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The Crime of Forging Seals and Documents of Agencies and Organizations and Judicial Practice in Vietnam

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ABSTRACT: In the context of digital transformation and the rapid expansion of electronic transactions, the crime of forging seals and documents of agencies and organizations has become increasingly complex, employing sophisticated methods that seriously threaten state administrative order and legal security in social relations. This offense not only directly undermines the legitimacy and credibility of agencies and organizations but also erodes public trust in the legal system. The article examines the provisions of the 2015 Penal Code of Vietnam (as amended in 2017, 2025) on the crime of forging seals and documents, clarifying its constitutive elements and applicable penalties. It further reviews judicial practice through selected judgments to highlight difficulties in proving criminal intent, distinguishing administrative from criminal liability, and addressing emerging challenges posed by forgery in the digital environment. By drawing on comparative insights from selected foreign legal systems, the article proposes legislative refinements and judicial guidelines to improve the effectiveness of criminal justice in preventing and combating forgery of seals and documents.

KEYWORDS: criminal Law, document, judicial practic, forgery, seal, Vietnamese law.

A. INTRODUCTION

The offense of "forgery of seals and documents of agencies and organizations" is stipulated in Article 341 of the 2015 Criminal Code (as amended and supplemented in 2017 and 2025) and is classified as one of the crimes infringing upon the State's administrative management order. Seals and documents serve as legal instruments to verify the lawfulness and authenticity of decisions, transactions, and acts of agencies and organizations. Accordingly, the act of forging or using forged seals and documents not only directly harms the agencies, organizations, and individuals concerned but also undermines the credibility of the State apparatus and threatens public trust in the legal system and governmental institutions.

In recent years, judicial practice has shown that crimes involving the forgery of seals and documents have become increasingly complex, often associated with other offenses such as fraud for property appropriation, tax evasion, smuggling, or the legalization of personnel files and administrative procedures. Published criminal judgments reveal that in many cases, offenders exploited loopholes in the law and deficiencies in management mechanisms to commit forgery for illicit gain. At the same time, within the context of digital transformation and the growing prevalence of electronic documents, forgery has become more sophisticated, posing difficulties for judicial authorities in detecting, collecting evidence, and distinguishing between administrative violations and criminal offenses.

Although the Vietnamese Criminal Law provides relatively specific provisions on this offense, practical application continues to expose several shortcomings: inconsistent interpretation of the constitutive elements of the crime; challenges in proving the subjective element (mens rea) of offenders; overlap with administrative sanctions; and the absence of comprehensive provisions addressing forgery in the digital environment. These limitations not only affect the effectiveness of crime prevention and control but also call for improvements in legislation and judicial practice.

Against this backdrop, the present article examines the topic "Forgery of seals and documents of agencies and organizations and judicial practice in Vietnam" with the following key objectives: (i) to analyze the current criminal law provisions on this offense and its characteristic legal elements; (ii) to survey judicial practice through selected criminal judgments; (iii) to identify practical difficulties and obstacles in the application of law; and (iv) to propose legislative reforms and judicial orientations aimed at enhancing the effectiveness of combating forgery of seals and documents in the contemporary context.

B. CONTENT

1. SEALS, DOCUMENTS, AND FORGERY

General overview of seals and documents

In civil law systems, the *seal* (cachet) and the *document* (Urkunde) are recognized as two fundamental legal instruments ensuring the authenticity of information and transactions. Unlike the common law system, where evidence is primarily established through testimony and judicial precedent, civil law places particular emphasis on material instruments that serve both evidentiary and guarantee functions in legal and administrative life.

A seal constitutes a form of identifying mark, typically managed and used by competent agencies or organizations, for the purpose of certifying the authenticity and lawfulness of documents. In traditional understanding, a seal is regarded as the imprint of a seal device affixed onto a document with stamping ink (Joong Lee *et al*., 2011). Seals have two key features: the pictorial device or symbol, which may be personalized or highly conventional, and the surrounding inscription, the legend, which identifies the author or institutional authority of the document to which the seal was attached (Laura J. Whatley, 2019).

Across many legal systems, seals embody the function of safeguarding public trust, as they are closely linked to the legitimacy of a public institution or authority, while also distinguishing between official and unofficial documents (Komnenić *et al*., 2017). Under Vietnamese law, a seal is a special instrument registered and managed by competent State authorities, used for authentication on documents and papers of agencies, organizations, and State officeholders. Pursuant to Decree No. 99/2016/ND-CP, Article 3, seals include: seals bearing the National Emblem, seals bearing symbols, and seals without symbols, which may be used in the form of wet seals, embossed seals, miniature seals, or wax seals.

“Forgery is to theft what poetry is to prose”. This pi-quant statement by a continental jurist in fact points to a feature in the development of crime which has been the cause of many changes in our law (JW Cecil Turner, 1946). A *document*, in its broad sense, is understood as any medium that records information, including paper-based writings, certificates, contracts, electronic data, or any record that may be used to verify a fact, a right, or a legal obligation. In legal scholarship, documents are not merely material in nature but also embody both evidentiary value and the legal significance of the information recorded (Seid Krasniqi, 2025). A document is also regarded as information attached to a data carrier, whose content and form remain unchanged when the carrier is converted, including paper documents, documents on other carriers, and electronic documents. Specifically: paper documents are those created on paper; documents on other carriers are those created on media other than paper; and electronic documents are those created in the form of data messages (Mai Do, 2024).

From the perspective of legal status, the seals and documents of agencies and organizations are not merely administrative instruments, but possess a special legal standing within the Vietnamese legal system. First, the seal is officially recognized by the State as an authenticating mark, representing the will and authority of an agency or organization in the issuance of documents and papers (Decree No. 99/2016/ND-CP). The seal functions as a tool that reflects legal capacity, conferring enforceability upon documents and ensuring their recognition under the law. Thus, the seal is not only of internal administrative significance but also carries external legal effect, guaranteeing reliability in administrative, civil, and commercial relations.

