

<https://doi.org/10.29013/EJLPS-23-1.2-21-29>

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COMPLETE LEGAL PROVISIONS ON FIRE AND RESCUE IN VIETNAM TO MEET INTERNATIONAL INTEGRAL REQUIREMENTS

Abstract. In order to have a legal basis in the management and safety of fire and rescue, it is necessary to have a synchronous and unified legal system on fire and rescue. The article focuses on the research results, points out the shortcomings, limitations and proposes to improve the regulations, contributing to ensuring safety and meeting the requirements of international integration.

Keywords: Law on fire and rescue; International integration; Vietnam.

1. Make a problem

The Law on Fire Prevention and Fighting was approved by the 9th National Assembly of the Socialist Republic of Vietnam on June 29, 2021, takes effect from January 4, 2001 and is amended, supplementing a number of articles of the Law on Fire Prevention and Fighting 2013 [9]. With 65 Articles, shown in 09 Chapters, the Law on Fire Prevention and Fighting 2001 (amended and supplemented in 2013) has comprehensive regulations on fire prevention and fighting; organization of forces and means; investment in fire prevention and fighting activities and state management of this work, creating a solid legal basis to meet the requirements and tasks of the new situation. Along with implementing the state management of fire prevention and fighting, the Prime Minister issued Decree No. 83/2017/

ND-CP dated July 18, 2017 stipulating the rescue work of fire prevention and fighting force; in which stipulates the state management function on rescue of the fire prevention and fighting police force [7].

2. Research results discussed

2.1 Overview

After the 2001 Law on Fire Prevention and Fighting (amended and supplemented in 2013) was passed and took effect, many guidelines and policies of the Party and State continued to be promulgated to strengthen the work of fire and rescue: 01 Directive of the Secretariat; 02 Resolutions of the National Assembly; 05 Decision of the Prime Minister. It shows that the institutionalization of the Party's viewpoints, lines and policies on fire and rescue in particular mentioned above into law is necessary to solve

the legal and progressive implementation of the above provisions, basis for inheriting, overcoming and formulating appropriate new policies; improve the effectiveness and efficiency of the state management of fire and rescue, strengthen the responsibilities of ministries, branches and localities, promote social resources and meet the requirements of the period of integration and development development [3].

After more than 20 years of implementing the Law on Fire Prevention and Fighting, 10 years of implementing the Law on fire prevention and fighting (amending and supplementing), the guidelines, policies and laws on fire and rescue have come into reality, and this is an important step, contributing to raising people's awareness, protecting human life and health, protecting property of the State, organizations and individuals, protecting the environment, ensuring political security and social order and safety [3; 5]. In addition to the achievements, along with the socio-economic development of the country, the theoretical system and problems arising in practice, some contents in the Law on Fire Prevention and Fighting have revealed limitations and inadequacies compared with practical requirements, specifically: (1) some provisions of the Law are still general principles that need to be more clearly defined; (2) a number of provisions of the Law that are not feasible or are no longer suitable to reality need to be amended, supplemented or abolished; (3) some issues arising in practice need to be added in the Law; (4) the

system of legal documents has overlapping legal documents on fire and rescue and other related documents.

2.2 Research results on problems

Issue 01: A number of problems arise in practice that need to be added to the Law, such as: (1) there is no regulation in the law on the rescue; (2) there are not a number of regulations in the law on acceptance of fire prevention and fighting, safety inspection of fire and rescue, etc.; (3) a number of consulting professions on business of fire and rescue services and hi-tech are not regulated in the law; (4) the investment in fire and rescue activities has not met the actual needs; (5) equitization means have not been specified in the Law.

Issue 02: Regulations on fire and rescue are not consistent with reality, such as: (1) the assignment of responsibilities in the state management of fire and rescue among ministries, branches and localities is still overlapping, unsuitable with actual conditions; (2) the implementation of responsibilities by the subjects of state management of fire and rescue (heads of agencies, organizations, establishments, household heads) have not been paid attention regularly, continuously, sometimes public fire and rescue activities and white-collaboration for the fire prevention and fighting police force; (3) the concepts and contents of some words (agencies, organizations, types of establishments, residential areas, houses in combination with production and business...) are not specific and clear,

leading to the identification, the scope, location, and objects of management in service of the assignment and decentralization of management are still limited and inadequate [2]; (4) The Law on Fire Prevention and Fighting has not yet regulated the inspection of fire and rescue, prevention of rescue to serve as a basis for specific provisions in the documents under the Law; (5) many businesses have sufficient conditions in terms of facilities and people to carry out activities in many fields of fire prevention and fighting service business, meeting the necessary needs of agencies, organizations and establishments while not currently in the law.

