way that violates the lawful rights and interests of the latter.

For the purpose of state management activities, the Ministry of Information and Communications offers the following definition of “misinformation in the digital space” in its handbook on preventing and fighting fake news and false news in cyberspace: “Misinformation in the digital space is false information that is intentionally posted and spread for improper purposes, misleading readers and viewers; or information that is partially true but not entirely accurate due to lack of verification, exaggeration, or intentional misinterpretation of events, often appearing as news and being spread mainly on social networks.”

In short, it can be understood that the act of spreading misinformation or fake news is considered an act of intentionally harming certain objects that are protected by law, causing negative consequences in all fields of social life.

The following describes the system of legal documents used for handling acts of spreading misinformation or fake news.

3.1.1. Administrative handling

Decree No. 15/2020/ND-CP stipulates penalties for different types of online information violations (examples can be found in Table 3.1), as given below:

- The act of violating government regulations for licensed websites by providing false information or misrepresenting, slandering, or insulting the reputation of organizations or the honour and dignity of individuals will be fined from VND20 million to VND30 million (Point a, Clause 3, Article 99).
- The acts of storing and transmitting misinformation, false news, slander, or misrepresentation which insults the reputation of an organization or the honour and dignity of individuals; storing and transmitting fabricated information, causing panic among the people will be fined from VND50 million to VND70 million (Point a, Clause 3, Article 100).
- The acts of providing and sharing false information that misrepresents, slanders, or insults the reputation of agencies or organizations, or the honour and dignity of individuals (Point a,

Clause 1, Article 101); providing and sharing fabricated information, causing panic among the people (Point d, Clause 1, Article 101) will be fined from VND10 million to VND20 million.

- The acts of forging organizations and individuals and disseminating fake or false information that infringes upon the legitimate rights and interests of organizations and individuals (Point n, Clause 3, Article 102) will be fined from VND10 million to VND20 million.

Table 3.1 Examples of administrative handling of misinformation

Year	Victim	Perpetrator	Description of content	Nature of administrative intervention
2024 (Phuong, 2024)	Information about Yagi storm	4 individuals using social media: T.G.H V.T.T P.T.M L.N.H	On Facebook, these 4 individuals shared false information about the damage of Luc Nam dam in Bac Giang province, causing anxiety among citizens.	Bac Giang Provincial Police issued a decision to impose an administrative fine of VND5 million for T.G.H, V.T.T, and P.T.M, and VND7.5 million for L.N.H.
2023 (Hop, 2023)	National textbooks Ministry of Education and Training	Mr. VVT	Mr. VVT used his personal Facebook account to post and share articles containing false information about the content of the textbooks, specifically the four poems “Pounding Rice to Blow Rice,” “Drawing What’s Difficult,” “The White Whale”, and “The Crested Dog” with images of leaders of the Ministry of Education and Training.	On November 20, 2023, the Internal Political Security Department of Thanh Hoa Provincial Police decided to impose an administrative penalty of VND7.5 million on Mr. VVT for sharing false information about the textbooks and defaming leaders of the Ministry of Education and Training.
2022 (Chinhphu.vn, 2022)	Vietnam’s economic development. Mr. Pham Nhat Vuong and VinGroup	Individuals	Some individuals were reported to have spread misinformation and fake news about Vietnam’s economic development and Mr. Pham Nhat Vuong, the head of VinGroup.	Within the first 10 months of 2022, the Ministry of Public Security prosecuted 63 cases with 68 defendants, administratively sanctioned 455 subjects, and called to inspect 1,500 subjects.

2021 (Long, 2021)	People's Committee of Binh Thuan province The Chairman of the People's Committee of Binh Thuan province	Ms. NPH	In a clip posted on social networks, Ms. NPH stated that the People's Committee of Binh Thuan province covered up for Mr. VHY to practice his profession. However, the Department of Health of Binh Thuan province affirmed that a medical examination and treatment practice certificate was issued to Mr. VHY in accordance with the relevant regulations.	Based on the statement of the Department of Health, the inspectors of the Department of Information and Communications of Binh Thuan province determined that Ms. NPH's statement in the clip posted on social networks was false, and applied Decree 15/2020/ND-CP to fine Ms. NPH VND7.5 million.
2020 (Trong, 2020)	Information about the origin of COVID-19 and situation at the time	Individuals on social media	These individuals were reported as having taken advantage of the epidemic situation to spread false news or provide information that was not authentic or had not been verified and speculate based on personal opinion and perception to attract views and likes, causing confusion in public opinion and in society.	At the time of writing, police units across the country had verified and worked with 654 cases of false information. Administrative sanctions were imposed on more than 146 people.

3.1.2. Criminal proceedings

- The acts of making, storing, disseminating or propagating information, materials or products with fabricated content, and causing panic among the people for the purpose of opposing the State of the Socialist Republic of Vietnam may be punished under Article 117 of the 2015 Penal Code, amended and supplemented in 2017. Accordingly, offenders will be imprisoned for five to 12 years.
- The act of using a computer, a telecommunications network or electronic means to fabricate or spread what is known to be false, in order to seriously offend the dignity and honour or damage the legitimate rights and interests of others, may be examined for criminal liability for slander under Article 156 of the 2015 Penal Code. The offenders may be punished with a prison sentence of up to 7 years, a fine not less than VND10 million and not more than VND50

million, and a prohibition from holding office or practicing or engaging in certain jobs for no less than 1 year and no more than 5 years.

- In addition, offenders may be fined no less than VND30 million and no more than VND200 million, sanctioned into non-custodial rehabilitation for up to 3 years or imprisoned for no less than 6 months and no more than 3 years. An additional penalty may be imposed in the form of a fine not less than VND5 million and not more than VND50 million, prohibition from holding office or prohibition from practicing or engaging in certain jobs for no less than 1 year and no more than 5 years.

Another type of misinformation that is prohibited and subjected to criminal proceedings is perpetuating illegal information intentionally to make illicit profits or cause damages to agencies, organizations, and individuals. Specifically, posting illegal information on computer or telecommunications networks in order to make illicit profits from VND50 million to less than VND200 million, causing damage from VND100 million to less than VND500 million or degrading the reputation of the agencies, organizations and individuals can be fined up to VND 200 million, sentenced non-custodial up to 03 years, or imprisoned from 06 months to 03 years (Clause 1, Article 288 of the 2015 Penal Code).