As for documents of agencies and organizations, their legal value lies in the fact that they are regarded as legal evidence in social relations, capable of verifying legal facts, legal acts, or the legal status of a subject. Furthermore, the Law on Electronic Transactions 2023 (Article 14) affirms that electronic data shall have the same legal validity as traditional documents, provided that conditions of integrity and accessibility are met. This extension broadens legal protection to electronic documents, which are becoming increasingly prevalent in the digital era.

From a criminal law perspective, the special legal status of seals and documents is reflected in the fact that the 2015 Criminal Code (as amended and supplemented in 2017 and 2025) devotes a specific provision (Article 341) to the offense of forging and using forged seals and documents of agencies and organizations. The criminalization of such conduct demonstrates that the State regards seals and documents as objects requiring special protection, since any infringement upon them simultaneously constitutes an infringement upon the administrative management order, as well as the transparency and authenticity of legal and social life.

Accordingly, seals and documents within the legal system are not mere “inanimate objects,” but serve as intermediaries for transmitting the will and decisions of agencies and organizations. When these instruments are forged or unlawfully used, the integrity of the legal system itself is impaired. Therefore, defining and clarifying the concepts of seals and documents, along with their legal status, is a fundamental and indispensable step before analyzing the constitutive elements of the offense of forging seals and documents of agencies and organizations.

Forgery of Seals and Documents of Agencies and Organizations

From a legal perspective, *forgery* is understood as the act of creating or altering a given object so as to falsify its inherent authenticity. Across different legal systems, the substance of “forgery” may vary, yet there is consensus on two fundamental elements: (i) conduct that distorts objective truth; and (ii) the intent or consequence of misleading others. Jescheck defines it as: “Forgery is any manipulation that distorts the authenticity of a legally relevant object” (Jescheck, 1988).

In international criminal law theory, forgery is understood as the act of creating, altering, reproducing, or using forged documents or seals for fraudulent purposes. Typically, the act of forgery involves two components: (i) the objective element, which is the alteration or creation designed to falsify authenticity, and (ii) the subjective element, which is the intent to deceive in order to obtain unlawful benefit or to cause harm to others (Hadi & Paino, 2015).

In Vietnamese criminal legal scholarship, the concept of forgery is approached in a narrower sense, closely linked to objects of legal value such as seals, papers, and documents. Accordingly, forgery is defined as the unlawful creation or alteration of seals, documents, or papers that deprives them of their inherent authenticity, thereby infringing upon the State's administrative management order.

Forged seals and documents may pertain to agencies and organizations that actually exist and are operative at the time of forgery, but they may also involve those of dissolved or even fictitious entities (Ho Chi Minh City University of Law, 2022):

(i) Forgery of seals and documents of existing agencies or organizations is the most common type in practice. The forged seal or document typically belongs to a State agency, social organization, enterprise, or professional body that legitimately exists. Such forgery easily engenders trust among targeted individuals, as it exploits the inherent credibility and legal standing of the respective agency or organization. Consequently, the potential harm to the administrative management order and to civil and economic transactions is substantial.

(ii) Forgery of seals and documents of agencies or organizations that have been dissolved or are no longer operational**.** Even when an entity has ceased to exist, creating seals or documents "in its name" may still deceive others, since not all individuals are aware of the legal status of a dissolved entity. The social danger in this case lies in the potential for confusion, which may result in serious legal, economic, and social consequences.

(iii) Forgery of seals and documents of agencies or organizations that never legally existed**.** This scenario involves entities that have never had legal existence but whose names are fabricated by offenders who then create forged seals and documents to lend a semblance of "legitimacy" to fraudulent acts. In practice, numerous fraud cases have involved the establishment of so-called "phantom companies" or "ghost organizations" accompanied by forged seals and documents. Although the forged objects never had real legal existence, such conduct is nonetheless criminal, as it infringes upon the State's authority to regulate the issuance and use of seals and documents, activities that must be strictly controlled. The social consequences remain the same: deception, legal uncertainty, and insecurity in transactions.

The act of forging seals of agencies and organizations appears in diverse forms, ranging from traditional manual techniques to increasingly sophisticated technological methods. The fake seals and stamps themselves are made by hand or, conversely, they are drawn by hand. In the standard form of artificial seal stamps, the sizes of circular, rectangular, and triangular types differ, while signs such as letter forms, distortions, size, and mutual arrangement are created (Karimov, 2024). The fabrication or unauthorized engraving of seals, whether by traditional manual methods or modern technologies such as computer engraving, CNC machining, or even 3D printing, remains the most common form. Once created, forged seals can be easily used in numerous transactions to legitimize documents or conceal unlawful acts. In addition, erasing or altering genuine seals or original documents, such as modifying strokes of the seal, blurring, supplementing, or editing content, is also a frequent method. This is particularly dangerous when offenders gain access to the original documents and intervene without raising immediate suspicion. Imitation of a signature is a very common case of forgery in everyday life. The main forger's purpose is the morphological reproduction of the authentic specimen, todeceive the recipient of the document in practice. Forging is usually an act of fraud, but sometimes it could also aim in facilitating several bureaucratic procedures. In such cases the consent of the original signer is quite often in reproducing the original model or squiggle (Pavlos Kipouras, 2022).

Advanced seal forgery methods include lithography and engraving by computer-aided manufacturing (CAM) techniques. Hand engraving is time consuming and requires high-level hand skills to duplicate an original seal and therefore is not being used any longer as a popular seal forgery method. Lithography uses a film mask of a seal impression pattern scanned from an original seal impression to create a fake seal etched on light-sensitive materials. The CAM method uses high-precision computer-aided engraving machines to carve a desired seal pattern on a solid material (Joong Lee *et al*, 2012). In the digital environment, the use of graphic software (for example, Photoshop) to create images of forged seals, to scan and edit document templates and then print them in color or disseminate falsified PDF/Word files has been documented in numerous cases; this modus operandi enables offenders to mass-produce forged documents at low cost and with a low initial detection rate.