Issue 03: A number of provisions of the Law have low feasibility or are no longer relevant to reality and need to be amended, supplemented or annulled, such as: (1) general provisions on fire prevention and fighting for establishments with less than enough according to current practical requirements, some of the contents overlap (the provisions on fire prevention and fighting requirements for establishments and 09 specific types of works are being arranged 10 Articles leading to the layout and one number of duplicated content); (2) there is no clear regulation on the formulation of fighting and rescue plans of the facility, fighting and rescue plans of the fire prevention and fighting police force; (3) the authority to approve the plan is regulated at many levels (Ministry; People's Committee of province, district and commune level; Public Security of province and district; Department of Fire Pre-

vention and Fighting Police...) leading to many irregularities, problems and quality of the plan do not meet the requirements; (4) the regulations assigning the right to mobilize forces and means of the fire prevention and fighting force to fight fires to the fire-fighting commander of the Fire Prevention and Fighting Police force are not consistent with other regulations; (5) Some localities, many district-level administrative units do not have a team of Fire Protection and Rescue Police (there are 08 provinces with only one team located in the administrative center of the province, the protection radius is up to tens of thousands of people, hundreds of kilometers); (6) the model of the civil defense team has not been fully established at all administrative levels in accordance with the provisions of the Law on Fire Prevention and Fighting, most of the village-level civil defense team is only a formality, performing many tasks (firefighting, support, etc.) assisting in ensuring security and order at the facility...), members participate in many departments, teams, ...; (7) some subjects are required to set up specialized fire prevention and fighting teams, which are not specific in terms of size, the nature of operations and the subject of management lead to difficulties in establishing a specialized fire prevention and fighting team; on the other hand, it is not appropriate to stipulate that establishments are not required to be equipped with grassroots motorized fighting means but establish a specialized fighting team; (8) In some places, the quality of operation of grassroots fire

prevention and fighting forces is still very limited, activities are still formal because members of grassroots fire prevention and fighting teams are mostly part-time officers and employees, only working as part-time employees. work during office hours; (9) voluntary fire prevention and fighting forces have not been organized because there are no specific mechanisms and policies to encourage organizations and individuals to volunteer [1].

Issue 04: The system of legal documents has an overlap between legal documents on fire prevention and fighting and other related documents, such as the system of legal documents on forest fire prevention and fighting in the Law on Forestry and sub-law documents, while the Law on Fire Prevention and fighting also stipulates on forest fire prevention and fighting, leading to overlapping and difficult to implement; (2) The Law on Fire prevention and fighting stipulates that “National standards on fire prevention and fighting are compulsory” which is inconsistent with the Law on Standards and Technical Regulations; (3) regulations on temporary suspension and suspension of operations are specified in the system of legal documents dealing with administrative violations in the field of fire and rescue reform and related documents leading to the overlapping capacity; (4) regulations on the contents of the Fire Prevention and Fighting Inspectorate are not consistent with the provisions of the Law on Inspection in 2022.

2.3 Objectives and directions to propose suggestions for improvement

About the goal:

Adding regulations on rescue to the Law on fire prevention and fighting to ensure the appropriateness, synchronization and consistency in the state management of fire and rescue; Supplementing some relevant regulations on fire and rescue (such as planning of fire and rescue infrastructure, acceptance of fire prevention and fighting, inspection of fire prevention and fighting safety, ...) in accordance with practice; Amending, supplementing and perfecting regulations on fire and rescue and high-tech industry to overcome the limitations and inadequacies of the law on fire and rescue; perfecting the legal framework on fire and rescue and unifying among legal documents on fire and rescue, and other relevant legal documents.

Regarding proposals:

1. Adding the rescue sector to the scope of regulation and fire prevention and fighting principles of the Law; Supplementing terms and definitions in the law to clarify the requirements, determine the content of regulations on fire and rescue, such as: joint groups of fire and rescue; Investor; appraisal of fire prevention and fighting; inspection on fire prevention and fighting; fire protection equipment; basic design, technical design, budget for fire prevention and fighting; consulting activities on fire prevention and fighting; construction investment projects; basis; residential areas; the head of the establishment;