3.2. Gaps in Vietnam's legal provisions on handling acts of spreading misinformation

3.2.1. Lack of a uniform official definition of misinformation or fake news

Current legal documents do not have an official definition of misinformation or fake news, leading to difficulties in handling violations. The term “fake information” appears eight times in Decree No. 15/2020/ND-CP. However, even in this decree and other legal documents such as the 2018 Law on Cybersecurity, the 2016 Press Law and other documents in the field of information and communication, the concept of misinformation has not been properly defined.

When listing violations related to providing and sharing false information on social networks, Clause 1, Article 101 of Decree No. 15/2020/ND-CP mentions terms such as “fake information,” “distorted information,” “slandorous information,” and “fabricated information.” However, the entire content of this Decree does not properly explain what “fake information,” “distorted information,” “slandorous information” or “fabricated information” is. Similarly, Point b, Clause 3, Article 16 of the 2018 Law on Cybersecurity also stipulates that information in cyberspace with humiliating and slanderous content includes “fabricated or false information that infringes on honour, prestige, dignity or damages the legitimate rights and interests of agencies, other organizations and individuals.” It can be seen that even in the provisions of the law, there is inconsistency in the scope of the subjects of information being regulated.

This inconsistency makes it difficult to apply the law to handle violations in practice. As there is no specific definition, information regulators cannot determine what fake news is to adopt appropriate measures. Besides, other stakeholders do not know whether the information they give is fake news or not, to determine whether their behaviour is legal or regulated by the law on dealing with fake news.

On social networking platforms, the amount of information is extremely large with different types, from spoken language, written language, to images and videos. The lack of a legal basis to determine what fake news is presents an obstacle in regulating misinformation. When there is no solid legal basis as a premise for assessing the behaviour of subjects in society, the situation of arbitrary application of

the law and inconsistent application of the law in handling violations inevitably arises. In addition, even in academic research, the concept and characteristics of fake news remain a matter of controversy with different points of view, which leads to inconsistency in law application.

3.2.2. Absence of quantitative provisions to distinguish between administrative violations and criminal violations for the spread of misinformation or fake news

The current law does not contain quantitative provisions to distinguish between administrative violations and criminal violations for the spread of misinformation or fake news.

According to the provisions of Article 156 of the 2015 Penal Code on the crime of slander, those who commit acts of fabricating or spreading what is known to be false in order to seriously offend the dignity and honour or cause damage to the legitimate rights and interests of others will be fined from VND10 million to VND50 million, or subjected to rehabilitation without detention for up to 2 years or imprisonment from 3 months to 1 year. In administrative sanctions, Clause 1, Article 101 of Decree No. 15/2020/ND-CP has listed two groups of acts related to the spread of fake news as follows:

1. Supplying and sharing fake information, false information, misrepresentation, slander, insulting the prestige of agencies, organizations, honour and dignity of individuals;
2. Supplying and sharing fabricated information, causing panic among the people, inciting violence, crime, social evils, gambling or gambling services.

The challenge is there are currently no specific quantitative provisions, such as, to what extent it is considered serious to offend the honour and dignity of others or whether violating the dignity of others is sufficient to constitute a crime without consideration of the consequences. Because the current law lacks quantitative provisions, it is difficult to know when to apply administrative sanctions or criminal prosecution.

3.2.3. Overlaps in regulations on handling the spread of fake news

Regulations on handling the spread of fake news have overlaps. For example, in addition to the provisions of Decree No. 15/2020/ND-CP, a number of decrees on sanctioning administrative violations in other fields also regulate the act of providing and sharing false information on social networks. One example is Point b, Clause 4, Article 20 of the Government's Decree No. 119/2020/ND-CP dated October 07, 2020, stipulating penalties for administrative violations in journalistic activities. Publishing activities "providing information with false contents, misrepresenting, insulting the honour and reputation of organizations, honour and dignity of individuals" will be fined from VND40 million to VND50 million, which is a different amount compared to Decree No. 15/2020/ND-CP. Under these overlaps, it is challenging to identify which forms and amounts of sanctions for which cases.

4. Key stakeholders in combatting Misinformation in Vietnam

4.1. The CPV's Steering Committee 35

With regards to election misinformation, the Steering Committee 35 plays a crucial role. The Steering Committee 35 was established at all administrative levels to ensure effective implementation of Resolution No. 35-NQ/TW (dated October 22, 2018) of the Politburo, on strengthening the protection

of the Party's ideological foundation, and fighting against wrong and hostile views in the new situation (Trang, 2023). According to the Resolution, four topics to be monitored include:

1. Negating Marxism-Leninism
2. Denying Ho Chi Minh's ideology
3. Opposing the opinions, guidelines and strategies of the Party and the State's laws and policies in all fields; and
4. Denying the historically significant achievements that have been made under the leadership of the CPV⁵.

The Resolution also clarified the means of spreading misinformation under scrutinization, namely:

1. Mass media, especially overseas newspaper publishing, production of tapes and video discs transferred back to the country; sponsoring a number of foreign media outlets dedicated to undermining and defaming Vietnam;
2. The internet and social media to disrupt, to take advantage of management lapses, and to incite unauthorized protests and misrepresentations;
3. Organizing workshops to review issues related to the history;
4. Attacks against internal systems, denial of achievements of agencies or units, agitation to attack the past.

The Resolution proposed six recommendations to address misinformation issues in the Party system. First, focus on improving the quality and effectiveness of political and ideological education. Second, innovate communication content and methods to raise public awareness about Marxism-Leninism, Ho Chi Minh thought, Party guidelines and visions, and policies and laws of the State. Third, promote the role of the media. Fourth, strengthen leadership, direct and organize the inspection and supervision of Party organizations and Party members to abide by the Party platform, charter, resolutions and regulations and handle violations promptly and strictly. Fifth, tighten Party discipline. It is strictly forbidden to reveal Party or State secrets, spread false information or disseminate anonymous letters with bad content, distortion, slander or incitement. Sixth, improve the quality and efficiency of the management and use of the internet and social networks, focusing on building and perfecting the system of legal documents.