Forgery of documents may take the form of complete fabrication (where an offender creates an entirely fictitious document that bears the name of an agency or organization to generate trust, for example, counterfeit driving licences, identity cards, or vehicle registration papers); alteration or erasure of genuine documents (this does not create a new document but intervenes in an original document to change its content, such as modifying figures, dates, names, or official titles); and insertion of false information (adding fabricated content to a document so that it acquires a different legal effect from the original).

2. THE CRIME OF FORGING SEALS AND DOCUMENTS UNDER VIETNAMESE LAW

In the Vietnamese criminal law system, provisions on crimes infringing upon the order of state administrative management are arranged into a separate group, reflecting the special role of administrative management in social life. Article 341 of the 2015 Criminal Code (as amended in 2017 and 2025) stipulates two offenses under the same provision, namely *"Forgery of seals and documents of agencies and organizations"* and *"Use of forged seals or documents of agencies and organizations."* This article is one of the most important provisions within this group of offenses. Within the scope of this paper, the author will focus solely on analyzing and clarifying the crime of forging seals and documents of agencies and organizations.

According to the content of Article 341, the act of forging or using forged seals and documents of agencies and organizations is considered socially dangerous conduct that directly infringes upon the authenticity and legality of documents, which constitute the foundation of all state administrative activities and legal relations. This provision not only aims to protect the credibility and legality of agencies and organizations but also contributes to ensuring stability and transparency in civil, economic, administrative, and criminal transactions.

Given its importance, Article 341 has been inherited and further developed from the provisions of the 1999 Criminal Code, with revisions and supplements made to better respond to new circumstances, particularly as methods of forgery have become increasingly sophisticated and intertwined with various types of crime. A notable feature is that Article 341 not only addresses the act of forging seals and documents but also criminalizes their use, thereby demonstrating the legislature's comprehensive approach to preventing and combating this category of offenses.

Forgery of seals and documents is often committed for the purpose of illicit gain, concealing violations, or legitimizing legal procedures. It is frequently associated with other offenses such as fraud, smuggling, tax evasion, or corruption. Therefore, the study of Article 341 is not only significant in theoretical terms for properly identifying the legal nature of the crime but also carries substantial practical value in enhancing the effectiveness of adjudication and the fight against such offenses in the current context. Accordingly, when examining the constituent elements of the offenses under Article 341, it is essential to clarify four elements: the protected legal interest, the objective element, the subjective element, and the subject of the crime, as detailed below:

Firstly, the protected legal interest under Article 341 is the order of state administrative management, specifically the proper functioning and credibility of agencies and organizations; the lawful rights and interests of agencies, organizations, and citizens; and public confidence in the authenticity of documents and seals. Acts of forging or using forged documents generally do not directly infringe upon a specific property right (unless accompanied by fraudulent conduct), but rather impair the evidentiary value and the capacity of official instruments to guarantee origin and authenticity in state administration and legal relations. The direct object of this offense consists of seals, documents, or other official papers of agencies and organizations. A seal is a special instrument registered and supervised by a competent state authority, used to affix to documents of agencies, organizations, or state officials. These include seals bearing the National Emblem, seals with symbols, and seals without symbols, which may exist in forms such as wet seals, embossed seals, miniature seals, or wax seals. As for documents and other papers, this category refers to instruments issued by state agencies, social organizations, economic entities, or socio-political organizations, such as driving licenses, passports, birth certificates, or social insurance books.

Secondly, the objective element: The offense of forging seals or documents of agencies and organizations is a *formal crime* (offense of mere conduct). This means that the legislator requires only the act itself as the decisive element for establishing criminal liability, regardless of whether any actual consequence occurs. The central act of this crime is *forgery*, the direct interference with the legally protected object, manifested in the creation of an entirely new seal or document, or the alteration of a genuine one, thereby producing a counterfeit version capable of deceiving others. For instance, engraving a counterfeit seal in the name of a state body or organization; printing documents purporting to be issued by an existing agency or organization, or even by one that never existed. Forgery may also be carried out by erasing or modifying information in official records of agencies and organizations. The most notable feature of this offense is that the act of forgery itself suffices to constitute the crime, regardless of whether the forged seal or document has been used. This is because the mere existence of such counterfeits inherently poses a risk to the authenticity of legal instruments and undermines public trust in the functioning of agencies and organizations.

Thirdly, the subjective element of the offense: The subjective element of the crime of forging seals or documents of agencies and organizations is established on the basis of *direct intent*. The offender is fully aware that his or her conduct involves the forgery or use of forged seals or documents, recognizes the social danger of such conduct, foresees the possibility of harmful consequences, and either wishes for or consciously disregards the occurrence of such consequences. A distinctive feature here is that the *purpose of obtaining benefits or personal gain is not a mandatory element* for the establishment of this crime. The mere intentional act of forging or using forged seals or documents is sufficient for criminal liability, since the immediate danger lies in the violation of the authenticity of legal instruments and in the erosion of public trust in the state's regulatory mechanisms. In practice, however, the purposes of committing this crime are diverse, ranging from economic gain (e.g., falsifying documents to appropriate property or to commit fraud in public procurement) to political or administrative purposes (e.g., fabricating personal records, falsifying documents for school admission or employment applications). Nevertheless, Vietnamese law does not treat such purposes as constitutive elements of the *basic offense*, but rather as factors reflecting the degree of social danger and serving as grounds for determining penalties. This legislative approach demonstrates that the core element is the infringement upon the legal validity of seals and documents, not the specific benefit pursued by the offender. Furthermore, it should be emphasized that this offense does not admit negligence. If an individual uses forged seals or documents without knowledge and without the possibility of recognizing their falsity, such conduct does not constitute a criminal offense, though it may give rise to administrative or civil liability.