household head; rescue; Rescue; incidents, accidents ... ; Amending and supplementing the responsibilities for and rescue in order to adjust the scope of responsibility of the people, the head of the establishment, and supplement the regulations on the members of the fire prevention and fighting safety team to participate in the Civil Defense Team; Amending and supplementing responsibilities for propaganda, dissemination and education on fire and rescue reform in order to adjust the scope of responsibilities of People's Committees at all levels; agencies, organizations, enterprises, state agencies; the state management agency in charge of education; press agencies; Vietnam Trade Union, Ho Chi Minh Communist Youth Union, Vietnam Women's Union and other organizations ... ; Supplementing the field of socialization to the responsibilities of the Vietnam Fatherland Front and its member organizations; Amending and supplementing regulations on promulgation and application of standards and technical regulations on fire prevention and fighting to synchronize with the Law on promulgation of standards and regulations; Amending and supplementing regulations on fire prevention and fighting service business: supplementing the profession of consulting on fire safety inspection, appraisal and approval of fire prevention and fighting, construction, maintenance of fire protection systems in order to raise the responsibility of fire prevention and fighting. responsibilities of the establishment; Supplementing regimes and policies for the participants of

rescue; Supplementing regulations on rescue on the National Day of Fire Prevention and Fighting; Supplement the rescue in cooperation and help and support from countries and international organizations; It is strictly prohibited to amend and supplement regulations on construction acts without being appraised and approved and put into use without being tested and accepted.

2. Amending and supplementing regulations on fire prevention in the following direction: Supplementing a number of contents in basic measures on fire prevention and fighting, such as measures to prevent fire in construction investment, propaganda and vocational training activities, fire prevention and fighting services in construction investment and propaganda and training on fire prevention and fighting to be consistent with practical requirements and consistent in current regulatory documents; Supplementing regulations on planning of fire prevention and fighting infrastructure (such as ensuring regulations and conditions for fire prevention and fighting safety; arranging fighting and rescue teams; fighting water supply; fighting communication, traffic in service of fighting and rescue vehicles, etc.) in urban and rural planning. Regarding the appraisal, approval and acceptance of fire prevention and fighting: the law stipulates that the police agency only conducts design appraisal for fire prevention and fighting systems (fire alarm system, fighting system, incident lighting and emergency exit instructions, etc.), equip with initial fire fighting means, equip

with motorized fire fighting means); supplementing regulations on verification of designs on fire prevention and fighting; for contents related to structure, escape, fire prevention and other related systems (not fire protection system) clearly specifying responsibility for specialized appraisal of relevant units; supplementing regulations on acceptance of fire prevention and fighting. Amending and supplementing responsibilities of agencies, organizations and individuals in investment, construction and use of works in order to raise the responsibilities of heads of agencies, organizations and individuals in the process of projects and related contents on fire prevention and fighting; increasing responsibilities of state management agencies specialized in construction, electricity, water supply and drainage and local authorities; clearly define responsibilities in fire prevention and fighting work between the police agency and the specialized management agencies; supplement regulations on responsibilities for units, design, construction and supervision of works on fire prevention and fighting. Supplementing regulations on inspection of fire prevention and fighting technology (objects, contents, competence, inspection responsibilities). Amending and supplementing regulations on fire prevention and safety: supplementing regulations that household houses must have an escape plan when a fire occurs; houses in combination with production and business, in addition to the requirements of household houses, must have solutions to prevent fire between living ar-

reas and business areas, and have a second emergency exit; supplement regulations on the scope of residential areas; amend and supplement requirements for fire prevention in residential areas to suit reality; amend and supplement regulations on forest fire prevention and fighting in accordance with the Law on Forestry; amending and supplementing a number of requirements on fire prevention and fighting for establishments and types of establishments in accordance with the actual situation in the current fire prevention and fighting work; amending and supplementing fire prevention requirements for industrial parks and hi-tech parks in line with the current situation, such as: abolishing the regulation “Export processing zones”, adding regulations on each industrial park (including many investment subdivisions at different stages and assigned to business units exploiting different infrastructure) only establish 01 grassroots or specialized fighting team; norm of common facilities for the whole industrial park (not separate for each subdivision). Amend and supplement regulations on temporary suspension and suspension in accordance with the law on handling of administrative violations.

3. To amend and supplement regulations on fire and rescue in the direction of: supplementing and specifying clearly the competence to approve fighting plans of the Ministry of Public Security and chairpersons of People's Committees at all levels; Remove regulations on responsibilities of People's Committees of neighboring

localities to develop plans for coordination and organize forces to participate in fighting upon request; amending and supplementing regulations that the fire and rescue commander is the person with the highest position in command of the fire prevention and fighting police unit present at the scene of a fire, accident or incident, who is the only person to coat of arms; stipulates that fire, rescue and rescue commanders of the police force are only entitled to mobilize forces and means of the People's Public Security units under their management for fire and rescue, in case of excess, request competent persons to mobilize in accordance with their competence to mobilize forces, means and properties for fire fighting; supplementing regulations on fighting in accordance with fighting regulations of Chapter III fighting, and changing the name to Chapter III fighting and rescue [8].