4.2. Ministry of Public Security

When misinformation becomes a national security or public security issue, the Ministry of Public Security plays a critical role. By law, the Ministry of Public Security is the key government agency responsible for implementation of the Law on Cybersecurity⁶ and Decree No. 15/2020/NĐ-CP stipulating penalties for administrative violations in the fields of post, telecommunications, radio frequencies, information technology and electronic transactions.⁷

⁵ (Nghị quyết của Bộ Chính trị về tăng cường bảo vệ nền tảng tư tưởng của Đảng, đấu tranh phản bác các quan điểm sai trái, thù địch trong tình hình mới [Resolution No. 35-NQ/TW of the Politburo on strengthening the protection of the Party's ideological foundation, fighting against wrong and hostile views in the new situation], 2018)

⁶ (Luật an ninh mạng [Law on cyber security], No. 24/2018/QH14, 2018)

⁷ (Nghị định: Quy định xử phạt vi phạm hành chính trong lĩnh vực bưu chính, viễn thông, tần số vô tuyến điện, công nghệ thông tin và giao dịch điện tử [Decree: Regulations on sanctions for administrative violations in the field of post, telecommunications, radio frequency, information technology and electronic transactions], No. 15/2020/ND-CP, 2020)

It is important to pay attention to the language description of these documents in order to understand why the Ministry of Public Security is actively involved in fighting misinformation. According to the Law on Cybersecurity:

- Cybersecurity is the assurance that activities in cyberspace do not harm national security, social order and safety, legitimate rights and interests of agencies, organizations and individuals;
- Cybersecurity threat means a situation in which cyberspace shows signs of threatening to infringe upon national security, seriously damaging social order and safety, legitimate rights and interests of agencies, organizations and individuals;
- A cybersecurity incident is an unexpected incident that occurs in cyberspace that infringes upon national security, social order and safety, legitimate rights and interests of agencies, organizations and individuals;
- Dangerous cybersecurity situation means an incident that occurs in cyberspace when there is a serious infringement on national security, causing especially serious harm to social order and safety, legitimate rights and interests of agencies, organizations and individuals.

In addition, Article 2 of the law refers to definitions of cybercrime, cyberterrorism, and cyber espionage. Article 8 on prohibited acts on cybersecurity criminalizes a variety of contents, including the following:

- Organizing, operating, colluding, inciting, bribing, deceiving, enticing, and training persons against the State of the Socialist Republic of Vietnam;
- Distorting history, denying revolutionary achievements, undermining the great national unity, insulting religions, gender discrimination or racial discrimination;
- False information causes confusion among the people, causes damage to socio-economic activities, causes difficulties for the operation of state agencies or persons performing public duties, infringes upon the legitimate rights and interests of other agencies, organizations and individuals;
- Prostitution, social evils and human trafficking; posting lewd, depraved or criminal information; destroying the fine customs and customs of the nation, social morality and health of the community;
- Inciting or enticing others to commit crimes.

In the case of the Law on Cybersecurity, there is even an emphasis on the need for the Ministry of Public Security to cooperate with the Ministry of Defence.

The Ministry of Public Security played an active role in combating election misinformation in the latest Vietnam National Assembly Election in 2021. According to an interview (Hang, 2021) with Lieutenant General To An So, Spokesman of the Ministry of Public Security, the Ministry imposed measures against 124 election reactionary, aggressive and destructive subjects; closely supervised 1,251 reactionary, opposing and struggling subjects; dismantled four reactionary groups, stopped two propaganda campaigns against the election by exiled reactionaries; seized hundreds of reactionary documents; prosecuted and arrested three individuals who violated the law on elections, prosecuted 11 subjects who distorted facts related to elections in cyberspace, and handled administrative violations of hundreds of subjects. The Cybersecurity Bureau reportedly disabled more than 200 targets in cyberspace and removed 658 video clips that distorted the election.

4.3. Ministry of Information and Communications – Vietnam Anti-Fake News Centre

When misinformation is spread using newspapers, publishing, telecommunications, internet, broadcasting, information technology, electronics, television and national media infrastructure, the regulatory power is with the Ministry of Information and Communication.

In 2021, the Authority of Broadcasting and Electronic Information of the Ministry of Information and Communications launched the Vietnam Anti-Fake News Centre (VAFC) with its portal at tingia.gov.vn (Minh, 2021). The VAFC serves as an official portal responsible for dealing with misinformation and fake news. The VAFC conducts four major activities:

1. Receiving fake news reports;
2. Identifying and labelling fake news;
3. Listing and counting fake news; and
4. Publishing other news.

In addition to surfing the 'VAFC website, individuals and organizations can report misinformation and fake news by dialling 1800 8108. By the end of 2023, the VAFC resolved 6,398 fake news submissions, announced more than 30 fake business websites, requested foreign social networks to handle and remove 543 incidents of fake news and blocked and removed 725 gambling domains (Lien & Ha, 2023).

In addition to the VAFC, the Ministry of Information and Communications also launched three digital transformation platforms for regulating misinformation and fake news on media outlets namely (Hang & Cuong, 2023):

1. The e-newsroom management platform;
2. The platform for monitoring public opinions on social networks as well as security breach prevention; and
3. Emergency response platform for the information system of the press agency.

The major goal is to aid media agencies in monitoring and notifying information security risks in the digital environment.

Besides, the Ministry of Information and Communications established the National Cyber Security Centre as a technical focal point for supervising and supporting information security assurance for people, enterprises and information systems of the Party and State. The Centre is capable of scanning 300 million pieces of information per day (Chau, 2022). At the same time, the Centre coordinates with technology enterprises to develop scanning tools to capture public opinion online to assist ministries, government branches, and localities in content moderation.

One noticeable initiative of the Ministry to ensure effective implementation of content moderation is to include this category of content moderation into the national Digital Transformation Index⁸, which annually assesses ministerial and provincial level of digital transformation. Departments of Information and Communications across 63 provinces in Vietnam are responsible for regular content moderation and must ensure digital connectivity with the information scanning system of the National Cyber Security Centre (Tuyet, 2023).