Fourthly, the subject of the offense: The subject of the crime of forging seals or documents of agencies and organizations is an *ordinary subject*, meaning that any individual aged 16 or above who possesses criminal capacity may become the offender.

The Criminal Code does not require the offender to hold an official position, authority, or belong to a specific group of special subjects. Consequently, the scope of subjects under Article 341 is rather broad, encompassing a wide range of forgery practices in reality, from individuals outside agencies or organizations to those working within the state apparatus but who do not exploit their official position or authority in committing the offense.

3. DISCUSSIONS

Judicial Practice in Vietnam

In judicial practice in Vietnam, the crime of forging seals or documents of agencies and organizations constitutes one of the offenses that frequently appears, often linked to fraudulent acts in administrative, civil, and economic relations. Such offenses are commonly associated with the forgery of driver's licenses, national identification cards, land use right certificates, corporate records, or other types of documents employed in state management activities. Notably, a significant number of cases are connected to credit fraud, real estate transactions, and even high-tech crimes, where offenders employ graphic software to fabricate seals and counterfeit electronic documents.

Table 1: Statistics on Criminal Cases Publicly Adjudicated by Courts at all Levels

Sr. No	*Year*	*No. of Cases*
1	2020	42.639
2	2021	46.412
3	2022	50.055
4	2023	55.127
5	2024	58.439

Source: Supreme People's Court of Vietnam, Portal for Publication of Court Judgments and Decisions

Table 2: Statistics on the number of judgments and decisions concerning the offense of forging seals and documents of agencies and organizations

Sr. No	*Year*	*No. of Cases Judgment*	*No. of Cases Decision*	*Total*
1	2020	176	13	189
2	2021	271	15	286
3	2022	362	31	393
4	2023	541	25	566
5	2024	611	41	652

Source: Supreme People's Court of Vietnam, Portal for Publication of Court Judgments and Decisions

Data from the online portal of judgments and decisions published by the Supreme People's Court of Vietnam indicate that during the period 2020-2024, the number of publicly adjudicated criminal cases showed a steady upward trend. Specifically, the total number of criminal cases increased from 42,639 cases in 2020 to 58,439 cases in 2024, representing an approximate 37% growth within five years. This reflects not only the overall rise in criminal activities but also the judicial system's efforts to ensure transparency and deterrence through public prosecution and adjudication.

Within this broader context, the offense of forging seals and documents of agencies and organizations (Article 341 of the Penal Code) has also demonstrated a markedly increasing prevalence. In 2020, the court system handled 189 cases related to this offense; by 2024, the number had risen to 652 cases, an increase of 3.45 times within just five years. In terms of growth rate, the offense under Article 341 expanded much faster than the overall growth of criminal cases. While the total number of criminal cases during 2020–2024 increased by slightly more than 37%, cases involving Article 341 surged by over 245%.

The proportion of cases under Article 341 in the total number of criminal cases has also increased significantly. In 2020, this offense accounted for approximately 0.44% of all criminal cases (189/42,639). By 2024, the proportion had risen to 1.12% (652/58,439). Although the absolute percentage remains relatively small, the nearly threefold increase in proportion indicates that this type of crime is becoming increasingly complex, difficult to control, and potentially an emerging concern in administrative management and criminal justice.

In terms of structure, within the cases involving Article 341, judgments overwhelmingly outnumbered decisions (for example, in 2024 there were 611 judgments compared to 41 decisions). This suggests that the majority of cases were brought to trial and resulted in final rulings, whereas dismissals, suspensions, or other procedural decisions represented only a small fraction. Such a pattern demonstrates that investigation, prosecution, and adjudication of this offense are generally effective, with case files being sufficiently robust to avoid frequent suspension or alteration of procedural decisions.

Thus, the statistical data not only reflect the quantitative increase but also highlight the growing complexity and danger posed by the offense of forging seals and documents. This serves as an important empirical basis for further research and legislative improvement in criminal law, as well as for strengthening forensic expertise, applying technological tools to detect forged documents, and ensuring the efficiency and timeliness of judicial proceedings.

Assessment of Judicial Practice

Acts related to the forgery of seals and documents of agencies and organizations can be classified into the following groups:

Firstly, acts of merely forging seals or documents of agencies and organizations:

The term "merely forging" refers to cases in which the offender's conduct is limited to engraving, manufacturing, erasing, altering, or creating forged seals or documents of agencies and organizations, without yet using them or pursuing any further specific criminal purpose. This may include situations where the offender produces forged seals or documents for storage, safekeeping, or sale to others in need of using them. The distinctive feature of this group is that the conduct directly infringes upon the State's administrative management order, without necessarily resulting in concrete consequences such as property appropriation or evasion of legal obligations.

In practice, numerous cases demonstrate that offenders often specialize in the "production" of counterfeit seals for sale to individuals in need of forged documents and records. This phenomenon is not incidental; rather, it has evolved into a professionalized and commercialized form of criminal activity. In essence, such conduct gives rise to an "underground market" that supplies the instruments necessary to commit a wide range of offenses, including fraud and misappropriation of property, tax evasion, commercial fraud, as well as falsification of recruitment files and academic credentials. Unlike the isolated case of an individual forging a seal solely for personal use, the act of "producing for sale" embodies elements of organized and profit-driven criminal enterprise. It directly undermines the State's administrative management order, while indirectly threatening various other domains (finance, education, labor, etc.). For this reason, Vietnamese criminal law treats the acts of forging, possessing, or trading counterfeit seals as sufficient to establish criminal liability, without requiring proof of actual harmful consequences.

Most offenders engaged in the production of counterfeit seals for sale are driven by the motive of economic gain. The culpability here lies in direct intent: offenders are fully aware that their conduct violates the law, yet proceed in order to obtain profit. This motive aggravates the dangerousness of the offense, as greater profit incentivizes broader production, thereby fueling the proliferation of crime in a chain-like manner. Today, the production of counterfeit seals is no longer particularly difficult due to digital technology. With only basic printing equipment and design software, counterfeit seals of high precision can be created. Many production sites operate covertly under the guise of printing or photocopy services, posing challenges for authorities in detecting and proving the offense. This reality underscores the urgent need to strengthen investigative measures and promote inter-agency coordination to effectively control the phenomenon.