4. Amending and supplementing regulations on organization of fire prevention and fighting forces: supplementing the tasks of rescue for the fire prevention and fighting forces to unify the local and professional fire prevention and fighting forces in the process of implementing the tasks of the forces; supplementing the rescue for the volunteer fire prevention and fighting force; amending and supplementing regulations on the establishment and management of civil defense teams, grassroots fire prevention and fighting teams, and specialized fire prevention and fighting teams in accordance with the practical situation in terms of scale and nature of operations

of establishments; supplementing the tasks of rescue for civil defense forces and grassroots fire prevention and fighting forces; supplement the social-technological field in training, fostering, directing, inspecting, providing professional guidance, dispatching and regimes and policies for grassroots and specialized civil defense and firefighting forces; amending and supplementing regulations on organization, functions and tasks of the fire prevention and fighting police force in accordance with the current organizational model of the People's Public Security force; supplementing uniforms, insignia, insignia and regimes and policies for the task of rescue for the Fire Police force [4].

5. Amend and supplement regulations on means and investment in fire prevention and fighting activities in the following direction: amending and supplementing regulations on equipment for fire prevention and fighting equipment for establishments, villages, households and basic means of transport in accordance with regulations in standards and regulations on fire prevention and fighting; supplementing with equipment rescue for the Fire and Rescue Police force; supplement the provisions that fire prevention and fighting equipment must be quality managed in accordance with the provisions of the law on quality control of products; supplementing regulations on rescue vehicles when producing and importing; supplementing financial sources for investment in fire prevention and fighting activities from the Fund for Fire

and Rescue; supplement the state budget for investment in rescue activities; additional investment incentives for rescue activities.

6. Amending and supplementing regulations on state management of fire and rescue in the direction of: amending and supplementing regulations on state management of fire and rescue in accordance with state management of fire and rescue, shall be amended and supplemented in accordance with reality; amend and supplement the contents and responsibilities of the Government, the Ministry of Public Security, ministries, ministerial-level agencies, Governmental agencies, People's Committees at all levels in the state management of fire and rescue reform; additional responsibilities of the head of the establishment; Amend and supplement regulations on fire prevention and fighting inspection to be consistent with legal documents on inspection.

3. Conclusion and comments

The completion of regulations on fire and rescue will create a legal basis to create favorable conditions for investors operating in Vietnam to better serve socio-economic development. At the same time, ensuring the safety of fire and rescue will contribute to raising people's awareness, protecting human life and health, protecting property of the State, organizations and individuals, and protecting the environment, ensuring political security and social order and safety, will attract foreign investors to Vietnam.

Good implementation of fire and rescue activities will bring positive impacts on the associa-

tion, specifically: the completion of regulations on fire and rescue will create favorable conditions and raise the general awareness of the whole society about the position and role of fire and rescue workers. Thereby, encouraging agencies, organizations, individuals, and social forces to actively participate in fire and rescue work according to the principle of unity and appropriate measures, and at the same time create favorable conditions for the people mutual benefit; to raise the responsibility of heads of agencies, organizations, establishments, and household heads in investing in equipment for fire prevention and fighting, inspecting on fire prevention and fighting, and maintaining fire prevention and fighting safety conditions; responsibility for fire prevention and fighting work of the state management agency in charge of fire prevention and fighting and related agencies; the completion of regulations on rescue will create favorable conditions for the whole society to participate in the field of rescue; socializing fire prevention and fighting work, expanding the business of fire services, creating conditions for businesses with sufficient facilities and human resources to perform; regulations on certificates ...

The legal system on fire and rescue has been completed, ensuring consistency, synchronism, completeness and feasibility; overcome limitations and shortcomings in current legal regulations and solve inadequacies in law enforcement practice; Overcoming the inadequacies in the current administrative procedures in the field of

fire and rescue [2]. For administrative procedures on fire and rescue will arise (combining administrative procedures for issuance of certificates of fire prevention and fighting training and issuance of certificates of professional training in fire and rescue; fighting plans and plans for rescue; consulting, approving designs for fire prevention and fighting, etc.). From the perspective of management and law enforcement, the full regulation

of administrative procedures will create clarity and transparency in the order, implementation, and documentation. profile and requirements and conditions to deal with specific jobs related to individuals and organizations. On the other hand, due to the goal of administrative reform, the regulations on administrative procedures will be stipulated in the direction of simplification for implementation by organizations and individuals.

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