⁸ (Quyết định: Phê duyệt đề án “xác định bộ chỉ số đánh giá chuyển đổi số của các bộ, cơ quan ngang bộ, cơ quan thuộc chính phủ, các tỉnh, thành phố trực thuộc trung ương và của quốc gia” [Decision: Approving the project “determining a set of digital conversion evaluation indicators of ministries, ministerial-level agencies, government agencies, provinces, centrally-run cities and national”], 2022).

4.4. The Vietnamese Government's official websites and fan pages

The Vietnamese Government's official websites and fan pages at all levels of government serve as reliable sources of verifying information and combating misinformation. For example, during COVID-19 infodemic, the Vietnamese government's Facebook page called Thông tin Chính phủ (Government Information) re-shared notifications of fake news identified by the VAFC. By 2023, the page had 4.2 million regular readers (Nhan, 2023).

The measles outbreak in 2018 stimulated an unprecedented wave of Facebook posts calling for the resignation of the Minister of Health at that time. Responding to this wave, the Minister of Health began to use Facebook for public communication and, as of October 2018, she was the first and only minister managing a ministerial Facebook account in Vietnam. However, starting with the National Assembly election in 2021, candidates for National Assembly deputies were allowed to use social media channels as a means to conduct their election campaigns. Since then, many political leaders and government agencies in Vietnam have launched official Facebook accounts for public communication (Giang & Thu, 2022).

4.5. Social media companies – Facebook, Google, TikTok

In the Vietnamese Government's report to the National Assembly (Thu, 2023) in the first 6 months of 2023, Facebook blocked and removed more than 2,265 posts spreading false information and propaganda against the Party, the State, individuals and organizations. The platform also removed three fake accounts of individuals and organizations, blocked eight accounts that regularly posted fake news and distorted information to sabotage the Party and State, and 30 advertising pages that bought and sold fake invoices. Google removed 4,910 infringing videos from YouTube and blocked two reactionary YouTube channels from accessing audience in the Vietnamese territory (Kênh nóng TV and Chính sự TV). TikTok blocked and removed 397 infringing links that posted false information and negative content, of which, 139 accounts regularly posted content against the Party and State.

Regarding the management of cross-border platforms, especially social networks, the Minister of Information and Communications Nguyen Manh Hung said that the management agency had demanded domestic and cross-border social platforms to authenticate users and provide authentication information when required.

Citing difficulties in misinformation regulation, Minister Nguyen Manh Hung said there emerged many new methods to spread content quickly on social networks. Meanwhile, the existing administrative procedure for requesting social media platforms to block and remove content still takes a long time. Therefore, it was proposed that a new draft decree be finalized to tighten the management of cross-border platforms and investigate algorithm management solutions of these social media platforms, especially TikTok.

Among the targeted social media platforms, TikTok appears to be the most active in supporting the Vietnamese government in content moderation. Besides tech-based solutions to filter harmful content, TikTok also initiated creative ones like cooperating with Key Opinion Leaders (KOLs) in Vietnam to raise public awareness on misinformation (Viet Nam News, 2023).

4.6. Vietnamese media agencies as fact-checkers

The Vietnam News Agency shared its project called “The fight against fake news – Creative ideas and Effective solutions” at the 16th Conference of ASEAN Ministers Responsible for Information and related Meetings (AMRI) in Vietnam in September 2023 (Viet Nam News, 2023). The Vietnam News Agency also cooperated with TikTok to launch an account called Factcheckvn, which serves as a fact-checking channel. Specifically, the agency used crowdsourcing (especially Gen-Z audiences) to identify false information on social media. Any TikTok or Facebook user can apply the “@Factcheckvn” tag or “Vietnamplus” tag should there be suspicion of misinformation. Subsequently, the agency’s reporters will verify the reported news and publish corrected information in the form of interviews with experts or responsible authorities. So far, TikTok Factcheckvn has attracted 2.68 million followers and 1.5 million likes with positive feedback from Gen-Z audiences.

Tuoi Tre News is another Vietnamese media agency that asserts itself as a fact-checker. In 2017, Tuoi Tre launched its Real-Fake section to identify false information in Vietnam and overseas that caught the attention of local audiences. However, the Real-Fake section does not apply the standard fact-checking methods of classifying content as true, false, or misleading, and then sharing the corrected versions. Instead, this section concentrates efforts on publishing accurate, objective, and multi-dimensional information (Diep, 2021). As a result, the audience of the Real-Fake section understands that any information published here has already been carefully verified and is reliable.

5. Decoding Election Misinformation in Vietnam

It is important to note that election misinformation is one type of misinformation. Therefore, the government’s understanding and regulation of election misinformation are also influenced by the elements mentioned previously. Depending on the substance of election misinformation, and whether it is categorized as a national security issue, a public security challenge, or an information crisis, responding actions will be taken by respective agencies.

Vietnam holds its general elections every 5 years for both central government and local government legislative bodies. While misinformation is not new or unusual in Vietnam during election times, misinformation appearing in the 2021 election was unique for being significantly influenced by the digital transformation process and the rise of social media channels as the preferred information providers. Another important factor making the 2021 election a unique case study was the rise of misinformation as fuelled by the COVID-19 infodemic.

On May 18, 2021, the Prime Minister of Vietnam issued Statement No. 633/CD-TTg⁹ requiring attention from government agencies across all levels to ensure successful organization of the election for deputies to the 15th National Assembly and People’s Councils for the 2021-2026 term. According to the Statement, the Prime Minister requested the Ministry of Information and Communications of Vietnam to implement the following:

- Promote communication messages and mobilize voters to vote by both traditional (such as speaker systems at communes, wards and towns, especially in remote areas and ethnic minority areas) and modern (such as domestic social media networks, telecommunications networks, etc.) means.

⁹ (Công điện: Về việc tập trung tổ chức thành công cuộc bầu cử đại biểu quốc hội khóa xv và đại biểu hội đồng nhân dân các cấp nhiệm kỳ 2021 – 2026 [Telegram: About focusing on successfully organizing the election of deputies to the 15th national assembly and deputies to the people’s councils at all levels for the term 2021 – 2026], No. 633/CD-TTg, 2021)

- Direct news agencies and the press to increase accurate, creative, and vivid provision of information so that voters across Vietnam can clearly understand and fully exercise their rights and obligations on election day.
- Monitor and control information security.
- Coordinate the countering, prevention, and prompt handling of misinformation and false views in cyberspace about the election.