Case 1: Due to financial difficulties, *Le Nhat T* and *Huynh Thao N* conceived the idea of producing counterfeit medical examination certificates for profit. In August 2022, T searched the Internet and purchased one round seal of *"District S Hospital"*, one square seal bearing the words *"HEART – LUNGS NORMAL"*, one square seal with the words *"DISTRICT S HOSPITAL – FEES PAID"*, one square seal with the words *"NEGATIVE"*, together with six sample physician signatures, all obtained from an unidentified individual. T acquired an authentic template of a District S Hospital medical certificate, photocopied it multiple times, and prepared the necessary equipment, including a laptop, a color printer, and other tools to manufacture counterfeit documents. To facilitate distribution, T created an online network through the website *"Community Health"*, a Facebook page entitled *"Instant Medical Certificates"*, and a Zalo account *"Community Health"* to reach potential customers. Interested customers would provide their phone numbers, photos, and delivery addresses. Each counterfeit medical certificate was sold for 170,000 VND, including delivery fees. After receiving customer details, T inserted the customer's photograph into the template, filled in personal information, and then personally signed and affixed the counterfeit physician signatures along with the seals of District S Hospital. The fraudulent operation was eventually detected. During investigation, T and N admitted to having produced approximately 600 counterfeit medical certificates, illicitly gaining a total of 174,653,990 VND. Their conduct was prosecuted and both were convicted of the offense of *forging seals and documents of agencies or organizations* under Article 341 of the Vietnamese Penal Code.[1]

In this case, *T* and *N* did not use the counterfeit medical certificates for themselves, nor did they directly employ them to commit other crimes (such as fraud for unlawful appropriation of property or evasion of legal obligations). Instead, they mass-produced counterfeit medical certificates for sale to individuals in need. This constitutes a typical form of "pure forgery," namely, the manufacture and supply of falsified documents, thereby transforming them into an illicit "commodity". The 2015 Penal Code, under Article 341, stipulates that the mere act of forging seals or documents of an agency or organization is sufficient to constitute a criminal offense, without the necessity of proving any resulting harm. In this case, the application of Article 341 was entirely appropriate, given that the conduct had already reached a high level of social danger.

Secondly, forgery of seals or documents of agencies and organizations for the purpose of legitimizing administrative procedures:

[1] Supreme People's Court, *Official Electronic Portal for the Publication of Judgments and Decisions of the Courts*; Available at: https://congbobanan.toaan.gov.vn/2ta1957845t1cvn/chi-tiet-ban-an

In practice, this form of forgery is relatively common and serves a variety of purposes, ranging from legalizing professional qualifications, vocational certificates, business licenses, and vehicle registration papers, to falsifying medical records or test results in order to circumvent state regulatory requirements.

The common feature of this conduct is that perpetrators do not merely seek to obtain forged documents for casual use, but more fundamentally aim to *conceal their lack of legal eligibility* or to *fabricate a false legal status* so as to engage in activities otherwise restricted by law. Consequently, this type of forgery produces a dual danger: it undermines the authenticity, credibility, and authority of state management, while simultaneously posing a direct risk to social order, public safety, and, in certain areas such as construction, healthcare, and transportation, even the lives and property of others.

Case 2: In July 2021, during the COVID-19 outbreak, regulatory measures required individuals to present a negative SARS-CoV-2 test result to pass through quarantine checkpoints. Unwilling to have his employees undergo testing and seeking to save costs, *Chu Huu D* conceived the plan to fabricate "SARS-CoV-2 Test Result" certificates for his delivery staff. To carry out this plan, on 14/8/2021 D borrowed an authentic "SARS-CoV-2 Test Result" issued to *Tran Huu G* (originally issued by the hospital on 04/7/2021). D scanned that certificate into a PDF file and stored it on his personal computer. Using CorelDRAW X7, D edited the date on the document to 14/8/2021. He then duplicated the PDF, altered the content to read "Cao Hoang L, age: 0/4/2004", and changed the date to 10/8/2021. After completing the edits, D printed two color copies of the "SARS-CoV-2 Test Result", one bearing the name *Tran Huu G* and the other bearing the name *Cao Hoang L*. During use, the counterfeit test results for G and L were detected by enforcement authorities. *Chu Huu D* was convicted of the offense of forging seals and documents of agencies and organizations under Article 341 of the Penal Code.[2]

In the above case, the SARS-CoV-2 test result issued by the hospital is legally regarded as an administrative medical document issued by a competent authority. Its function is to certify a factual status directly related to public safety (negative/positive result), thereby serving as a condition for fulfilling an administrative procedure, specifically, passing quarantine checkpoints, which required proof of a negative test result during the COVID-19 pandemic. Accordingly, such test results fall within the category of official documents of agencies and organizations protected by law. However, D engaged in acts of forgery both in form and in substance: he scanned an authentic document, digitally altered its contents (dates and personal names) using graphic software, and printed out forged versions for use. This conduct constitutes the creation of counterfeit documents that appear authentic while containing falsified information. Pursuant to Article 341 of the Penal Code, the offense of forging seals or documents of agencies and organizations is established once the act of forgery occurs, without requiring any material consequence to arise. Therefore, the criminal prosecution of D in this case was entirely consistent with the current legislative approach in Vietnam.