This section analyses the case of the election for deputies to the 15th National Assembly and People's Councils at all levels for the 2021-2026 term, and how misinformation as powered by digital means influenced the election process.

According to official statistics (Ngoc, 2021), the total number of eligible voters in the country was 69,523,133 and the total number of voters who participated in the polls was 69,243,604, which was a 99.6% voter turnout. Compared to the election of deputies to the 14th National Assembly and People's Councils at all levels for the 2016-2021 term, the total number of voters in the 2021-2026 election increased by 2,037,651 and the number of voters participating in the polls increased by 2,194,513, which means the turnout rate was 0.25% higher than the previous term.

5.1. Patterns of misinformation in Vietnam's 2021 election

In terms of content, different narrative strategies were employed for spreading election misinformation during the 2021 election.

Swapping “self-nominated applicant” and “officially nominated candidate”

First, misinformation spreaders appeared to deliberately mislead public opinion by swapping two concepts: a self-nominated applicant and an officially nominated candidate. While permitting self-nominated applicants to participate in the election was one of the key aspects of electoral integrity-based reforms, a self-nominated applicant is not the same as an officially nominated candidate. To be considered an officially nominated candidate, applicants must first pass through three rounds of consultative conferences.

According to government regulations, the act of spreading election misinformation is when some individuals intentionally take advantage of public confusion between these two concepts to label themselves on social media as “candidates” for the National Assembly. The act of using the title of “candidate” to promote activities such as “dialogues with voters,” “debate with candidates,” which are only possible for officially nominated candidates, is also considered an act of spreading election misinformation.

Sharing “heart-felt letters,” “heart-devoted words,” “open letters to voters”

Second, misinformation spreaders were said to have shared “heart-felt letters,” “heart-devoted words,” “open letters to voters” on social networks, which encouraged the Vietnamese public to boycott the election. According to reports from the Ministry of Public Security, appeals asking the public to boycott the 2021 election came mostly from opposition groups or anti-government elements from abroad.

These groups were reported to argue that “Vietnam’s current constitution stipulates that voting is a civil right. Already a right, citizens can exercise or not exercise. There are no regulations obliging Vietnamese citizens to participate in voting for the National People’s Council and People’s Council

deputies at all levels.” One of the most notable examples was the US-based group named Viet Tan, which had maintained 1,000 social media accounts and set up 300 new accounts to post and share negative articles and information about the 2021 election (Nam, 2021).¹⁰

In short, these misinformation spreaders appeared to want to sell the public the message that the Vietnamese government was forcing citizens to vote. Some other individuals were reported to have launched public social media campaigns against voting for candidates introduced by the Central Committee. The election misinformation spreaders proposed the argument that “Don’t elect people you don’t know about. The Central Committee is far away and you don’t know who they are. So, don’t vote for them.”

It is important to note here that the Vietnamese media described these campaigns not only as election misinformation, but also as attacks on Vietnam’s national sovereignty and legitimacy of the Communist ideology.¹¹ As a result, this phenomenon appears to have been treated as a national security challenge and was tackled by the Ministry of Public Security as such.

Fabricated information on private lives of candidates

Third, some subjects were reported to have fabricated information about the private lives (such as the origin, family, and career developments) of some senior Party and State leaders on the list of candidates for the National Assembly. The recorded strategy was to associate photos of luxurious lifestyles with engagement in corruption by these candidates on online websites and YouTube channels. Another reported strategy involved technological application to create avatars by collage photos of Party and State leaders and then attach fake and false statements to those photos.

Taking advantage of public fear over COVID-19

Fourth, some subjects were said to have taken advantage of public fear over COVID-19 epidemic situations to share a narrative of the government’s willingness to sacrifice citizens’ safety for good performance in voting. The warning spread was: “Do not go to polling places because the risk of COVID-19 infection in the community is very high” and “The Communist Party used its propaganda machine to mislead citizens that it was safe to go to vote despite COVID-19 outbreaks in some areas” (Long, n.d.).

Meanwhile, according to official information provided by the Vietnamese government, the Office of Government had already announced the Conclusion of Prime Minister Pham Minh Chinh at the Standing Committee of the Government on the preparation for the election of deputies to the 15th National Assembly and People’s Councils at all levels in the context of COVID-19 epidemic’s complicated development.¹² The Conclusion stated that the highest goal was to focus on ensuring and

¹⁰ The fact that Viet Tan is based in the US, with whom Vietnam still carried memories of the recent ideological war, appears to have contributed to the Vietnamese government’s constant extra-caution on the group’s financial support for social movement in Vietnam (Thayer, 2009).

¹¹ In media reports, these attempts were referred as “chiến lược diễn biến hoà bình,” which means “strategy of peaceful revolution” often associated with the color revolutions taking place in post-Soviet states. They were also referred to as “âm mưu xoá bỏ vai trò lãnh đạo của Đảng,” which means “plot to eliminate the Party’s leadership role.”

¹² (Thông báo: Kết luận của thủ tướng chính phủ phạm minh chính tại cuộc họp thường trực chính phủ về công tác chuẩn bị bầu cử đại biểu quốc hội khóa xv và đại biểu hội đồng nhân dân các cấp nhiệm kỳ 2021 - 2026 trong bối cảnh dịch COVID-19 diễn biến phức tạp [Notification: The conclusion of Prime Minister Pham Minh Chinh at the government standing meeting on the preparation for the election of deputies to the 15th national

successfully organizing the elections of the National Assembly and People's Council deputies at all levels on May 23 with absolute safety in terms of security and order, especially against the COVID-19 epidemic.

According to the Conclusion, the Prime Minister requested the Ministry of Home Affairs to closely coordinate with the Office of the National Election Council, the Ministry of Health and relevant agencies to provide specific guidance on preparation for election day in the context of complicated developments of the COVID-19 epidemic to ensure that the election took place safely and successfully. Local governments throughout the country were also required to develop specific plans and scenarios for epidemic prevention and control on election day.

In addition to implementing the 5K method¹³ at polling stations, Hanoi, Ho Chi Minh City and localities with outbreaks took more epidemic prevention and control measures at polling places and designed their own plans for quarantine and lockdown points. Voters were split into several batches to vote by the hour, avoiding large gatherings. At each polling station, there were full epidemic prevention conditions, namely: disinfection, physical distancing, voter temperature measurement, mandatory medical masks, placing ballot boxes at a safe distance for voters while recording ballots and while waiting to vote.

Arguments against CPV leadership in elections

Fifth, misinformation spreaders were reported to have argued that “The CPV’s election leadership is undemocratic,” “Party leadership should be removed from the election,” and “the promotion of parliamentary elections is only a formality; personnel in the National Assembly have been ‘arranged,’ ‘compromised,’ and ‘divided’.” The main goal was purportedly to attack the CPV’s role as the single party leading Vietnam and to promote the concept of a multi-party system. These narratives recommended that the CPV shall not be allowed to participate in election work, refrain from the task of leading election preparation, and give up the right to lead the Vietnamese State and society. As analysed in the previous section, this was seen as a direct attack against Communist ideology, and thus a national security issue.

Organized support for self-nominated applicants

Sixth, it was reported that there was organized support for self-nominated applicants, who claimed to be “democrats” standing for election to the National Assembly. The organized support came in the form of mobilizing the public and calling for virtual signatures to support “democrats”. In addition, organized support came through meetings of public groups, activities of spontaneous associations, and distributing leaflets or other materials. In addition, videos, articles, and photos were posted on the Internet and social media channels to raise support for the “democratic” candidates.

As soon as these “democrats” were eliminated after the three consultative rounds, it was reportedly interpreted that only those who were Party members had the opportunity to stand for election to the National Assembly and that the CPV deliberately “obstructed” non-Party people from self-nominating for the National Assembly. This kind of narrative was also considered an attack against Communist ideology and was treated as such.

Directly challenging the legitimacy and integrity of the election

assembly and deputies to the people’s councils at all levels for the term 2021 - 2026 in the context of the covid-19 pandemic], No. 106/TB-VPCP, 2021)

¹³ 5K method is Khẩu trang, Khử khuẩn, Khoảng cách, Không tụ tập, Khai báo y tế (meaning masks, disinfection, distancing, no gatherings, health declaration, in English).

Seventh, the recorded strategy was to directly challenge the legitimacy and integrity of the election. A popular narrative was to propose international monitoring over elections in Vietnam, and demand elections to the Vietnamese National Assembly and People's Councils to take place "in a Western democratic manner." This narrative resembled the one dated back to 1946 when newly-independent Vietnam was searching for international recognition and it was demanded that the first election be held under international monitoring. For the Vietnamese government in 2016 with 41 years of independence, such a narrative was seen as implying that elections in Vietnam were not conducted in a democratic manner and thus deemed illegitimate, directly attacking the national sovereignty and Communist ideology.

The reported strategies appear to aim at reducing public confidence in the general elections by either inciting public skepticism against electoral work or sowing different perceptions towards electoral activities.

5.2. Measures employed by the Vietnamese government to combat election misinformation

In order to prevent activities against the election of deputies to the 15th National Assembly and People's Councils at all levels for the 2021-2026 term, the Vietnamese government adopted the following solutions.

Attempt to introduce integrity-based reforms to the electoral process

First, the government and the Party attempted to introduce integrity-based reforms to the electoral process (Thoa, 2022). The election of deputies to the 15th National Assembly and People's Councils at all levels for the 2021-2026 term was placed under the direct and comprehensive leadership of the Party and the government. In order to ensure a successful election, the Party and the government issued many documents directing election work, such as:

1. Directive No. 45-CT/TW, dated June 20, 2020, of the Politburo on leading the election of deputies to the 15th National Assembly and the election of deputies to the People's Councils at all levels for the 2021-2026 term;
2. Plan No. 4711/KH-BTTTT on information and propaganda for the election of deputies to the 15th National Assembly and People's Councils at all levels for the 2021-2026 term; and
3. Resolution No. 1186/2021/UBTVQH14 on Detailing and guiding the organization of voters' conferences.

Specifically, point 5 of the Directive No. 45-CT/TW required that there must be evaluation of regulations on collaborating procedures to clarify responsibilities and accountability of implementing agencies.

All of these documents were passed in order to ensure efforts to combat election misinformation were unified and followed guidelines from the Party and the government. That way, the vision of building, consolidating, and improving the Vietnamese socialist rule-of-law state "of the people, by the people, for the people" was integrated into election regulations, procedures, and organization processes, ensuring integrity and legitimacy of election results.

Efforts to raise public awareness, especially among young people

Second, the government continued to put efforts into raising awareness of the public, especially young people, on (1) importance of participating in elections, (2) rights, duties and responsibilities of citizens with respect to elections, (3) Party regulations and State laws on the election of deputies to the National Assembly and People's Councils at all levels.

In particular, the government innovated communication solutions to help people access official and reliable information about the elections, and at the same time, actively detect and refute misinformation concerning elections. For example, the government launched public campaigns providing election information on social media networks. VTV's 2021 "I go to vote" campaign can be seen as an attempt to "rejuvenate" the political election to reach Gen Z (young people) more effectively. The campaign focused on young voters aged 18-34, helping them realize the importance of voting as an adult, and as a responsible citizen, thereby convincing them to participate in voting voluntarily. The campaign achieved 43 million views on VTV Digital and VTV's social media platforms (Giang & Thu, 2022).

Besides, there was strengthening of the state management of the press, media and Internet to inspect, examine and handle violations related to election misinformation. Specifically, the government invested in efforts to proactively detect and promptly handle websites, blogs, social media posts, news articles, and clips providing content that intentionally misrepresented the Party's views and the government's laws on the election.

In other words, because the impact of social media popularity and the infodemic accelerated by COVID-19, the Vietnamese government came to view election misinformation as a serious threat to national security in the state of COVID-19 emergency. Subsequently, a war to combat election misinformation through awareness campaigns and propaganda was systematically implemented by the whole political system to prevent anti-election activities and maintain political security. This war on public campaigns and propaganda against election misinformation was described as an urgent and important task of the whole political system.

Attempt to ensure transparency in the three negotiating conferences

Third, the government and the Party tried to ensure transparency in the three negotiating conferences. To achieve this goal, participation of agencies, departments, branches and mass organizations, under the chairmanship of the Central Committee of the Vietnam Fatherland Front and the close supervision of public, was institutionalized (Quynh, 2021).