Case 3: During a routine patrol, the Criminal Police Team noticed Vu Hoang H behaving suspiciously and proceeded to conduct an inspection. The officers discovered that H was in possession of a professional construction practice certificate suspected to be forged. H was then brought in for further investigation. The investigation revealed that H had also hired an unidentified individual to fabricate a counterfeit B2 driver's license training certificate and a driving test result summary report, paying 3,000,000 VND for the forgeries. The purpose of acquiring these documents was to deceive law enforcement officers during potential inspections. Further inquiries uncovered that Tran Hoang M, who worked in the construction sector, had repeatedly been subject to administrative penalties due to his lack of a valid professional construction practice certificate. Without such certification, M was legally barred from directly undertaking construction contracts and had to rely on others with proper credentials. Around January 2022, M approached H and requested assistance in procuring a forged certificate. H agreed, stating that he would hire someone to make the forgery at a cost of 2,000,000 VND. M subsequently provided H with a photocopy of his identity card and a 4x6 photograph, along with details of the construction field in which the certificate was to be forged, sending the information via Zalo. Before M could obtain the forged document, however, he was arrested by the police. As a result, both Vu Hoang H and Tran Hoang M were convicted under Article 341 of the Vietnamese Penal Code for the offense of forging seals and documents of agencies and organizations.[3]

In this case, both Vu Hoang H and Tran Hoang M engaged in the falsification of documents with the intent of legitimizing administrative procedures in the fields of construction management and road traffic. Specifically, H procured forged documents, including a construction practice certificate, a driver's license, and a driving test record, for the purpose of circumventing inspection by competent authorities. Similarly, M, who had been restricted in his professional activities and was unable to independently participate in construction tenders, requested H to obtain a forged construction practice certificate in order to satisfy the formal legal requirements for project bidding. Thus, neither H nor M merely "possessed" counterfeit documents for private use; rather, their objective was to create the appearance of legal eligibility and to formalize administrative procedures so as either to participate in regulated activities or to evade state control. This element is central to assessing the heightened social danger posed by their conduct.

From a legal perspective, although Article 341 of the 2015 Penal Code establishes criminal liability for the act of falsifying seals and documents issued by state bodies and organizations, practice demonstrates that the demand for "procedural legitimization"

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[2] Supreme People's Court, *Official Electronic Portal for the Publication of Judgments and Decisions of the Courts*; Available at: https://congbobanan.toaan.gov.vn/2ta1826385t1cvn/chi-tiet-ban-an

[3] Supreme People's Court, *Official Electronic Portal for the Publication of Judgments and Decisions of the Courts*; Available at: https://congbobanan.toaan.gov.vn/2ta1574700t1cvn/chi-tiet-ban-an

through forged documents remains widespread. This, in turn, sustains a persistent "underground market" for the production and circulation of counterfeit papers. Accordingly, beyond imposing strict criminal sanctions, it is necessary for the State to reinforce mechanisms of electronic authentication, enhance inter-agency data connectivity, and more explicitly define the legal responsibilities of individuals who use forged documents for the purpose of legitimizing administrative procedures.

Thirdly, falsification of seals and documents of agencies and organizations for the purpose of committing other crimes:

One of the most prevalent forms of document falsification is when forged seals and documents are employed as instruments for committing other offenses, particularly fraud, embezzlement, abuse of position and power, or various economic crimes. Judicial practice demonstrates that, in many cases, offenders do not merely stop at producing counterfeit documents; rather, their ultimate aim is to use such forged papers as tools to misappropriate assets or obtain unlawful benefits. Examples include forging land use right certificates to secure bank loans, fabricating personal identity records to appropriate property, or falsifying official employment papers and academic diplomas in order to obtain positions within state institutions.

This type of conduct not only undermines the authenticity and credibility of state-issued documents but also generates more severe legal consequences compared to acts of "mere fabrication." In numerous cases, forged documents have become the "gateway" enabling large-scale fraud, resulting in substantial financial losses and eroding public trust in administrative and judicial systems. Accordingly, the social danger posed by such conduct is considered particularly grave. This also explains why, in judicial practice, courts frequently impose stricter sanctions, sometimes applying multiple charges concurrently (for example, Article 341 in conjunction with Article 174 of the Penal Code on fraud and misappropriation of property).

Case 4: On 13 November 2023, Nguyen Minh T fabricated a land use right transfer contract and forged the signature of notary Vo Thuy L, together with the signatures of La Van H, Tran Thanh S, and Tran Thi C. He also counterfeited the seal bearing the words "NOTARY," the personal seal of "Vo Thuy L," and the official round seal of Notary Office C, with the intent to misappropriate 100,000,000 VND from Mr. La Van H. The fraudulent conduct was detected, and T was prosecuted for *fraudulent appropriation of property* (Article 174 of the Penal Code) in conjunction with *forgery of seals and documents of agencies and organizations* (Article 341 of the Penal Code).[4]

The case of Nguyen Minh T serves as a typical illustration of falsification of seals and documents for the purpose of committing fraud. The essence of the conduct was not limited to the "production" of forged instruments; rather, the forged documents functioned as the direct means of creating trust, legitimizing the transaction, and thereby deceiving and dispossessing the victim. This demonstrates the close nexus between Article 341 of the Penal Code and Article 174 on fraudulent appropriation of property. From a legal perspective, the conduct was of particular social danger because it not only undermined the authenticity and credibility of notarial activities, which serve as a safeguard for the legality of civil and commercial transactions, but also directly caused financial loss to the victim. Notarization is intended to operate as a "legal shield" protecting the lawful interests of parties in transactions; however, the counterfeiting of notarial seals and signatures erodes public confidence in both notarial institutions and the judicial system at large. In terms of criminal liability, the Court's decision to convict under both offenses was entirely appropriate. The offense of forgery under Article 341 addresses the infringement upon the State's administrative management order, whereas the offense of fraud under Article 174 reflects the immediate harmful consequence of property misappropriation. Such dual qualification of the conduct ensures comprehensive adjudication and affirms the principle that *where a single course of conduct infringes multiple distinct legal interests, the offender must bear criminal liability for each corresponding offense*.

Case 5: In early November 2017, Nguyen Van T rented a self-drive car from Le Van C, the owner of a car rental service, under a ten-day lease contract. C handed over the vehicle together with its accompanying documents, including the vehicle registration certificate, inspection certificate, and insurance certificate. Upon the expiration of the lease, T returned the car to C and signed a new rental contract for another term. During the rental period, T met D, who expressed interest in purchasing the vehicle. T obtained D's phone number and promised to contact him once he had a car available. At that time, T was heavily indebted and, lacking the means to repay his debts, conceived the plan of selling the rented car to obtain money for personal use. To carry out this scheme, T located an online account via Facebook offering counterfeit documents. T provided the personal details of Le Van C and the vehicle information, and ordered a falsified identity card and a forged vehicle registration certificate in the name of Le Van C, for the price of 1,500,000 VND. On 25 November 2017, T met D at a café, introduced himself as Le Van C, and presented the forged documents. On that basis, T and D concluded a purchase agreement for the vehicle in the amount of 580,000,000 VND. On 14 December 2017, when C attempted to contact T to demand the return of the vehicle, T requested an extension of the lease and then cut off all communication. The fraudulent scheme was subsequently uncovered, and Nguyen Van T was convicted of both *forgery of documents of agencies and organizations* (Article 341 of the Penal Code) and *fraudulent appropriation of property* (Article 174 of the Penal Code).[5]

The case of Nguyen Van T, who rented a self-drive car and subsequently forged the vehicle registration certificate, identity card, and related documents in order to resell the rented car to a third party for 580,000,000 VND, constitutes a typical example

[4] Supreme People's Court, *Official Electronic Portal for the Publication of Judgments and Decisions of the Courts*; Available at: https://congbobanan.toaan.gov.vn/2ta1886920t1cvn/chi-tiet-ban-an

[5] Supreme People's Court, *Official Electronic Portal for the Publication of Judgments and Decisions of the Courts*; Available at: https://congbobanan.toaan.gov.vn/2ta1864916t1cvn/chi-tiet-ban-an

of *forgery of seals and documents of agencies and organizations* for the purpose of *fraudulent appropriation of property*. The essence of the deceitful conduct lies in the use of forged documents to conceal the truth and create the impression to the buyer (Mr. D) that the transaction was lawful, thereby enabling the misappropriation of property of considerable value. From a legal perspective, T's conduct infringed upon two distinct legal interests: (i) the State's administrative management order, through the falsification and use of documents issued by competent authorities; and (ii) the property rights of individuals, by unlawfully appropriating Mr. D's money and wrongfully retaining Mr. C's vehicle. Accordingly, the court's decision to convict T of both offences under Article 341 of the Penal Code (*forgery of seals and documents of agencies and organizations*) and Article 174 (*fraudulent appropriation of property*) was consistent with the principles of criminal law, ensuring that the criminal liability accurately reflected the nature and full scope of the offending conduct. A notable feature of this case is the instrumental role of the forged documents. They not only served to "legitimize" the purported ownership of the car but also functioned as the decisive means of deceiving the victim, persuading him that the seller was indeed the lawful owner. Without such forged documents, it would have been difficult for T to successfully carry out the fraudulent scheme. This demonstrates the intrinsic link between the offence of *forgery of seals and documents of agencies and organizations* and property-related offences of appropriation. From a broader social standpoint, the case underscores the alarming ease with which individuals can access document-forging services via social networks. With minimal cost and within a short timeframe, T was able to obtain a complete set of forged papers sufficient to mislead the victim and validate an unlawful transaction. This reality calls for urgent measures, including: (i) stricter regulation of printing and production of official documents; (ii) more rigorous oversight of civil transactions of significant value; and (iii) the development of electronic databases to facilitate swift verification and authentication of documents, thereby reducing the risks of forgery and its use in criminal activity.

From the foregoing case studies, it becomes evident that Article 341 of the Penal Code merely sets out a general provision on the offence of *forgery of seals and documents of agencies and organizations*, without providing detailed guidance on distinguishing between instances of "independent forgery" and those of forgery committed *with the purpose of facilitating another offence*. In practice, once forged documents are actually employed in the commission of another crime, prosecuting authorities often pursue charges for both offences simultaneously. However, this approach can give rise to difficulties in application, particularly where it is necessary to establish whether the "intent to commit another crime" existed from the outset. Accordingly, to ensure consistency in judicial practice, it is essential that the Supreme People's Court or the Supreme People's Procuracy issue interpretative guidance on this matter. From a preventive perspective, the development and implementation of digital mechanisms for document verification and authentication, such as QR codes or national electronic databases, would significantly reduce the potential for forged documents to be exploited in criminal activities.

Recommendations

From the foregoing analysis of the current legal framework and judicial practice concerning the offence of *forgery of seals and documents of agencies and organizations*, it is apparent that, although the 2015 Penal Code (as amended in 2017 and 2025) has established an important legal basis for addressing this category of offences, a number of difficulties remain in practice.

The rapid development of digital technologies, the proliferation of electronic transactions, and the growing demand for the legalization of administrative procedures or the commission of property-related crimes have rendered forgery methods increasingly sophisticated and complex. Technological advances and image-processing software have become widely accessible, while low-cost scanners and printers facilitate the alteration of documents with relative ease (Ranveer Sukhija, Munish Kumar & M. K. Jindal, 2025). Against this backdrop, the need to improve the legal framework and enhance the effectiveness of its application is pressing, not only to ensure deterrence but also to meet preventive requirements in the new context. On this basis, the author advances the following recommendations:

Firstly, it is necessary to provide a more precise definition of the scope of *"seals and documents of agencies and organizations."* In a number of cases, acts of forgery have not been confined to traditional paper-based documents (such as identity cards, passports, or land-use right certificates), but have also extended to electronic records, digital data, and electronic signatures. The definition of "document" has expanded beyond physical papers to encompass electronic records, digital images, and intangible forms of data. This broader conceptualization aligns with the modern digital environment in which intangible forms of information may possess full legal significance (Sadullaev Jaxongir Djamshedovich, 2025). For instance, in the case of Chu Huu D, the accused forged a Covid-19 test certificate by scanning and digitally altering a PDF file. However, the current law provides no explicit guidance on whether such electronic documents fall within the ambit of Article 341 of the Penal Code. This legal gap creates uncertainty in adjudication and carries the risk of offenders escaping liability. Accordingly, the statutory definition must be expanded and clarified to explicitly cover electronic documents and digital data, thereby ensuring consistency with the realities of the digital transformation process.