In order to ensure democracy and fairness, a new feature was introduced to this election. Candidates for the People's Councils were entitled to contact voters in five meetings and candidates for National Assembly deputies were entitled to at least ten meetings. As a rule, if candidates do not achieve more than 50% of the voter's confidence at their place of residence, they shall not be included in the list of candidates for submission to the Third Consultative Conference.

The government and the Party intended to demonstrate to the public that it was a very strict process to screen and remove unqualified candidates as National Assembly deputies and People's Council deputies before elections. By ensuring openness and transparency of the negotiating conferences, the government and the Party attempted to counter the following arguments from opposing agencies, which were considered misinformation spread to threaten Vietnam's national sovereignty and security:

1. Only those who "follow" the Party have the opportunity to stand for election to the National Assembly;

2. National Assembly elections are only a formality, personnel in the National Assembly have been “arranged,” “compromised,” and “divided” by the “factions” of the Party.

6. Recommendations to Mitigate Election Misinformation

The above observations show that election misinformation in Vietnam is mostly categorized under anti-government content with the government and the party perceiving themselves as major targets of election misinformation. As a result, responses to election misinformation in Vietnam have been government-centric and mostly involve the CPV, and state agencies like the Ministry of Public Security, and the Ministry of Information and Communications.

This section invites consideration for empirical research on election misinformation and its impacts, adoption of more citizens-centric and multi-stakeholder approaches, and discretion for fine-tuning existing regulations, taking into account the effects of digital technologies such as AI.

6.1. More empirical research on election misinformation and its impact

Currently, there is no empirical research on election misinformation in Vietnam and its impact on Vietnamese society and politics. The only source of information on election misinformation as analysed in this report is from news articles published by Vietnamese government agencies. Because these news articles were part of the government campaign to combat false information during election times, they inevitably focus on anti-government content and subsequent impacts on government reputation.

This tendency risks missing out on important questions such as:

- What are motives of election misinformation spreaders?
- What are key strategies, including emerging information technologies like AI, for spreading election misinformation? Which strategy is most widely applied?
- What is the magnitude of misinformation during elections and what are the impacts of election misinformation on the public?
- How are people commonly manipulated or misled in the digital environment?
- What factors determine individuals’ consumption of election misinformation?
- Which groups of population are most vulnerable to election misinformation, and why?

In the case of the COVID-19 infodemic, research showed that there was a strong demand for unverified information during the outbreak, which appears counter-intuitive. Had a public deterrence against misinformation been assumed, the government would have focused on improving public ability to recognize fake news and failed to design strategies to communicate negative impacts of misinformation and raise public awareness against misinformation.

Similarly, there should be more empirical research on election misinformation in Vietnam conducted by independent stakeholders (other than the government) to fully capture key concerns and patterns from a public interest perspective. Only with empirical evidence can appropriate and effective interventions be implemented to address election misinformation.

6.2. Adoption of citizens-centric and multi-stakeholder approaches

It is important that the Vietnamese government set example in multi-stakeholder engagement to combat election misinformation. Specifically, the government shall introduce policies to encourage newsrooms, research centres, and social organizations to conduct empirical research on election misinformation and act as independent fact-checking units.

In the Vietnamese context, it is most effective if the government considers a nation-wide policy to make it mandatory for Vietnamese news agencies to:

1. Establish information verification projects;
2. Integrate fact-checking as a mandatory professional skill for licensed journalists;
3. Establish at least three fact-checking centres at three key/most popular media agencies, research institutions, universities, or social organizations. To guarantee that verified information reaches the broader public, dedicated fact-checking units can utilize diverse media formats including video (as the KOL campaign on TikTok by Vietnam News Agency), graphics, and multimedia across different channels.

This will not only enhance multi-stakeholder engagement in the process but also contribute to increased reliability of Vietnam's news agencies vis-à-vis social media channels. Such a regulation might eventually lead to a new trend of trusting newspapers again in the face of audiences' rising preference for content from social media (Diep, 2021).

There is already evidence of success from Tuoi Tre's Real-Fake section (Diep, 2021). As shared by a representative of this newspaper, "fact-checking activities in Vietnam facilitate the role of 'Tuoi Tre' and other newspapers in providing accurate information to audiences" (Diep, 2021). A representative from Thanh Nien newspaper also confirmed that the media houses have sufficient financial resources as well as staffs trained in professional fact-checking. In other words, mandating media to conduct fact-checking work will not incur an extra burden but will contribute to enhancing the reputation of newspapers and news outlets.

In the context of election misinformation, news organizations shall be allowed by law to conduct fact-checking on government-related issues. Specifically, candidates for deputies of Vietnam National Assembly shall also become subjects of fact-checking.

Beside establishment of fact-checking units, the Vietnamese government can consider requiring social media platforms to implement fact-checking mechanisms for political advertisements and to enhance monitoring for fake and manipulated accounts. It shall be mandatory for social media platforms to publish transparency reports in political advertising, which provide information about sponsors of election misinformation and explanations as to why a user is reached by a specific ad. This transparency in political advertisement can not only help users make better election decisions, but also discourage malicious sponsors from spreading false information.

However, there is a need for careful consideration to balance between monitoring political advertisements and individuals' freedom of expression. First, close monitoring of political advertisements should be limited to election times. Second, users can freely share their opinions, so long as they can provide verifiable information with appropriate and constructive language. Only information that is identified as false or hate speech by independent professional fact-checkers must be removed or flagged on social media platforms. Third, social media platforms shall be required to proactively disseminate prebunked¹⁴ stories in the form of popup notifications or direct messages

¹⁴ Prebunking operates by warning audiences in advance that they may come across efforts to manipulate them.

addressing election misinformation during election times. Similar to the prebunking strategy to combat false information during the COVID-19 outbreak, this obligation shall empower the public to identify how they are being manipulated by enhancing their critical thinking and awareness on election misinformation.

These requirements should be incorporated into Decree No. 72/2013/ND-CP on management, provision and use of internet services and online information, which is currently under revision by the Ministry of Information and Communications to adapt to new conditions of digital transformation. It is important to note that while flagging and removing false content are indispensable, a more sustainable and effective strategy is to cultivate an informed electorate and a healthy election-information environment.

Moreover, considering the fact that Vietnam has 54 ethnic minorities with almost 30 different written languages, the government should consider expanding fact-checking efforts to local languages. This can be made possible by local fact-checking networks, automatic translation technologies, cooperation with local media, and promotion of local language fact-checkers. With advancement of natural language processing, this policy goal is not out of reach. In Vietnam, there is already successful research on machine translation for ethnic minority languages by the Institute of Artificial Intelligence (Nga, 2022).

In addition, the government can equip the existing local digital communities with professional fact-checking skills. In March 2022, the Ministry of Information and Communications passed Guidance No. 793/BTTTT-THH on piloting the implementation of local digital communities (*tổ công nghệ số cộng đồng*). By June 2023, there were 74,442 active local digital communities with 348,362 members across 63 provinces, according to statistics from the Ministry (MIC, 2023). If these local digital communities are trained in fact-checking, they will contribute significantly to (1) raising public awareness on election misinformation; and (2) enhancing capacity of local communities in verifying accuracy of information across the 63 provinces. Another added benefit may be that these local communities can contribute to raise public awareness on voting rights and increase public participation in Vietnam National Assembly elections.

6.3. Fine-tuning existing legal framework

Recognizing the negative impacts of misinformation and fake news, the Vietnamese government has developed specific regulations tackling this issue. However, when applied in practice, Vietnam's regulations on misinformation in general and election misinformation specifically have revealed certain limitations as mentioned previously. The following recommendations are made to address those limitations:

6.3.1. Provide a uniform definition of misinformation in relevant legal documents

First, it is vital to provide a uniform definition of misinformation in relevant legal documents before expecting legally consistent applications in practice. Currently, there is no exact definition in the existing legal documents on what pertains to misinformation. The proposed definition shall address all legal characteristics of misinformation including (1) deviation in part or all of the content from the original information, (2) damage on purpose or ability to cause damage to society and individuals, (3) the intentionality of creating misinformation and the intentional spread of misinformation. In addition, this definition should be stipulated in a document with high legal effect (a law), which serves as a foundational reference for other regulations on handling misinformation. For example, the

concept of misinformation can be introduced in Article 3 of the 2015 Law on Cyber Information Security. The wording of the definition can be learned from international best practices.

6.3.2. Establish uniform provisions regarding violations under misinformation-related regulations

Second, there should be uniform provisions regarding violations under misinformation-related regulations. There are many examples of challenges posed by inconsistency in handling misinformation across Vietnamese legal documents. For example, the act of “posting” misinformation is prohibited in the 2018 Law on Cybersecurity but administratively handled in Decree No. 15/2020/ND-CP. The act of “storing” misinformation by social media organizations or enterprises is a prohibited act in the Law on Cybersecurity but is administratively handled according to Decree No. 15/2020/ND-CP. Inconsistency in the handling of misinformation across legal documents has seriously affected legal applications addressing violations. Therefore, it is necessary to define clear boundaries between administrative handling and criminal prosecution for spreading false information, unifying forms of sanctions against different types of violations across different legislations. Another complementary measure is to develop a joint circular among relevant ministries and branches for uniformity in the application of the law. Alternatively, the Vietnamese People’s Supreme Court shall develop law cases that guide the above issue.

6.3.3. Raise the prescribed penalty for misinformation-related violations

Third, it is necessary to raise the prescribed penalty for misinformation-related violations to increase deterrence and public awareness. The lowest sanction should be equal to the level specified in the Government’s Decree No. 174/2013/ND-CP dated November 13, 2013, which stipulates penalties for administrative violations in the fields of post, telecommunications, information technology and radio frequencies, with the highest rate for individuals, organizations and enterprises providing social networking services being VND15 million, VND30 million and VND50 million respectively. Raising these penalties will demonstrate how strictly the law prohibits acts of spreading misinformation.

6.3.4. Prescribe responsibilities based on the degree of the violations

Fourth, there should be a prescription of responsibilities based on the degree of the violations. Different acts exert different impacts in terms of harmfulness, nature, and level of threat on the subjects being abused. Impacts from misinformation spread by a person with a large number of followers and high traffic will be more significant than those spread by an ordinary person. Therefore, it is necessary to consider the magnitude of the impact, as expressed in interaction traffic (such as views, likes, shares, comments) of social media posts, to provide appropriate sanctions. When differentiating responsibility for behaviour, the nature and severity of the act shall be distinguished based on the prevalence of fake news assessed via the above interaction indicators, thereby arriving at an appropriate level of punishment.

6.3.5. Provide for “forced public rectification”

Fifth, it is vital to provide for “forced public rectification” remedies in administrative and criminal sanctions. Currently, the Vietnamese regulations require fake news to be removed. However, this form of remedy only eliminates fake news from social networks of spreaders. Meanwhile, shares, interactions, and other impacts of misinformation on the awareness of social network users remain. Thus, it is imperative to regulate and apply remedial measures to force correction of false or

misleading information. For administrative sanctions, it is recommended to add this remedial measure to Articles 100 and 101 of Decree No. 15/2020/ND-CP. For criminal sanctions, it is proposed to amend Article 46 of the Penal Code in 2015 as follows: Point b, Clause 1, Point b, Clause 2, Article 46 “Return of property, repair or compensation for damage; forced public apologies, forced correction of false or misleading information.”

6.3.6. Consider enacting legislation that holds social media platforms accountable

Sixth, in the context of AI-generated content and social media algorithms that target consumers, Vietnam should consider enacting legislation that holds social media platforms accountable for their algorithms. Currently, the Vietnamese government appears to lack awareness on impacts of AI-applications on misinformation in general and election misinformation specifically. As published on the website of the VAFC, the working philosophy is: “Misinformation is man-made, so only humans can recognize and handle fake news” (Vietnam Anti-Fake News, n.d.). This mentality is no longer applicable in the age of AI and AI-generated content.

The Vietnamese government should introduce regulations demanding social media platforms to publish easy-to-understand explanations of how their algorithms function, including how content is referred and targeted. This transparency would allow users to make informed decisions and raise awareness on potential information manipulation.

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