Secondly, a clear distinction must be drawn between acts of forgery committed for personal use and acts of forgery intended as instruments for the commission of other crimes. In practice, certain cases involve forgery merely to legitimize administrative formalities (for example, the use of a counterfeit professional certificate in construction to avoid administrative penalties). In contrast, other cases involve forgeries serving as essential tools to commit fraud and misappropriate property (such as Nguyen Van T, who used falsified documents to sell a rented car). Yet, in judicial practice, courts often apply Article 341 in conjunction with other offences, which creates difficulty in demarcating the boundaries of criminal liability. For this reason, authoritative guidance is required to determine when Article 341 should be treated as an independent offence, and when it should instead function as an ancillary offence to other crimes. Such clarification would ensure the proper individualization of criminal responsibility in accordance with fundamental principles of criminal law.

Thirdly, consideration should be given to raising the statutory penalties for organized and professional acts of forgery. In practice, there has been a proliferation of "document-forging services" on social media platforms, often operating on a large scale, for illicit profit, and in a repetitive, industrialized manner. In the case of *Nguyen Van T*, the offender was able to obtain a full set of counterfeit documents for a mere 1.5 million VND, which he then used to perpetrate a fraud worth hundreds of millions. This indicates that the current penalty framework lacks sufficient deterrent effect, particularly against those who engage in professional or commercialized forgery. Accordingly, it is necessary to introduce aggravating circumstances such as *"commission of the offence in a professional capacity or for commercial purposes"* so as to ensure a clearer differentiation of criminal responsibility.

Fourthly, the scope of criminal liability should be extended to cover commercial legal entities. Although the 2015 Penal Code provides for the criminal liability of juridical persons, Article 341 does not apply to them. In reality, however, numerous sham companies operate under the guise of service providers, offering counterfeit documents such as driver's licenses or diplomas online, thereby causing substantial harm to society. Including legal entities as potential offenders under Article 341 would enable the law to address organized forgery networks at their source, while at the same time enhancing the preventive function of criminal law.

Finally, preventive mechanisms based on digital technology must be strengthened. Case law demonstrates that one contributing factor to the persistence of forgery is the inadequacy of verification mechanisms, which allows counterfeit documents to evade detection by competent authorities. For example, in the case of forged Covid-19 test certificates, the fake document could have been used successfully at a checkpoint had it not been directly detected by officers. To address this vulnerability, it is essential to establish integrated databases among state agencies, allowing for the rapid verification of the authenticity of documents. Furthermore, a statutory duty of cooperation should be imposed on issuing authorities, obliging them to provide timely authentication upon request by law enforcement or judicial bodies.

C. CONCLUSIONS

At the outset, it can be affirmed that the offence of *forgery of seals and documents of agencies and organizations*, as provided in Article 341 of the Penal Code 2015 (as amended and supplemented in 2017), constitutes a typical crime within the group of offences infringing upon the State's administrative management order. This provision reflects the State's particular concern with safeguarding the authenticity, legal validity, and credibility of seals and documents issued by competent authorities and organizations. The criminalization of such conduct is indispensable, as seals and official documents not only serve as instruments certifying the legality of transactions and administrative procedures, but also function as guarantees of legal security across multiple areas of social life.

Judicial practice in Vietnam demonstrates that the number of cases involving the forgery of seals and documents has been steadily increasing in recent years, with methods and techniques becoming increasingly sophisticated. These cases are not confined to the mere production of counterfeit documents for those in need, but have also expanded into more complex forms, such as forging documents to legitimize administrative procedures in the fields of healthcare, transportation, and construction, or forging documents for the purpose of committing other offences, most notably fraud aimed at misappropriating property. This reveals an alarming reality: such offences have the potential to encroach upon multiple sectors, causing harm not only in economic terms but also undermining public trust in governmental and organizational institutions.

From a legal perspective, the judgments and decisions of the People's Courts at various levels have affirmed the strict application of the law, imposing criminal liability not only for independent acts of forgery but also for acts of forgery committed in connection with other offences. This demonstrates the comprehensiveness and rigor of criminal law. However, judicial practice has also revealed certain issues that warrant further research and improvement, particularly in relation to identifying the specific legal interests infringed in each case, distinguishing clearly between independent forgery offences and forgery committed for the purpose of facilitating other crimes, and ensuring proportionality between the nature and degree of danger posed by the conduct and the penalties imposed.

On this basis, the fight against the offence of forging seals and documents must be implemented in multiple directions. On the one hand, preventive measures should be strengthened through technology, such as the use of QR codes, digital signatures, and interconnected electronic databases to verify the authenticity of documents. On the other hand, the effectiveness of detection and prosecution needs to be enhanced, especially in cyberspace, where offenders may easily exploit graphic tools, printing devices, and even *deepfake* technology to fabricate documents. In parallel, communication and dissemination of the law should be intensified in order to raise public awareness and reduce the tendency to use or abet the use of forged documents in civil and commercial transactions.

In conclusion, the offence of forging seals and documents of agencies and organizations is not only a legal matter but also a social issue, directly affecting public trust and the State's administrative order. To effectively prevent this type of crime, coordinated efforts are required among the legislature, judiciary, administrative authorities, and citizens at large. Only through such concerted action can the legal system truly fulfill its role in safeguarding justice, social order, and legal security in the current context of development and integration.

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